



Inter Office Memo

DATE: February 8, 2024
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 13028 — VARIANCE NO. 4099

APPLICANT: Dale Mell

OWNER: Rosemarie Braun

REQUEST: Allow for the reduction of the minimum parcel size requirements to create a 2.18-acre parcel and a 27.76-acre parcel from an existing 29.94-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northeast corner of E. American Avenue and Navelencia Avenue approximately 3.9 miles west of the city limits of the City of Orange Cove (APN: 185-161-47) (22756 E. American Avenue) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing on February 8, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Woolf to adopt the required findings stating Finding No. 1 could be made based on the adjacent canal, Finding No. 2 could be made based on the owners' intent to continue to reside in the home and sell the remaining orchard to the neighbors and Finding No. 4 could be made as the majority of the parcel will continue to be farmed as stated in Exhibit A. The Commission then moved to approve Variance No. 4099, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Woolf, Arabian, and Quist
No: Commissioner Hill
Absent: Commissioners Carver, Chatha, and Zante
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

Notes: The approval of this project will expire one year from the date of approval unless a mapping application is filed in accordance with the requirements of the County Ordinance. 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.

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EXHIBIT A

Variance No. 4099

- Staff: The Fresno County Planning Commission considered the Staff Report dated February 8, 2024 and heard a summary presentation by staff.
- Representative: The applicants disagreed with Staff's recommendation. They stated the variance findings could be made and offered the following information to clarify the intended use:
- We will continue to reside in the home placed within the 2.18-acre parcel.
 - In support of Findings Nos. 1 and 2, there is an extraordinary circumstance as we have continuously farmed this property for 40-years.
 - Finding No. 4 can be made as the majority of the subdivided land will be sold and continue to be used for agricultural production.
- Others: No individuals presented information in support of or in opposition to the proposal.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B
**Variance (VA) No. 4099 Conditions of
Approval and Project Notes**

Conditions of Approval	
1.	Division of the subject parcels shall be in substantial accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	Setbacks for any construction new or existing shall be based on the ultimate right-of-way and meet all development setback requirements.
3.	A minimum of 12 feet of additional road right-of-way across the parcel frontage on American Ave. is required

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 two proposed parcels if the variance is approved. 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 Subdivision Map Act and County Ordinance.
3.	Any new development of less than two acres or secondary dwelling may require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any new sewage disposal systems that are proposed, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
4.	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.
5.	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.
6.	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

EXHIBIT B

Notes	
	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.
7.	A 30 foot X 30 foot corner cutoff is needed at the intersection of American Ave and Navelencia Ave for visibility purposes.
8.	An encroachment permit is needed from the Road Maintenance and Operations Division for any work done within the road right-of-way of County of Fresno.
9.	American Avenue is classified as a collector road with an existing 40 feet right-of-way width north of the section line along the frontage of the parcel lot per Plat Book. The minimum right-of-way width north of the section line for a collector road is 40 feet. Furthermore, Fresno County General Plan Scenic Roadways Figure OS-2 dated August 4, 2010, shows that said road is a scenic drive.
10.	American Avenue is a County-maintained Road. Records indicate this section of American Avenue from Navelencia Avenue to Crawford Avenue has an ADT of 1,300, pavement width of 32 feet, structural section 0.57' AC/0.6' L TB, and is in good condition.
11.	Typically, with any access for new development along collectors, turnaround facilities shall be provided on parcels having direct access to collectors, so that vehicles do not back out onto the roadway.
12.	Navelencia Avenue is classified as a local road with an existing 30 feet right-of-way width east of the centerline along the frontage of the parcel lot per Plat Book. The minimum right-of way width east of the centerline for a local road is 30 feet.
13.	Navelencia Avenue is a County-maintained road. Records indicate this section of Navelencia Avenue from Hogan Avenue to American Avenue has an ADT of 700, pavement width of 21.4 feet, structural section 0.17' AC, and is in excellent condition.
14.	According to FEMA FIRM Panel 2200H, the easterly portion of the area of the subject property is within the Special Flood Hazard Area, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) including manure storage and drying location in the Special Flood Hazard Area in the Special wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. FEMA Elevation Certificate is required for every future structure to be constructed within the Special Flood Hazard Area. If the future building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor

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	delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required.
15.	According to the U.S.G.S. Quad Map, Alta East Branch Canal is near the northerly property line of the subject parcel. Any future improvements constructed near a canal should be coordinated with the owners of the canal. Furthermore, Travers Creek traverses the subject property. Any future work within or near a stream requires clearance from State Department of Fish and Game.
16.	A 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing driveway accessing American Avenue or Navelencia Avenue if not already present.
17.	A grading permit or voucher is required for any future grading proposed with this application.

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