



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 April 8, 2021

SUBJECT: Variance Application No. 4104

Proposing to allow a reduction of the minimum lot size requirement for a mapping procedure which will result in the creation of a 5.37-acre parcel and an 11.55-acre parcel from an existing 16.92-acre parcel, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of E. Central Avenue between N. Leonard Avenue and N. Highland Avenue, approximately three and one-quarter miles southwest of the nearest city limits of the City of Sanger (SUP. DIST. 4) (APN 331-061-74) 8561 E. Central Avenue, Del Rey, CA 93616).

**OWNER/
APPLICANT:** Joe Denham

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance No. 4104; 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 Map
6. Site Plan
7. Applicant's Justification for Findings
8. 2002 Aerial Image
9. 2020 Aerial Image

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	16.92 acres	Parcel A: 11.55 acres (Net) Parcel B: 5.37 acres (Gross)
Project Site	See description under parcel size	See proposed Parcel Sizes above
Structural Improvements	3,000 Square-foot single family dwelling; 975 square-foot manufactured home, and several accessory structures including a 1,500 square-foot metal barn	Parcel A: 975 square-foot manufactured home. Parcel B: 3,000 square-foot Single-Family Dwelling; 1,500 square-foot metal barn
Nearest Residence	Approximately 60 feet west of proposed Parcel A	No change

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15305 (a) of the California Environmental Quality Act (CEQA) guidelines: *Minor Alterations in Land Use Limitations*, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

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.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877 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:

According to available records, the subject parcel was created as Parcel 2 of Parcel Map 6249 on March 15, 1983. The property was subsequently involved in Preliminary Certificate of Compliance (PCOC) 3296 and Property Line Adjustment 14-29, which allowed the creation of a gift deed parcel, northwesterly adjacent to the subject parcel, resulting in its current configuration.

County permit records show that a 20-foot by 40-foot manufactured home was permitted in April 2003, for temporary occupancy, and subsequent construction of a 3,000 single-family dwelling as a primary residence, was permitted in February 2005.

DRA 3699, approved in March 2005, allowed the temporary manufactured home to remain as a permanent second residence on the parcel. A 1,500 square-foot barn was permitted in November 2015, adjacent to the 3,000 square foot primary dwelling.

One (1) variance request, shown below, has been processed within one half-mile of the subject property, which pertained to the allowance of a reduced parcel size. The Variance was approved with a concurrent Conditional Use Permit for an agricultural processing facility.

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 3488 – Allow a property line adjustment between a 20-acre and a 40-acre parcel resulting in the 40-acre parcel being reduced to 11.50-acres, (in conjunction with Conditional Use Permit No. 2703), proposing to allow commercial operation of an existing agricultural processing (fruit and vegetable dehydrator) facility, in the AE-20	Approval	Approved by BOS	September 19, 1995

Water Well Separation	Building sewer/ septic tank: 100 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet		
Proposed Parcel 'A' (11.55 acres)	Septic tank: 125 feet/Leach field: 120 feet	No change	Yes
Proposed Parcel 'B' (5.37 acres)	Septic tank: 135 feet/Leach field: 120 feet	No change	Yes

Reviewing Agencies/Department Comments:

There were no relevant comments from reviewing agencies or County Departments regarding the project other than advisory statements about required regulations that have been noted under the Project Notes section of Exhibit 1.

Analysis Finding 1:

In support of Finding 1, the Applicant’s justification states that the intent of the Variance request is to preserve the existing single-family home site on the proposed 5.37-acre parcel and to facilitate the sale of the remaining 11.55-acre portion. The Applicant indicates that the property has been farmed by the Applicant since 2013, and that the current use of the subject parcel is comprised of ten-acres of maintained almond orchards, two-acres of pastureland for livestock, a manufactured home for tenants engaged in agricultural work on the farm, and a single-family residence occupied by the property owner. The findings also state that there are two wells on site, one agricultural well located on the proposed 11.55 acre parcel and one domestic well located on the proposed 5.37-acre parcel, both of which have adequate water supply for their respective uses which are a viable farming operation with the existing almond orchards, and the residential uses; further, the intent of the parcel division is to separate the single family residence from the productive almond orchard and manufactured home so that the larger 11.55 acre parcel can be sold to another potential agricultural operator.

The justification of findings state that despite the existence of conditions which support a viable farming operation, there are physical property constraints that create an exceptional or extraordinary circumstance or condition applicable to the subject property which do not apply generally to other properties in the vicinity; which is identified as a physical depression in the land near the horizontal centerline of the property that has caused crops to grow less vigorously in the immediate area, and that aerial imagery from the years 1998, 2002, and 2009 show scarce and infrequent growth of crops in the depression area, which is more pronounced on the west side, where the owner converted a portion to pastureland for livestock in 2017. Additionally, the Applicant’s findings assert that different soil types on the property, some with varied drainage characteristics, may also contribute to the inconsistency of the crop growing operation.

It is uncertain what effect the low-lying area of the property would have on the viability of crop cultivation in that area. The aerial photo from 2002 (Exhibit 8) shows active crops across the entire parcel. A review of the 2016 Fresno County Important Farmlands Map supports the Applicant’s assertion that there are various soils types present on the subject parcel. However,

the indicated soils do not significantly denote the existence of soil types that would preclude the viability of crop cultivation or other agricultural uses.

Staff acknowledges that the subject parcel does contain various soils which may have some limited effect on the viability of certain crop types, or which may lend itself more favorably to certain agricultural uses. However, Staff does not believe that this fact constitutes an exceptional circumstance or condition on the subject property when compared to other properties in the vicinity. Most maps of soil types and crops in the County demonstrate that varying soils, crops and other conditions is not a unique situation, but is common among agriculture land.

Recommended Conditions of Approval: *None*

Conclusion Finding 1:

Due to the lack of an identifiable extraordinary or exceptional circumstance or condition applicable to the subject property, Finding 1 cannot be made for the allowance of the reduced lot size.

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.*

Analysis Finding 2:

In support of Finding 2, the Applicant's justification states that in the immediate vicinity of the subject parcel, south of Central Avenue between Leonard Avenue and Highland Avenue, there are approximately 73-acres of land zoned AE-20 and of that acreage, approximately eight (8) acres are dedicated to single family residential use, comprised of four parcels that are between 1.6 and 2.5 acres in size; and that the creation of these substandard sized homesites has effectively separated residential from agricultural use. Moreover, the County in allowing the creation of the substandard parcels has altered the characteristics of the area toward a more rural residential aesthetic, and in doing so has established the creation of such substandard parcels, absent any agricultural activities as a substantial property right. The findings assert that this pattern of substandard parcel creation establishes a precedent that makes this request consistent with that pattern of development.

There is still significant viably sized agricultural parcel in the area. Immediately to the south of the subject parcel there is an 80-acre parcel of productive agricultural land, and there are parcels to the west which range in sizes up to 60 acres. Staff does acknowledge that there are other parcels in the vicinity which contain less than the minimum 20-acres, many with residential uses that have increased the potential for conflict with normal agricultural practices on surrounding agriculture uses. Staff does not agree that these few smaller lots have established a substantial property right under the current Zoning. Except for the Variance that facilitated the development of an agricultural processing facility, the other smaller parcels were either established under previous zoning or through other allowable means such as homesite exemptions, financing or tax parcels, or gift deed.

The subject parcel and much of the surrounding area was previously zoned R-A (Single Family Residential Agricultural), R-E (Recreational), A-2 (General Agricultural), and AE-5 (Exclusive Agricultural, Five Acre Minimum Parcel Size). As part of County initiated Amendment

Application (AA) 2870 adopted by the Board of Supervisors on August 31, 1976, which rezoned a large area to AE-20 to be consistent with the General Plan policies.

While not specifically what the applicant is seeking, the subject parcel could qualify for an exemption from the 20-acre minimum parcel size through Section 816.5 A.2, which allows the creation of a homesite “intended as a conveyance or devise exclusively for use by a person related to the owner by adoption, blood, or marriage within the second degree of consanguinity and only for persons involved in the farming operation.” This opportunity to create a separate parcel for a family member to assist with farming operations is shared by all other parcels in the area which meet the 20-acre (gross) minimum acreage requirements.

Recommended Conditions of Approval:

None

Conclusion Finding 2:

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.

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Surrounding Parcels				
	Size:	Use:	Zoning :	Nearest Residence*
<u>North</u> Parcel A	38.50 acres	Orchard/Single-Family Residential	AE-20	130 feet
<u>North</u> Parcel B	2.64 acres	Single-Family Residential	AE-20	725 feet
<u>South</u> Parcel A	78.18 acres	Orchard	AE-20	None
<u>South</u> Parcel B	78.18 acres	Orchard	AE-20	None
<u>East</u> Parcel A	17.72 acres	Field Crops/ Single-Family Residential	AE-20	80 feet
<u>East</u> Parcel B	17.61 acres	Field Crops/ Single-Family Residential	AE-20	940 feet
<u>West</u> Parcel A	2.64 acres	Single-Family Residential	AE-20	60 feet

Surrounding Parcels				
West Parcel B	13.79 acres	Orchard	AE-20	650 feet

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

Reviewing Agencies/Department Comments:

Fresno County Agricultural Commissioner: 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.

Analysis Finding 3:

In support of Finding 3, the Applicant’s Findings state that there are no physical changes or development of property proposed with this Variance, and that no increase in residential density will occur as a result, therefore there will be no detrimental impacts on surrounding properties.

Staff notes that the proposed Variance increases the allowable residential density of the existing 16.92-acre parcel from 2 to 4 residences, as each parcel is allowed one residence by right and a second residence subject to a Directors Review and Approval. As described by the Agricultural Commissioner increases in residential purposes will likely interfere with agricultural operations on surrounding parcel.

In the applicant’s justification of make Finding 1, it is stated that, “the County in allowing the creation of the substandard parcels has altered the characteristics of the area toward a more rural residential aesthetic.” This echoes Staff’s concern that the proposal would continue to contribute to the Applicants own observation that smaller parcels could be detrimental by changing the agricultural character and purpose of the area.

Recommended Conditions of Approval:

None

Conclusion Finding 3:

Finding 3 cannot be made, as the Variance increases the potential number of residential units which increases the potential for conflicts with agricultural uses on surrounding properties and is detrimental to the agricultural character and purpose of the area.

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 Policy LU-A.6: 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.</p>	<p>The Applicant is requesting a reduction from the 20-acre minimum parcel size requirement and does not choose to utilize the options for creation of a homesite parcel under Policies LU-A.9, LU-A.10, and LU-A.11.</p>
<p>General Plan Policy LU-A.7: 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.</p>	<p>The proposed parcel division is not consistent with Policy LU-A.7. The proposed creation of the 5.37-acre parcel and the 11.55-acre parcels will exacerbate the impact of the existing substandard parcel by creating two smaller non-conforming parcels, and the opportunity for each parcel to add a 2nd dwelling.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>This proposal was reviewed by the Water and Natural Resources Division, which did not express concerns related to water supply, as there is no development proposed with this application.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated Agriculture in the County’s General Plan. Policy LU-A.6 states that the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture. Additionally, General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size specified by the acreage designation in agricultural areas. Those policies are detailed in the table above. The subject parcel is not subject to a Williamson Act Contract.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The subject parcel is located in a water-short area; however, there is no development proposed. No further comments.

Analysis Finding 4:

In support of Finding 4, the Applicant’s findings assert that the granting of this Variance will not remove any farmland from active production and will actually help to preserve farmland by allowing the sale of proposed parcel A to an agricultural operator, and that the sale of the property would not have the potential to increase density as the prospective farm operator/purchaser would not be interested in residential uses, therefore the Variance request is not contrary to the objectives of the General Plan.

Staff does not concur with the Applicant’s statement that the project would not be contrary to the objectives of the General Plan. The proposal would create two even smaller substandard parcel that could exacerbate the impact of the existing substandard parcel.

General Plan Policy LU-A7 specifically directs the Commission to consider, “negative incremental and cumulative effects such land divisions have on the agricultural community.” The proposed Variance would result in two additional residences on the original 16.92-acre parcel which incrementally impacts what General Plan Policy LU-A7 identifies as a potential for conflict with normal agricultural practices on adjacent parcels.

Recommended Conditions of Approval:

None.

Conclusion Finding 4:

Finding 4 cannot be made due to conflicts with the objectives of the General Plan.

PUBLIC COMMENT:

None.

SUMMARY ANALYSIS / CONCLUSION:

The parcel has previously operated with agricultural uses and the existing two residence. Further division of the property into two parcels makes agricultural usage less probable and the increase in allowed residential units could add to the cumulative impact of nonagricultural uses conflicting with surrounding agricultural practices.

Based on the factors cited in the analysis above, Staff cannot make the four required Findings necessary for granting the Variance and recommends denial of Variance Application No. 4104.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made, in accordance with Staff’s recommendation and move to deny Variance No. 4104; 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 the findings) and move to approve Variance No. 4104, subject to the Conditions and Project Notes 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.

JS:im

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**Variance Application (VA) No. 4104
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	The required mapping application shall be filed within one year after the approval of the Variance.

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.	The approval of this Variance will expire one year from the date of approval unless the parcels authorized by said Variance are not created within one (1) year after the granting of said Variance or an application for a tentative map is not filed within the one (1) year. However, in the case of a Variance for which a tentative or vesting map has been timely filed, expiration of said Variance shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map.
2.	Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation established in Section 877-D.2 (one year), the Commission may grant an extension of time for a period not to exceed an additional one (1) year period. Application for such extension of time must be set forth in writing the reasons for the extension and must be filed with the Department of Public Works and Planning, Development Services and Capital Projects Division before the expiration of the Variance.
3.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance and other applicable State regulation. A Tentative Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72 of the Fresno County Ordinance Code. The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that "Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance." These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.
4.	The subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the State Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map. Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared 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.

Notes

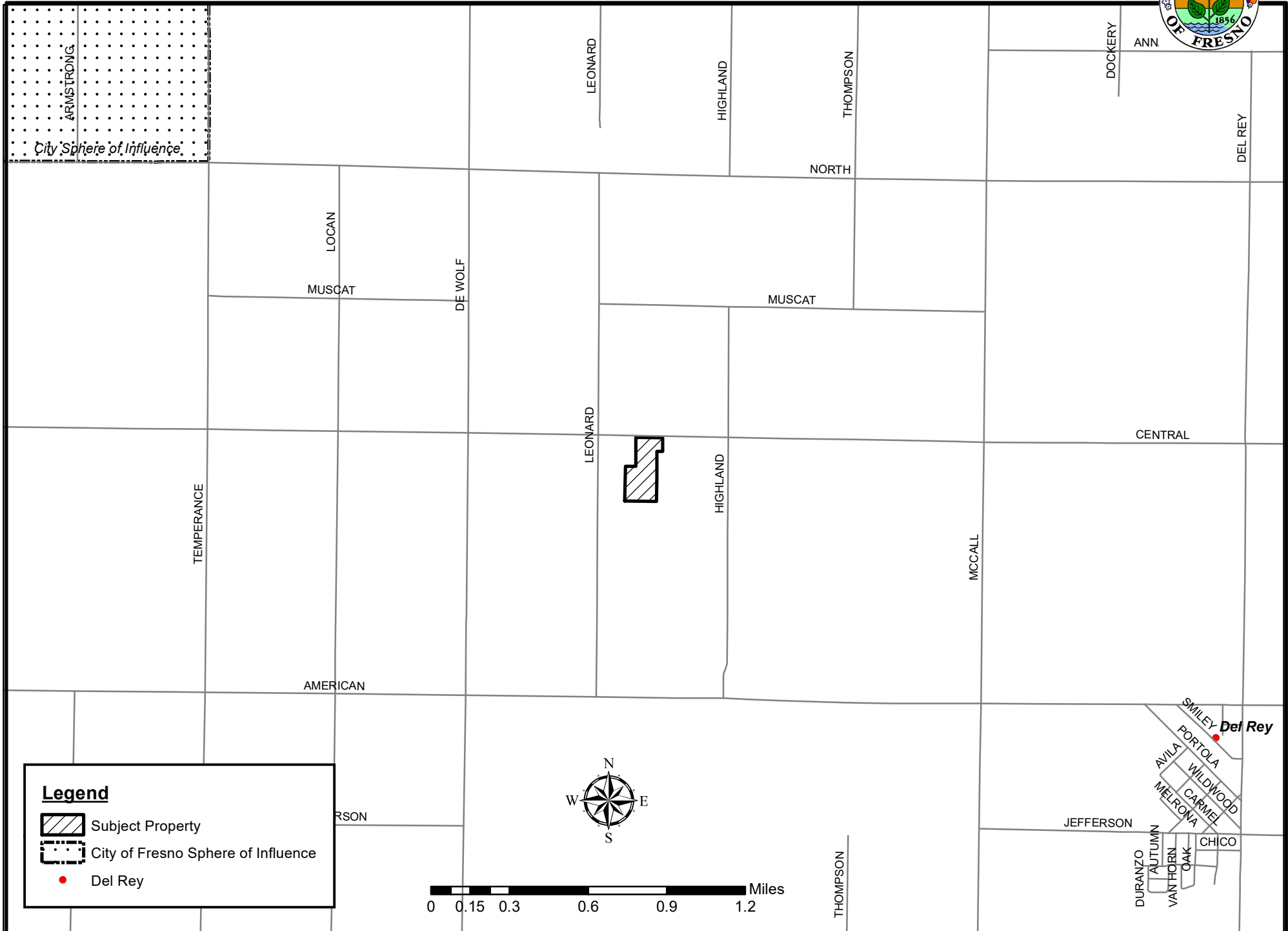
5.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.
6.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by 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.
7.	New septic systems 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.
8.	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 Public 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.
9.	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.
10.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

JS:
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LOCATION MAP



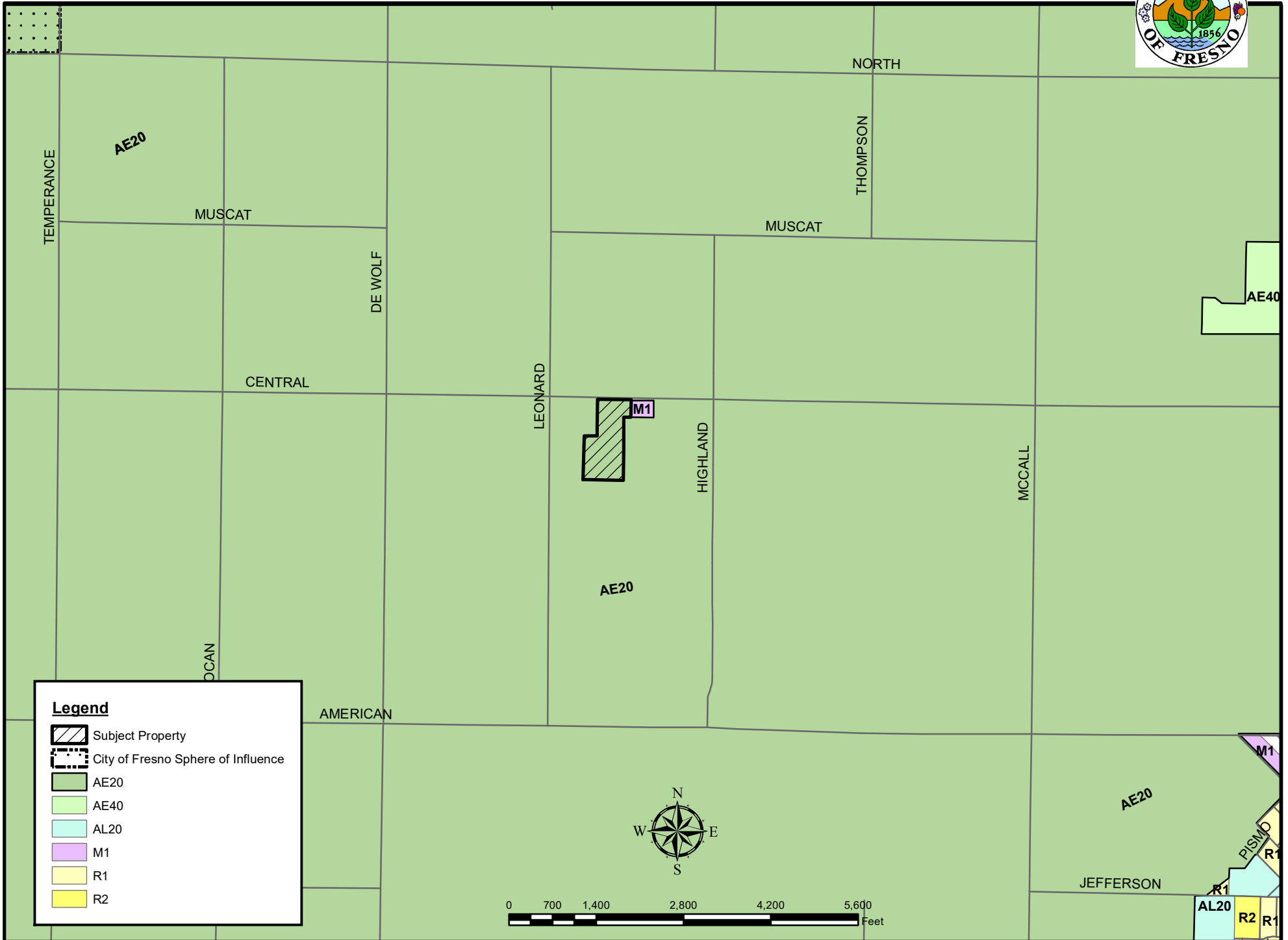
EXHIBIT 2



EXISTING ZONING MAP

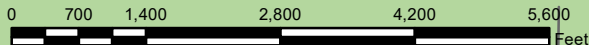


EXHIBIT 3



Legend

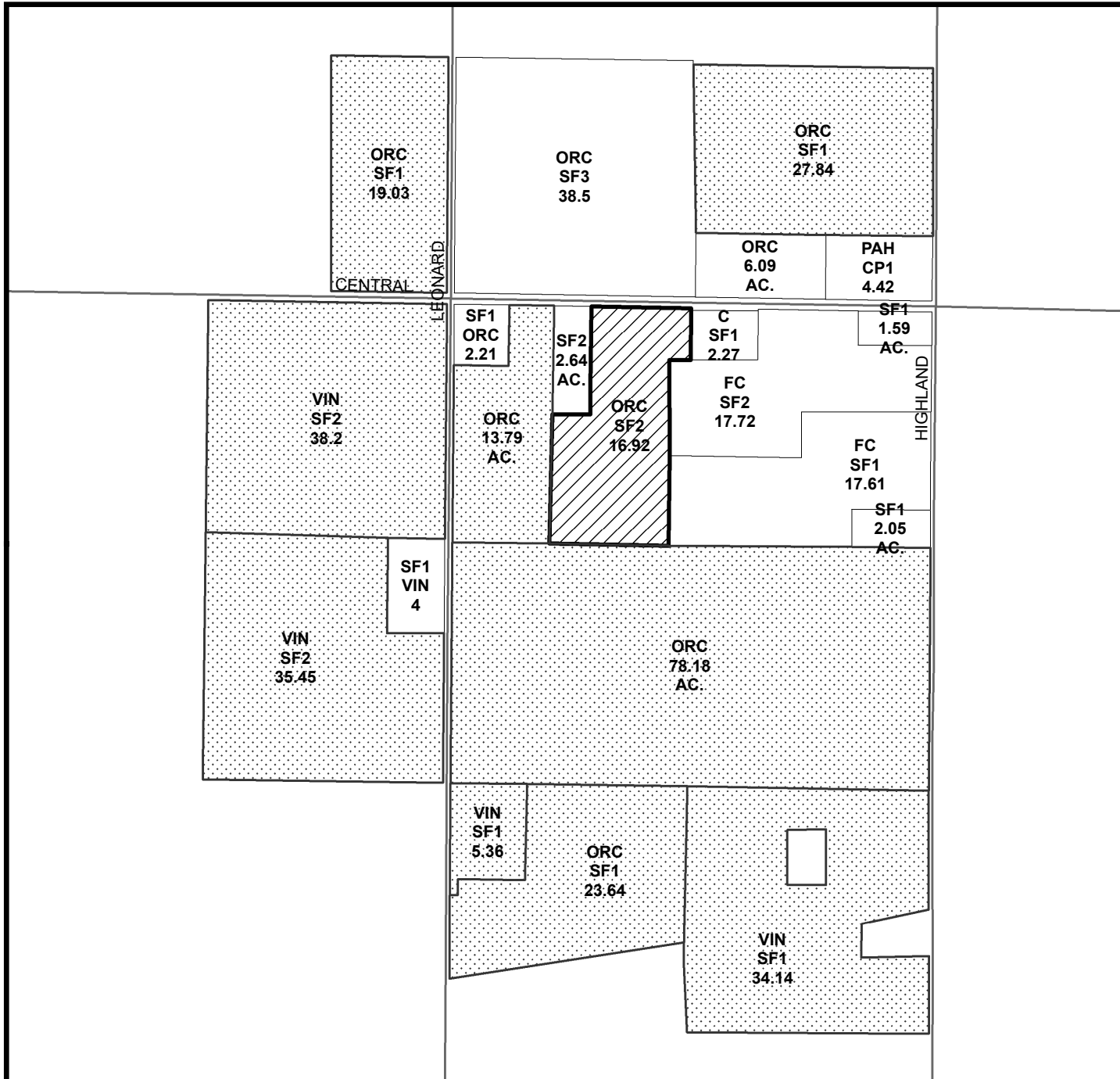
- Subject Property
- City of Fresno Sphere of Influence
- AE20
- AE40
- AL20
- M1
- R1
- R2



EXISTING LAND USE MAP



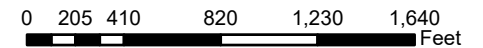
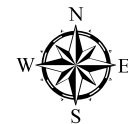
EXHIBIT 4



LEGEND	
C - COMMERCIAL	
FC - FIELD CROP	
ORC - ORCHARD	
PAH - PACKING HOUSE	
SF# - SINGLE FAMILY RESIDENCE	
VIN - VINEYARD	
CP# - OFFICE COMM./PROF	
V - VACANT	

LEGEND:

- Subject Property
- Ag Contract Land

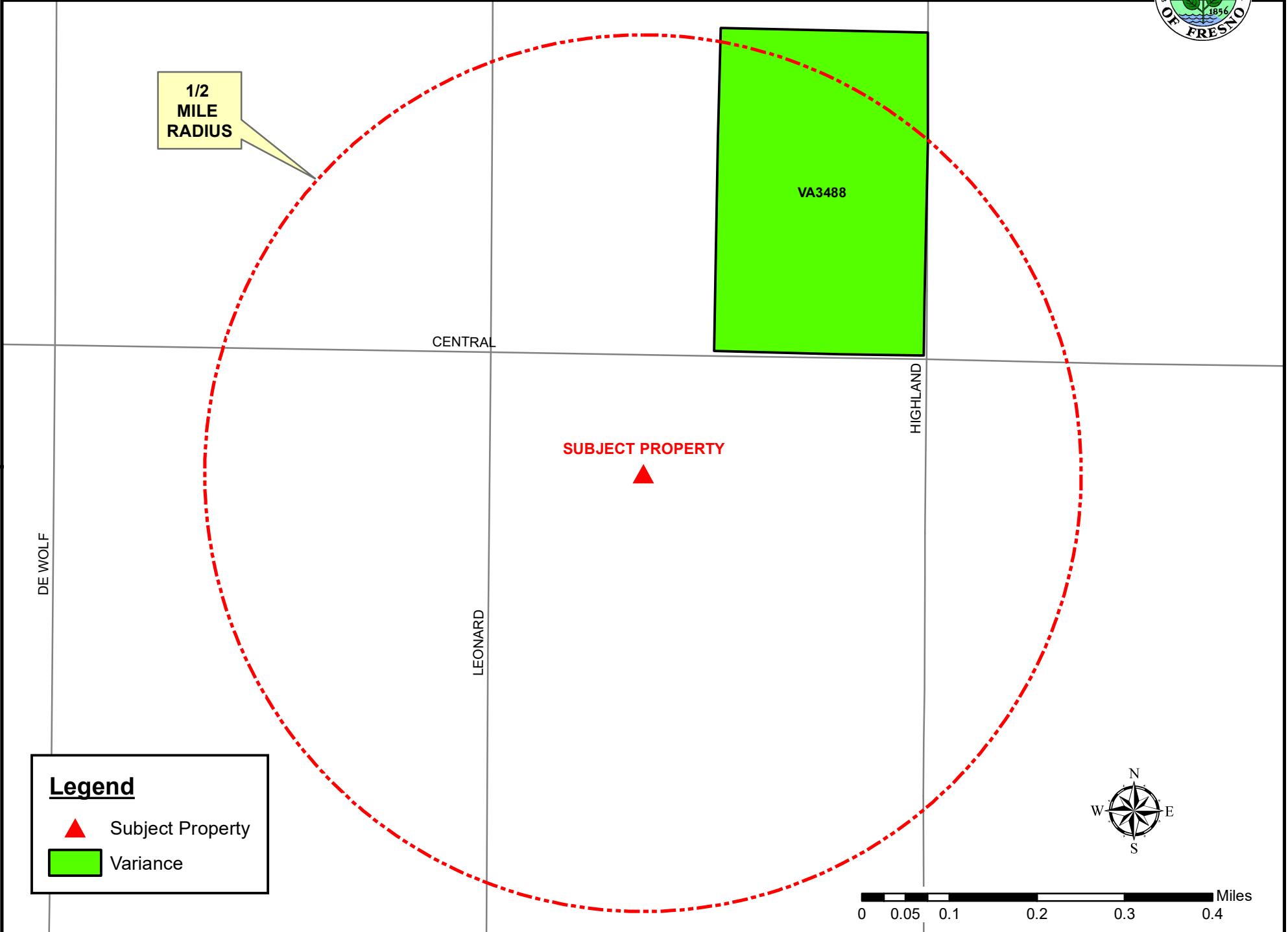


Department of Public Works and Planning
Development Services Division

APPROVED VARIANCES WITHIN A HALF MILE RADIUS



EXHIBIT 5



**EXHIBIT "A"
PARCEL EXHIBIT**

N 1/4 COR
SEC 36 14/21

EAST CENTRAL AVENUE

551.57'

PROPERTY LINE/RIGHT OF WAY

20'

299.98'

APN
331-061-55

60' PROPOSED
INGRESS/ EGRESS
EASEMENT

118.19'

PROPOSED PARCEL A
GROSS: 11.55 AC
NET: 11.25 AC

APN
331-061-60

APN
331-061-75

576.02'

APN
331-061-51

200.02'

62.50'

125.30'

1017.93'

PROPOSED PARCEL B
GROSS: 5.37 AC
NET: N/A

742.39'

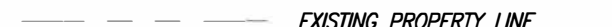
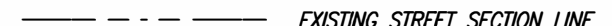
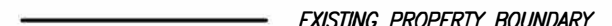


680.71'

APN
331-061-72

634.68'

APN
331-061-49

LEGEND

-  EXISTING PROPERTY LINE
-  EXISTING STREET SECTION LINE
-  EXISTING PROPERTY BOUNDARY
-  PROPOSED EASEMENT AS NOTED
-  PROPOSED PROPERTY LINE

NOTES:

1. SEE EXHIBITS A.2 AND A.3 REGARDING INFORMATION ON DISTANCES AND LOCATIONS OF ON-SITE STRUCTURES AND BUILDINGS.



SCALE 1" = 150'



PLANNING • SURVEYING • CIVIL ENGINEERING
1234 O STREET FRESNO, CA. 93721
PH: (559) 449-4500 FAX (559) 449-4515

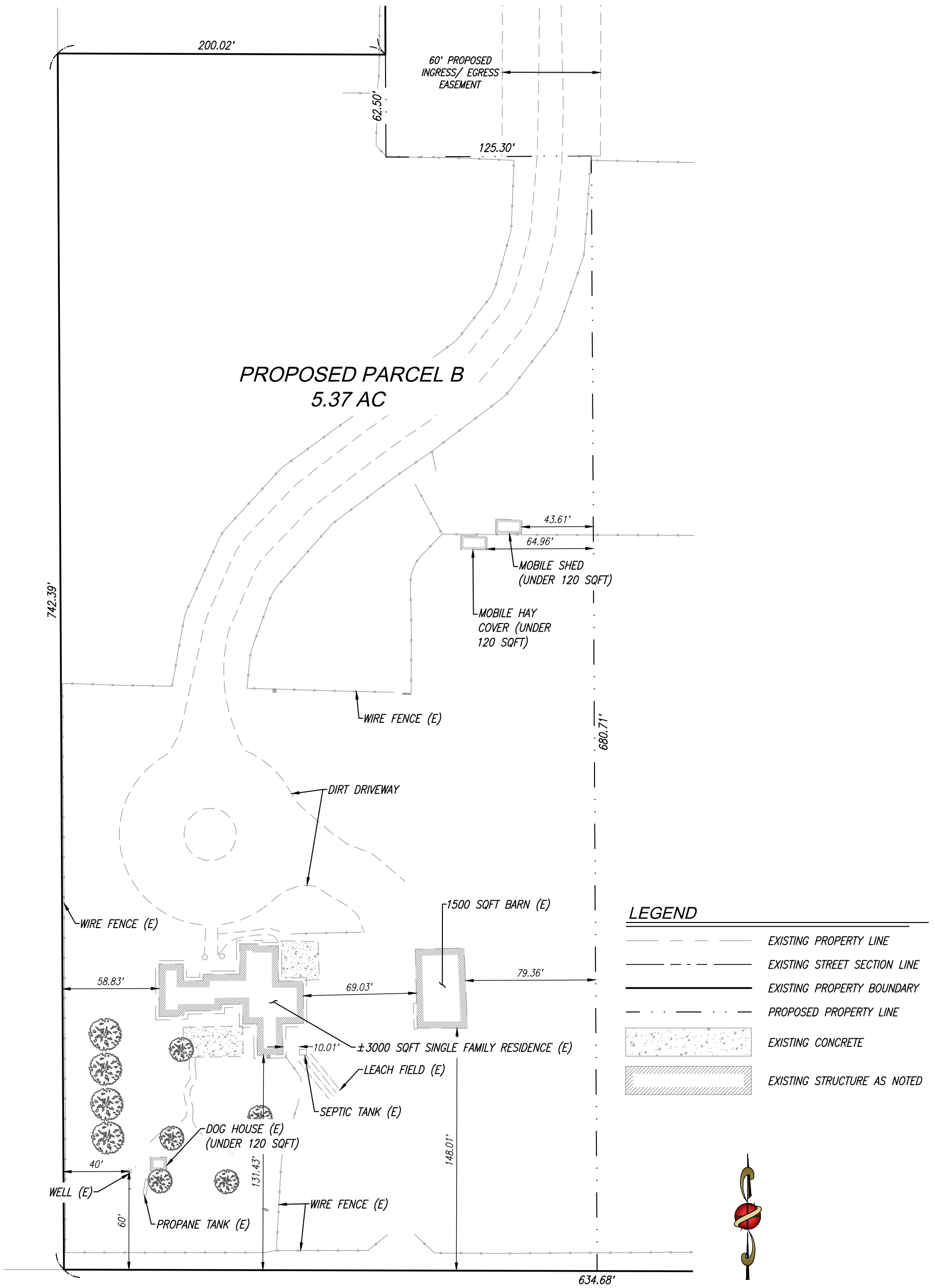


PROJECT NAME: EXHIBIT "A"
8561 E. CENTRAL AVENUE, DEL REY, CA 93616

SHEET 1 OF 2 DATE: 02-24-2021 JOB#: 20-164

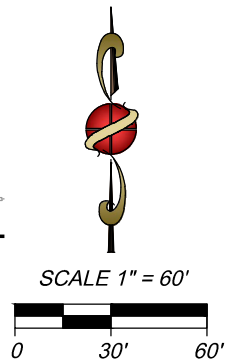
EXHIBIT "A.2"

SOUTH RESIDENCE STRUCTURE DETAIL



LEGEND

- EXISTING PROPERTY LINE
- EXISTING STREET SECTION LINE
- EXISTING PROPERTY BOUNDARY
- PROPOSED PROPERTY LINE
- EXISTING CONCRETE
- EXISTING STRUCTURE AS NOTED



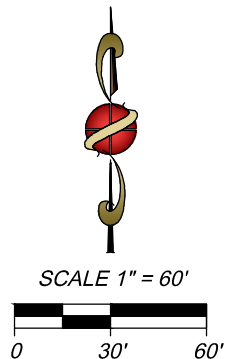
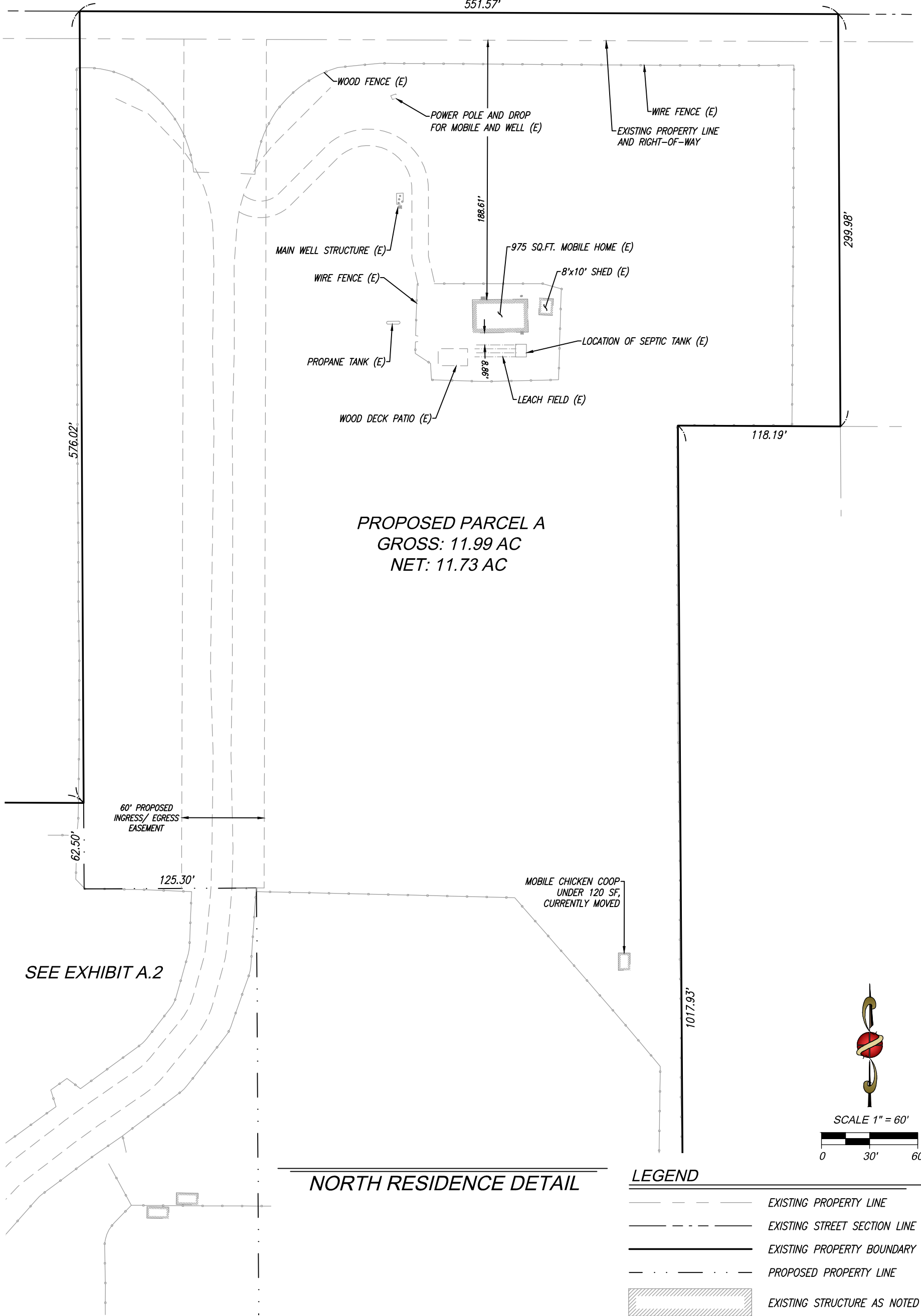
PROJECT NAME: EXHIBIT "B"			PLANNING • SURVEYING • CIVIL ENGINEERING 1234 O STREET FRESNO, CA. 93721 PH: (559) 449-4500 FAX (559) 449-4515
8561 E. CENTRAL AVENUE, DEL REY, CA 93616			
SHEET	DATE:	JOB#:	
2 OF 3	03-08-2021	20-164	

EXHIBIT "A.3"

NORTH RESIDENCE STRUCTURE DETAIL

EAST CENTRAL AVENUE

551.57'



LEGEND	
	EXISTING PROPERTY LINE
	EXISTING STREET SECTION LINE
	EXISTING PROPERTY BOUNDARY
	PROPOSED PROPERTY LINE
	EXISTING STRUCTURE AS NOTED

PROJECT NAME: EXHIBIT "B"			PLANNING • SURVEYING • CIVIL ENGINEERING 1234 O STREET FRESNO, CA. 93721 PH: (559) 449-4500 FAX (559) 449-4515
8561 E. CENTRAL AVENUE, DEL REY, CA 93616			
SHEET	DATE:	JOB#:	
2 OF 3	03-08-2021	20-164	

EXHIBIT 7

Variance Findings for 8561 E. Central Avenue, Del Rey (APN: 331-061-74)

The proposed variance is needed to waive the minimum lot requirement within the AE-20 zone district to allow the creation of a ± 5.37-acre parcel from the existing ± 17.1-acre subject parcel (APN: 331-061-74), thereby creating Parcel A (± 11.73-acres) and Parcel B (± 5.37 acres). The property owners of the existing ± 17.1-acre subject parcel, Joe Denham and Jennifer Denham, are seeking this variance to facilitate the sale of Parcel A as viable farming operation to be purchased and absorbed by a nearby agricultural operator. The Denham family have been homestead farmers for the subject land since 2013, residing in the single-family residence on proposed Parcel B. Allowing the subject parcel to be subdivided will help preserve the existing homesite for the Denham family and allow the farmland to be purchased and operated by a nearby farmer.

The existing uses of subject site include agricultural and residential uses. There are approximately 10-acres of planted and maintained almond orchards, approximately two (2)-acres of pastureland for livestock, a mobile home for tenants engaged in agricultural work on the farm, and a single-family residence that is inhabited by the Denham family. A portion of the almond orchards was previously converted to the pastureland and may be reversed as desired (See Exhibit B). Furthermore, there are two (2) 200-foot wells on the subject site, with water levels that have been tested at 70-feet. As such, the subject site consists of a viable farming operation with existing almond orchards and enough water capacity for continued agricultural operations.

As proposed, the creation of Parcel A and Parcel B would separate the agricultural lands (inclusive of the pastureland and mobile home) and single-family residence, thereby allowing for the sale of the agricultural lands (i.e., Parcel A) to a nearby farming operation for absorption into a pre-existing entity while preserving the existing single-family residence as a homesite for the Denham family. In addition, the farmer of 300 acres of agricultural lands in the vicinity of the subject parcel has expressed interest in purchasing the agricultural grounds of the Denham family land (See Exhibit C). This interest has been confirmed by real estate broker who listed the existing ± 17.1-acre subject parcel for more than a year, from April 2019 to September 2020 (See Exhibit C). According to the real estate broker, numerous parties were interested in purchasing the orchard portion of the property to add to existing agricultural operations but were not interested in purchasing the single-family residence. Lastly, the sale of proposed Parcel A is likely to be to a nearby or adjacent agricultural operation due to the costs associated with moving farm equipment and laborers between operations.

- 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.**

Despite the conditions for a viable farming operation, there are physical property constraints that create an exceptional or extraordinary circumstance or condition applicable to the subject property which do not apply generally to other property in the vicinity having the identical zoning classification.

- a) There is a physical depression in the land.** There is a physical depression in the land near the horizontal centerline of the subject property that has caused crops to grow less vigorously in the

immediate area. Aerial imagery from 1998, 2002, and 2009 illustrate the scarce and infrequent growth of crops in the depression area (See Exhibit B). The deeper side of the physical depression is on the westside of the property, north of the single-family residence. The Denham family converted the depression area to pastureland for livestock in 2017 to increase site usage and functionality.

- b) There are varied soils.** A search of the UC Davis SoilWeb indicates four (4) soil types, each possessing different draining capabilities (See Exhibit D). The varying soil types further complicate the small, homestead farming operation.
- c) There is limited acreage of viable land to support a standalone agricultural operation.** Approximately 10-12 acres, inclusive of the almond orchards and the pastureland, can be considered viable land to support the agricultural operations. However, this amount of acreage limits the ability for the Denham family as homestead farmers to operate a standalone agricultural operation at an economy of scale. When the Denham family engaged local ranchers, farmers, and real estate professionals regarding their options for improving the efficiencies of the limited agricultural lands, the owner of a local ranch spoke to the small-scale nature of the Denham family farm, suggesting a profitability increase if it were to be absorbed by an adjacent farm or local operation as an addition to a pre-existing entity (See Exhibit C). In looking at agricultural lands by parcel within a half-mile radius from the subject property, the subject property is the smallest-sized site in terms of land to support agricultural operations (note: the five (5)-acre site north of E. Central Avenue is appurtenant to the operations immediately north of the site) (See Exhibit E). Absorption into a pre-existing, nearby agricultural operation would be financially feasible, given the shorter distance of moving agricultural equipment and labor.

Overall, despite the conditions to support agricultural operations, the physical depression of the land and limited acreage of land to support a standalone agricultural operation creates an exceptional or extraordinary circumstance or condition applicable to the subject property which do not apply generally to other property in the vicinity having the identical zoning classification.

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.

Within the immediate vicinity of the subject parcel (i.e., south of E Central Avenue between S Leonard Avenue and S Highland Avenue), there are approximately 73-acres of land zoned AE-20 (See Exhibit A). According to Section 816, "AE" Exclusive Agricultural District of the Fresno County Zoning Ordinance, the "AE" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation.

Of the ± 73-acres of land, eight (8) acres comprise land exclusively used for single-family residential only (i.e., no agricultural lands); and, these lots are significantly below the 20-acre minimum required for the AE-20 District: ± 1.60 acres (APN: 331-061-59), ± 2-acres (APN: 331-061-71), ± 2.2 acres (APN: 331-061-52), ± 2.5 acres (APN: 331-061-57) (See Exhibit F). The creation of these substandard-sized homesites

has effectively separated residential uses from agricultural uses. Therefore, by allowing the creation of substandard-sized homesites absent of agricultural activities, the County has effectually: (1) altered the physical characteristics of the area from exclusively agricultural toward rural, large-lot residential; and (2) granted rights to property owners within the subject area to create substandard-sized homesites absent of agricultural activities.

In line with the characteristics of the area and the rights possessed by nearby property owners under like conditions, the creation of Parcel A (± 11.73 -acres) and Parcel B (± 5.37 acres) would separate the agricultural lands (inclusive of the pastureland and mobile home) from the single-family residential dwelling. The granting of this variance would thereby allow for the preservation and enjoyment of a substantial property right of the Denham family, as has been provided to their neighboring property owners, while also contributing and conforming to the physical character of the area.

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

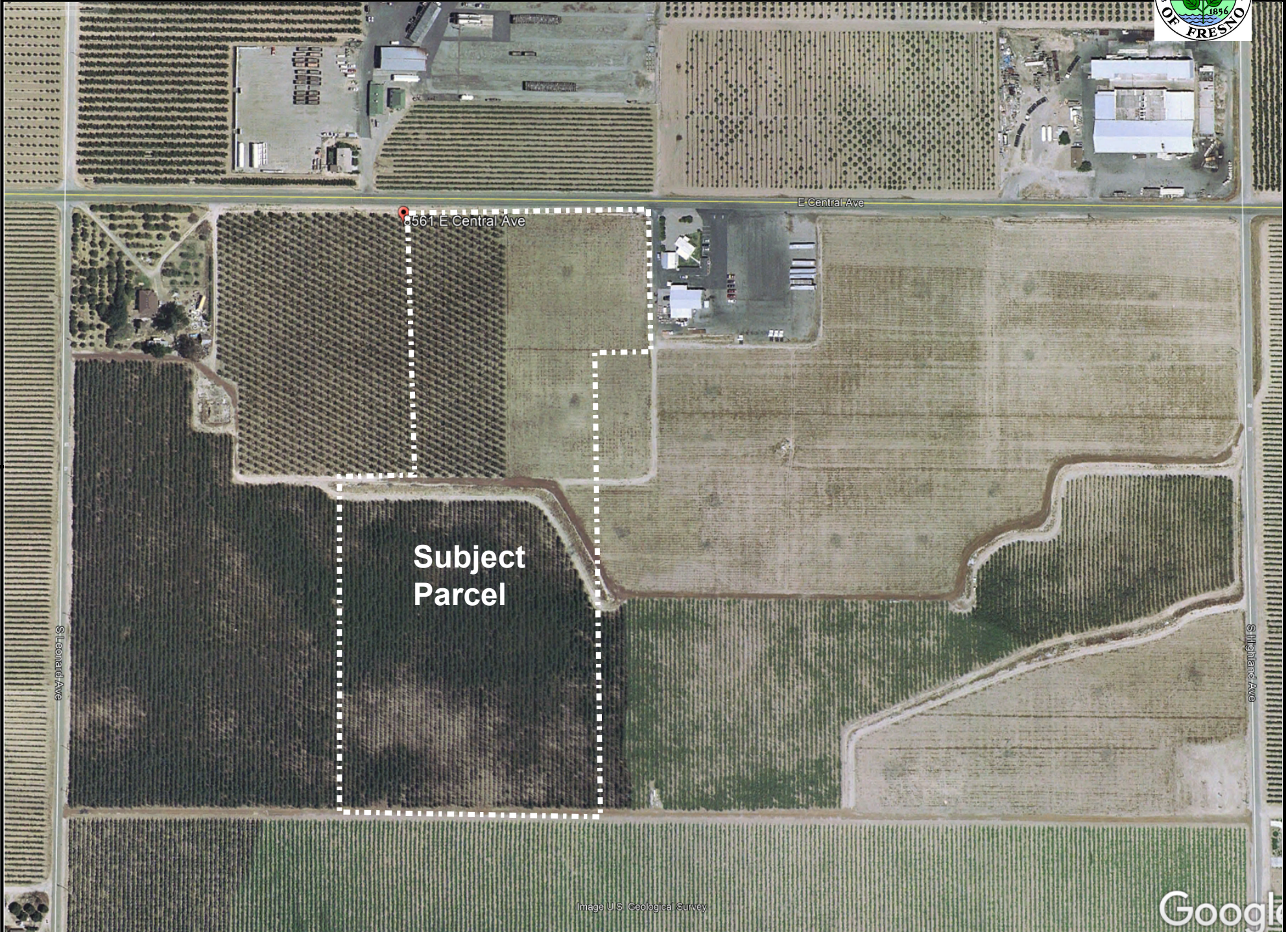
There are no physical changes associated with this application and thus, there will be no negative impacts to surrounding property owners. The proposed ± 5.37 -acre parcel will maintain safe access to E. Central Avenue by a required 60-foot ingress/egress easement. Moreover, the proposed ± 5.37 -acre parcel created from the existing ± 17.1 -acre parcel will not increase the residential density of this area due to the physical depression of the land north of the existing single-family residential dwelling and the physical constraints resulting from the configuration of the proposed parcel (i.e., there is not enough buildable land). In addition, there is no intent to build a residential dwelling unit on the proposed Parcel A, as interested buyers are agricultural operators who are not interested in residential uses. Thus, the granting of this variance will not result in detrimental impacts to properties or improvements. In fact, it may improve the area by allowing for a more efficient use of active and viable farmland.

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

General Plan policy LU-A.6 states that *“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, LUA.10, and LU-A.11...”* The goal of this policy is to preserve farmland and prevent the parcellation of farmland into multiple rural residential lots that increase residential density and lead to the degradation of farmland. The granting of a variance will not remove any farmland from active production and will in fact help preserve farmland by allowing the sale of Parcel A to a nearby agricultural operator, as indicated above. The sale of Parcel A is likely to be to a nearby or adjacent agricultural operation due to the costs associated with moving farm equipment and laborers between operations. Additionally, the sale of Parcel A will not increase the residential density of the area as prospective buyers of Parcel A are agricultural operators who are not interested in residential uses. Thus, this variance application is consistent with the general plan because the retention of the existing farmland in active production and prevention of increased residential density are consistent with the goals of the General Plan.



EXHIBIT 8



561 E Central Ave

E Central Ave

Subject Parcel

S Leonard Ave

S Highland Ave



EXHIBIT 9



3561 E Central Ave

E Central Ave

Subject Parcel

S Leonard Ave

S Highland Ave