



Inter Office Memo

**ATTENTION: FOR FINAL ACTION OR
MODIFICATION TO OR ADDITION OF
CONDITIONS, SEE FINAL BOARD OF
SUPERVISORS' ACTION SUMMARY
MINUTES**

DATE: February 13, 2025
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 13076 – VARIANCE NO. 4138 AND INITIAL STUDY NO. 8285

APPLICANT: Melissa White Holtermann

OWNER: Gunner White

REQUEST: Allow the creation of a 2.0-acre and a 18.0-acre parcel, from an existing 20-acre parcel, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the east side of N. Biola Ave., approximately 2,000 feet south of W. Ashlan Ave., approximately 4 miles northeast of the City of Kerman (APN: 016-110-07) (3488 N. Biola Ave.) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of February 13, 2025, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Arabian and seconded by Commissioner Borchardt to deny Variance No. 4138 based on the analysis of the inability to make the required findings as stated in the Staff report to the Commission and directed the Secretary to prepare a Resolution documenting the Commission's action.

RESOLUTION NO. 13076

This motion passed on the following vote:

VOTING: Yes: Commissioners Arabian, Borchardt, Abrahamian, Whelan, and Zante

 No: Commissioner Carver

 Absent: Commissioners Hill and Quist

 Abstain: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Chris W. Motta, Manager
Development Services and Capital Projects Division

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NOTES: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

Attachments

EXHIBIT A

Variance Application No. 4138

- Staff: The Fresno County Planning Commission considered the Staff Report dated February 13, 2025 and heard a summary presentation by staff.
- Applicant: The applicant's representative disagreed with Staff's recommendation stating the Variance Findings could be made and offered the following information:
- In support of Finding No. 1, there is an extraordinary circumstance due to the current housing situation in the valley, specifically, the lack of housing; and the proposed project is for the current tenant to be able to own a home, which would be financially unattainable if the Variance is not approved.
 - In support of Finding No. 2, we believe the owner has the right to sell the 2.0-acre homesite to a willing purchaser; additionally, there are already sub-standard parcels in the area that have been divided by families who lived there for generations; and the applicant should not be penalized because they just recently purchased the property.
 - In support of Finding No. 4, the approval of this application will allow the applicant's tenant to own their own home for their family; no net loss of farmland or loss of production is anticipated.
- Others: No individuals presented information in support of or in opposition to the application.
- Correspondence: The applicant's representative presented updated findings for the project and an assessor's map highlighting the substandard parcels in the area.

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EXHIBIT “B”

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Variance Application No. 4138

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Variance Application:	\$ 6,049.00 ¹
Initial Study Application:	\$ 1,246.00 ²
Health Department Review:	\$ 365.00 ³
Pre-Application Fee Credit	(\$ 247.00 ⁴)

Total Fees Collected	\$ <u>7,413.00</u>
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¹ Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.
² Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report
³ Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division and Agricultural Commissioners Review.
⁴ Pre-Application Fee Credit.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 February 13, 2025

SUBJECT: Variance Application No. 4138 & Initial Study No. 8285

Allow the creation of a 2.0-acre and a 18.0-acre parcel, from an existing 20-acre parcel, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the east side of N. Biola Ave., approximately 2,000 feet south of W. Ashlan Ave., approximately 4 miles west of the City of Kerman (APN: 016-110-07) (3488 N. Biola Ave.) (Sup. Dist. 1).

OWNER: Gunner White

APPLICANT: Melissa White Holtermann

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance No. 4138 based on the analysis of the required findings in the Staff Report; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Applicant's Variance Findings
7. Summary of Initial Study No. 8285
8. Draft Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20	No change
Parcel Size	20 acres	Create a 2.0-acre and an 18.0-acre parcel
Project Site	Single Family Residence and Orchards	No change
Structural Improvements	Single Family Residence and Orchards	No change
Nearest Residence	75 feet west	No change
Surrounding Development	Agricultural fields & Single-Family Residences	No change

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8285 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Negative Declaration would be appropriate, should the Planning Commission determine that the required Findings can be made. A summary of the Initial Study is included as Exhibit 7.

PUBLIC NOTICE:

Notices were sent to 18 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 860.5.060.D 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.

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 district which allows smaller parcels would be problematic, as the underlying General Plan Land Use Designation of Agriculture would also have to be amended to be consistent with the higher density zoning.

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. If approved, the variance will expire one year from the date of the Commission approval unless a mapping application is filed in accordance with the County Ordinance. When circumstances beyond the control of the applicant do not permit compliance with the time limit, the Commission may grant an extension not to exceed one additional year. Extension applications must be filed with the Department of Public Works and Planning before the expiration of the Variance.

BACKGROUND INFORMATION:

The property is designated Agriculture and currently developed with a single-family residence, a workshop and an orchard. The surrounding land uses primarily consist of farmland with a few located single-family residences.

The parcel is currently restricted under a Williamson Act Contract. A Williamson Act Cancellation Petition has been submitted to the Policy Planning Unit for processing and assigned Revision to Land Conservation Contract RLCC No. 1051. RLCC No. 1051 will be brought before the Board of Supervisors for a decision after the Planning Commission decision on this Variance.

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

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

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Lot Coverage	No requirement	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
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

ANALYSIS/DISCUSSION:

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

Reviewing Agencies/Department Comments related to Finding 1:

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

Finding 1 Analysis:

In support of Finding 1, the Applicant's findings state that the property has exceptional and extraordinary circumstances because there are numerous parcels in the area that are non-conforming, and Fresno County has already approved other Variances in the area dividing lots smaller than the 20-acre minimum. Additionally, the Applicant's findings state that the area where the residence is at is in no condition for farming and the Variance application will allow for it to be sold. Furthermore, the Applicant asserts the property was purchased in the same year this Variance was filed and the company GSW Farms is a farming operation and has no need for the home. Staff was unable to identify any extraordinary circumstances of the property.

The application does not meet the criteria of an exceptional or extraordinary circumstances that does not apply generally to other property with the same zoning. All of the adjacent properties are subject to the same constraint and cannot be further divided into smaller parcels. The limited number of smaller parcels in the surrounding area, as indicated in the Applicant's findings, were established using the alternative mapping method mentioned in this report, which includes the homesite provision and other authorized provisions in place at the time of their establishment.

The Applicants desire to sell the property is not an exceptional or extraordinary circumstance.

Recommended Conditions of Approval: None

Finding 1 Conclusion:

Staff cannot recommend making Finding 1, Staff was unable to identify any exceptional or extraordinary physical features or circumstances particular to the subject parcel.

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.*

Finding 2 Analysis:

In support of Finding 2, the Applicant's findings state that the County has granted numerous Variances to allow lots smaller than the required acreage for other nearby owners which establishes a substantial property right that would be denied should the property not be allowed to divide with the denial of this Variance.

As mentioned earlier in this report, there are no records of Variances related to parcel creations proposed within one mile of the subject parcel. Moreover, 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 a project would not create a precedent for approval and would not establish a property right. All properties with the same zoning are subject to the same minimum standard for creation of new parcels. Staff notes the smaller parcels in the vicinity were created by a homesite parcel creation, or other mapping procedures legal at that time. Staff was unable to identify a substantial property right that would be restored by the granting of this Variance request.

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 a property from realizing any reasonable use intended under the zoning, a Variance would be appropriate to preserve the "substantial property right". This is not the case here, the property has been developed consistent with the allowed uses for the AE-20 Zone District.

Recommended Conditions of Approval: None

Finding 2 Conclusion:

Staff cannot recommend making Finding 2, 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	18.54 acres	Field crops	AE-20	527 feet
South	18.5 acres	Orchard and residence	AE-20	318 feet
East	20 acres	Field crops and residence	AE-20	1,095 feet
West	20 acres	Field crops and residence	AE-20	245 feet

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

Finding 3 Analysis:

In support of Finding 3, the Applicant's basis for making the finding is based on three points; that the proposed parcel has a domestic well separate from the remaining agricultural portion of the parcel, that the two-acre proposed parcel size is similar to smaller parcel sizes in the surrounding area and that both parcels will have frontage on Biola Avenue. Therefore, no impacts would occur to the surrounding properties.

While the impact of this singular variance may not constitute a materially detrimental impact, Staff notes that the creation of two separate legal non-conforming parcels has the potential to increase residential density in the area by allowing an additional single-family residence on each parcel through the Director Review and Approval process. 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 AE20 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:

Staff can recommend making Finding 3 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:
General Plan Policy LU-A.6:	The proposed parcel division is not consistent with this Policy. There are exceptions allowed

Relevant Policies:	Consistency/Considerations:
<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.</i>	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.
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>The proposed parcel division is not consistent with Policy LU-A.7 as it would create two substandard sized parcels.</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 is frequently noted by Fresno County Department of Agriculture, may conflict with normal agricultural practices on adjacent properties.</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>	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 undeveloped portion of the land to be located on proposed parcel 2
General Plan Policy PF-C.17: <i>The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</i>	This proposal was reviewed by the Water and Natural Resources Division which conducted a water supply evaluation and determined that the proposed parcel creation will not have a significant impact on the existing water levels in the area. Additionally, the subject parcel is not located in an area of the County designated as being water short.

Reviewing Agencies/Department Comments regarding General Plan consistency:

Policy Planning Unit, Development Services and Capital Projects Division: The subject parcel is enrolled in the Williamson Act Program under contract No. 3853. The Fresno County Williamson Act Program Guidelines require parcels to have at least 20 acres of Prime soil and an active agricultural operation, or at least 40 acres of non-Prime soil and an active agricultural operation to be eligible to remain enrolled in the Program.

The existing 20.00-acre parcel contains soil classified as Prime. The proposed VA application would result in creation a of a 2.00-acre residential parcel that cannot remain

under Williamson Act contract. Additionally, the remaining 18.00 acres does not meet the minimum parcels size to remain under contract and must be removed from the Williamson Act Program via recording a Notice of contract Non-Renewal. Land for which a Notice of Nonrenewal is recorded on will still be subject to all Williamson Act restrictions until the expiration date of the contract, which is typically ten years from the date the Notice of Nonrenewal is recorded.

Regarding Policies LU-A.6 and LU-A.7, approval of VA Application No. 4138 would result in the creation of two substandard parcels. The proposed 2.00-acre substandard parcel would be used for residential purposes in an area of the County designated and zoned for agricultural uses which are not compatible with residential uses. Substandard parcels created for residential purposes in areas of the County designated and zoned for agricultural uses creates conflict with agricultural uses in the surrounding area. Therefore, the proposed Variance application is not consistent with General Plan Policies LU-A.6, LU-A. 7 LU-A.12, and LU-A.13.

Finding 4 Analysis:

In support of Finding 4, the Applicant's findings assert that the granting of this Variance is not contrary to the objectives of the General Plan as the portions of the existing parcel and proposed parcel currently used for agricultural purposes will remain. Also, the applicant states the proposed 2-acre parcel is similar to what exists on adjacent properties and no General Plan Policies apply to this application. The Applicants' findings do not provide any justification supporting the finding that the proposed parcel division would be consistent with the objectives of the General Plan. The objectives of the General Plan where agriculture is concerned, is to protect the agricultural community from encroachments from non-agricultural uses. The creation of additional residential parcels has the potential to create conflicts with surrounding agricultural operations.

Staff notes the Applicant has filed A Williamson Act Cancellation Petition with the Policy Planning Unit for processing RLCC No. 1051 and will be brought before the Board of Supervisors for a decision after the Planning Commission decision on this Variance.

Recommended Conditions of Approval:

If the Variance is approved, prior to recording of the final map, Revision to Land Conservation Contract No. 1051 shall be completed subject to the Condition of Approval and the Certificate of Cancellation recorded with the Fresno County Recorder's Office, removing the proposed 2-acre parcel from Agricultural Land Conservation Contract No. 3853.

Finding 4 Conclusion:

Staff cannot recommend making Finding 4 as the proposed Variance increases the potential for impacts of non-agricultural use by increasing the number of allowed residential units and is in conflict with General Plan Policies LU-A.6 and LU-A.7.

SUMMARY ANALYSIS / CONCLUSION:

The justification for the proposed Variance largely relies on the Applicant's incorrect assertion that the County has previously approved many Variances within the vicinity of the subject property. However, as noted throughout this report, the creation of the smaller parcels in the vicinity were done more than 20 years ago through then legal mapping procedures not

Variances. Additionally, the Applicant's desire to separate the residence after purchasing it to sell it because the company does not deal with housing is not an extraordinary or exceptional circumstance. An applicant's personal desires and personal circumstance is not a basis for granting a Variance.

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

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings No. 1, 2, & 4 cannot be made based on the analysis in the Staff Report and move to deny Variance No. 4138; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Adopt the Negative Declaration prepared for the project based on Initial Study No. 8285; and
- Move to determine the required findings can be made (state basis for making the findings) and move to approve Variance No. 4138, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

AA:

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EXHIBIT 1

**Variance Application (VA) No. 4138 & Initial Study No.8285
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Division of the subject parcels shall be in substantial accordance with the site plan (Exhibit 5) as approved by the Planning Commission
2.	Prior to recording of the final map, Revision to Land Conservation Contract No. 1051 shall be completed subject to the Condition of Approval and the Certificate of Cancellation recorded with the Fresno County Recorder's Office, removing the proposed 2-acre parcel from Agricultural Land Conservation Contract No. 3853.

Conditions of Approval reference required Conditions for the project.

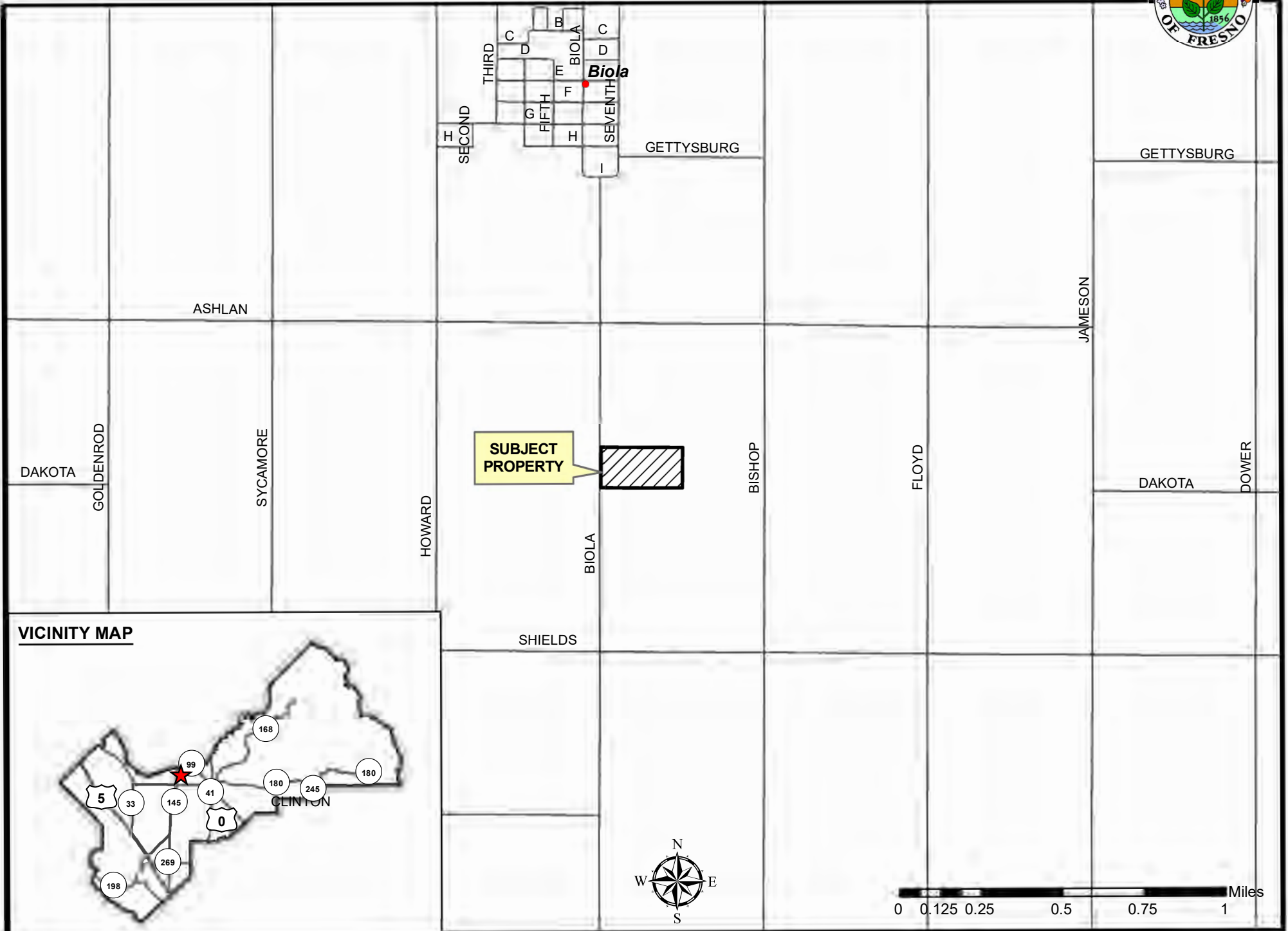
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Ordinance. A mapping procedure shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	A Grant Deed should be required for the tentative application. A Grant Deed shall be required for the final application.
4.	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.
5.	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
6.	Biola Ave currently has an existing road right-of-way 40' and an ultimate right-of-way of 60' per the Fresno County General Plan. An additional 10' of road right-of-way is required along the subject parcel to meet the ultimate right-

Notes	
	of-way for Biola Ave
7.	It is recommended that the applicant consider having the existing septic tank pumped and have the tank 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.
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 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
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, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

Aa:

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LOCATION MAP



VICINITY MAP

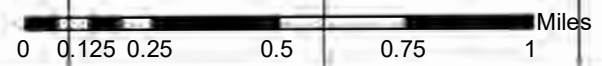
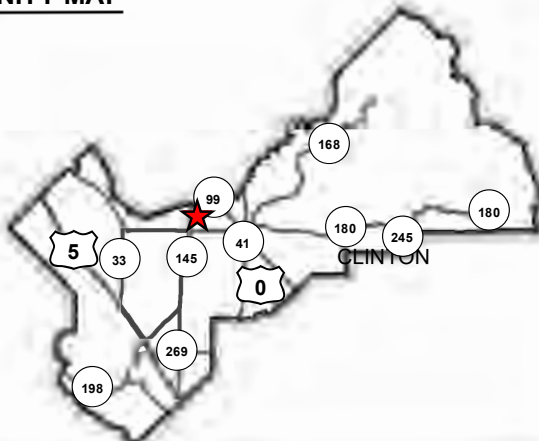
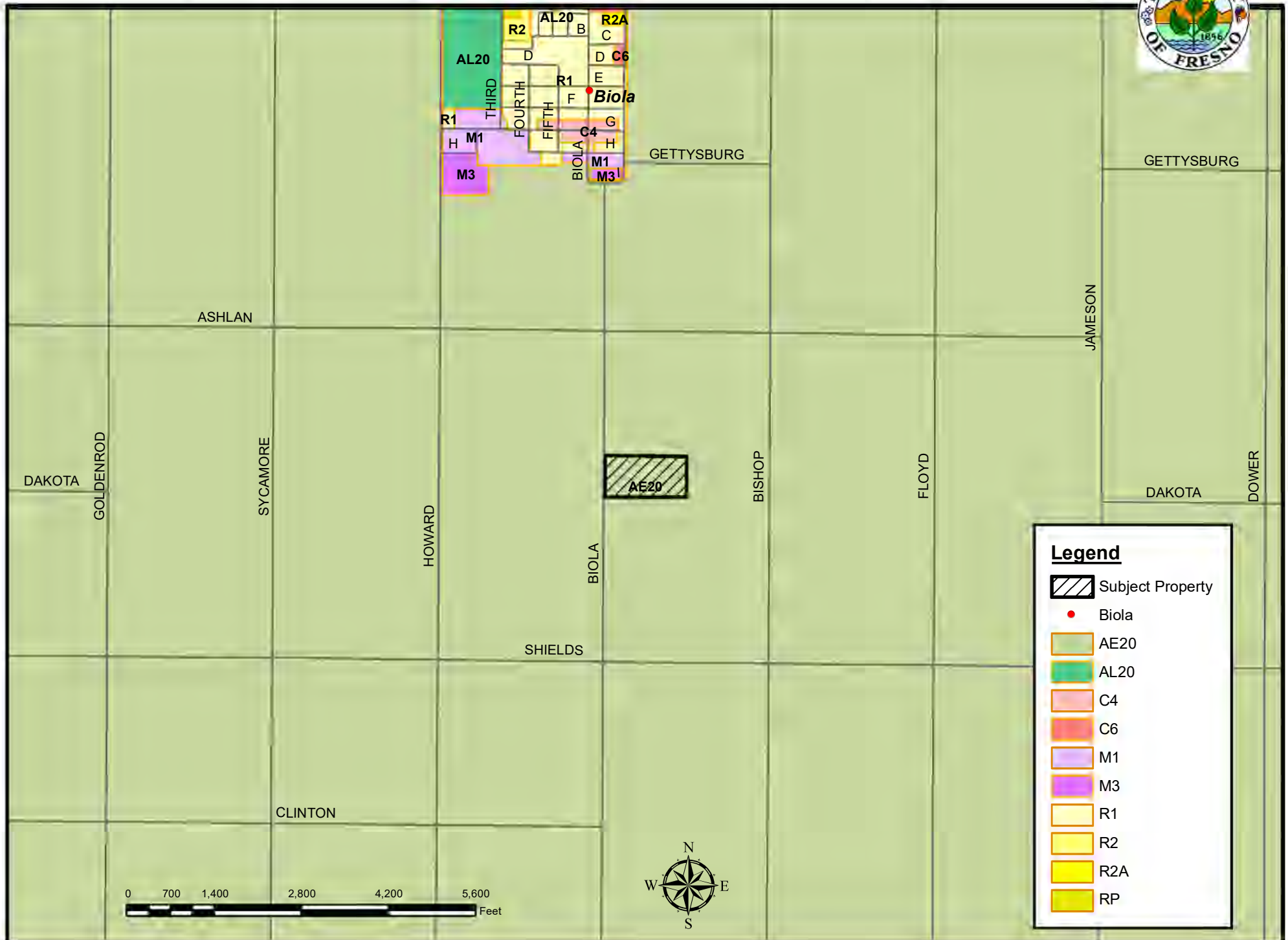
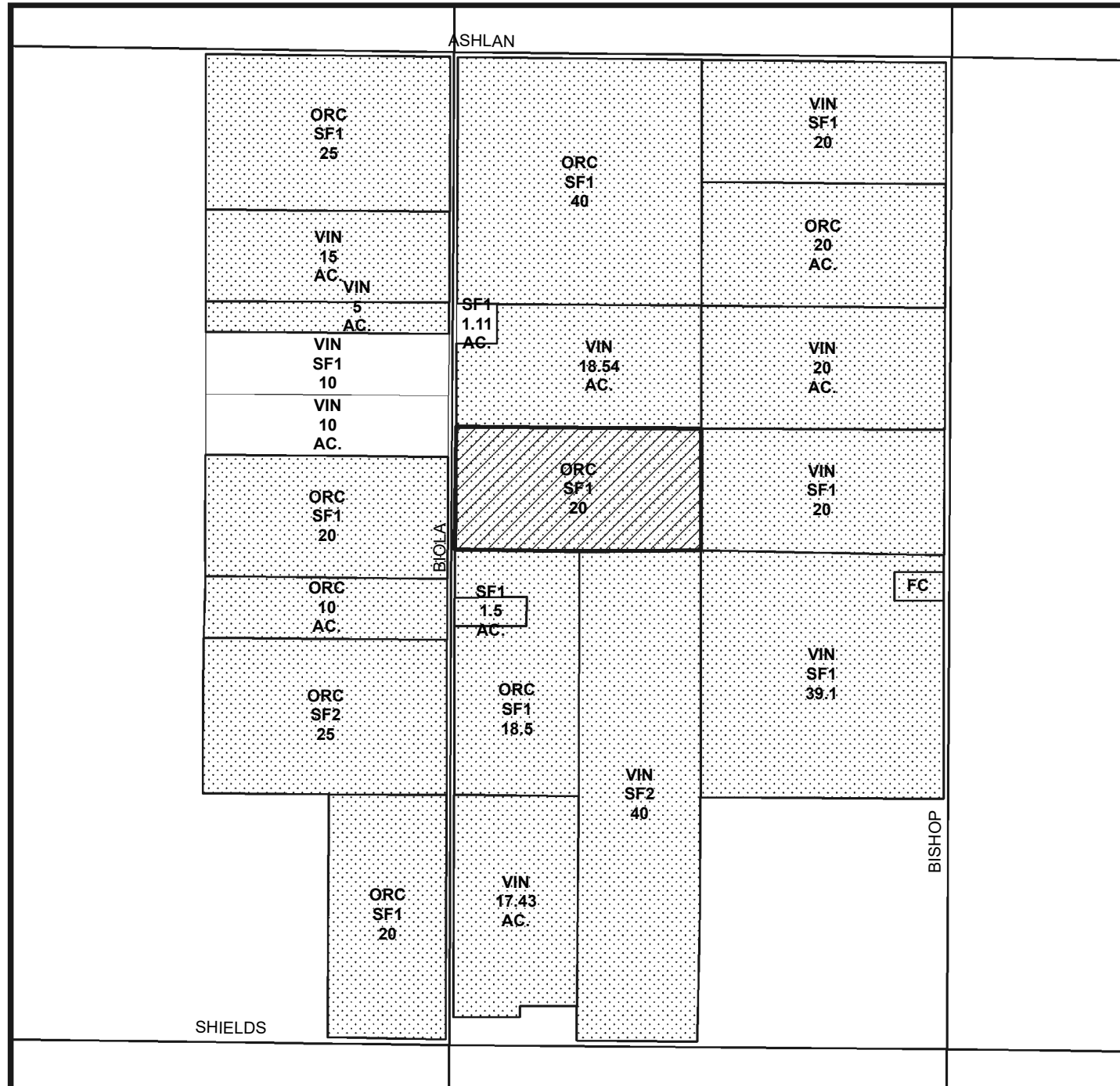


EXHIBIT 3
EXISTING ZONING MAP



EXISTING LAND USE MAP



LEGEND	
FC - FIELD CROP	
ORC - ORCHARD	
SF#- SINGLE FAMILY RESIDENCE	
VIN - VINEYARD	
V - VACANT	

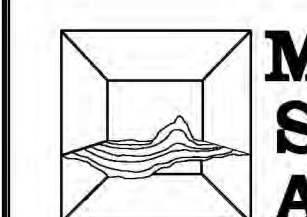
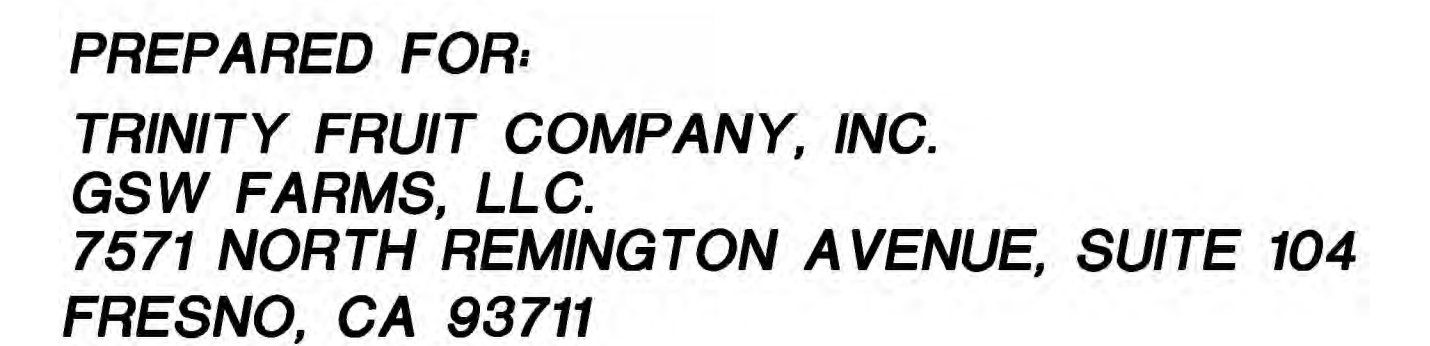
LEGEND:

- Subject Property
- Ag Contract Land



0 205 410 820 1,230 1,640 Feet

Department of Public Works and Planning
Development Services Division



**Michael Sutherland
and Associates, Inc.**
LAND SURVEYING &
CIVIL ENGINEERING SERVICES
36691 Avenue 12 • Madera, CA 93636
(559)447-5815/(645-4730 (Fax 645-0241)

DATE	JANUARY 7, 2025		
DRAWN BY	SR		
SCALE	1" = 60'		
FIELDBOOK NO.	SEE PROJECT FILE		
PROJECT NO.	222743		
DRAWING NO. D-			
SHEET	OF	SHEET(S)	

FILE NAME:

**VARIANCE APPLICATION FINDINGS
AND OPERATIONAL STATEMENT**

**3488 N. Biola Avenue
Kerman, CA 93630**

APN 016-110-07

July 11, 2022

Applicant/Owner:

Gunner J. White,
Member
GSW Farms, LLC
7571 North Remington,
Suite 104
Fresno, CA 93711

Representative:

Melissa L. Holtermann, Esq.
Valley Harvest Properties, LLC.
1436 East Brandywine Avenue
Fresno, CA 93720
559-779-7132

Property Location:

3488 North Biola
Kerman, CA 93630

APN:

APN 016-110-07

Existing Zone Designation:

AE-20

Existing General Plan Land Use Designation:

Agricultural

Community Plan Are:

Valley Floor

Request:

Authorization to allow a variance for creation of a 2.0-acre parcel, (20 acre required- 2.0 acre proposed).

Background:

The GSW Farms on January 19, 2022, purchased parcel APN 061-110-07 20 acres. The APN 061-110-07, purchased, a 20-acre equivalent sized parcel having 18 net farmable acres that includes the former owner of the two-parcel home site. The GSW Farms desires to retain 18 acres net of the undeveloped land for their farming operation and sell the former owners home site as a separate parcel. GSW Farming is a farming operation and does not deal with housing or home sales.

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.

The home site is located in the Southeast quarter of Section 21, Township 13 South, Range 18 East, in an AE-20 zone district of Sycamore Ranch Tract in the County of Fresno. This proposed division is consistent with lot sizes of many of the surrounding parcels in the area, specifically APNs 301-320-19 and 3010-320-17, to the immediate east and west of this proposed division. Although the property is zoned AE-20, the County has approved other lot divisions already divided smaller than the 20-acres minimum and are too small to farm. GSW Farms is a farming operation and has no need for this home. The property is already in a condition where farming is not possible, this parcel will allow for it to be sold to someone for living space. The existing physical cartelistic of this part of the property only lend itself to residential purposes. With the housing shortage, this will be the best and highest use for this property. The westerly and southerly adjoining parcels also in the AE 20 zone district are similarly situated properties with 2-acre parcels to the north,

south, east and west of the applicants. Immediately east of the subject home site on the east side of North Biola Avenue is 20 acres with smaller parcels. There are an additional numerous non-conforming parcels located within said Section 21, ranging in size from 1.25 acres to 9.8 acres.

For the reasons stated above, the property has exceptional and extraordinary circumstances that support the requested 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.

The applicant has the right to be granted the same ability to use the property as others have in the vicinity of the subject home site.

Over time the county has granted numerous variances to allow lots smaller than the required 20-acre lot size for owners to develop home sites.

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.

Granting the proposed variance will not be detrimental to surrounding properties for various reasons. The home site has a domestic well separate from the agricultural operation that services the residence. The proposed project will not be injurious or detrimental to the public welfare. The proposed parcels are similar in size to existing parcels in the vicinity. The proposed parcels would have direct access to Public Street on the north side of the property. Therefore, the creation of these parcels will not have adverse effects on surrounding parcels.

The residence portion of the existing parcels home site contains roughly 2 acres and not used for agricultural purposes.

Finding 4:

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

If approved, the variance would not be in conflict with farming practices in the area based on that all the portions of the existing and proposed parcels are currently utilizing will

continue to utilize the parcels for agricultural purposes. The parcel's land use designation is agriculture under AE 20 Zoning ordinance. The proposal is to allow creation of 1 parcel that are similar to what exists on adjacent properties (single family residence, vacant and less than 20 acres in size.)

No general plan policies apply to this variance.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Melissa White Holtermann (GSW Farms LLC)

APPLICATION NOS.: Initial Study No. 8285 and Variance Application No. 4138

DESCRIPTION: Allow the creation of a substandard sized two-acre parcel and an eighteen-acre parcel from an existing 20-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre parcel minimum) Zone District.

LOCATION: The subject parcel is located on the east side of N. Biola Ave., approximately 2,000 feet south of W. Ashlan Ave., approximately 4 miles North of the City of Kerman. (APN: 016-110-07) (3488 N. Biola Ave.) (Sup. Dist. 1).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or
- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

This application proposes to allow the creation of a 2-acre parcel encompassing an existing single-family dwelling and several accessory buildings. As no development or additional outdoor lighting is proposed with this application, there will be no impacts to the existing visual character or quality of public views of the site and its surroundings.

The remainder of the 18-acre parcel is dedicated to agricultural production (orchards). Additionally, no scenic vistas or other scenic resources were identified, and the property is not located within a state scenic highway.

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently restricted under Williamson Act contract. According to the 2016 Fresno County Important Farmland Map, Rural Land Mapping Edition, the subject property predominately contains Prime Farmland with a small portion of the property being classified as Farmland of Statewide Importance. The Policy Planning Unit of the Fresno County Department of Public Works and Planning determined that the proposed parcel creation is inconsistent with the provisions of the Williamson Act Contract, and the proposed 2-acre parcel does not meet the qualifications to remain in the Williamson Act Program and must be removed from the Contract through a partial cancellation of the contract. The Applicant will be required to file a petition for Partial Cancellation of Williamson Act Contract No. 3853. Additionally, as the remaining 18.00 acres does not meet the minimum parcels size to remain under contract, the Applicant must record a Notice of contract Non-Renewal. The land for which a Notice of Nonrenewal is recorded on will still be subject to all Williamson Act restrictions until the expiration date of the contract.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project, if approved, will result in the conversion of 2 acres of land to currently devoted to residential uses, unconnected to the existing agricultural operation. No additional residential development is proposed., and the separation of 2 net acres from the existing 20-net acre parcel would be a less than significant impact to Farmland due to the fact that about 18-acres, a substantial portion (approximately 90 percent) of the existing parcel's land area, will remain in agricultural production.

III. AIR QUALITY

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

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

FINDING: NO IMPACT:

No development is proposed, and no development will be authorized with this application. If the Variance application is approved, a mapping application will be required to create the proposed 2-acre parcel. No development is proposed; therefore, the approval of this application is will not result in any conflict with, obstruction of, or implementation of an applicable air quality plan; nor result in the generation of any additional criterial pollutants or emissions which may be associated with the existing farming operation.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The proposed parcel creation does not propose any development and will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation or other approved local, regional or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

Aside from the ongoing agricultural operations on the subject parcel, no development or ground disturbance is proposed with this application. If approved, a subsequent mapping procedure will be required to create the proposed 2-acre residential parcel. No historical or archaeological resources were identified, and because no ground disturbance will occur, no previously unknown subsurface archaeological, historical or

cultural resources will be impacted as a result of the approval of this application or subsequent mapping procedure. Under the provisions of AB52, the Tribes who had previously requested notification were notified of this application. None of the Tribes responded to the notification or requested consultation on this project.

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

The approval of this application will authorize a mapping procedure to create a 2-acre parcel containing a single-family residence. The remaining acreage (approximately 18-acres) currently dedicated to almond production will remain engaged in the agricultural operation. No increase in the baseline consumption of energy associated with the agricultural operation or residential use is anticipated to result from the proposed parcel creation.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or
 - 2. Strong seismic ground shaking; or
 - 3. Seismic-related ground failure, including liquefaction; or
 - 4. Landslides; or
- B. Result in substantial soil erosion or loss of topsoil; or
- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

The subject property is not located in an area subject to lateral spreading, subsidence, or liquefaction, as described in Chapters five (5-28) Seven (7-5) and Nine (9-9) or Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR), nor is it located in an area of expansive soils as identified by Figure 7-1 of the FCGPBR. The project will not result adverse impacts associated with the rupture of a known fault, strong seismic ground shaking, ground failure or liquefaction, as there is no construction or ground disturbance proposed with this application.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

If this application is approved, the resultant 2-acre parcel would contain one existing septic system which would be with the standards of the Fresno County Local Area Management Program (LAMP) which limits parcels to one septic system per two acres.

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

FINDING: NO IMPACT:

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

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: NO IMPACT:

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

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: NO IMPACT:

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

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: NO IMPACT:

The subject parcel is currently engaged in agricultural production and use, this proposal entails a request to allow a minor land division and subsequent mapping procedure to

create a residential parcel, and will not involve a change in land use or and will not involve any waste discharge or any activity which may degrade surface or groundwater.

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

FINDING: NO IMPACT:

The project does not entail any increase in the current level of water use. No concerns related to water supply were expressed by any reviewing agencies or County departments. The proposed 2-acre residential parcel contains a single-family dwelling and several accessory buildings which will be served by an existing domestic well. The remaining 18 acres contain almond orchards which will be irrigated by an on-site agricultural well. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning determined in their review that there would not be a net increase in water use resulting from approval of this application, as the residential and agricultural infrastructure is existing.

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

The subject property is not located in an area at risk from the 100-year flood inundation as identified by Figure 9-7 or flood inundation from dam failure as identified by Figure 9-

8 of the Fresno County General Plan Background Report (FCGPBR), or at risk from tsunami or seiche; according to FEMA, FIRM Panel 2145H the property is located in Zone X, which is an area of minimal flood hazard.

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

FINDING: NO IMPACT:

No additional water use is anticipated with this application. If approved, a mapping procedure will be required to create a 2-acre residential parcel which will be independent of the remaining 18-acre parcel's agricultural operation. No development or other ground disturbance is proposed which would result in erosion or siltation, or additional impervious surfaces that may increase surface runoff or alter the existing drainage plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

No development is proposed with this application, and creation of the proposed 2-acre parcel will not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed creation of the 2-acre residential parcel is not consistent with General Plan Policies LU-A.6, LUA.7 LU-A. 12, and LU-A.13 nor the property development standards of the Exclusive Agricultural Zone District. This Variance request to allow the creation of two substandard sized parcels. The proposed 2-acre substandard parcel would be used for residential purposes in an area of the County designated and zoned for agricultural uses which are not compatible with residential uses. Substandard parcels created for residential purposes in areas of the County designated and zoned for agricultural uses creates conflict with agricultural uses in the surrounding area; however, no significant environmental impacts are anticipated to result from the creation of the residential parcel. Future division of the remaining portion of the subject property, or the addition of a second residence on the proposed residential parcel, or the addition of a primary and secondary residence on the remaining 18-acre parcel could result in an increase in the residential density of the area.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

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

XIII. NOISE

Would the project result in:

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

FINDING: NO IMPACT:

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

XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

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

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

1. Fire protection; or
2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

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

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

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

XVII. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

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

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 - 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: NO IMPACT:

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

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

No changes to the existing utilities and services are anticipated. The existing 20-acre parcel contains a domestic well and an agricultural well. If the application is approved, a subject mapping procedure to create the proposed 2-acre parcel will be required. As a result, the 2-acre parcel will retain the domestic well which serves the existing residence, and the remaining 18 acres will retain the agricultural well for irrigation of the almond orchards. No increased wastewater capacity is proposed and no increased generation of solid waste or conflicts with solid waste reduction statutes is anticipated.

XX. WILDFIRE

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

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or

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

FINDING: NO IMPACT:

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

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

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed under Section II and Section XI above, the proposed parcel creation will result in the conversion of a small portion of land to exclusively residential use, which residential use is currently appurtenant to the farming operation. If this Variance request is approved, a 2-acre portion of the land which contains the residence will become independent of the remaining portion of the land which is dedicated to almond

production. Additionally, the request to create a parcel containing less than the minimum acreage required by the underlying Zone District is inconsistent with both the Fresno County General Plan and Zoning Ordinance. However, due to the relatively small amount of acreage that will be converted and considering that the balance of the property, constituting approximately 18-acres, will remain in agricultural production, impacts to farmland resulting from this proposal would be less than significant.

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Variance Application No. 4138, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources Utilities and Service Systems, and Wildfire.

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

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

AA

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For Office Use Only

Date received: 2-26-25
 Copied to: W. Kettler, C. Uotta, D. Randle
 Date copy sent: 2-27-25 A. Samarin
 Hearing set for: _____

NOTICE OF APPEAL OF PLANNING COMMISSION DECISIONDate: February 26, 2025

Appeal Fee: \$508 – Due when filing appeal

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

Project Site Address

3488 N Biola	Kerman	93630	016-110-07
Number	Street	City	Zip
			Assessor's Parcel Number

Appellant's Information

Name: Melissa Holtermann - GSW Farms
 Mailing Address: 7571 North Remington, Suite 104
Fresno CA 93711
 Telephone: 559-779-7132

Applicant's Information ☒ check if same as Appellant)

Name: _____
 Mailing Address: _____

 Telephone: _____

Subject of AppealI wish to appeal the Planning Commission's decision to ☐ Approve ☒ Deny

Variance Application No. * 8285
 Conditional Use Permit No. _____
 Director Review and Approval Application No. _____
 Tentative Tract Application No. _____
 Amendment Application No. _____
 Amendment to Text Application No. _____
 Other: _____

Date of Planning Commission Action February 13, 2025

Reason(s) for Appeal (Attach additional sheets if necessary)

Please see attached Reasons for the Appeal of Variance Application.


 Appellant's Signature

* Fresno County Zoning Ordinance § 877(c) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance Application property. The Department of Public Works and Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

Please return completed form to Clerk of the Board, 2281 Tulare Street, Room 301, Fresno, CA 93721.

REASONS FOR THE APPEAL OF VARIANCE APPLICATION
GSW Farms
3488 North Biola
Kerman, CA 93630

Planning Commission meeting on February 13, 2022

At the Planning Commission, one member found all 4 of these findings were met and moved for this application to be granted. The staff found some of the findings had been made. **We respectfully request the Board look at the findings below and side with the commission member who agreed all four findings have been made and grant our application.**

Owner and Applicant:
GSW Farms

Representative:
Melissa Holtermann

Property Location:
The project site is located on the north side of West Shields Ave. and North Biola Avenue. The address is 3488 North Biola, Kerman CA 93630.
APN: 016-110-07

Existing Zone Designation:
AE-20 (Exclusive Agricultural, 20-acre minimum)

Existing General Plan Land Use Designation:
Agriculture

Request:
Grant a Variance to allow the creation of a 2 +/- acre parcel from an existing 20 +/- acre parcel in the AE-20 Zone District. Mapping procedure to follow, if approved.

Background:
The property has been in continuous fruit tree production for decades. In October of 2021, GSW Farms purchased 60 acres of productive agricultural land from the Cervelli Family. The properties continue to be farmed and produce Peaches, Apricots and Almonds, by this young farming operation.

The project site was the Cervelli Family Home for many years. The site contains a +/-2,500 square foot home and +/-s 5,000 square foot storage building/barn (see *Figure I- Site below*). The existing home site is equipped with a domestic well and septic system. For more details, see the site plan prepared by Michael Sutherland and Associates Surveying, Inc

When GSW purchased the 60 plus acres for the Cervelli Family, they rented out this project site to a local agricultural sprayer and his family. They, in turn, have been renting this property for many years. The family requested to purchase this homesite, in turn GSW filed this application.

The project site is non-productive agricultural land. It is fully landscaped with concrete and buildings and not utilized for farming operations. The subject property of this variance measures approximately 2+/- acres and is an isolated area from the remaining 18 +/- acres of peaches and apricots. The isolated area has frontage to West Shields Avenue and North Biola Avenue. The isolated area was created by the previous owners as their "homesite". The applicant proposes to create a 2-acre of what would have been a homesite for the Cervelli Family, and GSW is asking to create it for current occupants to purchase. See *Figure 1- Site below* for illustrative purposes.

GSW filed this application with reasons:

1. To sell this site property to the family, who have been renting this property for years.
2. As young second-generation farmers, this sale will help GSW pay down their debt and continue farming. As commodity prices decrease and the cost to farm has increased along with the increased cost to borrow, this sale will help the farmers.

History:

1. GSW first filed this application in April of 2022. The first two assigned staff members left the county planning department with our application and had to be reassigned. This delayed the process.
2. GSW also faced a choice to go through the very expensive and arduous process of removing this project site from under the Williamson Act. The applicant was encouraged to move forward and told they could only separate this parcel if they paid the fees and filed for cancellation of the Williamson Act. The applicant has paid these fees to the county for the cancellation of the act over this project site and is working with their accountant on the tax ramifications. This has been a hardship for the applicant.

Finding 1:

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

Two exceptional or extraordinary circumstances affecting this property.

One, this could have been made a homesite by the previous owners. GSW are young second-generation farmers, with young families who do not live on the farm, this project site is not their home. There are exceptional circumstances, in that, most generational farmers no longer live on the farms and raise their families, this is a unique situation where only one ownership ago it could have been homesteaded but now, they are being prohibited. This young farming operation will put the funds, from selling this property to the renters, immediately back into servicing of the farm. The young family renting the property will go from being renters to property owners.

Second exceptional or extraordinary circumstance is within a mile radius of this variance application there are approximately 6 sub standardized parcels ranging from a 10-acre parcel across the street to 1-acre parcels to the north and south of this project site, authorized for creation. *(Please see the attached color map showing these small parcels in a 1-mile radius of the subject site).*

The Fresno Bee headline, Sunday, February 9, 2025, Fresno will need almost 37,000 new homes by 2031. The overall need for new housing across Fresno County, including all 15 cities and unincorporated areas, is more than 58,000 units.

The applicant desires to create what amounts to a 2-acre project site on a 20 +/- acre parcel that fronts West Shields Ave. The proposed project site is on West Shields Avenue. No changes will occur to the 2,500 sq. ft. existing home and accessory structures. No additional development will take place and no changes to existing structures on the property.

The proposed project site is being created for the applicant's renter who will purchase this property. This variance will grant his family the ability to own land with own ownership benefits. They will stop paying the monthly rent and begin building equity in their home and property.

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;

The proposed Variance is necessary to allow the applicant to create the proposed project site on their 20 +/- acre parcel. The highest and best use of this part of the 20 acres and the physical circumstance created by the previous owners who lived on this property for years is a parcel for the home and buildings. Only 2 acres of land are proposed to be removed from agricultural production, which in this case has never been used as such.

Creation of the proposed project site allows the applicant to sell the non-productive agricultural land to someone who already lives their desires home ownership. The right to have a project site as a home for someone is the Highest and Best Use of this property

This property has not been in productive ag use for decades and it's the highest and best use to have someone living, own and enjoying this property.

Finding 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;

There are no adverse impacts to adjacent properties that will occur as a result of the proposed variance. Granting the proposed variance to create a 2-acre project site from an existing 20 +/- acre parcel will have no adverse impacts on the public or surrounding property owners. No new improvements will be made to accommodate the lot creation. The existing home is already served by an adequate domestic well and septic tank system which will facilitate utility hook-ups to the proposed project site.

Granting the proposed Variance will not be detrimental to the public welfare of surrounding properties for the following reasons:

- a) The proposed home site, on which a home exists, would not conflict with the continued agricultural peach and apricot operation on the remaining 18 +/- agricultural acreage as it is isolated by West Shields Avenue.
- b) The applicant intends to continue to farm all 58 acres of apricots, peaches and almonds. They also intend to keep the land under the Williamson Act. They paid for the application cancellation fee to allow this home and property to be separated so the tenant can purchase this project site.

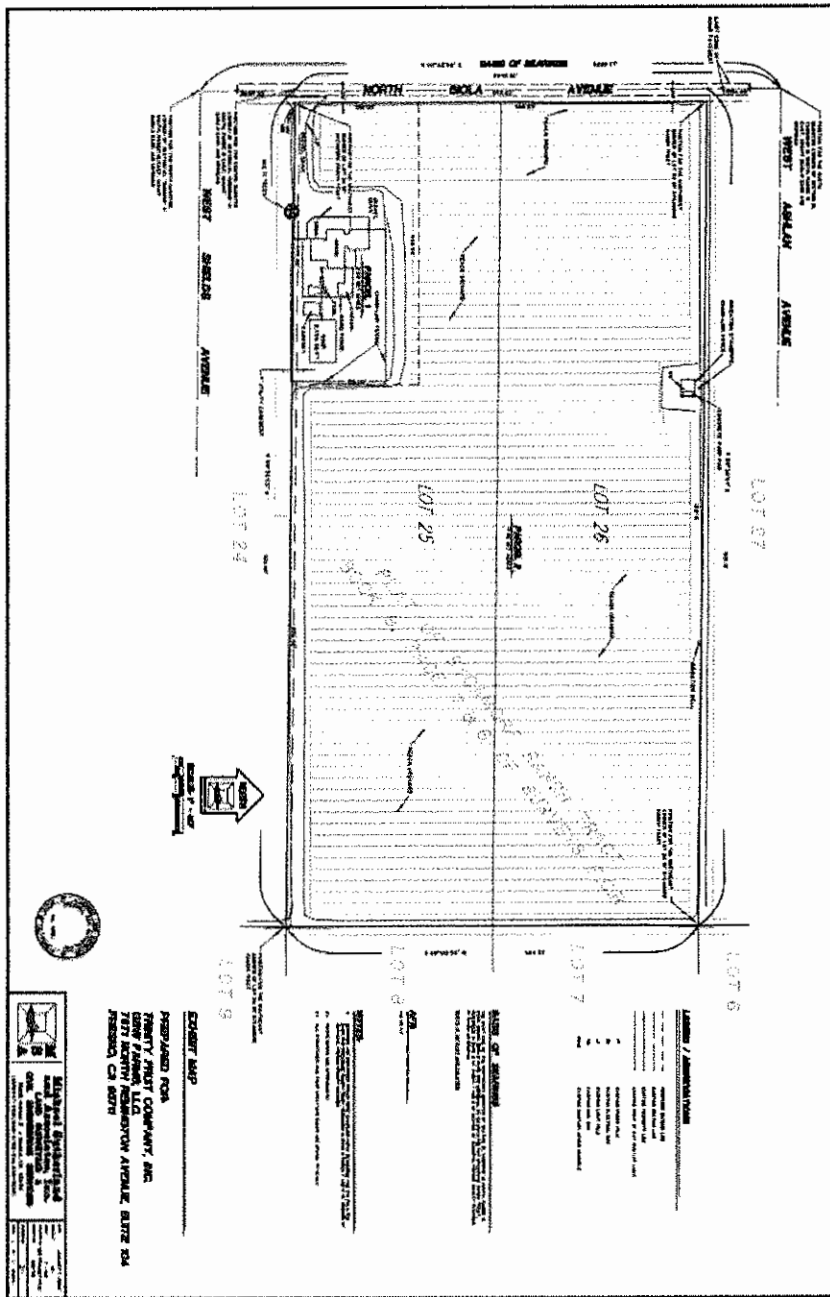
Finding 4:

The granting of such variance will not be contrary to the objectives of the Fresno County General Plan

There will be no net loss of farmland or loss of production, in fact, it would provide funds for the applicant to continue farming. Granting this application will also allow the applicant's tenant to own their own home and property for him and his young family.

In summary, this variance is being asked to allow someone to purchase their home. With the denial of this application, the renters are prohibited from purchasing homes and property they have lived in for years. This application has taken almost 3 years to get in front of you and during this time, GSW has filed for the removal of the Williamson act for the sole purpose of this parcel being separated for this family. The applicants are farmers and will keep the remaining 18 acres and the rest of the 58 acres under the Williamson act and keep farming.

We respectfully request the Board look at the findings below and side with the commission member who agreed all four findings have been made and grant our application.

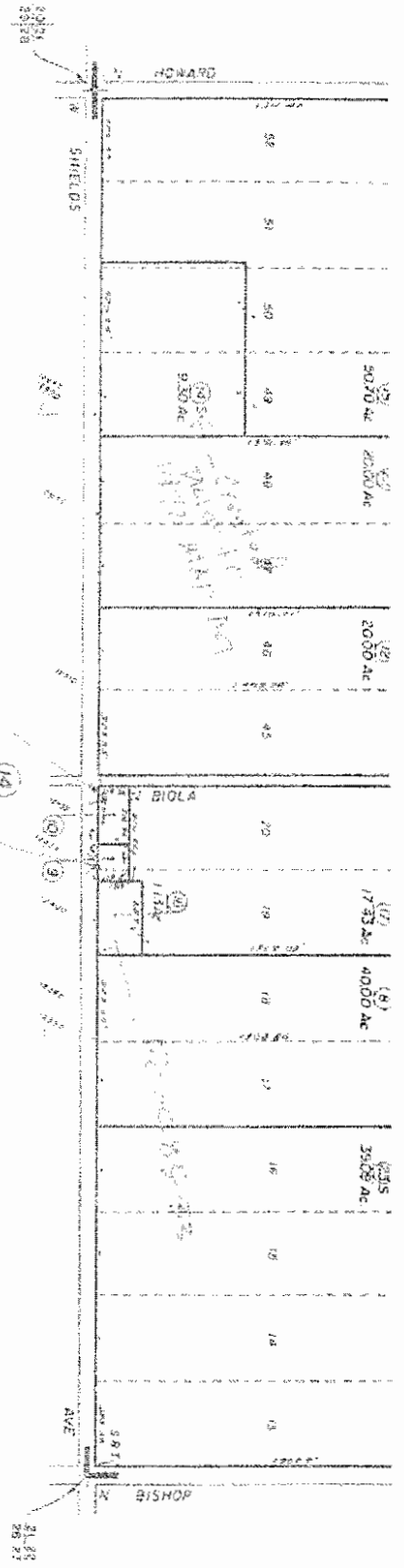


Tax Rate Area
062-001
120-009
016-11



Agricultural Preserve
Sycamore Ranch Tract - R. 5 BK. 8, pg. 7

Assessor's Map BK 16 - Pg 37
County of Fresno, Calif



**Variance Application (VA) No. 4138 & Initial Study No.8285
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Division of the subject parcels shall be in substantial accordance with the site plan (Exhibit 5) as approved by the Planning Commission
2.	Prior to recording of the final map, Revision to Land Conservation Contract No. 1051 shall be completed subject to the Condition of Approval and the Certificate of Cancellation recorded with the Fresno County Recorder's Office, removing the proposed 2-acre parcel from Agricultural Land Conservation Contract No. 3853.

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 Ordinance. A mapping procedure shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	A Grant Deed should be required for the tentative application. A Grant Deed shall be required for the final application.
4.	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.
5.	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
6.	Biola Ave currently has an existing road right-of-way 40' and an ultimate right-of-way of 60' per the Fresno County General Plan. An additional 10' of road right-of-way is required along the subject parcel to meet the ultimate right-

Notes	
	of-way for Biola Ave
7.	It is recommended that the applicant consider having the existing septic tank pumped and have the tank 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.
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 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
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, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

Aa:

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4100-4199\4166\Staff Report\VA 4166 Conditions for Variance.docx

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8285	LOCAL AGENCY PROPOSED NEGATIVE DECLARATION		County Clerk File No: E- 202410000047
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Alyce Alvarez, Planner		Area Code: 559	Telephone Number: 600-9669
		Extension: N/A	
Project Applicant/Sponsor (Name): Melissa White Holtermann (GSW Farms LLC)		Project Title: IS 8285 & VA 4138	
Project Description: Allow the creation of a substandard sized two-acre parcel and an eighteen-acre parcel from an existing 20-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre parcel minimum) Zone District. The subject parcel is located on the east side of N. Biola Ave., approximately 2,000 feet south of W. Ashlan Ave., approximately 4 miles North of the City of Kerman. (APN: 016-110-07) (3488 N. Biola Ave.) (Sup. Dist. 1).			
Justification for Negative Declaration: It has been determined that there would be no impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Geology and Soils, and Land Use and Planning have been determined to be less than significant. Mitigation Measures were not necessary to reduce any impact to less than significant.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – February 14, 2024		Review Date Deadline: Planning Commission – July 18, 2024	
Date: 2/14/2024	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Alyce Alvarez Planner	

State 15083, 15085

County Clerk File No.: E-202410000047__

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

RECEIVED
COUNTY OF FRESNO

FEB 13 2025

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

VARIANCE FINDINGS

**GSW Farms
3488 North Biola
Kerman, CA 93630**

February 13, 2025

Owner and Applicant:
GSW Farms

Representative:
Melissa Holtermann

Property Location:

The project site is located on the north side of West Shields Ave. and North Biola Avenue. The address is 3488 North Biola, Kerman CA 93630.

APN: 016-110-07

Existing Zone Designation:

AE-20 (Exclusive Agricultural, 20-acre minimum)

Existing General Plan Land Use Designation:

Agriculture

Request:

Grant a Variance to allow the creation of a 2 +/- acre parcel from an existing 20 +/- acre parcel in the AE-20 Zone District. Mapping procedure to follow, if approved.

Background:

The property has been in continuous fruit tree production for many years. In October of 2021, GSW Farms purchased 60 acres of productive agricultural land from the Cervelli Family. The properties continue to be farmed and produce Peaches, Apricots and Almonds.

The project site was the Cervelli Family Home for many years. The site contains a +/-2,500 square foot home and +/-s 5,000 square foot storage building/barn (see *Figure I- Site below*). The existing home site is equipped with a domestic well and septic system. For more details, see the site plan prepared by Michael Sutherland and Associates Surveying, Inc

When GSW purchased the 60 plus acres for the Cervelli Family, they rented out this project site to a local ag sprayer and his family. They have been renting this property for many years. The family has asked to purchase this project site over 3 years ago, when we first filed this application for a variance. This timeline for the project has been problematic. After our filing in April of 2022, the first two assigned staff members left the county planning department with our matter being reassigned. The applicant also faced a choice to go through the very expensive and arduous process of removing this project site from under the Williamson Act. The applicant was encouraged to move forward and told we could only separate this parcel if they paid the fees and filed for cancellation of the Williamson Act. The applicant has paid these fees and worked with their accountant on the tax ramifications. This has been a hard ship to the applicant.

The project site is non-productive ag land. It is fully landscaped with concrete and buildings and not utilized for farming operations. The subject property of this variance, measures approximately 2+/- acres and is an isolated area from the remaining 18 +/- acres of peaches and apricots. The isolated area has frontage to West Shields Avenue. The isolated area was created by the previous owners as their "homesite". The applicant proposes to create a 2-acre of what would have been a homesite for the Cervelli Family, and GSW is asking to create it for current occupants to purchase. See *Figure I- Site below* for illustrative purposes.

Finding 1:

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

Within a mile radius of this variance application are approximately 6 sub standardized parcels ranging from a 10-acre parcel across the street to 1-acre parcels to the north and south of this project site, authorized for creation. *(Please see the attached color map showing these small parcels in a 1-mile radius of the subject site).*

The Fresno Bee headline, Sunday, February 9, 2025, Fresno will need almost 37,000 new homes by 2031. The overall need for new housing across Fresno County, including all 15 cities and unincorporated areas, is more than 58,000 units.

The applicant desires to create what amounts to a 2-acre project site on a 20 +/- acre parcel that fronts West Shields Ave. The proposed project site on West Shields Avenue. No changes will occur to the 2,500 sq. ft. existing home and accessory structures.

The proposed project site is being created for the applicant's renter who will purchase this property. This variance will grant his family the ability to own land with own ownership benefits. They will stop paying the monthly rent and begin building equity in their home and property.

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;

The proposed Variance is necessary to allow the applicant to create the proposed project site on their 20 +/- acre parcel. The highest and best use of this part of the 20 acres and the physical circumstance created by the previous owners who lived on this property for years, is a parcel for the home and buildings. Only 2 acres of land are proposed to be removed from agricultural production, which in this case have never been used as such.

Creation of the proposed project site allows the applicant to sell the non-productive ag land to someone who already lives their desires home ownership. The right to have a project site as a home for someone, is the Highest and Best Use of this property and it can be enjoyed by others under like zoning and can only be realized by the applicant with the granting of the proposed Variance. Within a mile radius of this project site, there are sub standardized parcels that were authorized for creation.

Furthermore, the applicant has the right to not be constrained by this physical circumstance for the reasons explained above. This property has not been in productive ag use for decades and its the highest and best use to have someone living, own and enjoying this property. This family

has not been able to own this property rather than pay rent and never gaining equity.

Finding 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;

There are no adverse impacts to adjacent properties that will occur as a result of the proposed variance. Granting the proposed variance to create a 2-acre project site from an existing 20 +/- acre parcel will have no adverse impacts on the public or surrounding property owners. No new improvements will be made to accommodate the lot creation. The existing home is already served by an adequate domestic well and septic tank system which will facilitate utility hook-ups to the proposed project site.

Granting the proposed Variance will not be detrimental to the public welfare of surrounding properties for the following reasons:

- a) The proposed home site, on which a home exists, would not conflict with the continued agricultural peach and apricot operation on the remaining 18 +/- agricultural acreage as it is isolated by West Shields Avenue.
- b) The applicant intends to continue to farm all 58 acres of apricots, peaches and almonds. They also intend to keep the land under the Williamson Act. They paid for the application cancellation fee in order to allow this home and property to be separated so the tenant can purchase this project site.
- c) The applicant also proposes to voluntarily prohibit the creation of another property site on the remaining 18 +/- acres. These voluntary conditions will eliminate any possibility that the proposal will result in the removal of adjacent land from agricultural use or create other adverse impacts on agriculture.

Finding 4:

The granting of such variance will not be contrary to the objectives of the Fresno County General Plan

Allowing the applicant's tenant to own their own home and property for him and his young family. Additionally, there will be no net loss of farmland or loss of production.

In summary, this variance is being asked for the sole purpose of allowing someone to purchase their home. With the denial of this application, the renters are prohibited from purchasing homes and property they have lived in for years. This application has taken almost 3 years to get in front of you and during this time, we have filed for the removal of the Williamson act for the sole purpose of this parcel being separated for this family. The applicants are farmers and will keep the remaining 18 acres and the rest of the 58 acres under the Williamson act and keep farming.

The applicant is in the farming business and wants to keep doing it. This home is not part of their farming operations.

If the goal is to help farmers keep farming, this application does that and it also helps a family not become one of the 58,000 future home buyers looking for a place to live.

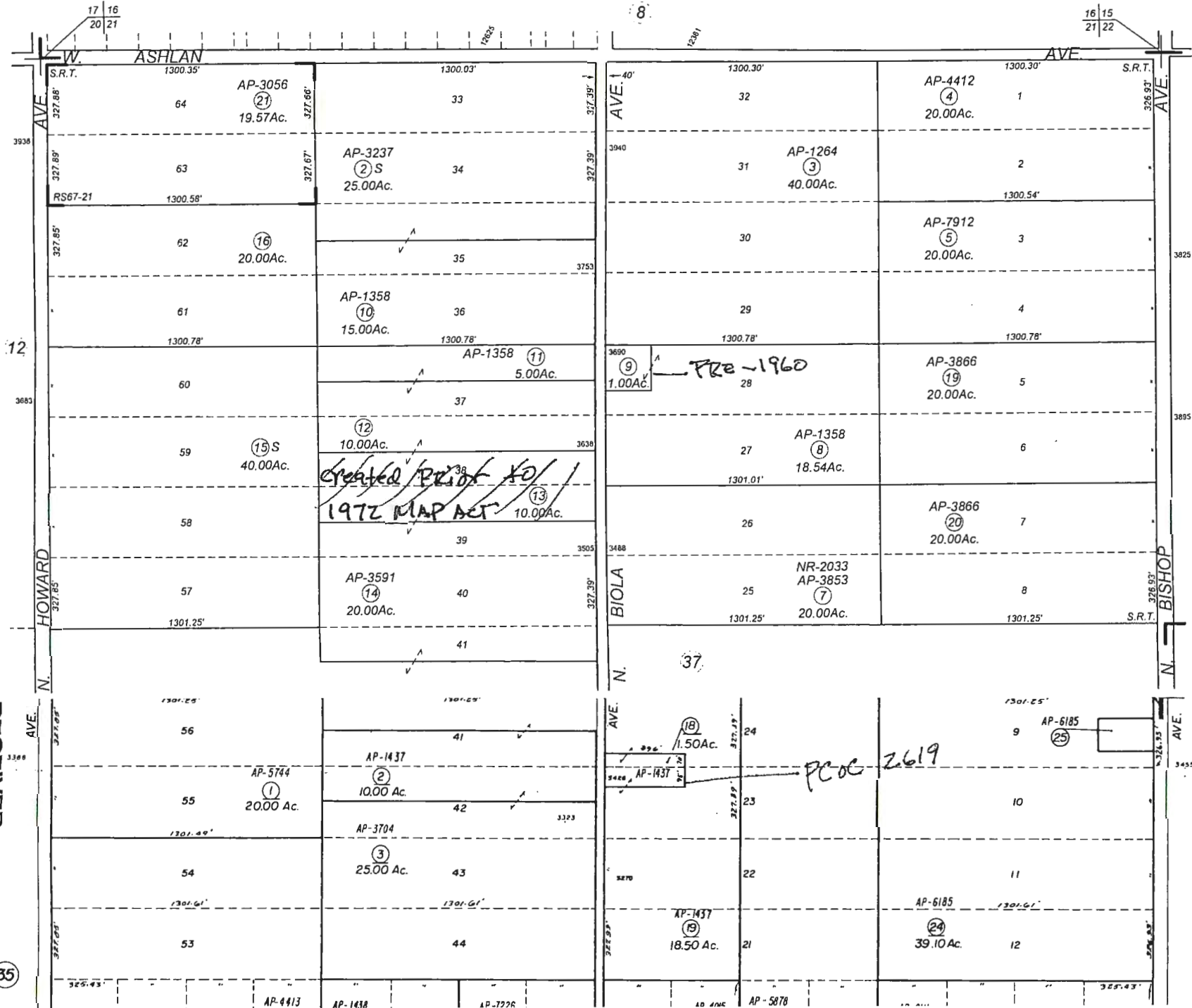
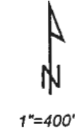
We respectfully ask for you to grant our application.

-NOTE-
This map is for Assessment purposes only.
It is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 21, T. 13S., R.18 E., M.D.B.&M.

Tax Rate Area
062-001
120-009

016-11



RECEIVED
COUNTY OF FRESNO
FEB 13 2025
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION