



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 March 9, 2023

SUBJECT: Variance Application No. 4143

Allow the creation of a 5-acre parcel and a 13.61-acre parcel, from an existing 18.61-acre parcel, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located at the northeast corner of Maple Avenue and South Avenue, approximately 2.6 miles west of the nearest city limits of the City of Fowler (APN: 335-110-48) (7870 S. Maple Ave.) (Sup. Dist. 5).

OWNER: Susan Peron

APPLICANT: Peter Moua

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4224

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4143 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. Zoning Map
4. Land Use Map
5. Variances Map
6. Site Plan
7. Applicant's submitted Findings
8. Photos

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	No change
Parcel Size	18.63 acres	Create a 5-acre and a 13.61-acre parcel
Project Site	Single Family Residence and Agriculture	No change
Structural Improvements	Single Family Residence, storage sheds	No change
Nearest Residence	2.6 miles west from the City of Fowler	No change
Surrounding Development	Agriculture & Single-Family Residences	No change

ENVIRONMENTAL ANALYSIS:

It has been determined, pursuant to California Environmental Quality Act (CEQA) guidelines Section 15061(b)(3) Common Sense Exemption, that 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 17 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

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

PROCEDURAL CONSIDERATIONS:

A Variance Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission.

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

Rezoning, to a higher density Zone which allows smaller parcels would be problematic, as the underling General Plan Land Use Designation of Agriculture would also have to be amended and is not consistent with higher densities.

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:

The 18.61-acre parcel is located on the northeast corner of Maple and South Ave. It is currently zoned Agricultural and is not part of any Specific or Community Plans. The subject parcel is currently developed as an agricultural processing facility. Surrounding land uses consist of farmland with sparsely located single family residences. The nearest residence is approximately 200-feet south of the subject property.

According to available records there have been three previous Variances request within one half-mile of the subject property for substandard sized lots. That Variances are described below:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA 2801- Parcel creation	September 23, 1983	Denial	Planning Commission Approval
VA 2836- Parcel creation	April 2, 1984	Denial	Planning Commission Approval
VA 3655- Parcel creation	August 24, 1999	Denial	Planning Commission Denial Board of Supervisors Approval

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.*

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	AE-20 Zone District Front: 35 Feet Side: 20 Feet Rear: 20 Feet	No change	Yes
Parking	For residential use: One parking space for every dwelling unit on the same lot with the main building which they serve and located to the rear of the required front yard, except for hillside lots.	No change	Yes
Lot Coverage	No requirement	No change	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.	No change	Yes
Wall Requirements	Wall required if swimming pool is present	No change	Yes

Reviewing Agencies/Department Comments related to Finding 1:

No comments were received relative to Finding 1.

Finding 1 Analysis:

In support of Finding 1, the Applicant's Findings state that the property has exceptional and extraordinary circumstances due to the property being impacted by the high-speed rail and changes in traffic and character of the area.

The gross size of the existing 18.61 net acre parcel is consistent with the size of the zone district. The Applicants dissatisfaction with the presence of the high-speed rail in area and changes of traffic and characteristics in the area is not unique to the parcel, other parcels in the area have the same impacts and circumstances. Hence, it does not constitute an extraordinary circumstance required to make the finding. Staff was unable to identify any exceptional or extraordinary circumstances or unique physical feature about the subject property that causes an unequitable constraint compared to others.

Recommended Conditions of Approval:

Setbacks for new construction shall be based on the ultimate right-of-way.

Finding 1 Conclusion:

Based on the analysis Finding 1 cannot be made. Staff was unable to identify any exceptional or extraordinary physical features or circumstances particular to the subject parcel warranting the granting of the variance.

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 Agencies/Department Comments related to Finding 2:

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

Finding 2 Analysis:

In support of Finding 2, the Applicant's Findings state that other property owners in the immediate vicinity have also created smaller five and ten-acre parcels.

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. Based on records available, there was only one Variance request within a one-half mile radius proposing to create substandard parcels. This Variance was denied on September 23, 2004.

While there are other parcels in the vicinity of the project site that are under the minimum parcel size requirement there does not constitute a property right issue. The existence of smaller parcels created previously based of previous zoning, no longer in place, and other provisions that allow smaller parcels do not constitute a property right for other parcels. All the properties regardless of size are limited to no further division of the parcels to less than the standard for the district.

Recommended Conditions of Approval:

Setbacks for new construction shall be based on the ultimate right-of-way

Finding 2 Conclusion:

Finding 2 cannot be made, as no deficit of a substantial property right enjoyed by others in the area with the same zoning was identified.

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

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North	9.51 acres	Agriculture	AE-20	N/A
South	55.47 acres 2.41	Agriculture Homesite Parcel	AE-20	N/A 200 feet
East	19 acres	Agriculture	AE-20	N/A
West	10.17 acres	Agriculture	AE-20	Approximately 200 feet

*Distances are approximate and measured from the subject parcel boundaries using a web based aerial imagery application.

Reviewing Agencies/Department Comments regarding detrimental effects on surrounding property:

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

Finding 3 Analysis:

In support of Finding 3, the Applicant’s Findings state both plots will continue be used for agricultural purposes with no proposal to increase intensity of those uses, this variance will not create any specific circumstances that will harm the public welfare or property rights of others in the vicinity.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of non-conforming parcels has the potential to increase residential density in the area by allowing an additional single-family residence on each parcel and cumulatively may have an impact on the surrounding agriculture. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.

Recommended Conditions of Approval:

None.

Finding 3 Conclusion:

Finding 3 can be made, as the Variance, if approved, would not have any materially detrimental impacts on surrounding property.

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 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</p>

Relevant Policies:	Consistency/Considerations:
	parcels. Such increase in the area, as noted by Fresno County Department of Agriculture, may conflict with normal agricultural practices on adjacent properties.
<p>General Plan Policy LU-A. 9: <i>The County may allow creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6, if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria:</i></p> <p><i>a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and</i></p> <p><i>b. One of the following conditions exists:</i></p> <ol style="list-style-type: none"> <i>1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or</i> <i>2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or</i> <i>3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes. Each homesite created pursuant to this policy shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</i> 	<p>Inconsistent: The subject parcel(s) are below the 20-acre minimum parcel size. The proposal does not qualify for an exception under Policy LU-A.9.</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</p>

Relevant Policies:	Consistency/Considerations:
	area which is inconsistent with the compatibility of the AE-20 zone district.
<p>General Plan Policy LU-A.14: <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agriculture land and the mitigation be required were appropriate.</i></p>	<p>Consistent: In this case, productive agricultural land would not necessarily be converted, rather it would be reallocated between the two subsequent parcels, with the majority of the of the land to be located on proposed parcel B.</p>

Reviewing Agencies/Department Comments regarding General Plan consistency:

Policy Planning Unit, Development Services and Capital Projects Division:
 Neighboring parcels are designated as Agricultural in the County General Plan, are zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and are actively farmed.

Farming and other agricultural land uses such as dairies, feedlots and poultry facilities necessitate location in sparsely populated areas due to the nature of these uses which generate dust, odor and flies, as well as ground and aerial application of herbicides and pesticides to protect crops.

As such, the proposed Variance application 4143 is inconsistent with General Plan policies listed above.

Finding 4 Analysis:

In support of Finding 4 the Applicant states “Both plots will continue to be used for the two agricultural purposes which have been unchanged for several years. There will no increase in water use. If the Variance is granted, I plan to install additional solar panels on the portion I retain.”

While the Applicant’s statement does point to a stated intent of agriculture use, there is no guarantee that it will continue, nor can there be any provision applied that would prohibit the increased potential for additional residences facilitated by the division. The applicant’s justification for the findings do not provide any consistency with the objectives of the General Plan. As detailed in the table above, the objectives of the General Plan where agriculture is concerned is to protect the size of the parcels and the agriculture from impacts from non-agricultural uses.

Recommended Conditions of Approval:

None.

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 ANALYSIS / CONCLUSION:

The granting of the variance may be inconsistent with Government Code Section 65906 which prohibits granting of unqualified variances and states in part that variances “shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated”. In the case of this application, there is not an identifiable unique physical condition impacting the property, nor is there a substantial property rights being denied, and the variance would conflict with the Policies of the County General Plan and Zoning Ordinance.

Based on the factors cited in the analysis above, Staff cannot make Findings 1, 2, and 4, necessary for granting the Variance.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine in accordance with the analysis in the staff report that the required Findings 1, 2, and 4 cannot be made, and move to deny Variance No. 4143; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making each of the Findings) and move to approve Variance No. 4143, subject to the Conditions attached as 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. 4143
 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.
2.	Setbacks for new construction shall be based on the ultimate right-of-way.

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 three 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.	Any new development of less than two acres or secondary dwelling may require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any new sewage disposal systems that are proposed, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
5.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.

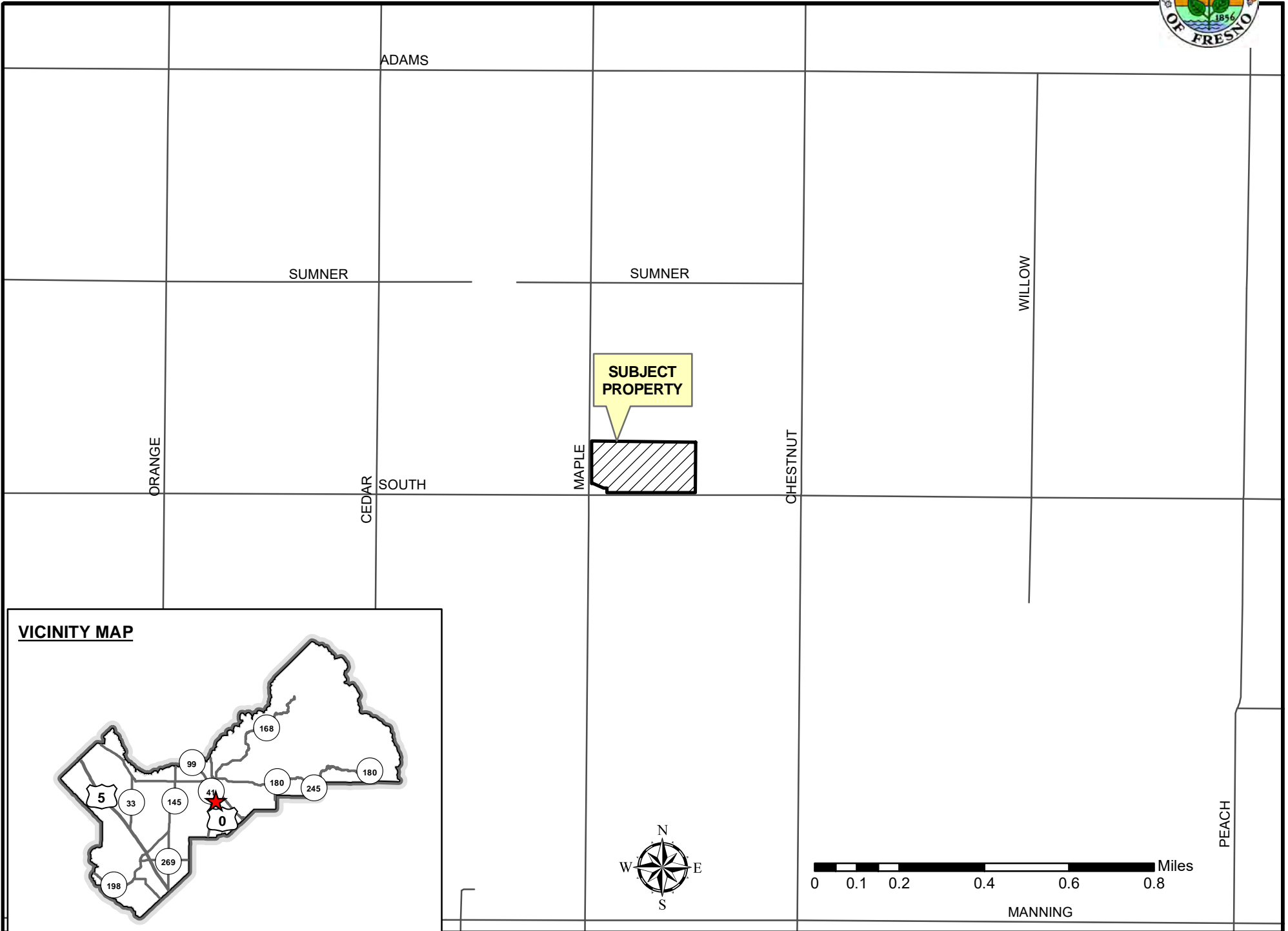
EXHIBIT 1

Notes

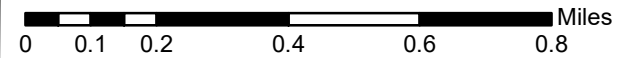
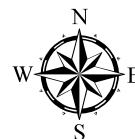
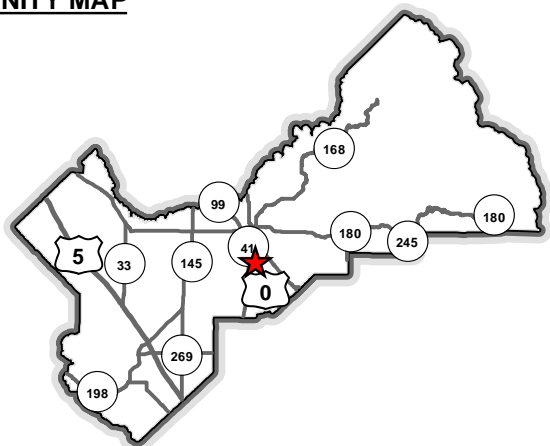
6.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
7.	If approved, the subdivision will require that a Tentative Parcel Map be prepared in accordance 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.
8.	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.
9.	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.
10.	Any existing or future access driveway should be set back a minimum of 10 feet from the property line.
11.	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.
12.	Any future work done within the Caltrans state highway right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit/Clearance from Caltrans.
13.	A grading permit/voucher is required for any future grading with this application.
14.	If the variance is approved, a parcel map application will have to be filed with Fresno County to affect the property division.

LOCATION MAP

VA 4143



VICINITY MAP



MANNING

EXHIBIT 2

EXHIBIT 3
EXISTING ZONING MAP

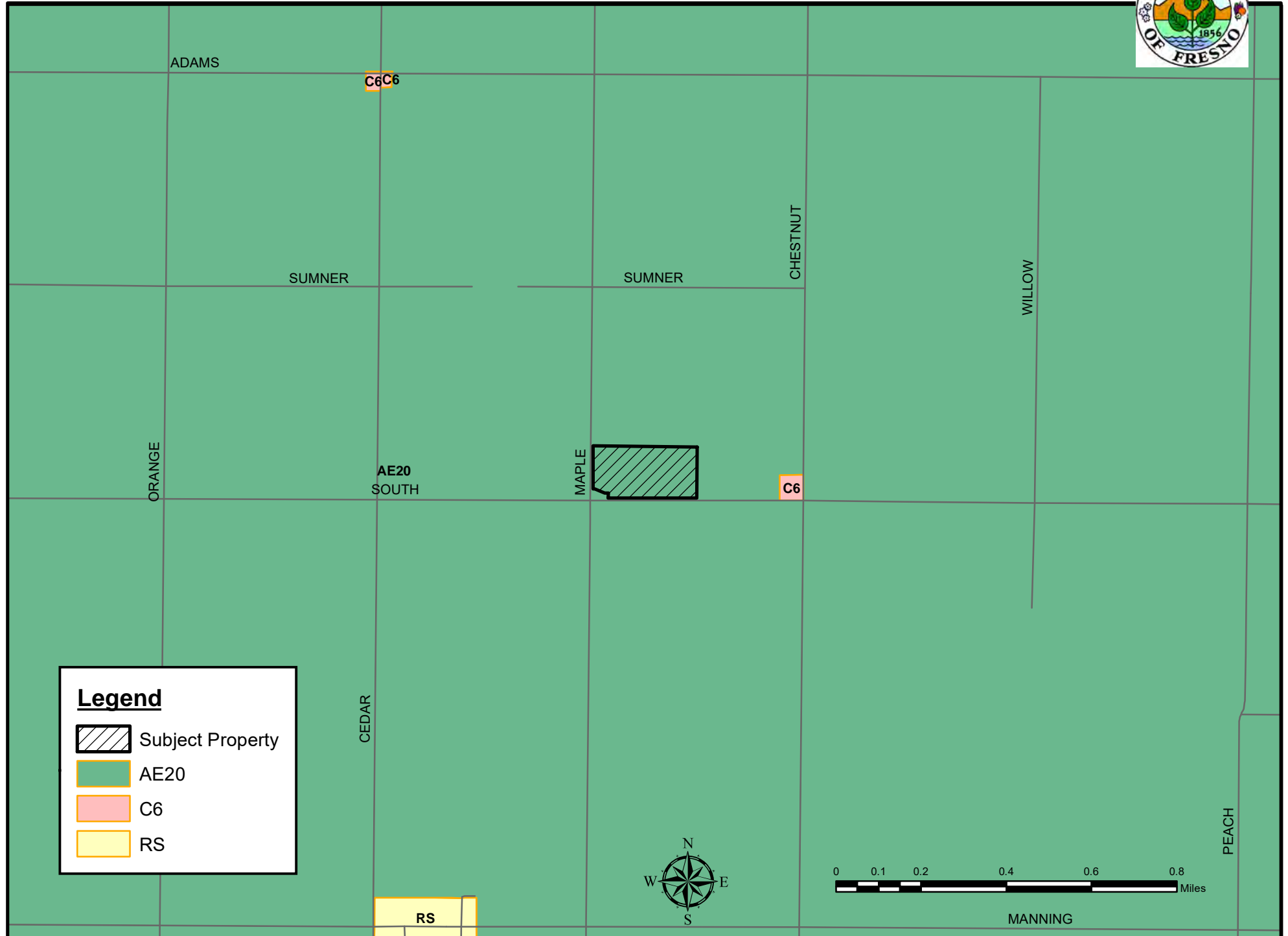




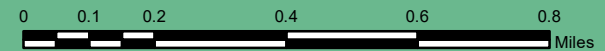


EXHIBIT 3

Legend

-  Subject Property
-  AE20
-  C6
-  RS



EXISTING LAND USE MAP

VA 4143

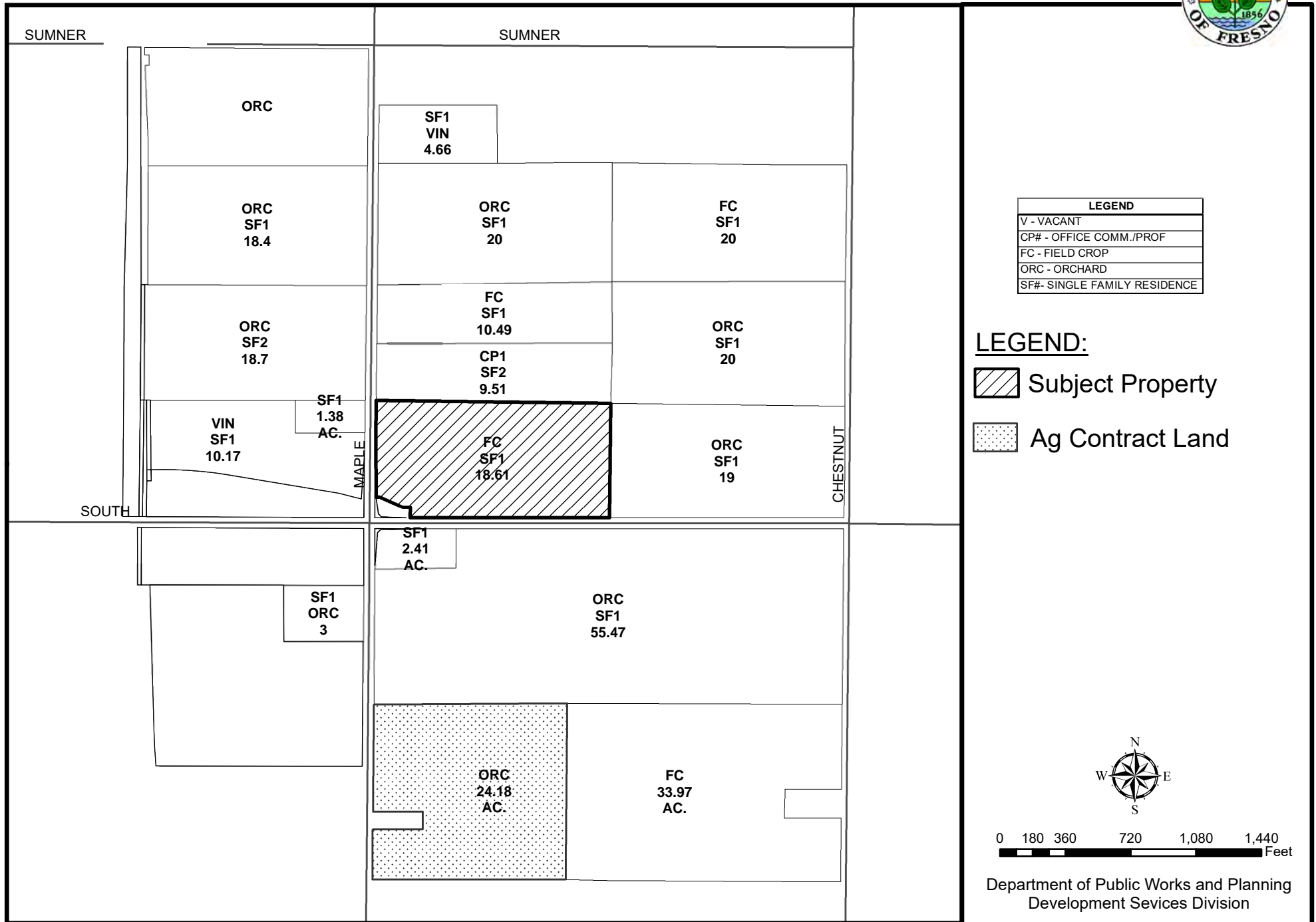


EXHIBIT 4

APPROVED VARIANCES WITHIN A ONE MILE RADIUS

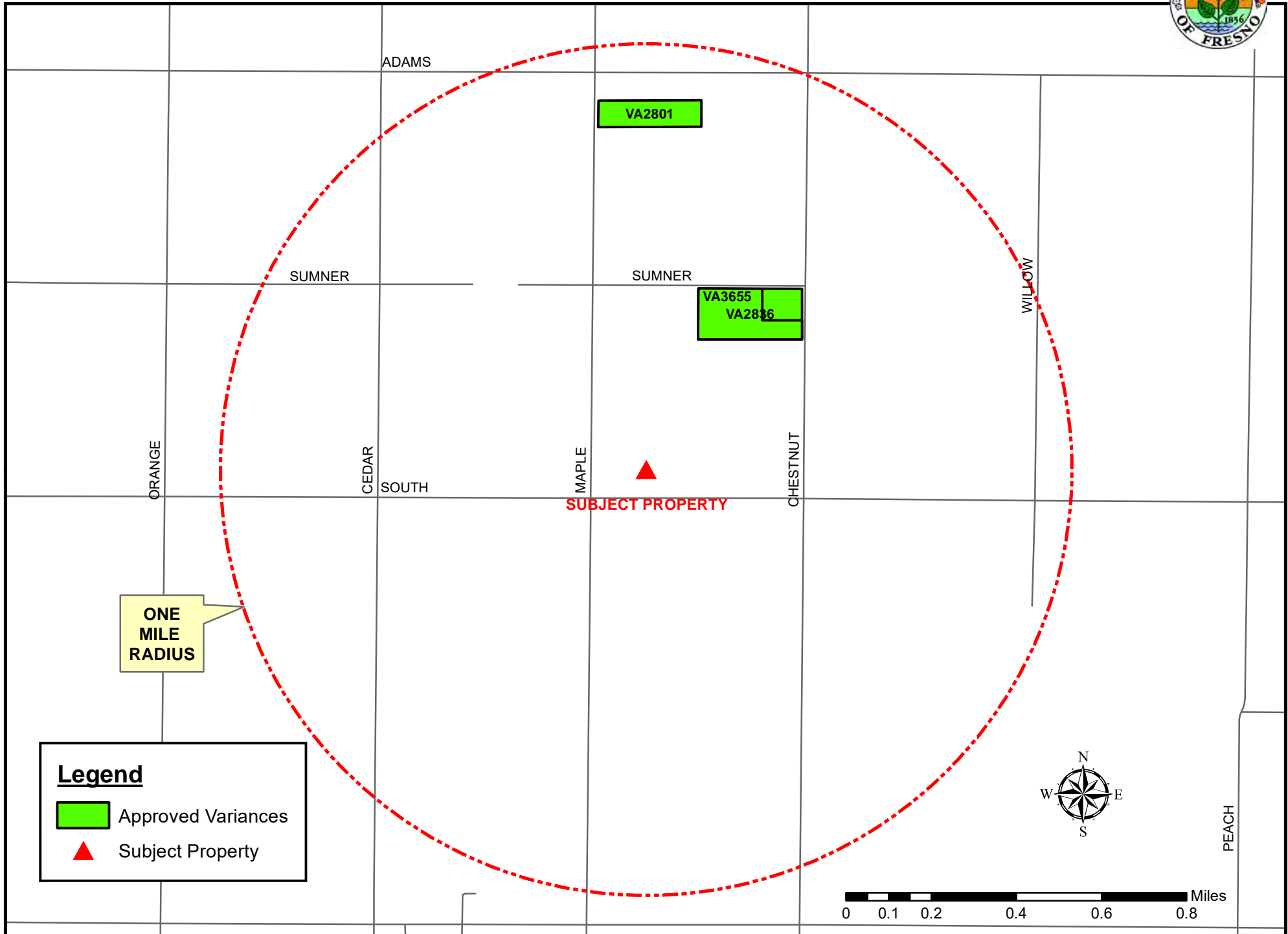


EXHIBIT 5

TENTATIVE PARCEL MAP NO. 2022-XX

7870 S Maple, Fresno, CA 93725
(A.P.N. 335-110-48)

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 203 IF WASHINGTON IRRIGATED COLONY, ACCORDING TO THE MAP RECORDED MARCH 29, 1879 IN BOOK 2, PAGE 4 OF PLATS.

EXCEPTING THEREFROM ALL THAT PORTION OF LAND GRANTED TO THE STATE OF CALIFORNIA IN DEED RECORDED JUNE 30, 2015 AS DOCUMENT NO. 2015-0082963, OFFICIAL RECORDS

OWNER:

SUSAN PERON
7780 S MAPLE AVE
FRESNO, CA 93725

PREPARED BY:

PETER MOUA, PE/LS
5699 N. 7TH STREET
FRESNO, CA 93710
(559)288-3217

SITE ADDRESS

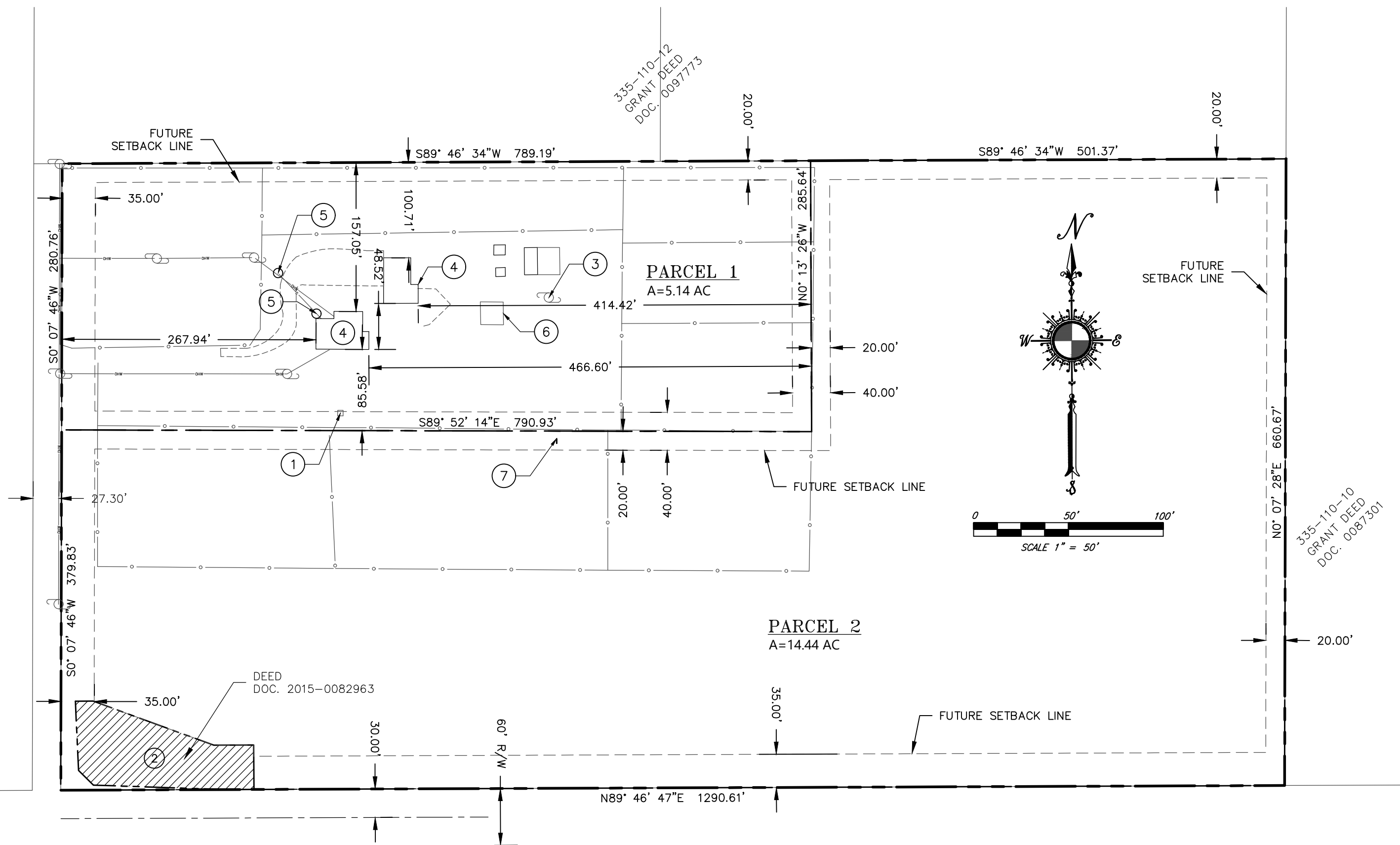
7780 S MAPLE AVE
FRESNO, CA 93725

PROJECT INFO

ZONE:	AE-20
APN/PARCEL ID(s):	335-110-48
FLOOD ZONE:	X - AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN
PLANNED LAND USE:	AGRICULTURAL
EXISTING USE:	AGRICULTURAL
SOURCE OF WATER SUPPLY:	WELL
SOURCE OF SEWER DISPOSAL:	SEPTIC

KEYNOTES:

- | | |
|--------------------------------|----------------------------|
| ① EXISTING WELL | ⑥ EXISTING SHED |
| ② HIGH SPEED RAIL DEDICATION | ⑦ EXISTING IRRIGATION WELL |
| ③ EXISTING POWER POLE W/ METER | |
| ④ EXISTING RESIDENTIAL HOME | |
| ⑤ EXISTING SEWER CLEAN-OUT | |



LEGEND

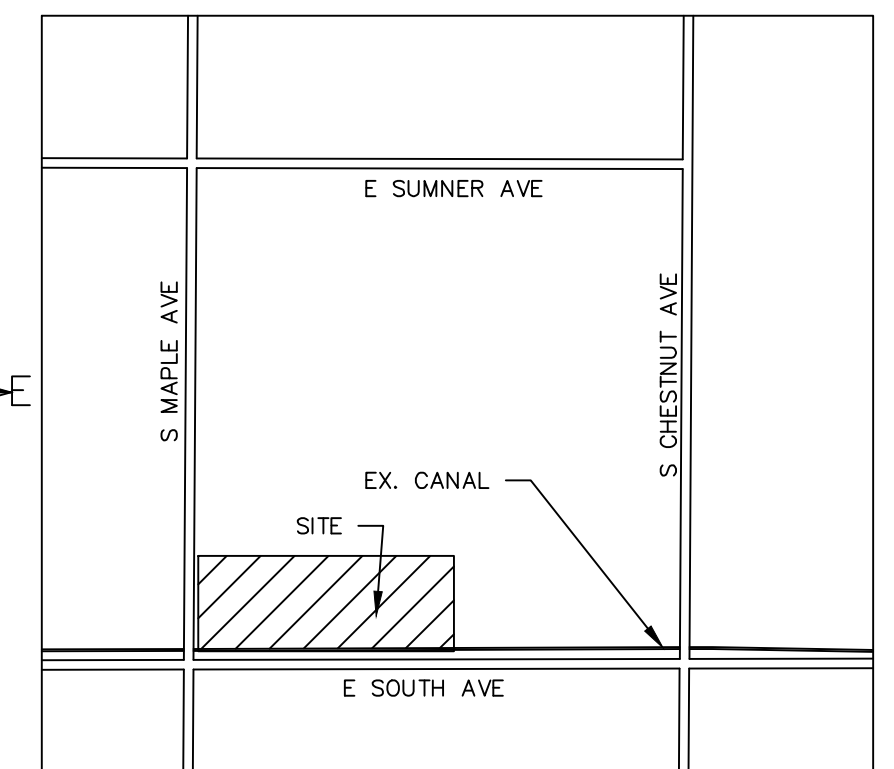
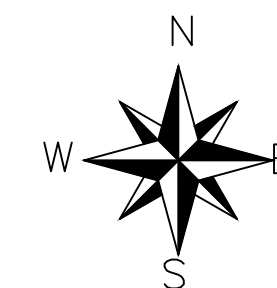
- SECTION LINE
- - - STREET CENTER LINE
- RIGHT-OF-WAY LINE
- PROJECT SITE
- PARCEL (PROPOSED)
- EXISTING BUILDING
- EXISTING SANITARY SEWER LINE
- EXISTING OVER HEAD WIRE
- EXISTING FENCE
- POWER POLE

OWNER'S STATEMENT:

I HEREBY APPLY FOR THE APPROVAL OF A DIVISION OF REAL PROPERTY ON THIS MAP AND CERTIFY THAT I AM THE LEGAL OWNER OF SAID PROPERTY AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

SUSAN PERON

DATE



VICINITY MAP
NTS

November 4, 2022

To: County of Fresno Department of Public Works and Planning

I am the current sole owner of the property at 7870 S Maple Ave, Fresno CA 93725. The property has been owned by my family for over 60 years. I am an unmarried 74 yr old, retired nurse practitioner who is physically and financially unable to farm the property.

The proposed 5+/- acre plot contains my home as well as barns, shelters, perimeter and cross fencing for livestock. There are multiple horses currently kept on the premises. The remaining 13 +/- acres is open land currently under lease for row crops.

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.

The property has been impacted by High Speed Rail which has reduced the acreage making it increasingly un-profitable to farm as a single plot. Construction easements further limit the tillable area. There have been significant changes in traffic patterns due to the proximity of the South Avenue overpass leading to increased dumping of refuse and illegal street racing and street shows. Truck traffic on Maple Ave has increased due to HSR construction delays. The increased liability, safety and security concerns have forced me to consider selling the corner and open portion of the plot and installing additional security fencing around the homesite. I do not anticipate mitigation of these issues for many years due to issues with the construction of the Manning Ave overpass.

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

The block on which my property is situated has multiple 5 and 10 acre plots with homes. The adjacent 10 acre plot is a business site. I wish to live on the proposed 5+/- acre plot and keep livestock for as long as I am able.

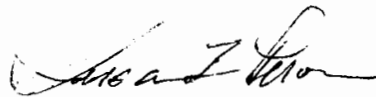
- 3. The granting of a Variance will not be materially detrimental property and improvement in the vicinity in which the property is located.**

The total plot will continue to be used for agricultural purposes: 5+/- acres for livestock and 13+/- acres to be sold to current leaser for row crop production.

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

Both plots will continue to be used for the two agricultural purposes which have been unchanged for several years. There will no increase in water use. If the Variance is granted, I plan to install additional solar panels on the portion I retain.

Respectfully submitted,



Susan Louise Peron

7870 S. Maple Ave
Fresno, CA 93725

EXHIBIT 8

