



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 June 13, 2024

SUBJECT: Variance Application No. 4166

Allow for the creation of two substandard parcels a 10.19-acre parcel and a 10.02-acre parcel from an existing 20.21-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 Peach Avenue, 350 feet north of Behymer Avenue, approximately 1-mile from the City of Clovis (APN: 580-072-19) (10152 N. Peach Avenue) (Sup. Dist. 5).

**OWNER/
APPLICANT** Smittcamp William S. & Linda L. Trustees

REPRESENTATIVE: Dirk Poeschel

STAFF CONTACT: Reymundo Peraza, Planner
(559) 600-4224

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Move to determine that based on the analysis in the Staff Report the required Findings cannot be made and move to deny Variance Application No. 4166; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Variances within one-mile of subject parcel
6. Site Plans and Detail Drawings
7. Applicant’s Variance Findings
8. Photos

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	20.21 acres	Parcel 1: 10.19-acres Parcel 2: 10.02-acres
Project Site	The site has a 6,189 sq. ft. Single Family Home and is surrounded by a Peach Tree Orchard.	Split the parcel into two parcels – Parcel 2 with existing single family residence will be given to property owners son and Parcel 1 will be developed with a new single family residence for property owners to live in.
Structural Improvements	<ul style="list-style-type: none"> • 6,189 square-foot single-family residences • 1,089 square-foot storage building • 1,375 square-foot horse stable 	A new single family residence is proposed on the new lot. While not proposed a second dwelling unit could also be developed on each lot with a DRA.
Nearest Residence	700 feet to the south of the project site	No change
Surrounding Development	Orchards and single-family residences.	No change

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Article 5: Review for Exemption, Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 47 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, Article 5 Chapter 860.5.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.

BACKGROUND INFORMATION:

The subject Variance application requests waiver of the minimum lot size Development Standards for the AE-20 Zone District. The applicant is proposing to create a 10.19-acre parcel and a 10.02-acre parcel from a 20.21-acre parcel in the AE-20 Zone District. A subsequent Parcel Map would be required to divide the property.

The subject parcel is not enrolled under a Williamson Act Contract. The property is contiguous to the City Boundary for the City of Clovis along its frontage on Peach Avenue.

Within one mile of the subject property there has been only one variance on record that is relevant to substandard parcel size creation.

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 3858: Waive minimum lot size to allow creation of a 1.38-acre parcel from a 12.27-acre parcel in the AE-20 Zone District.	Deny Variance	Approved	PC Approved January 25, 2007

Although there is a variance request in proximity to the subject parcel, each 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.

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	<u>AE-20</u> Front: 35 feet Side: 20 feet Rear: 20 feet	No changes	Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals which must be located a minimum of 40 feet from any human-occupied building.	No changes	Yes
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system.	No change	Yes
Water Well Separation	Building sewer/ septic tank: 50 feet Disposal field: 100 feet Seepage pit/cesspool: 150 feet	No Change	Yes

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 Agency/Department Comments:

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

Finding 1 Analysis:

In support of Finding 1, the applicant's findings state "The neighborhood proximate and adjacent to the subject parcel is rapidly urbanizing. The City of Clovis designates the site for medium high density residential uses which has a residential density range of 7.1 to 15.0 units per acre. The

applicant has a right to develop his property consistent with its neighborhood character, proximate density of other single-family homes in the AE-20 zone district proximate to the subject property.”

The adjacency of the City of Clovis is not a unique situation, every property regardless of its proximity to a City has the same opportunities and constraints. There are many properties that abut City jurisdictions that are also required to meet the same County Standards.

Development as 10-acre parcels is inconsistent with both the County’s 20 acre minimum and the City of Clovis’s land use designations of 7.1 to 15.0 units per acre. The land use designation of the City of Clovis is not relevant until annexed into the City and is required to meet the County land use designation until annexed.

The Applicant’s assertion that they have a right to develop property consistent with the character and density of other homes in the surrounding AE-20 District is more appropriately addressed under Variance Finding 2.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Finding 1 cannot be made as there is not an extraordinary circumstance relating to the property that does not apply to other properties in the same zone classification.

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

Reviewing Agencies/Department Comments related to Finding 2:

No comments specific to the preservation of a substantial property right were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

In support of Finding 2, the applicants state in part that “the proposed Variance will not grant a special privilege because the proposed parcels are consistent in size with the surrounding neighborhood. Further, the proposed parcels are designated for the medium high density residential uses in the City of Clovis adopted General Plan.”

The granting of a variance for a property to have development opportunities more lenient than other properties in the area with the same zoning and the same physical constraints without there being some unique circumstance that prohibits the property from enjoying the same property rights as other surrounding properties would be granting the property a special privilege.

The Applicant’s assertion that they have a right to develop property consistent with the character and density of the surrounding area is invalid. While there are some smaller parcels to the north of the property developed previously under different development standards, the majority of the parcels to the east and south are larger parcels similar in size of the Applicant’s

property. Smaller parcels developed under previous zoning does not negate the Zoning adopted by the Board for the area, the fact that the smaller parcels were not zoned to a higher density zoning demonstrates the intent that the Zoning was changed to curb further reduction in parcel sizes.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Finding 2 cannot be made as the property does not suffer a lack of a property right commonly held by other properties in the surrounding area with the same Zoning. There is no right to develop property below the minimum acreage requirement, based on other smaller parcels that were developed previously when the standards were lower.

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	2.06 acres 0.84 acres 2.70 acres 7.58 acres	single family residence vacant single family residence single family residence	AE-20 AE-20 AE-20 AE-20	150 feet N/A 260 feet 350 feet
South	2.64 acres	single-family residence	AE-20	230 feet
East	21.82 acres	orchard	AE-20	N/A
West	28.40 acres 20.00 acres	vacant vacant	AE-20	N/A N/A

Reviewing Agency/Department Comments:

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

Finding 3 Analysis:

In support of Finding 3, the applicant’s findings indicate that the properties will be developed with single family homes, the property is within the Fresno Metropolitan Flood Control District and sometime in the future will be served by City of Clovis services and developed to their urban development standards.

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 by right on the new parcel and a 2nd residence through a Director Review and Approval on the new parcel, and also a 2nd dwelling being allowed through a Director Review and Approval on the other proposed parcel with the existing residence. 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:

Finding 3 can be made due to the limited scale of this individual request, the application does not present a significant material detriment to properties in the vicinity.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Goal LU-A: <i>To promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural-support services and agriculturally related activities that support the viability of agriculture and further the County’s economic development goals.</i></p>	<p>Inconsistent: Substandard parcels that are created for residential purposes will likely interfere with agricultural operations on surrounding parcels that are designated and zoned for production of food and fiber and may potentially result in removal of adjacent or neighboring lands from agricultural use. Moreover, it may set a precedent for other landowners to create similar residential parcels in the area, which will compound the incompatibility between the agricultural and residential use of lands located in an area of the County designated and used for agricultural operations.</p>
<p>Policy LU-A.1: <i>The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available or can be provided consistent with the adopted General or Community Plan.</i></p>	<p>Inconsistent: The existing property is developed with a single home surrounded by a peach orchard. The division of the land into the smaller parcels does help maintain agricultural use, but would allow an incremental increase in non-agricultural (Residences).</p>
<p>General Plan Policy LU-A.6: <i>The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in policies LU-A.9, LU-A.10, and LU-A.11. the County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</i></p>	<p>Inconsistent: The proposed parcel creation is not consistent with this Policy. There are exceptions allowed subject to certain criteria. In this instance, the application either did not meet the criteria or elected not to choose one of the available options for creating a substandard sized parcel.</p>

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.7: <i>County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</i></p>	<p>Inconsistent: The proposed parcel division is not consistent with Policy LU-A.7 as it would create 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>
<p>Policy LU-A.8: <i>The County shall allow by right on each parcel designated Agriculture and zoned for agricultural use one (1) single-family residential unit. One (1) additional single family residential unit shall be allowed for each twenty (20) acres in excess of twenty (20) acres where the required minimum parcel size is twenty (20) acres. One (1) additional single-family residential unit shall be allowed for each forty (40) acres in excess of forty (40) acres where the required minimum parcel size is forty (40) acres. The County may, by discretionary permit, allow a second unit on parcels otherwise limited by this policy to a single unit.</i></p>	<p>Inconsistent: The request for a variance to divide the 20-acre parcel into two parcels does not comply with the General Plan Policy LU-A.8. The creation of two parcels from the existing 20-acre parcel would result in parcel sizes that fall below the minimum 20-acre requirement in the AE-20 Zone District. This is explicitly contrary to the zoning regulations intended to maintain larger parcel sizes to support viable agricultural operations. The General Plan's objective is to promote the conservation of productive agricultural lands and minimize the fragmentation of agricultural parcels. Approving the variance would be inconsistent with these objectives and could undermine long-term agricultural viability in the area.</p>
<p>General Plan Policy LU-A.12: <i>In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</i></p>	<p>Inconsistent: The creation of a parcel less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.12 as smaller parcels could potentially allow a higher density residential area which is inconsistent with the compatibility of the AE-20 zone district.</p>
<p>Policy LU-A.13: <i>The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations. Additionally, the County shall consider buffers between agricultural uses and proposed sensitive</i></p>	<p>Inconsistent: The variance request to subdivide a 20-acre parcel into two smaller parcels does not comply with General Plan Policy LU-A.13 which emphasizes the need for buffers to minimize conflicts between agricultural and non-agricultural uses. The creation of smaller residential parcels in</p>

Relevant Policies:	Consistency/Considerations:
<i>receptors when processing discretionary land use applications.</i>	agricultural zones contradicts this policy by reducing the effectiveness of such buffers.
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>	The applicant asserts that the remainder of the parcels, not used for home sites, would be retained in agricultural land, while this may mean there may not be a full conversion, there is nothing to ensure that there will not be two homes built on each lot and Agricultural uses reduced or halted.

Reviewing Agency Comments:

Policy Planning Section: The policies contained in the table above, concluded that the proposed Variance application is not consistent with General Plan Policies LU-A.1, 6,7,8,12,13 and 14; and indicated in part that the creation of parcels below the minimum parcel size noted in Policy LU-A.6 may lead to a reduction or cessation of the current agricultural operation on the subject parcel. As such, the proposed VA 4166 is inconsistent with the General Plan.

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

Finding 4 Analysis:

In support of Finding 4, the Applicant points to agreements between the County and the City of Clovis to collaborate on development within the County that is also within the City’s Sphere of Influence to promote orderly development, and also states that “the development will be orderly as the applicant has agreed to develop the proposed parcels to City of Clovis standards and will not result in the premature conversion of agricultural lands as the applicant intends to continue agricultural operations on the property at least until annexation into the City of Clovis occurs.”

Staff would note that the agreements between the County and City for development in the City’s Sphere of influence, is intended to ensure that development will not be substantially inconsistent with the future planned land uses in the City, e.g. it would be problematic if industrial or other conflicting uses were established in an area intended for residential development. The agreements do not replace the City’s development standards and land use designations or the County’s minimum standards. Hence, the County’s General Plan Policies are the standards that development proposals must conform to. As indicated in the table above the creation of parcels below 20-acres is contrary to the General Plan Policies.

Finding 4 Conclusion:

Finding 4 cannot be made as the proposed uses would be in conflict with General Plan Policies LU-A.6, 7, 12, and 14.

SUMMARY CONCLUSION:

The justification for the proposed variance, largely hinges on the Applicant’s assertion that since the property is adjacent to the City and will at some unknown time in the future be annexed into the City, the Applicant should be granted a Variance from County Standards.

The property itself does not have a unique feature different than all the other parcels that are adjacent to a City boundary, nor is it deprived a property right that parcels with the same zoning adjacent to a city enjoy. The project is inconsistent with both the County's and the City of Clovis's land use density designations.

Based on the factors cited in the analysis, staff believes that required Findings 1, 2, and 4 for granting the Variance cannot be made. Staff therefore recommends Denial of Variance No. 4166.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine that the required Findings No.1, 2, and 4 cannot be made based on the analysis in the staff report and move to deny Variance Application No. 4166; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine the required Findings can be made (state basis for making the Findings) and move to Approve Variance No. 4166; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

RP:jp

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EXHIBIT 1

**Variance Application (VA) No. 4166 & Environmental Review No.8541
(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 6) as approved by the Planning Commission

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County 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.	Currently, the subject parcels appears to be accessing the site through an access easement within a 30-foot right-of-way dedicated to the County of Fresno. Access for all users of the subject access road shall be properly maintained.
4.	An encroachment permit will be required for any work performed within the County of Fresno's road right-of-way.
5.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
6.	At such time the applicant or property owner(s) decides to construct a 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.
7.	Any new sewage disposal system proposal shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage

Notes	
	disposal system.
8.	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.
9.	If any abandoned underground storage tank(s) are found within the project area, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
10.	The northern portion of the area of the subject property is within the Low Water Area (Water Short Area). For any development wherein the proposed source of water is a private well, Water & Natural Resources Division should be consulted regarding any requirements they may have.
11.	According to the U.S.G.S. Quad Map, Enterprise Canal and Los Alamos Canal are near the northern and eastern property lines of the subject property respectively. Any future improvements constructed within or near a canal should be coordinated with the owners of the said canal/appropriate agency.
12.	According to the Wetlands Mapper of U.S. Fish and Wildlife Service, wetlands may be present near the northern and eastern property lines of the subject property. For any future development on wetlands, U.S. Fish and Wildlife Service and other appropriate agencies should be consulted regarding any requirements they may have.
13.	The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5 feet from the property line.
14.	Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.
15.	A minimum of 10 feet x 10 feet corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Peach Avenue if not already present.
16.	If the subject parcel is not annexed to the City of Clovis, a grading permit/voucher may be required for any future grading with this application.
17.	Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
18.	The subject property is located within the City of Clovis Sphere of Influence and within one-half mile of the City of Clovis limits. The property has a land use designation of Park (PK) and Medium High Density Residential (MH). Per the adopted City of Clovis General Plan, the consistent uses with the PK land use are existing or proposed

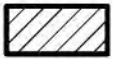
Notes

parks and the consistent uses with the MH land use are small lot single family detached homes, townhouses, duplexes, and apartments. Per the Heritage Grove Master Plan, the northern portion of the subject parcel includes an approximate ±2.90-acre park, planned trail, and neighborhood boulevard (typical street right-of-way 89 feet). The applicant shall demonstrate that development of the proposed residence will not encroach and will have a sufficient setback to the planned park and neighborhood boulevard.

RP:ec:JP

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Legend



Subject Property

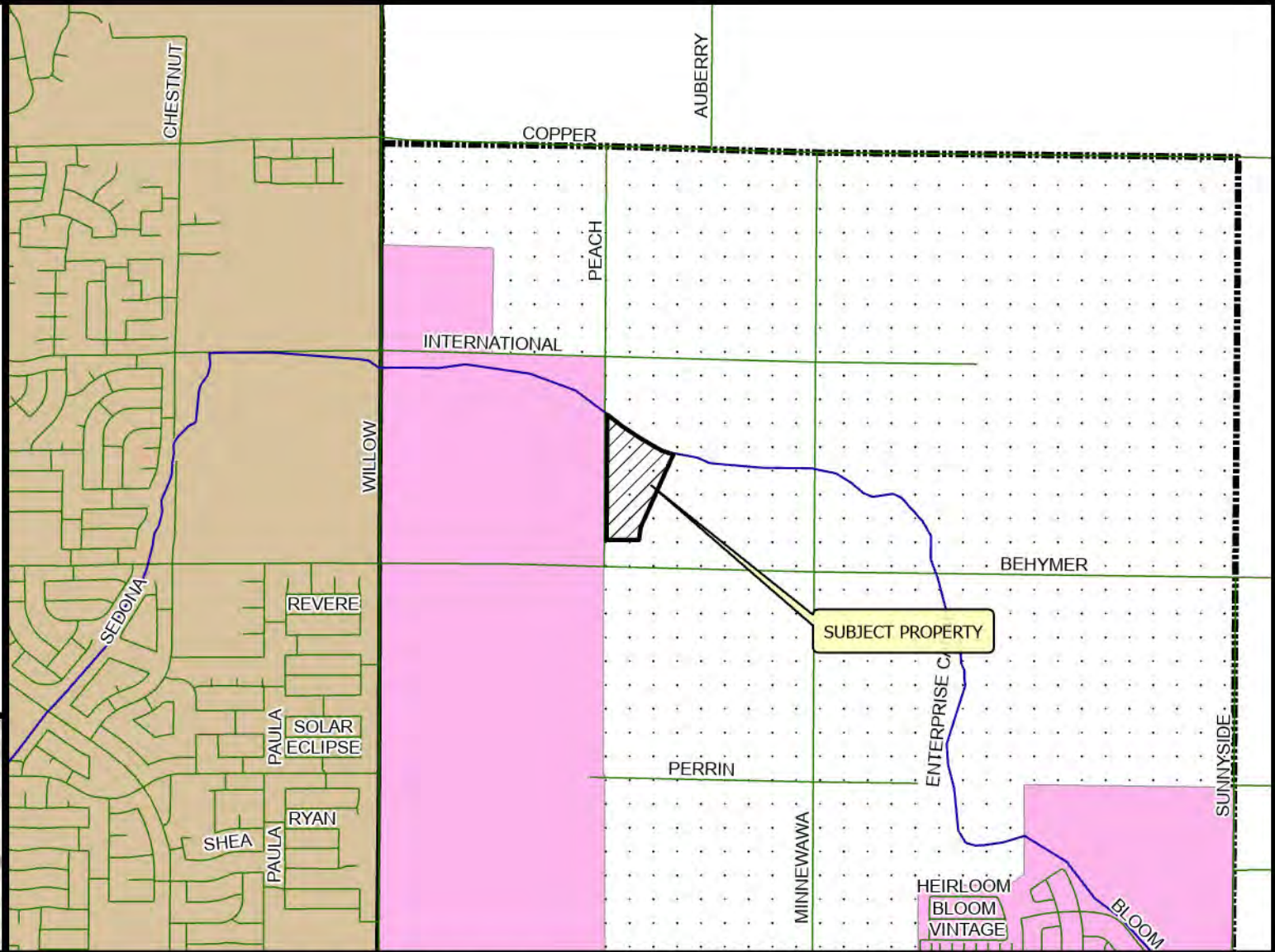
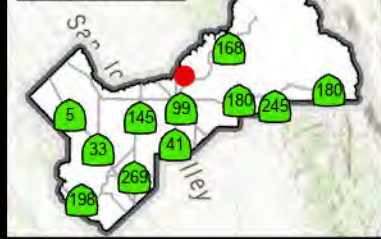


EXHIBIT 2

VICINITY MAP

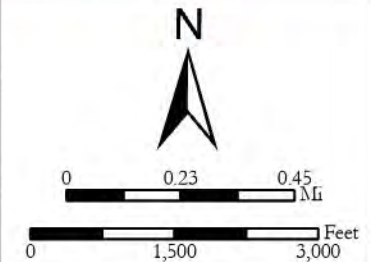


LOCATION MAP

VA4166

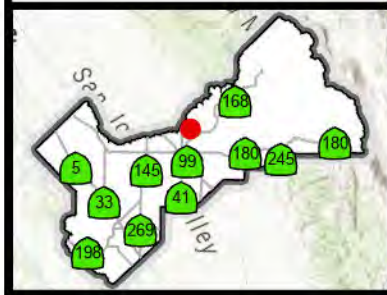
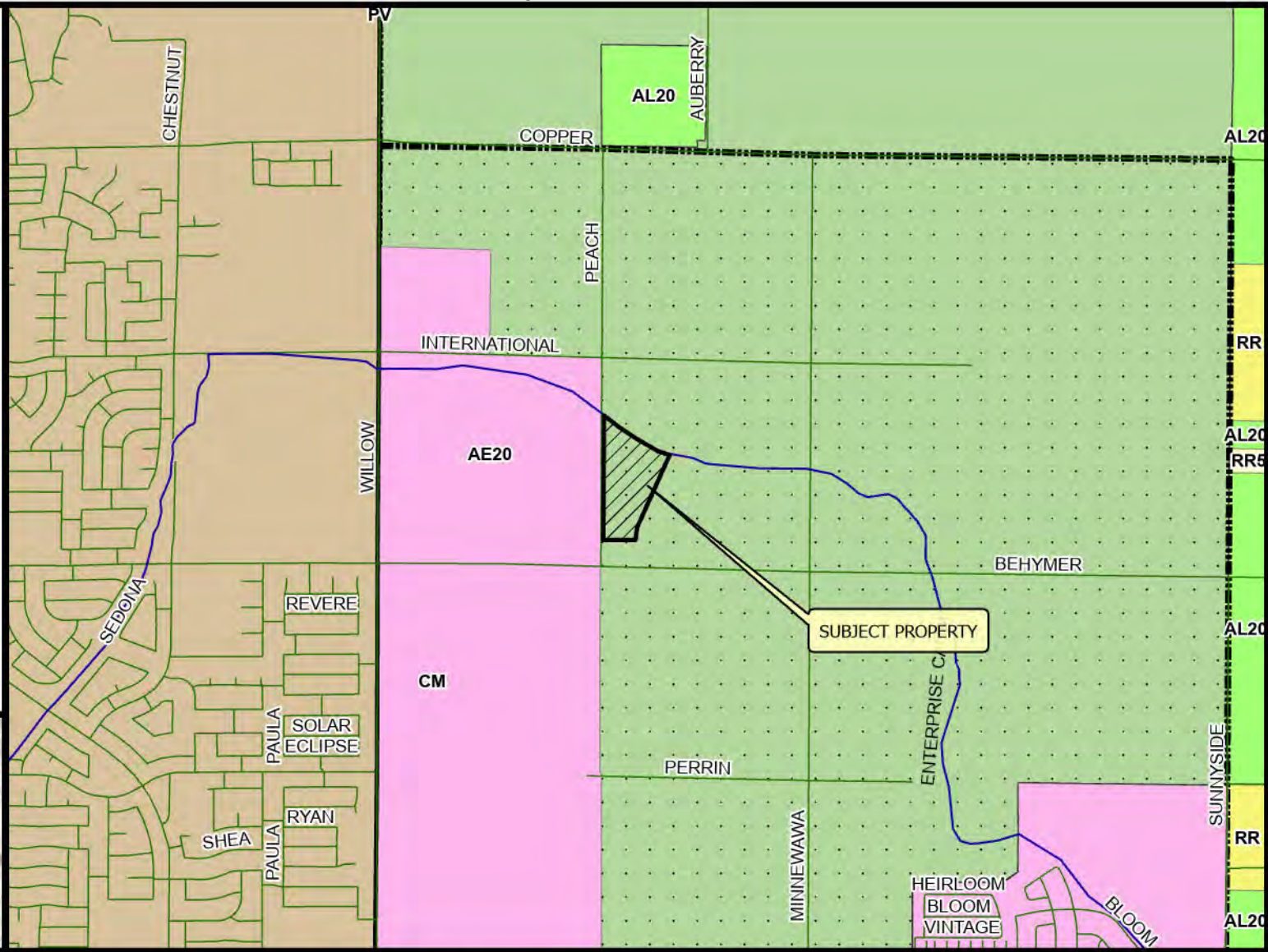
2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 2/12/2024



Legend

-  Subject Property
-  Clovis
-  Fresno
-  City Sphere of Influence
-  CM
-  AE20
-  AL20
-  PV
-  RR
-  RR5



Existing Zoning Map

VA4166
STR 18 - 12S / 21E

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 2/12/2024

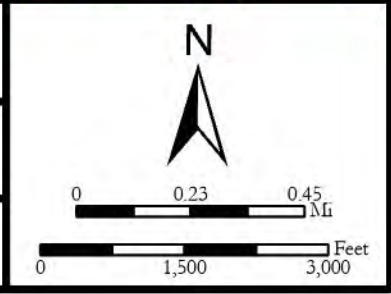



EXHIBIT 4

LEGEND:

 Subject Property

LEGEND
AP1 - APARTMENT
ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

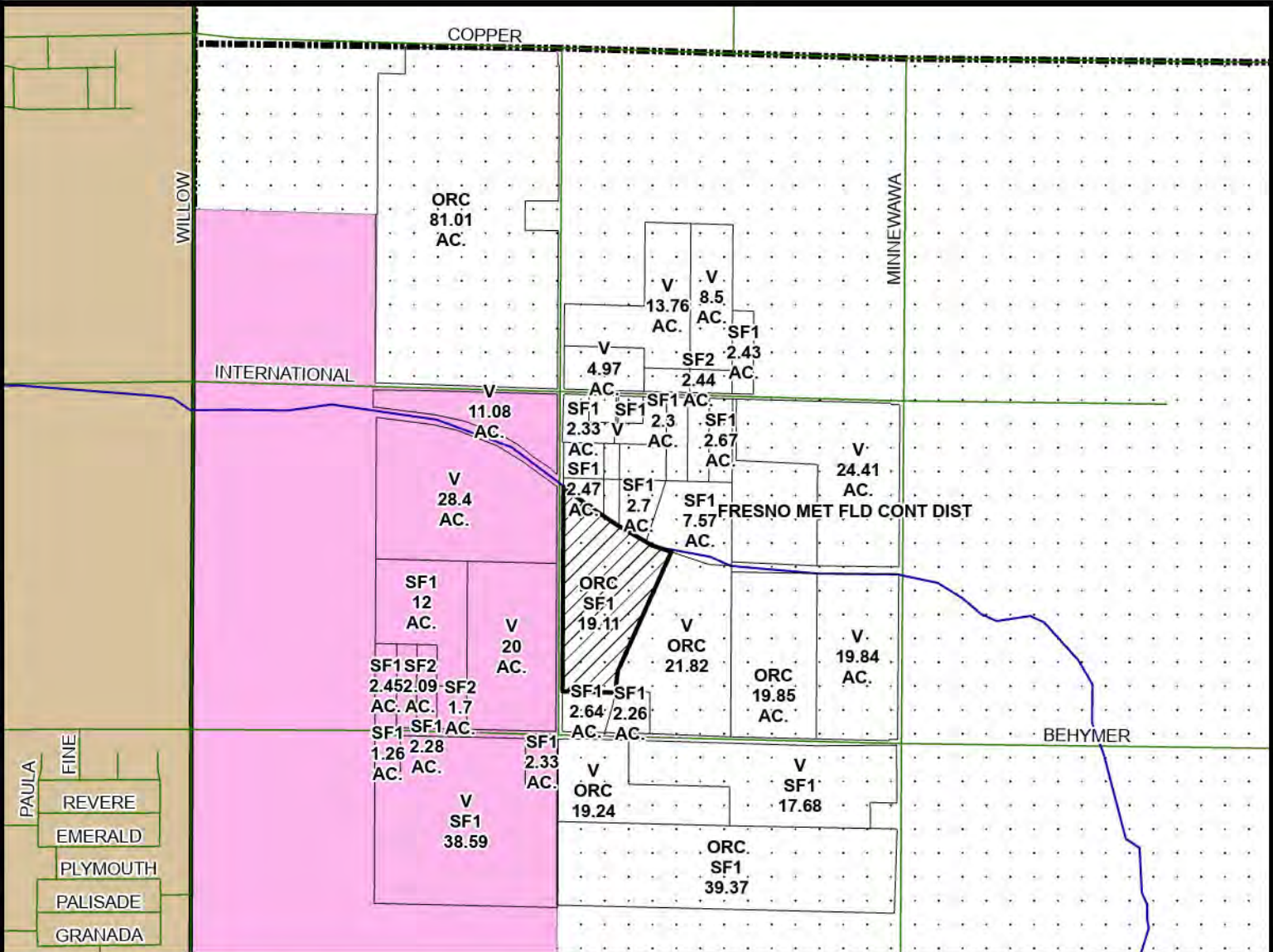
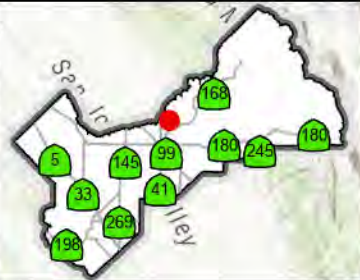


EXHIBIT 4

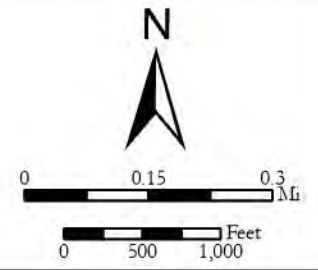


Existing Land Use Map


VA4166

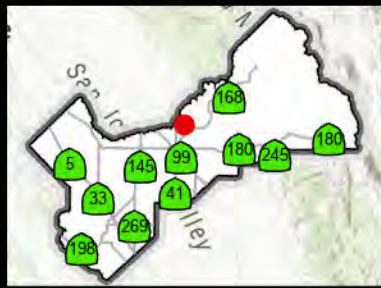
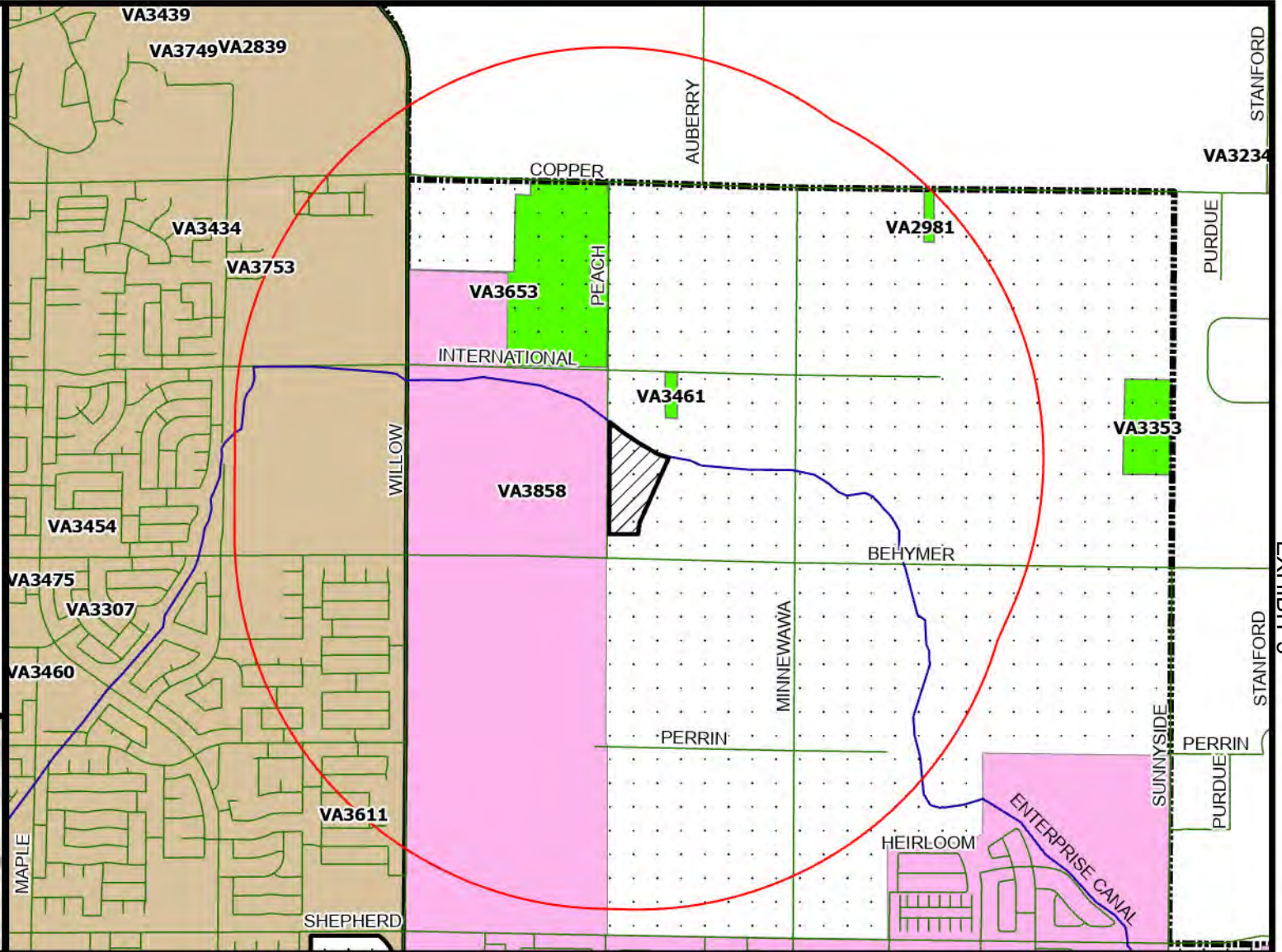
2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 2/12/2024



Legend

-  1 Mile Buffer
-  Subject Property
-  Clovis
-  Fresno
-  City Sphere of Influence
-  LU Permits



Proximity Map

VA4166

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 2/12/2024

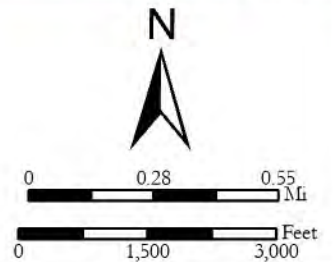
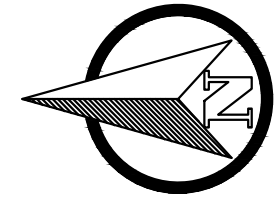


EXHIBIT 6



0 50 100 200
SCALE: 1" = 100'

WILLIAM S. & LINDA L. SMITTCAMP TRUST
APN: 580-072-19
GRANT DEED 97146750 11/03/1997
FRESNO COUNTY RECORDS
PARCEL 2 OF PM 2719
20.21 AC. GROSS / 18.18 AC. NET
EXISTING ZONING: AE-20
EXISTING USE: AGRICULTURAL & RESIDENTIAL

GV Land Holdings LLC
APN: 580-072-35
Zoning: AE-20

Arcangelo & Luisa Borrelli Trust
APN: 580-072-36
Zoning: AE-20

Linda O'Sullivan Trust
APN: 580-072-20
Zoning: AE-20

William S. & Linda L. Smittcamp Trust
APN: 580-071-03
Zoning: City of Clovis U-C
Urban Center

William S. & Linda L. Smittcamp Trust
APN: 580-071-04
Zoning: City of Clovis R-3
Residential Multi-Family

PROPOSED PARCEL 1
443,872 SF / 10.19 AC. GROSS
41,948 SF / 0.96 AC. CANAL
23,000 SF / 0.53 AC. ROW
378,924 SF / 8.70 AC. NET

PROPOSED PARCEL 2
436,421 SF / 10.02 AC. GROSS
23,377 SF / 0.54 AC. ROW
413,044 SF / 9.48 AC. NET

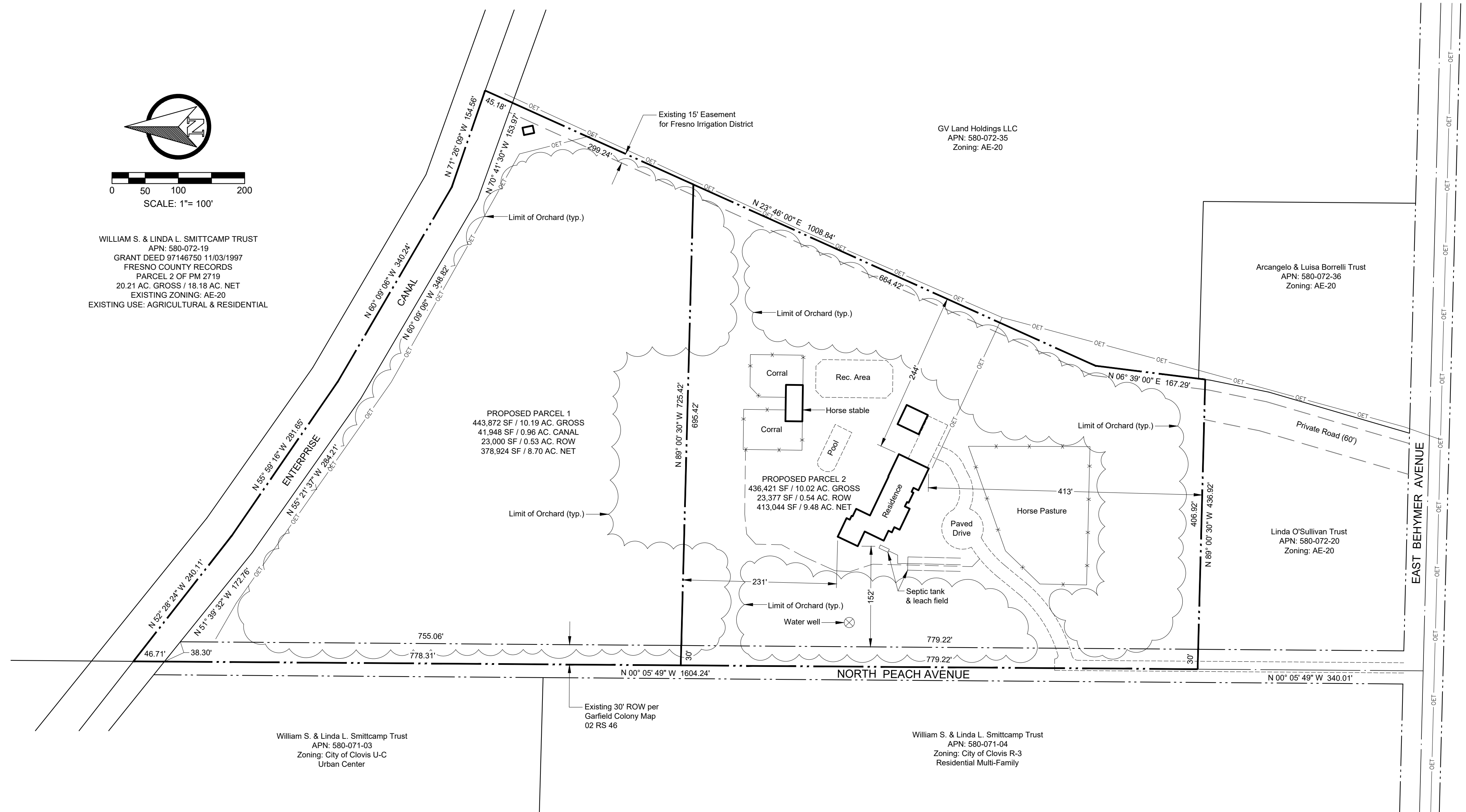


EXHIBIT 6

TENTATIVE PARCEL MAP Smittcamp Property

Being a portion of the Southeast quarter of Section 18,
Township 12 South, Range 21 East, Mount Diablo Base & Meridian
in the County of Fresno, State of California

Pre-Application Review No. 23-012485

VARIANCE FINDINGS

**Mr. Bill Smittcamp
10152 N. Peach Ave.**

~~**December 11, 2023**~~
Revised May 16, 2024

Owner & Applicant:

Mr. William S. & Mrs. Linda L. Smittcamp
100 W. Alluvial Ave.
Clovis, CA 93611

Representative:

Mr. Dirk Poeschel
Dirk Poeschel Land Development Services, Inc.
923 Van Ness Ave., Suite 200
Fresno, CA 93721
559-445-0374

Property Location:

10152 N. Peach Ave., Clovis, CA 93619; on the north side of Behymer Ave., between Peach and Minnewawa Avenues, in Clovis.

APN:

580-072-19

Existing General Plan Land Use Designation:

Fresno County - Agriculture

City of Clovis - MH (Medium High-Density Residential; 7.1–15.0 du/ac)

Existing Zone Designation:

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

Request:

Grant a Variance to allow the creation of two, 10.0 +/- acre parcels from an existing 20.0 +/- acre parcel in the AE-20 Zone District. Mapping procedure to follow.

Background:

The property owners, Mr. William S. & Mrs. Linda L. Smittcamp, own a 20 +/- acre parcel located at 10152 N. Peach Ave., Clovis, on the north side of Behymer Ave., between Peach and Minnewawa Avenues. The Enterprise Canal is located north of the site (see *Figure 1-Annotated Site Aerial* below). Access to the project site is from N. Peach Ave., which connects to E. Behymer Ave.

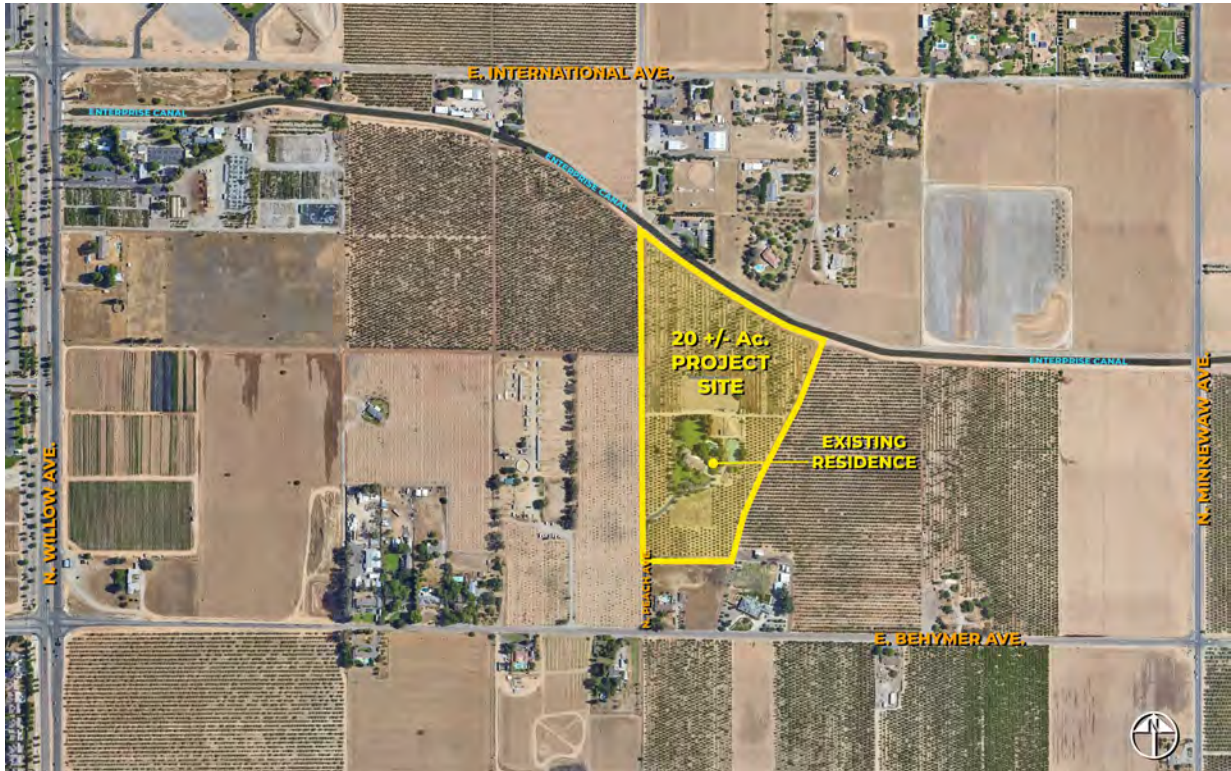


Figure 1 – Annotated Site Aerial

Previously, Mr. & Mrs. Smittcamp gave their son the existing 6,189 sq. ft. home on the subject 20-acre parcel. Mr. & Mrs. Smittcamp now desire to construct a residence for themselves on *Proposed Parcel 1*. The existing residence on *Proposed Parcel 2* will remain. Please see the attached site plan depicting *Proposed Parcel 1* and *Proposed Parcel 2* prepared by Blair, Church & Flynn. The 20-acre parcel site contains 13.5 +/- acres of firestone peach orchards. The applicant will continue to farm the peach orchards, therefore no impact to agriculture will occur with the proposed home site creation.

Irrigation water is allocated from the Enterprise Canal located to the north of *Proposed Parcel 1*. The 20-acre parcel is served by the Fresno Irrigation District.

The subject 20-acre parcel is designated and zoned Exclusive Agriculture (AE-20) in the Fresno County General Plan. The subject parcel is outside of the City of Clovis, but within the city’s Sphere of Influence and designated for MHD (Medium High Density Residential) per the Heritage Grove Master Plan. The City of Clovis incorporation line is immediately west of the subject site. Eminent urban development is proposed immediately adjacent to the Smittcamp property.

To the east, a single-family residential development project is being proposed by Granville Homes. Per city staff, the Tentative Tract Map application has not formally been submitted for this proposal. Generally, to the south a single-family residential project proposed by De Young Properties is currently in review by the City of Clovis. For reference, see *Figure 2 – De Young Properties Conceptual Site Plan* below.

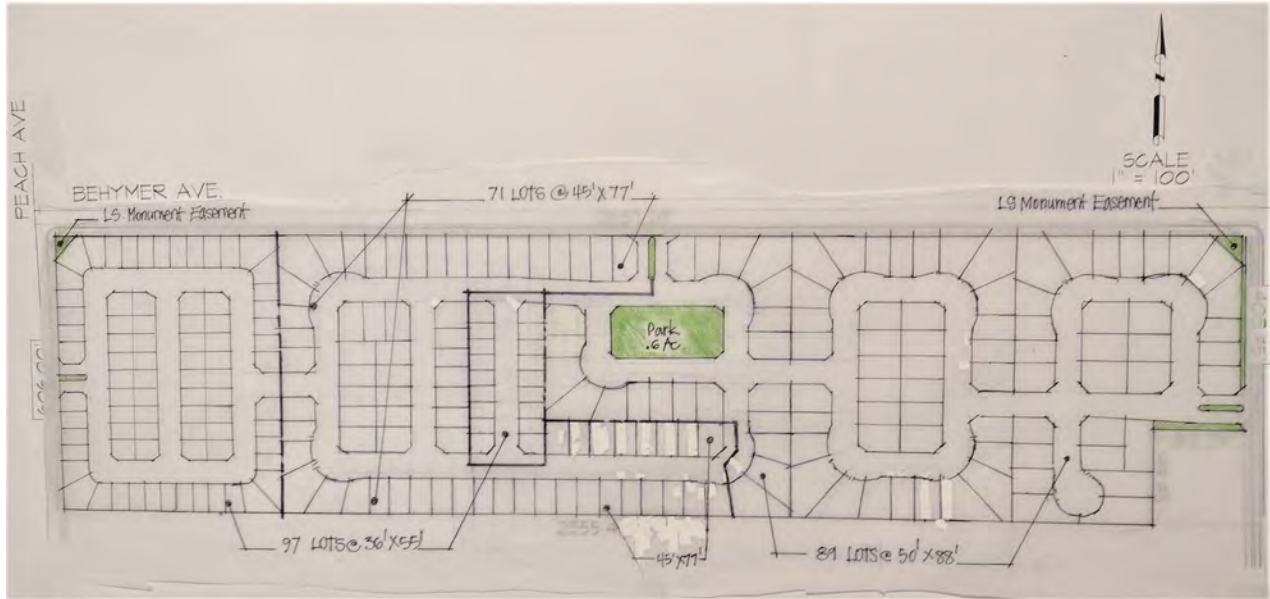


Figure 2 - De Young Properties Conceptual Site Plan

The existing home site is served by a domestic well and septic system. It is understood by Mr. Smittcamp that the City of Clovis will require the new residence to connect to city water and sewer. In the interim, Mr. Smittcamp will share the well with the existing residence on *Proposed Parcel 2*.

Conversations with senior City of Clovis Planning & Development staff on November 21, 2023, confirmed that annexation of the subject property into the City of Clovis could occur with the development of the proximate proposed residential subdivisions described above. However, the timing and surety of the development is not clear and therefore incompatible with Mr. Smittcamp's building schedule. City of Clovis planners agree that the proposed homesite creation does not preclude the future development of the subject site to the city's planned higher density residential uses.

At the November 21, 2023, meeting, Mr. Smittcamp committed to the City of Clovis that he will not oppose annexation and that he recognizes that the subject proposal will be subject to City of Clovis development standards and fees. This commitment assures that proposed land division will be consistent with the planned urbanization standards contemplated by the city and compatible with surrounding future uses.

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 zone classification.

The neighborhood proximate and adjacent to the subject parcel is rapidly urbanizing. The City of Clovis designates the site for *medium high density residential* uses which has a residential density range of 7.1 to 15.0 units per acre.

The applicant has a right to develop his property consistent with its neighborhood character, proximate density of other single-family homes in the AL-20 zone district proximate to the subject property.

The applicant desires to create the proposed homesite which is necessary to preserve the applicant's ability to comply with the existing residential character of the neighborhood.

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 will not grant a special privilege because the proposed parcels are consistent in size with the surrounding neighborhood. Further, the proposed parcels are designated for the *medium high density* residential uses in the City of Clovis adopted General Plan.

The County General Plan and related agreements and policies contemplate the parcel developing in the City of Clovis as the subject property is within the City of Clovis Sphere of Influence as is the surrounding neighborhood.

The Sphere of Influence is a formal plan agreed to by the city and county that the city should control development. The City of Clovis and County of Fresno both agreed the property should ultimately develop in the city. Eventually, the subject property will be annexed into the city.

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.

Granting the proposed Variance will not be detrimental to surrounding properties for various reasons. The site will be improved with one single-family residence, garage, and other improvements. The proposed home will be an attractive and positive attribute to the neighborhood and community.

The subject site has frontage on N. Peach Ave., which is a public road of adequate width and pavement to serve the proposed home sites.

The proposed parcels will ultimately be served by City of Clovis water services and sewer. The site is also within the Fresno Metropolitan Flood Control District; therefore, erosion and flooding issues will not occur as the parcels will comply with that agency's development standards.

Ultimately, the applicant will install curb and gutter, sidewalks, street, and other improvements as required by the City of Clovis therefore being comparable with surrounding urban development. Mr. Smittcamp has also agreed to pay all applicable City of Clovis development fees and to develop the proposed parcels in accordance with city standards. No variations in setback standards of either the county or city are required.

Based on the aforementioned information, no adverse impacts will occur to surrounding properties.

Finding 4:

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

The project is within the Sphere of Influence of the City of Clovis that plans the site to be developed for *medium high density residential* uses. Over the past decades, the city and county has relied on the *Joint Resolution on Metropolitan Planning* among other agreements and policies between the City of Clovis and the County to direct urbanization to the city. Consistent with that Joint Resolution on Metropolitan Planning, the project will occur *within the city's sphere of influence ...in a manner that reflects the city's concurrence* and will be *accomplished in a manner that promotes the logical and orderly development of areas within the sphere.*

The development will be *orderly* as the applicant has agreed to develop the proposed parcels to City of Clovis standards *and will not result in the premature conversion of agricultural lands* as the applicant intends to continue agricultural operations on the property at least until annexation into the City of Clovis occurs. Further, the applicant will not oppose annexation into the City of Clovis.

Fresno County General Plan Goal LU-A-1 seeks to *direct urban growth away from valuable agricultural lands to cities....in areas planned for such development were public facilities and infrastructure are available.* As previously mentioned, Mr. Smittcamp has also agreed to pay all applicable City of Clovis development fees and to develop the proposed parcels in accordance with city standards.

The property is in an area rapidly urbanizing. Nonetheless, the applicant intends to jointly farm the proposed parcels with his son, continuing the parcel's agricultural use at least until annexation into the City of Clovis occurs. The applicant has extensive experience in agricultural production and agribusiness believes that the subject property remains a viable farming unit.

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EXHIBIT 8



FACING NORTH



FACING EAST

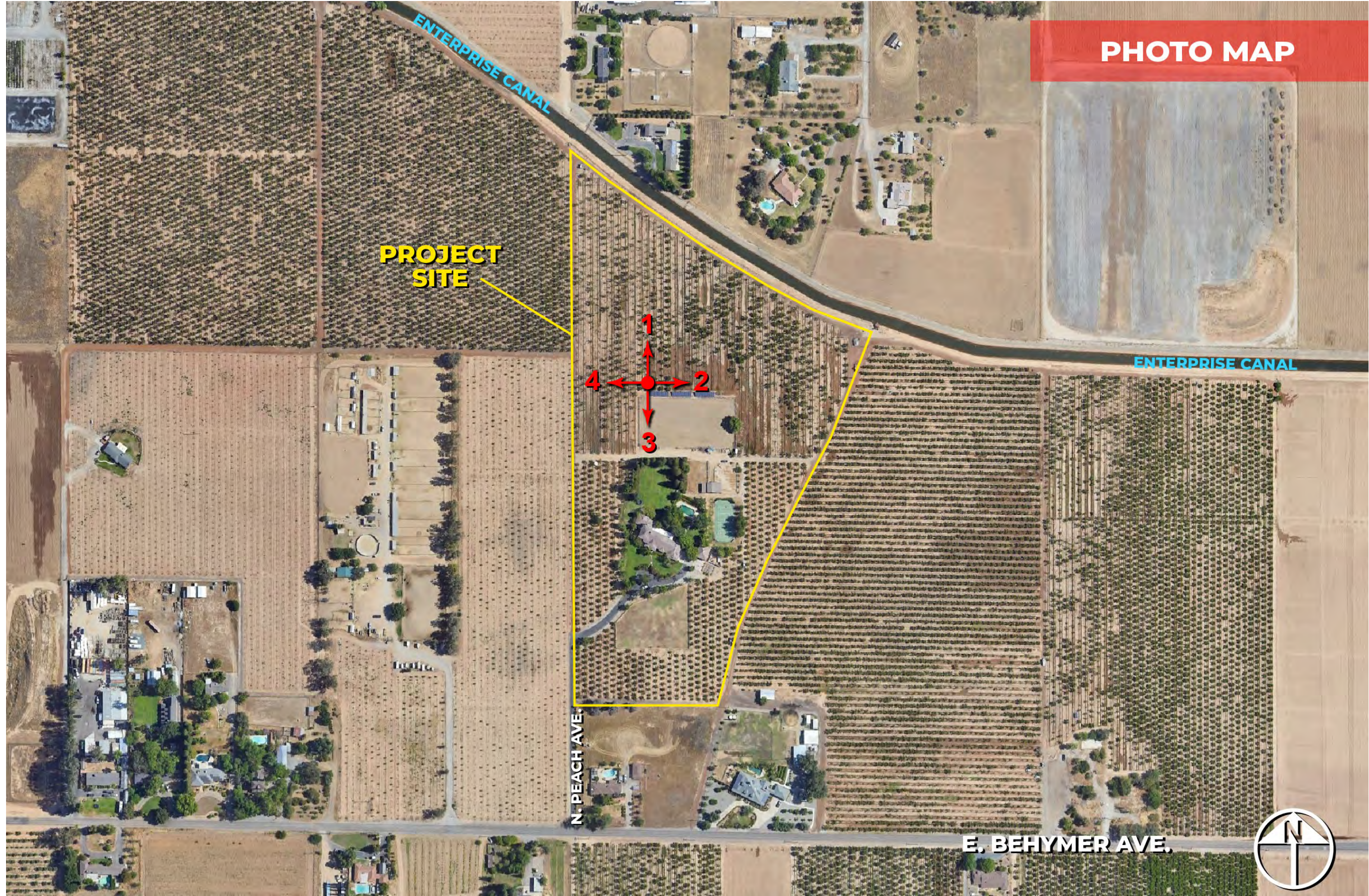


FACING SOUTH



FACING WEST

PHOTO MAP



PROJECT SITE

ENTERPRISE CANAL

ENTERPRISE CANAL

N. PEACH AVE.

E. BEHYMER AVE.

