



Inter Office Memo

DATE: February 16, 2017
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12630 - VARIANCE APPLICATION NO. 4001

APPLICANT/

OWNER: Ethel Baxter

REQUEST: Allow the creation of two 2.39-acre parcels (20 acres required) from an existing 4.78-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northeastern corner of the intersection of North McCall Avenue and East McKinley Avenue, approximately 1.6 miles northwest of the nearest city limits of the City of Clovis (SUP. DIST. 5) (APN 309-220-39).

PLANNING COMMISSION ACTION:

At its hearing of February 16, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Mendes and seconded by Commissioner Chatha to adopt the required Findings for approval of a Variance, stating that Findings one, two, and four could be made because the size of the properties to the east and the north and their proximity to the City of Fresno suggest that the property will be annexed in the near future, and approve Variance No. 4001, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12630

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Mendes, Chatha, Abrahamian, Eubanks, Hill, Lawson and Woolf
	No:	None
	Absent:	Commissioners Borba and Pagel
	Abstain:	None

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

By: 
William M. Kettler, Manager
Development Services Division

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- NOTE:
1. The Commission's action is final unless an appeal is filed with the Clerk to the Board of Supervisors within 15 days of the Planning Commission's action.
 2. 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 Application No. 4001

Staff: The Fresno County Planning Commission considered the Staff Report dated February 16, 2017, and heard a summary presentation by staff.

Applicant: The Applicant's representative did not concur with the Staff Report. He described the project and offered the following information to clarify the intended use:

- The size of the proposed parcels is consistent with the exemptions identified in the zoning ordinance and consistent with the size of neighboring parcels.
- Variances have been approved for parcels to the west and parcels to the north.
- The current size of the parcel is not suitable for a viable economic farming operation.
- This is not a low-water area.
- The intention of this application is to allow both grandchildren to own some of the land. Two separate parcels will facilitate the approval of loans for homes to be built on the parcels.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: Five letters were presented to the Planning Commission in support of the application and no letters were presented in opposition to the application.

**Variance Application No. 4013
Conditions of Approval and Project Notes**

EXHIBIT B

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission.
2.	As a Condition of Approval of the Parcel Map, the Applicant shall irrevocably offer 23 feet of right-of-way on McCall Avenue and a ten-foot by ten-foot corner cut-off at the McCall/McKinley intersection.

Conditions of Approval reference required Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create two 2.39-acre parcels.
2.	At such time as the Applicant/owner or future property owner 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 Public 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.
3.	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.
4.	If not already present, ten-foot by ten-foot corner cutoffs should be improved for sight distance purposes at the exiting driveways at McKinley Avenue. If not already present, thirty-foot by thirty-foot corner cutoffs should be improved for sight distance purposes at the exiting driveways at McCall Avenue.
5.	If future development is sought, the project/development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project/development also will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
6.	A grading permit or voucher may be required for any grading proposed with this application.
7.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.

Notes

8.	<p>For informational purposes, a privately-owned canal known as the City of Clovis Recycled Water Outfall No. 915 traverses the west side of the subject property. Fresno Irrigation District (FID)'s records indicate that the canal is active and should be treated as such. Should any improvements be necessary in the vicinity of the canal, FID recommends the Applicant contact the owner of the canal to discuss any right-of-way issues that may affect said canal.</p> <p>FID's Fresno Canal No. 3 runs westerly and crosses McCall Avenue approximately 1,000 feet south of the subject property. Should this project include any street or utility improvements along McCall Avenue or in the vicinity of the canal, FID requires it review and approve all plans.</p>
9.	<p>An unnamed Fancher Creek Tributary is a natural stream course traversing the southerly portion of the proposed development. Should the developer choose to modify or relocate the channel, the developer must contact all agencies having an interest in this channel and comply with their regulations regarding the natural stream. These agencies may include State of California Department of Fish and Wildlife, State of California Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.</p>
10.	<p>Prior to approval of the Tentative Map, the Applicant shall coordinate with Fresno Metropolitan Flood Control District staff to determine if an easement surrounding the unnamed Fancher Creek Tributary is warranted.</p>



County of Fresno

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

March 6, 2017

Ethel Baxter
2252 Maple Street
Selma CA 93662

Dear Applicant:

Subject: Resolution No. 12630 - Variance Application No. 4001

On February 16, 2017, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire one year from the date of approval. 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.

If you have any questions regarding the information in this letter, please contact me at cmonfette@co.fresno.ca.us or 559-600-4245.

Sincerely,

Christina Monfette, Planner
Development Services Division

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Enclosure