



Inter Office Memo

DATE: March 14, 2024
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 13032 – VARIANCE NO. 4161

APPLICANT: Alvaro Garcia

OWNER: Madera Properties Holding LLC

REQUEST: Allow for the creation of two substandard parcels, a 5.57-acre parcel, and a 13.23-acre parcel from an existing 18.80-acre parcel, where a 20-acre minimum parcel size is required in the AE-20 Zone District.

LOCATION: The subject parcel is located on the northwest corner of the intersection of Madera Avenue and Clinton Avenue, approximately 2.3-miles from the City of Kerman (APN: 015-410-03) (2545 N. Madera Avenue) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of March 14, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Chatha and seconded by Commissioner Zante to adopt all four required findings, concurring with Staff's recommendation based on the analysis provided Staff's report to the Planning Commission, and to approve Variance No. 4161, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:

VOTING:	Yes:	Commissioners Chatha, Zante, Abrahamian, Arabian, Carver, Hill, Quist, and Woolf
	No:	None
	Absent:	None
	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 one year 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 No. 4161

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 14, 2024 and heard a summary presentation by staff.
- Presenters: The applicant's representative agreed with the Staff's recommendation. They described the operation and offered the following information to clarify the intended use:
- There will be no change to the uses that are already established on the two parcels with the granting of this Variance.
 - This Variance only involves the creation of a parcel and all other aspects pertaining to the land uses have already been approved through a previous Conditional Use Permit No. 3501.
 - There has been no agricultural activity on the newly created parcel for over 100 years due to it being a high school campus, and the other parcel will continue its agricultural activities as a plant nursery after the parcel is split.
- Others: No individuals presented information in support of or in opposition to the project.
- 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 No. 4161
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.	State Route (SR) 145 near the proposal is planned for 160 feet (80 feet measured from centerline) verses existing 60 feet (30 feet measured from centerline). The property owner shall irrevocably offer the easterly 50 feet of the property to the California Department of Transportation as future right-of-way for SR 145.
3.	The 5.57-acre project site shall be fenced with a minimum 6-foot-tall fence to separate the proposed high-intensity park from the remainder of the 20-acre property.

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.	All Conditions previously approved for Conditional Use Permit 3501 and SPR 8154 remain applicable; with one exception to the 5.4-acres High Intensity Park's 6-foot-tall fence enclosure, to now be a 5.57-acre parcel enclosing the High Intensity Park with a minimum 6-foot-tall fence.
2.	For property within flood zone shaded x, any future/proposed building pad must be elevated above the existing ground to at least a minimum of twelve inches (12") and/or the finish floor elevation must be elevated above the crown of the adjacent street.
3.	Any work performed within the County Road right-of-way will require an encroachment permit.
4.	Clinton Ave currently has an existing 40 feet of road right-of-way and an ultimate right-of-way of 60 feet per the Fresno County General Plan. An additional 10 feet of road right-of-way must be dedicated along the subject parcel to meet the ultimate right-of-way for Clinton Ave. Any setbacks for new construction must be based on the ultimate road right-of-way for Clinton Ave.
5.	Fresno Irrigation District requires that they be able to review, provide comments, and approve the project plans, to protect its infrastructure and the surrounding area(s).
6.	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.

EXHIBIT B

Notes

7.	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.
8.	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 Clinton Avenue if not already present.
9.	Any future work done within the County Road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
10.	Any future work done within the Caltrans state highway right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit/Clearance from Caltrans.
11.	A grading permit/voucher may be required for any future grading with this application.
12.	If the variance is approved, a parcel map application will have to be filed with Fresno County to affect the property division.
13.	The applicant shall obtain final construction inspection approval from the Fresno County Department of Public Health, Environmental Health Division. Prior to operation, the applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
14.	Prior to alcohol service, the applicant shall first obtain their license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.
15.	Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
16.	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.
17.	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

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	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 disposal system.
18.	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.
19.	The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance Code.

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