



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 March 9, 2023

SUBJECT: Variance Application No. 4145 & Environmental Review No. 8342

Allow the creation of a 2-acre parcel from an existing 16.30-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located east side of S. Fowler Avenue, 615-foot south of E. Rose Avenue, approximately 2.60 miles west from the nearest city limits of the City of Selma (APN: 385-031-69) (11624 S. Fowler Ave.) (Sup. Dist. 4).

OWNER: Rosemary and Juan Cordero Jr.

APPLICANT: David Harler Jr.

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4145 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 | 16.3-acre parcel | Parcel A: 2-acres, Parcel B: 14.3-acres |
| Project Site | Single Family Residence on the southern section, unused area towards the northern section | Split the parcel into two parcels |
| Structural Improvements | Single Family Residence | No change |
| Nearest Residence | 118 feet south of the subject parcel | No change |
| Surrounding Development | Agricultural fields & Single-Family Residences | No change |

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION:

None

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 2,640 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 underlying 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 subject 16.3-acre property is currently developed with a single-family residence including a septic system and water well. The remainder of the property is vacant and undeveloped. Surrounding land uses consist of farmland with sparsely located single family residences.

County Records indicate that prior to 1965 the subject parcel and other parcels in the area were zoned A-1 (Agricultural District; 100,000 square feet minimum parcel size required). The parcels were rezoned from the A-1 District to the current zoning of AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

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

| Application/Request | Date of Action | Staff Recommendation | Final Action |
|---|-----------------------|-----------------------------|------------------------------|
| VA 3646- Creation of a two-acre parcel from an existing 43.03-acre parcel | May 6, 1999 | Denial | Planning Commission Approved |
| VA 2982- Creation of a 5.57-acre parcel | February 27, 1986 | Denial | Planning Commission Approved |
| VA 3407- Creation of a 14-acre and a 40.38-acre parcel | March 25, 1993 | Denial | Planning Commission Approved |

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 |

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

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Department of Public Works and Planning: A Nitrogen Loading Analysis is required prior to Permit issuance.

Road Maintenance and Operations Division of the Department of Public Works and Planning: Setbacks for new construction shall be based on the ultimate right-of-way.

No other 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 states the newly created parcel will be used to construct a home on the proposed two-acre parcel for her children.

A personal desire to create a parcel for a relative beyond what is allowed under the Ordinance is not relevant, nor constitutes an extraordinary physical characteristic or circumstance which is unique to the property. The circumstance is a personal issue that all properties with the same zoning may or may not have.

Recommended Conditions of Approval:

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

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 did not directly address the finding, but did assert that the newly created parcels shall allow for more efficient use of the parcels and will preserve the owner’s enjoyment of their property.

The broad assertion that it “preserve the owners enjoyment of her property” is not a specific right that the applicant does not enjoy any differently than other parcels in the area with the same zoning. The property has the same opportunities and constraints as all others in the area.

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.

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: | Use: | Zoning: | Nearest Residence: |
|--------|------------|--|---------|------------------------|
| North: | 19.4-acres | Field crops with a single-family residence | AE-20 | Approximately 100 feet |

| | Size: | Use: | Zoning: | Nearest Residence: |
|--------|------------------------|--|---------|--------------------------|
| South: | 39.5-acres 19-acres | Field crops with a single-family residence | AE-20 | N/A |
| East: | 39.73-acres | Field crops with a single-family residence | AE-20 | N/A |
| West: | 2.3-acres | Single-family residence | AE-20 | Approximately 1,000 feet |

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 imply however do not adequately address that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity.

Regarding Finding 3, it is the intention of the Applicant, if this Variance is approved, to divide the existing parcel into two smaller parcels, which would likely be developed separately with single-family dwellings; as such, there would be an increase in residential density, necessitating the installation of additional domestic wells and septic systems to serve the future development.

As the subject parcel is not within a water-short area, the potential for impacts to neighboring wells is minimal.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of three separate legal non-conforming parcels has the potential to increase residential density in the area by allowing additional single-family residences by right on the new parcels and a 2nd residence through a Director Review and Approval on the new parcels. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations 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. 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, based on the above information and with adherence to the requirements included as project notes and all mitigation measures, the proposal will not have adverse effects 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 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> |

| Relevant Policies: | Consistency/Considerations: |
|--|---|
| <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> |
| <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 Agency Comments:

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

In support of Finding 4, the Applicant states “The proposed adjustment is allowable under the current county code (which requires a variance). The proposed adjustment will not affect the existing use of the site, which is already consistent with the General Plan.”

The Applicant’s assertion that a Variance in itself makes the project consistent with the General Plan is incorrect. The table above details how the proposal is inconsistent with the General Plan.

The project would be contrary to the Goals and policies of the General Plan. The General Plan Policy LU-A.9 does contain provisions which allow for the creation of substandard-sized lots for the creation of home site parcels, subject to certain specific criteria. This application does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard size lot.

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.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, the variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity, and 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, & 4 cannot be made as stated in the staff report and move to deny Variance Application No. 4145; 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. 4145, 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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ER:jp

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EXHIBIT 1

Variance Application (VA) No. 4145 & Environmental Review No. 8342
 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. |
| 15. | A Nitrogen Loading Analysis is required prior to Permit issuance. |

LOCATION MAP

VA 4145

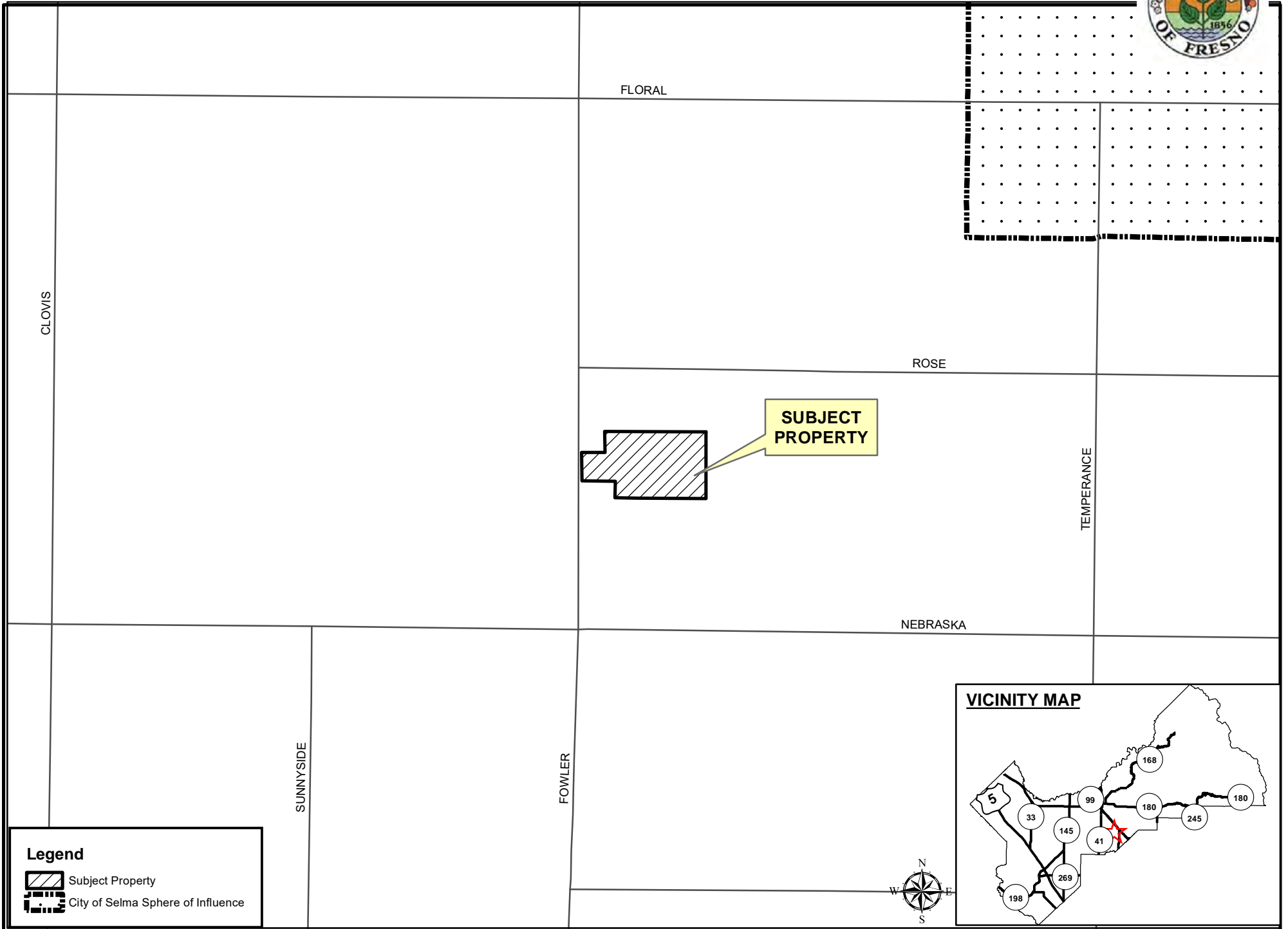


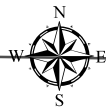
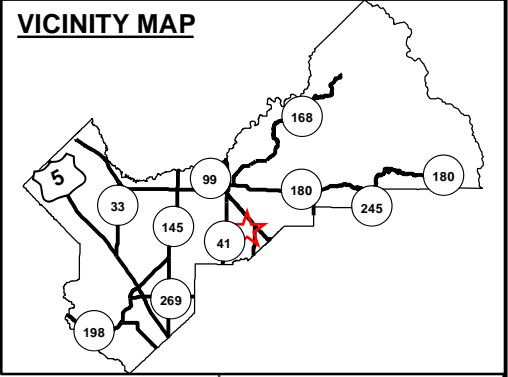


EXHIBIT 2

Legend

-  Subject Property
-  City of Selma Sphere of Influence



EXISTING ZONING MAP

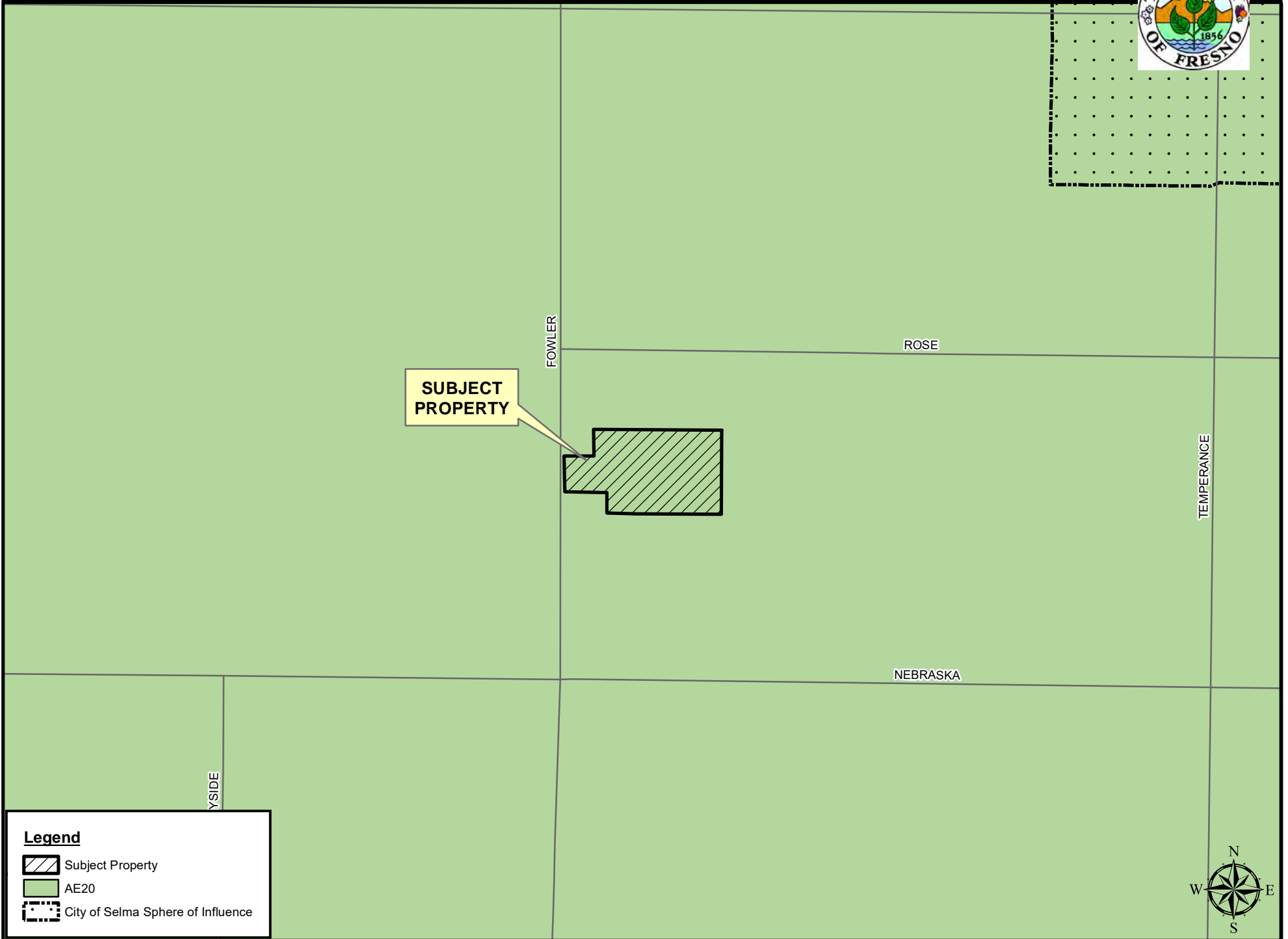
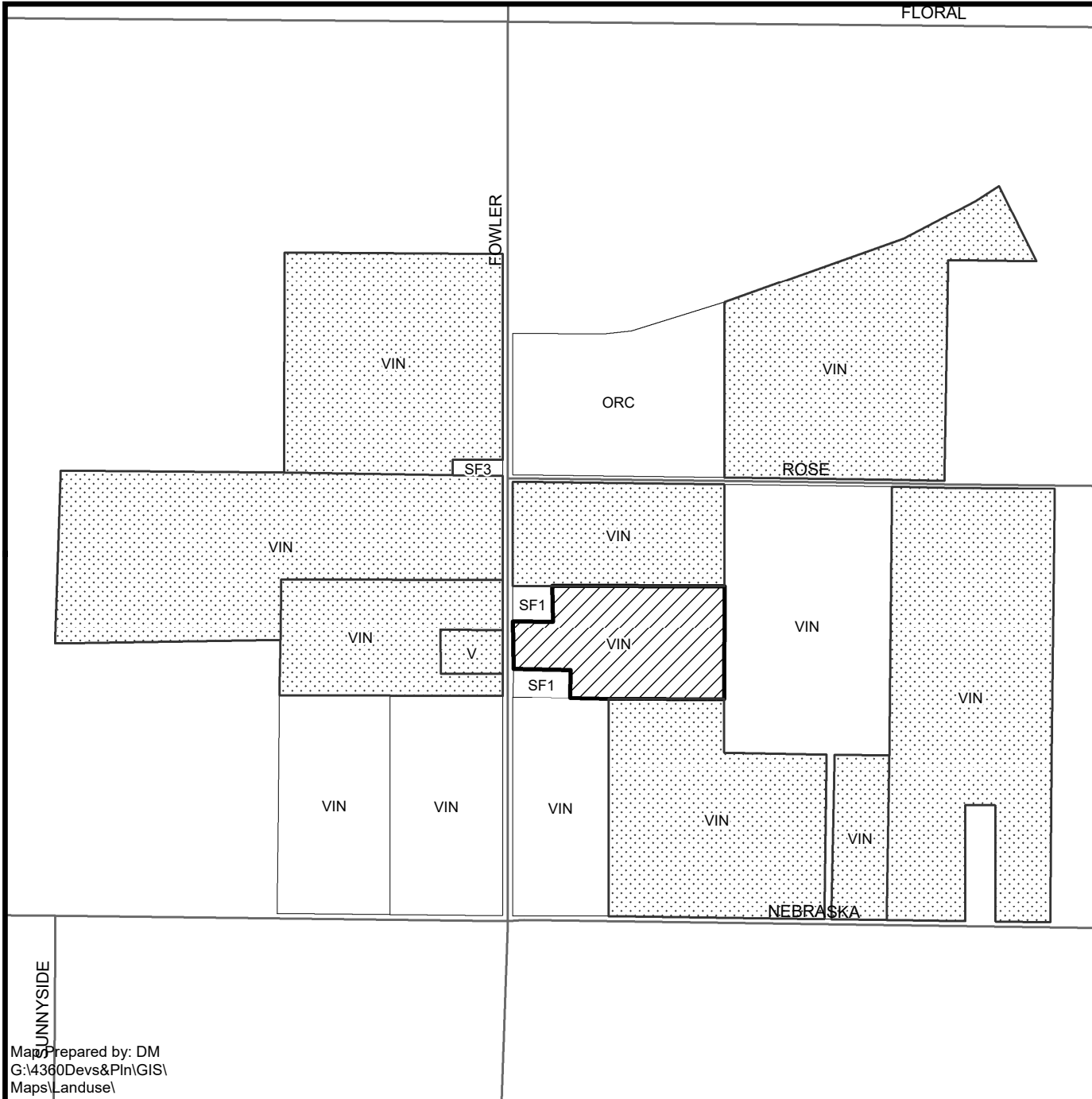


EXHIBIT 3

EXISTING LAND USE MAP

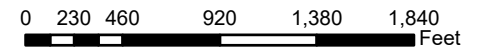
VA 4145



| LEGEND | |
|--------|---------------------------|
| ORC | - ORCHARD |
| SF# | - SINGLE FAMILY RESIDENCE |
| V | - VACANT |
| VIN | - VINEYARD |

LEGEND:

-  Subject Property
-  Ag Contract Land



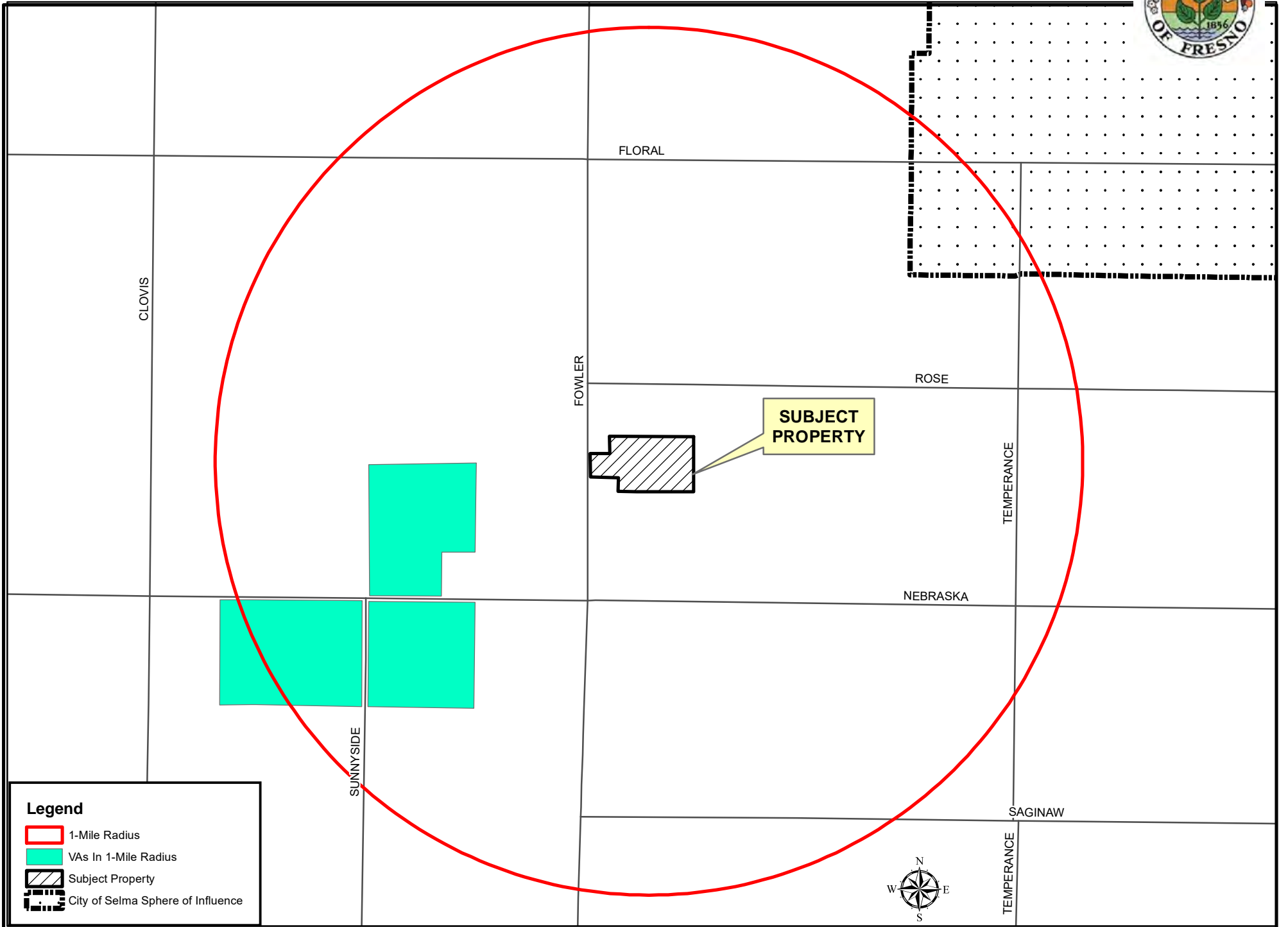
Department of Public Works and Planning
Development Services Division

Map Prepared by: DM
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Maps\Landuse\

EXHIBIT 4





VAs IN 1-MILE RADIUS

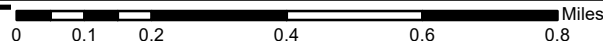
VA 4145



SUBJECT PROPERTY

Legend

-  1-Mile Radius
-  VAs In 1-Mile Radius
-  Subject Property
-  City of Selma Sphere of Influence

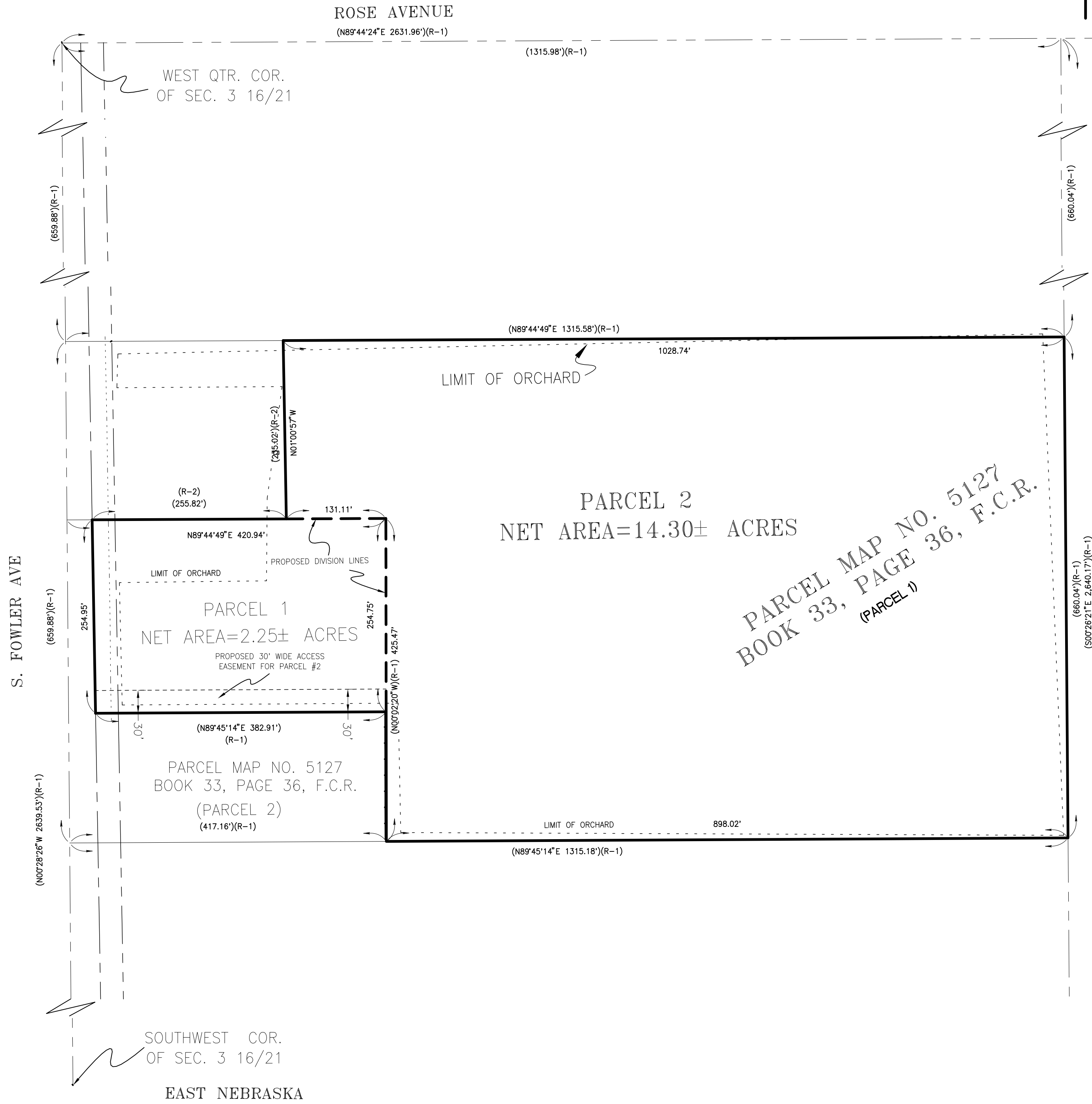


TENTATIVE PARCEL MAP

IN THE COUNTY FRESNO,
STATE OF CALIFORNIA
BEING A PORTION OF PARCEL 1 OF PARCEL MAP NO 5127, AS PER MAP RECORDED IN
BOOK 33, PAGE 36 OF PARCEL MAPS, FRESNO COUNTY RECORDS IN SECTION 3,
TOWNSHIP 16 SOUTH, RANGE 21 EAST
SECTION 19, TOWNSHIP 16 SOUTH, RANGE 22 EAST,
MOUNT DIABLO BASE AND MERIDIAN
CONSISTING OF ONE SHEET

LEGEND:

- MONUMENTS FOUND AND ACCEPTED AS DESCRIBED OR AS NOTED.
- SET 3/4" X 30" IRON PIPE, DOWN 1', TAGGED P.L.S. 8719 UNLESS NOTED
- (R-1) RECORD DATA PER PARCEL MAP No. 5127 RECORD IN BOOK 33 PAGE 36 OF PARCEL MAPS, FRESNO COUNTY RECORDS.
- INDICATES SUBJECT PARCEL BOUNDARY.
- - - INDICATES SECTION LINE.
- · · INDICATES RIGHT-OF-WAY.
- O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY
- CR CORNER RECORD
- DISTANCES NOT MONUMENTED ARE CALCULATED



BASIS OF BEARINGS:
THE WEST LINE OF SOUTHWEST QUARTER TAKEN TO BE NORTH 0°28'26"W PER (R-1)

| | | |
|---|----------------|---------|
| <p>CENTRAL VALLEY ENGINEERING AND SURVEYING</p> <p>2511 LOGAN STREET SELMA, CA 93662 WWW.CVEAS.COM</p> <p>Tel. (559) 891-8811 Fax (559) 891-8815 Email: info@cveas.com</p> <p><small>CIVIL ENGINEERING • LAND SURVEYING • CONSTRUCTION • CUSTOM HOME DESIGN COMMERCIAL BUILDING DESIGN • PLANNING & PROJECT MANAGEMENT</small></p> | DATE OF SURVEY | 9/29/22 |
| | JOB NO. | 22111MX |
| | DRAWING NAME: | TPM |
| | DRAWN BY: | N.S.S. |
| | CHECK BY: | |
| DATE: | 10/11/22 | |

Variance Findings

Pre-App: 21-101982
Applicant: Rosemary Cordero
Address: 11624 S Fowler Ave
Selma, CA 93662
APN: 385-031-69

October 13th, 2022

Project Description: To allow the creation of a 2-acre parcel from an existing 16.2-acre parcel within the AE-20 Zone District (see Site Plan).

These are the 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.

The purpose of the variance is to allow for the creation of a new 2-acre deed parcel. The owner is planning to construct a house on the new 2-acre parcel for her children. The rest of the parcel will continue to be used for agricultural purposes, like the adjoining properties which share the same zoning designation.

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

The purpose of the variance is to allow for the creation of a new 2-acre deed parcel. If approved, this variance will allow for a home to be built on the property separate from the orchard which will remain on the 16-acre parcel. Overall, this configuration will allow for more efficient use of the parcels and will preserve the owner's enjoyment of her property.

3. The granting of the 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 purpose of the variance is to allow for the creation of a 2-acre parcel which will be used to construct a new home for the family members. The creation of the 2-acre parcel and construction of the new home will not be materially detrimental to the public welfare nor injurious to property and improvement in the vicinity in which the property is located. The owner and her family have lived on this property for many years and hope to keep this property under their name for many years to come.

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

The proposed adjustment is allowable under the current county code (which requires a variance). The proposed adjustment will not affect the existing use of the site, which is already consistent with the General Plan.

If you have any questions, please do not hesitate to contact me at (559) 250-6829.

Sincerely,

Rosemary Cordero

Rosemary Cordero
Juan Cordero Jr.

EXHIBIT 8



NORTHEAST



EAST

SOUTHEAST

