



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 October 22, 2020

SUBJECT: Variance Application No. 4090

Allow reduction of the minimum parcel size requirement of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to allow creation of an approximately 5.21-acre parcel from an existing 32.17-acre parcel and 3.25-acre parcel, remaining acreage is to be combined with APN 358-021-39 to result in an approximately 60.21-acre parcel.

LOCATION: The project site is located east side of South McCall Avenue, approximately 1,290 feet north of its nearest intersection with East Dinuba Avenue, approximately 1,320 feet north of the city limits of the City of Selma (9676 S. McCall Avenue, Selma, CA) (Sup. Dist. 4) (APN 358-021-76, 78 and 39).

OWNER: James V. Letizia Trustee
Lennar Fresno, Inc.

APPLICANT: Jenna Chilingirian

STAFF CONTACT: Thomas Kobayashi, Planner
(559) 600-4224

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4090; 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. Variance Applications within a Mile-Radius Map
6. Site Plans and Detail Drawings
7. Applicant’s Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	Parcel “A”: 3.25 acres Parcel “B”: 32.17 acres Parcel “C”: 30 acres	Parcel “A”: 5.21 acres Parcel “B”: 60.21 acres
Project Site	N/A	N/A
Structural Improvements	Parcel “A”: Single-Family Residence and accessory structures Parcel “B”: None Parcel “C”: Single-Family Residence and accessory building	Parcel “A”: Single-Family Residence and accessory structures Parcel “B”: Single-Family Residence and accessory building
Nearest Residence	Approximately 460 feet southwest	No change
Surrounding Development	Agricultural and single-family residential	No change
Operational Features	N/A	N/A
Employees	N/A	N/A

Criteria	Existing	Proposed
Customers	N/A	N/A
Traffic Trips	Residential	No change
Lighting	Residential	No change
Hours of Operation	N/A	N/A

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15303 of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 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.

PROCEDURAL CONSIDERATIONS:

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

Building permit records reflect the built state of the subject site. There is no violation on file for the project site.

Per the Applicant, the Letizia family has owned the subject parcel since before 1965. Review of available documents indicate that the Letizia family has owned the subject parcel since at least April 29, 1971. On August 31, 1976, County-initiated Amendment Application No. 2870 was approved by the Board of Supervisors, which resulted in a number of parcels throughout the County of Fresno, including the subject parcel being rezoned. The subject parcel was specifically rezoned from the A-1 (Agricultural District) to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Based on the research conducted and the date the Amendment Application was approved, it can be seen that the Letizia family has owned the subject parcel prior to the AE-20 zoning classification that the subject parcel is currently subject to.

In addition to the subject application, there have been five other Variance application within a one-mile of the subject property that have similar proposals to the project. Of the five Variance requests three Variance applications were approved, and two were withdrawn. The following

table provides a brief summary of these Variance applications and their final actions.

Application/Request	Date of Action	Staff Recommendation	Final Action
VA 3224: Recognize an existing 1.91-acre parcel (20 acres required) with 130 feet of lot width and public road frontage (165 feet required), a lot depth-to-width ratio of 5.1:1 (4:1 maximum allowed) and allow a ten-foot side yard setback for a proposed residence on said parcel.	October 5, 1989	Deferred to Planning Commission	PC Approved
VA 3578: Allow creation of a 7.18-acre parcel (20 acres required) from a 27.46-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	July 22, 1997	Denial	BOS Approved
VA 3727: Divide the existing parcel into 4 separate parcels	N/A	N/A	Withdrawn
VA 3775: Allow creation of a 9.17-acre parcel and a 9.0-acre parcel (20 acres required) from an existing 18.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	January 22, 2004	Denial	PC Approved
VA 3862: Recognize two parcels (0.9 acres and 1.2 acres in size) subject to merger as separate parcels, one parcel with a width of 162.26 feet (165 feet required) and no public road frontage (165 feet required),	N/A	N/A	Withdrawn

and one parcel with 110 feet of public road frontage (165 feet required) within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
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Although there is a history of Variance requests within proximity of the subject parcels, each Variance request must be considered on its own merit, based on unique site conditions and circumstances.

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.

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.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District Front yard: 35 feet Side yard: 20 feet Rear yard: 20 feet	No change	Y
Parking	One space per dwelling unit	No change	Y
Lot Coverage	No requirement	No change	Y
Space Between Buildings	No animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation	No change	Y
Wall Requirements	No requirement	No change	Y
Septic Replacement Area	100 percent replacement	No change	Y
Water Well Separation	Septic Tank: 100 feet	No change	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Disposal Field: 100 feet Seepage Pit: 150 feet		

Reviewing Agency/Department Comments Regarding Site Adequacy:

Development Engineering Section of the Department of Public Works and Planning: McCall Avenue is classified as an arterial road with an existing 30-foot right-of-way east of the section line along the parcel frontage, per Plat Book. According to Precise Plan Line Serial No. 67, sheet No. 3 of 4 sheets, the ultimate right-of-way width east of the section line along the parcel frontage is 42 feet.

McCall Avenue is a County-maintained road. Records indicate this section of McCall Avenue from Linda Avenue to Dinuba Avenue has an ADT of 3,600, pavement width of 32.9 feet, structural section of 0.35 AC, and is in very poor condition.

Typically, any access driveway should be set back a minimum of 10 feet from the property line.

Any work done within the 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.

Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion, so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.

Typically, any existing or proposed 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.

If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto McCall Avenue.

According to FEMA FIRM Panel 2675H, the parcel is not subject to flooding from the 100-year storm.

Typically, a grading permit or voucher is required for any future grading proposed with this application.

Road Maintenance and Operations Division of the Department of Public Works and Planning: South McCall Avenue is classified as an arterial in the General Plan with a recommended right-of-way width of 106 feet. Records for existing right-of-way show a right-of-way width for South McCall Avenue of 60 feet. The applicant should dedicate a minimum of 23 feet of additional road right-of-way across the parcel frontage on South McCall Avenue.

South Duke Avenue is classified as local in the General Plan with a recommended right-of-way width of 60 feet. Records for existing right-of-way show a right-of-way width for South Duke of

40 feet. The applicant should dedicate a minimum of 10 feet of additional right-of-way across the parcel frontage on South Duke Avenue.

The comments above provided by reviewing Agencies and Departments will be included as project notes. No comments specific to the Finding 1 or 2 were expressed by reviewing Agencies or Departments.

Analysis Findings 1 & 2:

In support of Finding 1, the Applicant states that the existing 39.58-acre parcel is jointly owned by the Letizia family and Lennar Corporation. The Letizia family owned the parcel between 1965 to 2007 and Lennar purchased an interest in the property. The Variance request is needed in order to create a 5.12-acre homesite parcel and then sale the remainder of the parcel to the neighboring ownership entity to the north, who intends to continue farming operations. A unique condition that pertains to the property is that the remainder parcel will continue to be utilized for agricultural cultivation and allow Lennar to remove themselves from having a partial interest in the property. The proposed 5.12-acre homesite parcel will continue to be owned by the Letizia family for residential purposes as it has been used since at least 1965. The Applicant also states that the subject parcel is located within the City of Selma's sphere of influence and is approximately 0.25 miles from the city limits and urban uses. Under the City of Selma 2035 General Plan, the property is planned for medium density residential uses. Per the Applicant, the subject parcel is unique in that it has multiple owners, comprised of two distinct uses, is near the City of Selma, and is planned for future residential development. Approving the project proposal will allow the subject parcel to be subdivided and will help preserve the existing homesite and farmland, while still facilitating future development under the City of Selma General Plan.

In support of Finding 2, the Applicant states that there are several parcels within the immediate vicinity of the subject parcel that have subdivided and created lots less than 20 acres in size, thereby not conforming with the standards of the AE-20 Zone District.

A consideration in addressing Variance applications is whether there are alternatives available that would avoid the need for the Variance. The Applicant indicates that the proposed 5.12-acre parcel will be utilized as a homesite and the remainder will be sold to the neighbor to the north and will continue to be farmed. Staff does not believe that there are any alternatives that would allow creation of a 5.12-acre substandard parcel separate from the remainder parcel. The proposed parcel could be reconfigured to a maximum of 2.5 gross acres and then a life estate parcel could be created but would be subject to a Declaration of Intent and Acknowledgement of Penalty for Unlawful Conveyance. In this case the parcel would still be connected to the remainder parcel and ownership under both the life estate parcel and remainder parcel must be under common ownership.

In regard to Finding 1, the Applicant states that the parcel is unique in that there are multiple owners, comprised of two distinct uses, and is near the City of Selma and is planned for future residential development. Staff does not believe that having multiple owners or having the parcel comprised of two distinct uses in the form of an agricultural operation and residential use as the two uses are by-right uses established by the underlying zone district. Staff can concur with the Applicant that the subject parcel is located within the sphere of influence of the City of Selma and can concur that the parcel is designated for future residential use, this does not create a unique or exceptional circumstance. Staff does not believe that Finding 1 can be made as no unique or exceptional circumstance has been described.

In regard to Finding 2, Staff does acknowledge the existence of multiple parcels in the vicinity of the project site that are under the minimum parcel size requirement. However, Staff does not believe a property right is at issue as there are many factors that could have been in effect that may not be applicable to the current application. If a substandard parcel were created by approval of a Variance request, that would still not create a property right issue as each Variance request must be considered under their own merits. Therefore, Staff does not believe a substantial right is at risk, that the subject Variance request would preserve.

Recommended Conditions of Approval:

None

Conclusion Findings 1 & 2:

As the parcel does not constitute a unique circumstance, nor is the variance necessary for the parcel to enjoy a substantial property right, findings 1 and 2 cannot be made.

Finding 3: *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	2 acres	Single-Family Residence	AE-20	Approximately 2,170 feet
	7.86 acres	Single-Family Residence and Vineyard		
South	19.67 acres	Single-Family Residence and Orchard	AE-20	Approximately 505 feet
	13.4 acres	Single-Family Residence and Vineyard		
East	19.7 acres	Vineyard	AE-20	Approximately 1,150 feet
	14 acres	Single-Family Residence		
West	1.15 acres	Single-Family Residence	AE-20	Approximately 580 feet
	9.96 acres	Single-Family Residence and Church		
	2.5 acres	Single-Family Residence		
	2.5 acres	Single-Family Residence		
	21.4 acres	Vineyard		

Reviewing Agency/Department Comments:

Fresno County Fire Protection District: If future development is sought, the project/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.

The project/development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

Department of Public Health, Environmental Health Division: It is recommended that the applicant consider having the existing septic tanks 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.

The locations of the onsite sewage disposal area should be identified and cordoned off to prevent farm traffic from driving over, causing damage and possible failure of the septic system.

If any underground storage tank(s) are found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

As a measure to protect ground water, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 contractor.

The comments above provided by reviewing Agencies and Departments will be included as project notes. No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis Finding 3:

In support of Finding 3, the Applicant states that there will be no physical changes associated with this application and thus, there will be no negative impacts to surrounding property owners. There is an existing single-family residence on the existing parcel and has an established access point to McCall Avenue. The Applicant also states that the existing 39.58-acre parcel will not increase residential density of this area as the size of the existing parcel already permits development of two residence.

In regard to Finding 3, the proposal does not include any immediate additional development of either site. The property owner intends to continue to utilize the homesite for residential purposes and the remainder of the site is to be sold to the property owner of the northern parcel and will continue to be farmed.

Recommended Conditions of Approval:

None

Conclusion Finding 3:

Staff has determined that the granting of the Variance will not have an adverse effect on abutting property and the surrounding neighborhood. Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p> <p>General Plan Policy LU-A.9 allows the creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6 if the parcel involved in the division is at least twenty acres in size and meets the following criteria:</p> <ol style="list-style-type: none"> a. The minimum lot size shall be sixty thousand square feet of gross area, except that a lesser shall be permitted when the owner submits evidence satisfactory to the Health Office that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no even shall the lot be less than one gross acre and; b. One of the following conditions exists: <ol style="list-style-type: none"> 1. A lot less than twenty acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or 2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one lot per related person, 	<p>The project proposes to create a 5.21-acre parcel from an existing 32.17-acre parcel and 3.25-acre parcel. The 20-acre minimum parcel size will be maintained on the remainder acreage and per the Applicant is expected to be sold and merged with the northerly neighboring parcel.</p> <p>The project is not being considered under Policy LU-A.10 or 11. In reviewing the proposal, it appears that the proposal can be considered under Policy LU-A.9 if it meets the listed criteria. The proposed parcel is in excess of the minimum lot size of 60,000 square feet. Review of available documents indicate that the Letizia family has owned the parcel since at least April 29, 1971. The parcel was rezoned by County-Initiated Amendment Application No. 2870 on August 31, 1976, which rezoned the parcel from the A-1 (Agricultural District) to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. As the Letizia family has owned the property prior to adoption of the AE-20 Zone District, it appears that the proposal is consistent with General Plan Policy LU-A.9 under criteria b.3. Per the proposal, the Letizia family intends to keep the homesite under their ownership and sell the remainder of the parcel to the northerly adjacent parcel to continue being farmed.</p>

Relevant Policies:	Consistency/Considerations:
<p>and there is no more than one gift lot per twenty acres; or</p> <p>3. The present owner of the property prior to the date of these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.</p> <p>Each homesite created pursuant to this policy shall reduce by one, the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</p> <p>Policy LU-A.10 allows creation of substandard parcels in relation to development of an agricultural commercial center.</p> <p>Policy LU-A.11 allows creation of substandard lots when such action is deemed necessary by the Board of Supervisors for recovery of mineral resources and exploration and extraction of oil and gas.</p>	
<p>General Plan Policy LU-A.7: The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>As the project proposal is consistent with Policy LU-A.6 under the exception listed in Policy LU-A.9, the project is not inconsistent with Policy LU-A.7. The decision-making body shall still consider the cumulative effects such a land division can have on the agricultural community, but per the Applicant, the remainder parcel which is in excess of 20 acres is still planned to be farmed and will be sold to the agricultural operation north of the subject site.</p>
<p>General Plan Policy LU-G.1: The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are</p>	<p>The City of Selma was included on the project routing to provide opportunity to review and provide comment on the project proposal. The City of Selma reviewed the project and</p>

Relevant Policies:	Consistency/Considerations:
responsible for urban development and the provision of urban services within their spheres of influence.	did not express concerns with the proposal.

Reviewing Agency Comments:

Policy Planning Section of the Department of Public Works and Planning: The existing parcel is designated Agricultural in the Fresno County General Plan and is not enrolled in the Williamson Act program.

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

Analysis Finding 4:

In support of Finding 4, the Applicant states that the granting of this Variance will not remove any farmland from active production and will help preserve farmland by allowing a home builder (Lennar) remove their interest from the property. Per the Applicant, the Letizia family has owned the property since 1965, before the property was zoned AE-20 and before General Plan Policy LU-A.6 existed and wishes to retain the homesite. Thus, Finding 4 can be met as the proposed 5.12-acre parcel meets the objectives of the Fresno County General Plan.

The project proposal would create a sub-20-acre parcel. However, in considering Policy LU-A.9, the proposed homesite parcel can be considered consistent with the Fresno County General Plan if certain criteria are met. In reviewing available recorded documents, it appears that the Letizia Family (part owners of the subject parcel) have owned the subject parcel since at least April 29, 1971. On August 31, 1976, County-initiated Amendment Application No. 2870 was approved by the Board of Supervisors to allow rezone of parcels throughout the County to the AE-20 Zone District, which includes the subject parcel. In considering the ownership of the parcel prior to the current minimum parcel size designation, it can be seen that the project can be considered consistent with the Fresno County General Plan under Policy LU-A.9. Additional criteria under Policy LU-A.9 requires that the remaining acreage still be used for agricultural purposes which is what is indicated by the Applicants, as they will sell the remainder to the neighbor to their north who will continue to farm the parcel. Therefore, in considering applicable policies, Staff believes that the project is consistent with the General Plan.

Recommended Conditions of Approval:

None

Conclusion Finding 4:

Finding 4 can be made.

PUBLIC COMMENT:

None

SUMMARY CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings 1 and 2 for

granting the Variance Application cannot be made. Staff therefore recommends denial of Variance Application No. 4090.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Variance Application No. 4090; 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 Application No. 4090, 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.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

Variance Application No. 4090 Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan 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.	Typically, any access driveway should be set back a minimum of 10 feet from the property line.
2.	Any work done within the 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.
3.	Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion, so that vehicles do not back out onto the roadway. Direct access to arterial roads is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
4.	Typically, any existing or proposed 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.
5.	If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto McCall Avenue.
6.	South McCall Avenue is classified as an arterial in the General Plan with a recommended right-of-way width of 106 feet. Records for existing right-of-way show a right-of-way width for South McCall Avenue of 60 feet. The applicant should dedicate a minimum of 23 feet of additional road right-of-way across the parcel frontage on South McCall Avenue.
7.	South Duke Avenue is classified as local in the General Plan with a recommended right-of-way width of 60 feet. Records for existing right-of-way show a right-of-way width for South Duke of 40 feet. The applicant should dedicate a minimum of 10 feet of additional right-of-way across the parcel frontage on South Duke Avenue.
8.	Typically, a grading permit or voucher is required for any future grading proposed with this application.
9.	If future development is sought, the project/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.
10.	The project/development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
11.	It is recommended that the applicant consider having the existing septic tanks 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
12.	The locations of the onsite sewage disposal area should be identified and cordoned off to prevent farm traffic from driving over, causing damage and possible failure of the septic system.
13.	If any underground storage tank(s) are found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

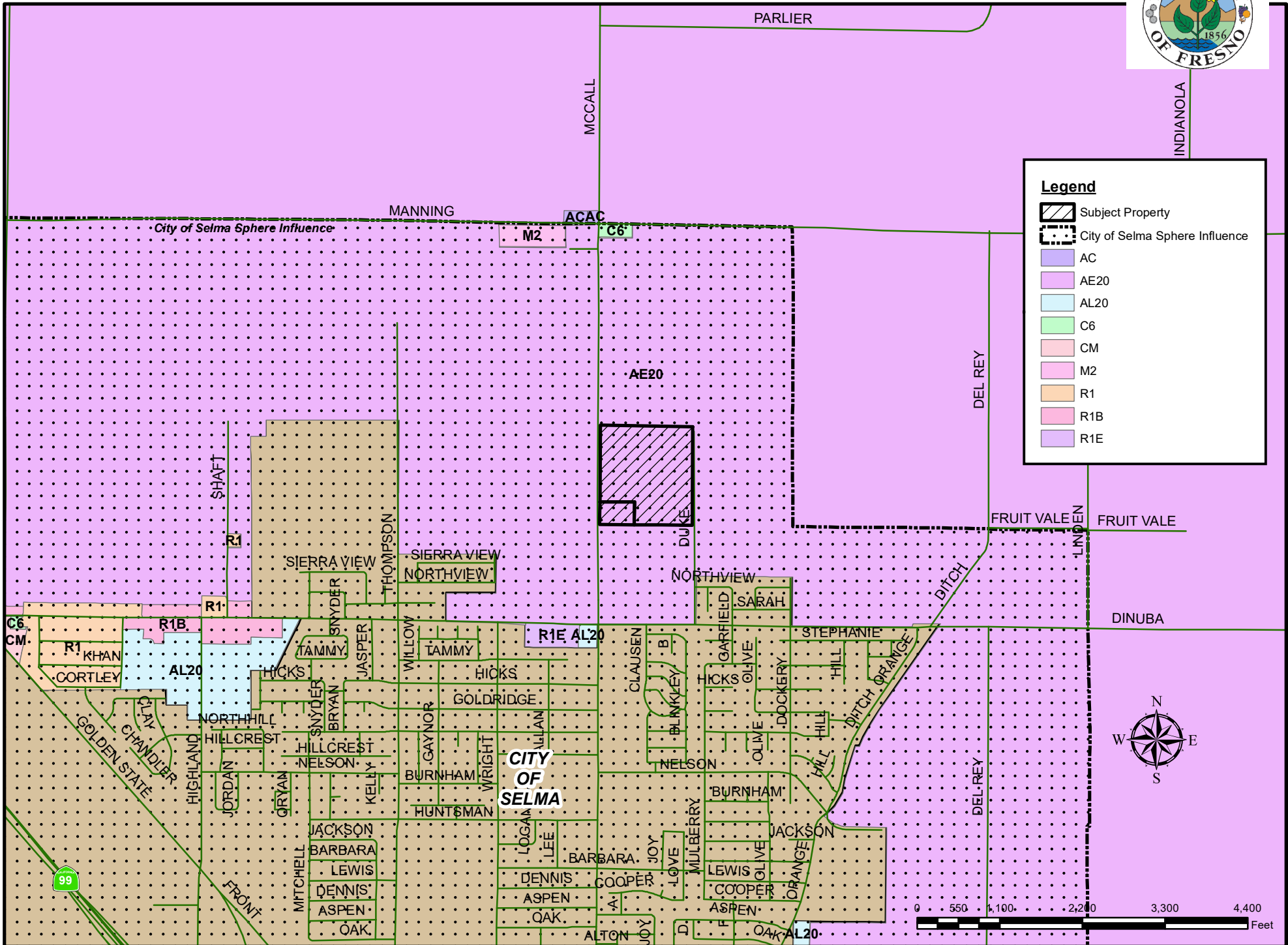
Notes

14.	As a measure to protect ground water, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 contractor
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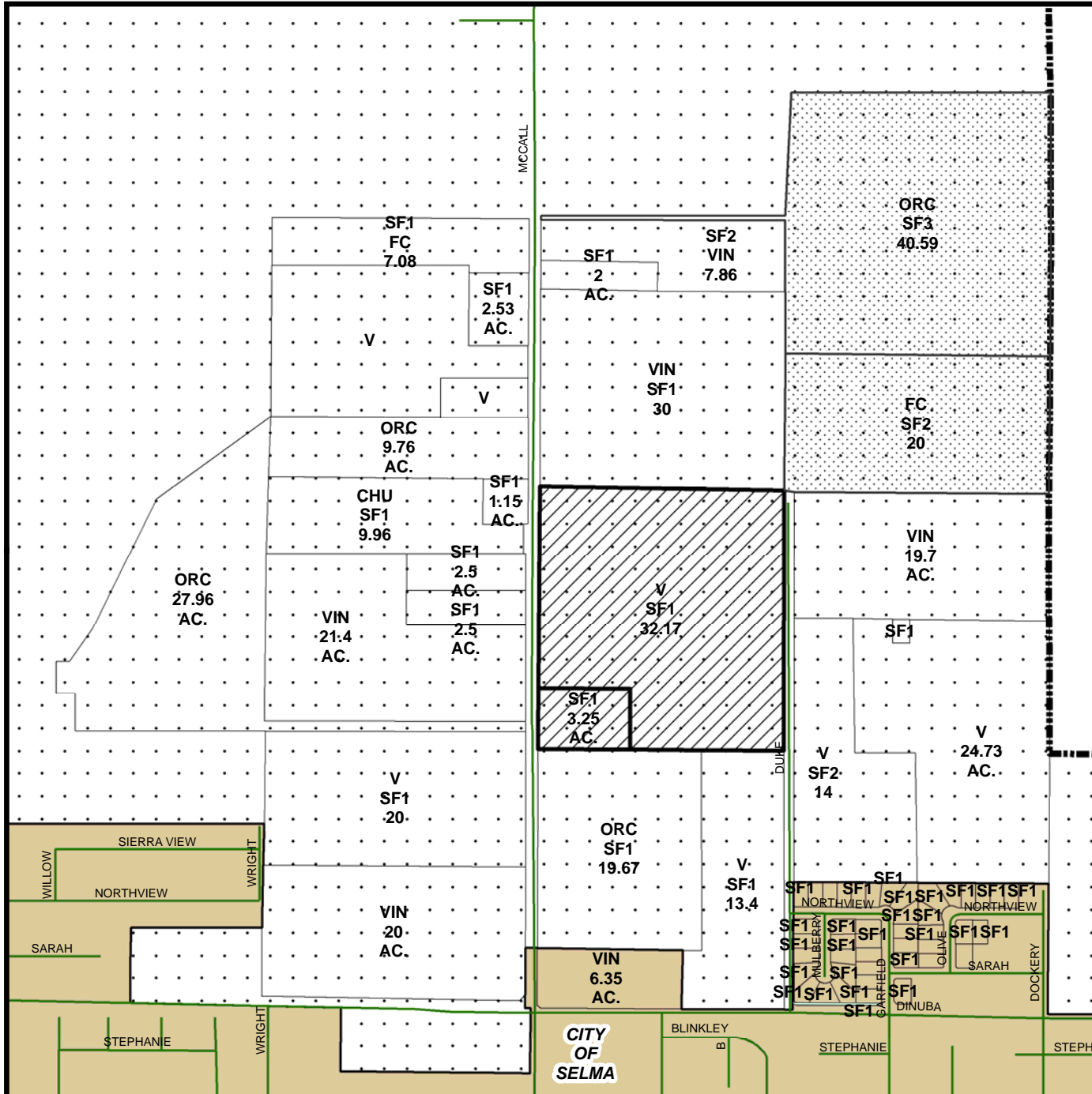
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EXHIBIT 3 EXISTING ZONING MAP



EXISTING LAND USE MAP

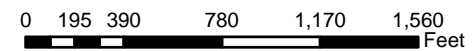
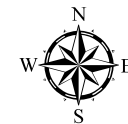
VA 4090



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

LEGEND:

-  Subject Property
-  Ag Contract Land
-  City of Selma
-  City of Selma Sphere of Influence

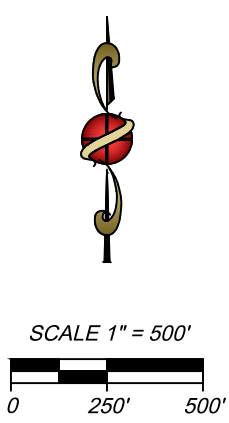
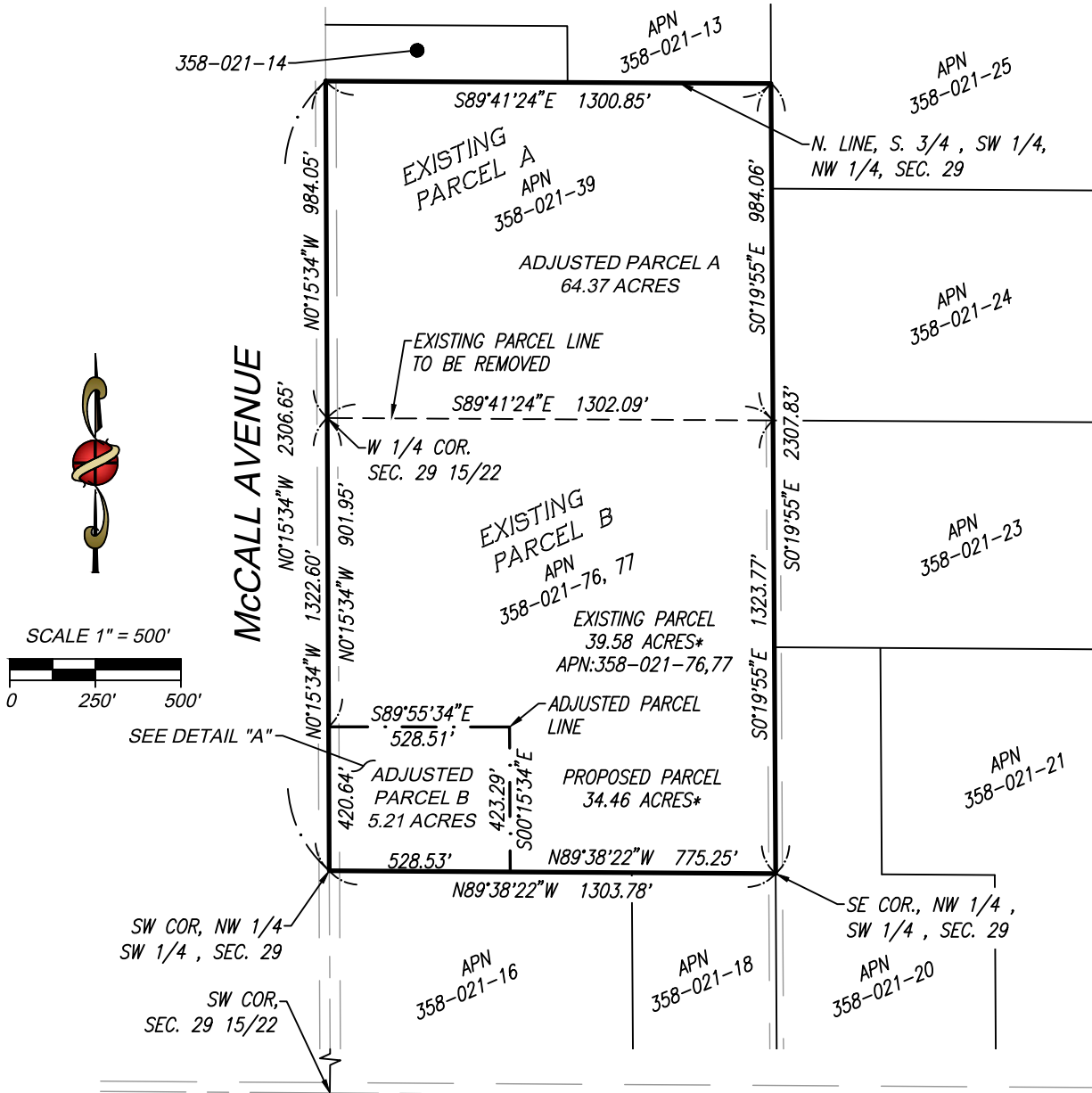


Department of Public Works and Planning
Development Services Division

EXHIBIT 6

EXHIBIT A

\\SERVER1\SHARE\PROJECTS\CIVIL 3D PROJECTS\2019\19-058\SURVEY AND MAPPING\SURVEY EXHIBITS\LOT PLAN VARIANCE.DWG



AREA

ADJUSTED PARCEL A: 64.37 AC
ADJUSTED PARCEL B: 5.21 AC

EAST DINUBA AVENUE

LEGEND

- EXISTING PARCEL LINE TO BE REMOVED
- BOUNDARY OF SUBJECT PROPERTY
- . - . - ADJUSTED PARCEL LINE

NOTE

* THE ACTUAL ACREAGE BASED ON THE LEGAL DESCRIPTION IS DIFFERENT THAN WHAT IS INDICATED ON THE APN PAGE.



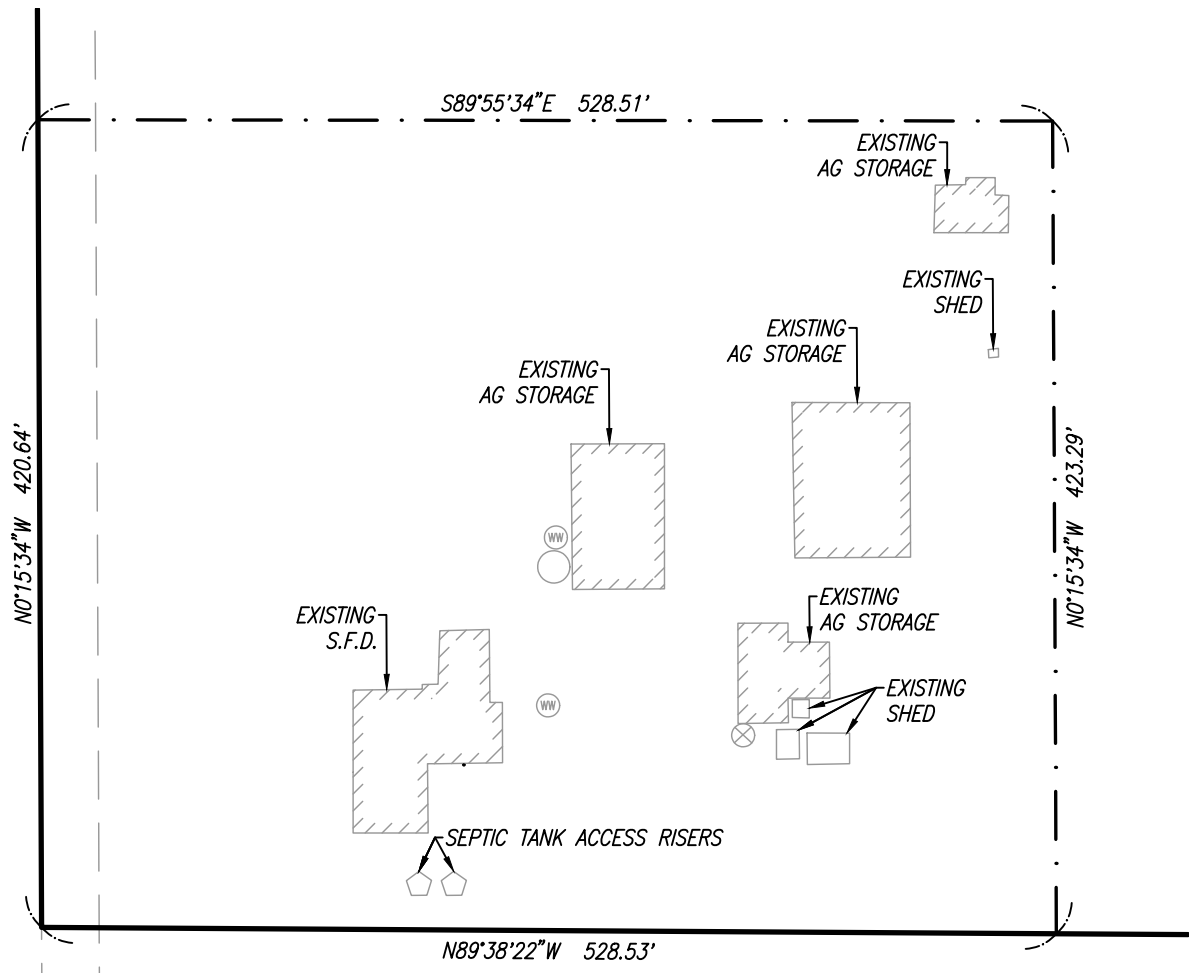
PLANNING • SURVEYING • CIVIL ENGINEERING
1234 O STREET, FRESNO, CA 93721
PHONE: (559) 449-4500 FAX: (559) 449-4515

PROJECT NAME:
PLOT PLAN FOR VARIANCE APPLICATION
PORTION OF WEST HALF SECTION 29,
T15S, R22E

09-02-2020 19-058

\\SERVER1\SHARE\PROJECTS\CIVIL 3D PROJECTS\2019\19-058\SURVEY AND MAPPING\SURVEY EXHIBITS\LOT PLAN VARIANCE DETAIL A.DWG

EXHIBIT A DETAIL "A"

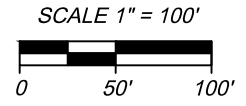


AREA

ADJUSTED PARCEL A: 64.37 AC
ADJUSTED PARCEL B: 5.21 AC

LEGEND	
---	EXISTING PARCEL LINE TO BE REMOVED
—	BOUNDARY OF SUBJECT PROPERTY
- . - . -	ADJUSTED PARCEL LINE
⬡	EXISTING SEPTIC TANK
⊙	EXISTING WATER WELL
⊗	EXISTING WATER VALVE
○	EXISTING WATER TANK

*SYMBOLS NOT TO SCALE



PLANNING • SURVEYING • CIVIL ENGINEERING
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VA4090
RECEIVED
COUNTY OF FRESNO
JUL 31 2020
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Variance Findings for 9676 S. McCall, Fresno County

- 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.** This existing 39.58-acre subject parcel (APN: 358-021-76,77) is jointly owned by Lennar Corporation and the Letizia family. The Letizia family was the sole owner of the subject parcel since at least 1965 to 2007 when Lennar Corporation purchased an interest in the property. The proposed lot line adjustment or parcel map is needed in order to create a 5.12-acre homesite parcel in order to help facilitate the sale of the remainder parcel to the neighboring ownership entity to the north of the subject parcel (APN: 358-021-30) who intends to continue farming operations.

Furthermore, another unique condition that pertains to the property is that the proposed parcel map or lot line adjustment will facilitate the continued used of the subject site as farmland. It will allow the property to be purchased by an adjacent landowner who intends to continue to use the property for farming purposes and will allow Lennar (a home developer) to remove themselves from having a partial interest in the property. This is important because the subject site is designated by The California Important Farmland Map (2016) as Prime Farmland. The proposed 34.46-acre parcel is intended to remain as farmland in active production by a neighboring ownership entity (APN: 358-021-39), while the proposed 5.12-acre parcel will continue to be used for residential purposes by the Letizia family as it has been used since at least 1965.

Finally, another unique condition related to this site is that the subject parcel is located within the city of Selma's sphere of influence and is approximately 0.25 miles from city limits and existing urban uses. In addition, the property is planned for medium density residential uses per the City of Selma 2035 General Plan (Land Use Map last modified on 11/21/2019). Thus, the subject parcel is unique in that it has multiple owners, comprises two distinct uses, is near the city of Selma, and is planned for future residential development. Allowing the subject parcel to be subdivided at this time will help preserve the existing homesite and farmland, while still facilitating its future development when feasible and consistent with what is planned by the City of Selma.

- 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.** There are several parcels within the immediate vicinity of the subject parcel that have subdivided and created lots less than 20 acres in size, thereby not conforming with the standards of the AE-20 zoning district. For example, Parcel Map No. 2918 (May 2000) allowed the creation of four parcels, three of which were less than 20 acres in size across McCall Avenue from the subject parcel (APN 358-120-43, 52, 53, 57) in the AE-20 zoning district. The Parcel Map created two 2 ½-acre parcels, one 10-acre parcel, and one 23.185-acre parcel. Additionally, there are no other alternatives available that would meet the proposal to create a 5.12-acre parcel that preserves the homesite and Letizia family use and ownership that would avoid the need for a variance.
- 3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.** There are no physical changes associated with this application and thus, there will be no negative impacts to surrounding property owners. The single-family residence in the southeasterly portion of the existing parcel has been a homesite since before 1965 with no negative impacts to surrounding property owners. The proposed 5.12-acre parcel will maintain safe access to McCall Avenue. Moreover, the proposal to

create a 5.12-acre parcel from the existing 39.58-acre parcel will not increase the residential density of this area because the size of the existing parcel already permits the development of two residences. The future property owner of the larger remainder parcel may be agreeable to signing a covenant that would prohibit the construction of an additional single-family home.

4. **The granting of such a Variance will not be contrary to the objectives of the General Plan.** General Plan policy LU-A.6 states that *“the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LUA.10, and LU-A.11...”*. The goal of this policy is to preserve farmland and prevent the parcellation of farmland into multiple rural residential lots that lead to the degradation of farmland. The granting of a variance will not remove any farmland from active production and will in fact will help preserve farmland by allowing a home builder (Lennar) to remove their interest in the property. Thus, this variance application is consistent with the general plan because the retention of the existing farmland in active production is consistent with the goals of the General Plan.

In addition to this, the project meets an exception outlined in Policy LU-A.9 listed above. This exception states that *“the County may allow creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6, if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria: a. [minimum lot size of 60,000 square feet] and The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.”* The present owner, the Letizia family, has owned the property since before 1965, which is before the property was zoned AE-20 and before this general plan policy existed, and wishes to retain their homesite. Thus, this finding can be met because the proposed creation of this 5.12-acre parcel meets the objectives of the General Plan.