



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 December 8, 2016

SUBJECT: Variance Application No. 4010

Allow the creation of a 4.30-acre parcel and two 4.75-acre parcels from an existing 13.8-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northwest corner of E. Olive and N. McCall Avenues approximately 2.4 miles southeast of the nearest city limits of the City of Fresno (SUP. DIST. 5) (APN 309-081-30).

OWNER/APPLICANT: Marc Strickland

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Deny Variance No. 4010; 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. Proposed Parcel Configuration (Site Plan)
6. Approved Variances within one Mile Radius
7. Applicant's Statement of Variance Findings
8. Public Correspondence

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	N/A
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	N/A
Parcel Size	13.8 acres	4.30 acres (Parcel 1) 4.75 acres (Parcel 2) 4.75 acres (Parcel 3)
Project Site	5,520 square-foot single-family residence with access from Olive Avenue, water well, septic system, agricultural equipment storage	Parcel 1: Vacant Parcel 2: Vacant Parcel 3: 5,520 square-foot existing single-family residence
Structural Improvements	5,520 square-foot single-family residence	See "Project Site" above
Nearest Residence	Approximately 75 feet west of the western property line of subject parcel	None
Surrounding Development	Single-family residences, vineyard	N/A
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential traffic	N/A
Lighting	N/A	N/A
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 15061(b)(3) 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 26 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 (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a VA Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

Building records dating back to 1959 indicate that a cotton gin was once located on the subject 13.8-acre parcel and the adjacent existing 1.97-acre parcel when they constituted a single 15.77-acre parcel. On March 23, 1983, Variance No. 2764 was approved concurrently with Director Review and Approval (DRA) No. 1768 to allow the creation of a 1.97-acre parcel and a 13.8-acre parcel, and to allow an animal veterinary clinic on the 1.97-acre parcel. The Zone District in effect at that time was AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). In 2009, Variance Application No. 3898 was filed to allow the creation of three parcels from the 13.8-acre parcel. This Variance was denied by the Planning Commission on September 17, 2009 and later by the County Board of Supervisors on an appeal on November 10, 2009. More recently, Variance Application No. 3975 was filed in 2015 to allow the creation of two parcels from the existing 1.97 acre and 13.8 acre parcels. This Variance was denied by the Planning Commission on May 21, 2015. The Planning Commission’s denial action was not appealed to County Board of Supervisors.

The subject Application proposes to allow the creation of a 4.30-acre parcel and two 4.75-acre parcels from a 13.8-acre parcel. The proposed parcelization includes a 4.75-acre parcel (Parcel 3) with the existing 5,520 square-foot single-family residence and a 4.75-acre parcel (Parcel 2) and a 4.30-acre parcel (Parcel 1) with no improvements. Should this Variance be approved, a mapping procedure will be required to create the subject parcels as separate legal parcels for sale, lease or financing.

In addition to the subject application, there have been 13 Variance Applications pertaining to lot size requirements filed within a one-mile radius of the subject properties (Exhibit 7). Although there is a history of variance requests within proximity of the subject property, each variance request is considered on its own merit, based upon physical circumstances. The following table provides a brief summary of other Variances (VA) applications and final actions.

Application/Request	Staff Recommendation	Final Action	Date
VA No. 3975 – Allow the creation of a five-acre parcel and a 10.77-acre parcel as the result of a lot line adjustment between an existing 1.97-acre	Denial	Denied by Planning Commission	May 21, 2015

parcel and a 13.8-acre parcel in the AE-20 Zone District.			
VA No. 3898 – Allow the creation of three parcels approximately five acres in size from a 13.80-acre parcel in the AE-20 Zone District.	Denial	Denied by Planning Commission Denied by Board of Supervisors	September 17, 2009 November 10, 2009
VA No. 3734 – Allow a 4.3-acre parcel as the result of a lot line adjustment in the AE-20 Zone District.	Denial	Approved by Planning Commission	July 7, 2005
VA No. 3728 - Allow the creation of two 2.5-acre parcels, a 5-acre parcel and a 10-acre parcel from a 20-acre parcel in the AE-20 Zone District.	Denial	Approved by Planning Commission	May 9, 2002
VA No. 3531 - Allow the creation of two 2-acre parcels, a 4-acre parcel and a 12.36-acre parcel from a 20.36-acre parcel in the AE-20 Zone District.	Denial	Approved by Planning Commission	October 17, 1996
VA No. 3500 – Allow the creation of a 1.63-acre parcel in the RR Zone District.	Denial	Approved by Planning Commission	October 19, 1995
VA No. 3421 - Allow the creation of a 6.39-acre parcel, a 6.8-acre parcel and two 4-acre parcels from a 21.19-acre parcel in the AE-20 Zone District.	Denial	Denied by Planning Commission Approved by Board of Supervisors	September 21, 1993
VA No. 3397 - Allow the creation of a 1.22-acre parcel and a 3.57-acre parcel from a 4.79-acre parcel in the AE-20 Zone District.	Denial	Approved by Planning Commission	February 18, 1993
VA No. 3222 - Allow the creation of a 5.56-acre parcel from a 163.5-acre parcel in the AE-20 Zone District.	Denial	Approved by Planning Commission	September 21, 1989

VA No. 2927 - Allow the creation of a 3.99-acre parcel from a 24.14-acre parcel in the AE-20 Zone District.	Approval	Approved by Planning Commission	June 27, 1985
VA No. 2816 - Allow the creation of a one-acre parcel without public road frontage from a 21.27-acre parcel in the AE-20 Zone District.	Approval	Approved by Planning Commission	January 5, 1984
VA No. 2764 - Allow the creation of a 1.97-acre parcel and a 13.8-acre parcel from a 15.77-acre parcel in the AE-20 Zone District.	Approval	Approved by Planning Commission	March 24, 1983
VA No. 2710 - Allow the creation of a 1.6-acre, 2.1-acre and 2.75-acre parcel as a result of a lot line adjustment in the AE-20 Zone District.	Approval	Approved by Planning Commission	June 10, 1982

ANALYSIS/DISCUSSION:

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; and

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	Front: 35 feet Sides: 20 feet Rear: 20 feet	N/A	N/A (Parcel 1) N/A (Parcel 2) Yes (Parcel 3) Front (south): 344 feet Side (east): 162 feet Side (west): 116 feet Rear (north): 173 feet
Parking	N/A	N/A	N/A
Lot Coverage	N/A	N/A	N/A
Separation Between Buildings	N/A	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent	N/A	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A	N/A

Reviewing Agencies/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: AE-20 Zone District requires a minimum parcel size of 20 acres. A Variance is required to waive this requirement in order to create parcels less than 20-acres in size.

Analysis:

In support of Finding 1, the Applicant’s findings state that the project area lacks agricultural activities and the subject property: 1) is designated as Semi-Agricultural and Rural Commercial Land by the State of California; 2) has been used in a manner (e.g. single-family residence, racing of go carts and dirt bikes) that does not make it compatible for agricultural uses; 3) is not beneficial to agricultural practices due to having an irregular shape; and 4) the adjacent existing residential developments create an environment that is not conducive to commercial agricultural practices on the property. The Applicant regards these as extraordinary conditions that justify the creation of lots with less than the 20-acre minimum lot size.

In support of Finding 2, the Applicant’s findings state that 80 percent of the privately owned properties within one half-mile of the subject property are less than 20 acres in size and 59 percent of the properties within one half-mile radius are 5 acres or less in size, which is comparable to the request. Not granting the requested Variance deprives the property owner of the subject property of the rights that are retained by other property owners in the area. In order to make Findings 1 and 2, an extraordinary circumstance relating to the property that does not apply to other properties in the same zone classification and the preservation of a substantial property right must be demonstrated.

With regard to Finding 1, staff concurs with the Applicant on the lack of agricultural activities in the area. Although limited farming activities exist to the east of the subject property, parcels to the north, south, and west ranging from 1.97 acres to 4.0 acres in size have been developed with single-family residences and a commercial use. The property and the lands to the north, south and west are designated Semi-Agricultural and Rural Commercial Land, Rural Residential Land, and Vacant or Disturbed Land, and the land to the west is designated Farmland of Statewide Importance in the 2014 Fresno County Important Farmland Map. The historical use of the property has been non-agricultural and is surrounded by residential and non-agricultural uses.

Although the Applicant has made several arguments in support of Finding 1, upon analyzing the Applicant's findings, site aerial photos, the proposed parcelization (Site Plan) and comments from reviewing agencies, staff was unable to identify any unique physical circumstances that apply to the subject parcel and do not apply to other properties in the area. There are no physical circumstances or constraints such as elevation changes, rock outcroppings, or wetlands that create significant hardships for the Applicant that are applicable to the property itself to justify the need for this Variance. The Applicant has not elaborated on how the shape of the subject parcel makes it unfavorable to agricultural practices. The Applicant's justification (Exhibit 7) in reference to lack of agricultural activities in the area and the parcel being unsuitable for farming due to proximity to the existing residential uses is not a physical characteristics demonstrating circumstances which merit the requested parcel configuration proposed by the Variance request, and as such does not support meeting Finding 1.

With regard to Finding 2, the Applicant states that there are several parcels less than five acres in the area that are comparable in size to the proposed parcels and therefore this request justifies the need for parcels smaller than 20 acres. Staff notes that with the exception of 13 parcels noted in the "Background Information" of this report all other substandard-sized parcels within a one-mile radius of the subject property were not created by Variances. Many of these parcels, however, were presumably created prior to March 8, 1977 when the area was zoned Interim R-A (Single-Family Agricultural District). The R-A Zone District allowed parcels as small as 36,000 square feet with 130 feet of frontage on a public road. Staff believes the proposal does not give validity to the loss of substantial property right to support meeting Finding 2, in that denial of this Variance request would not necessarily deprive the Applicant of any right enjoyed by other property owners in the AE-20 Zone District since all property owners in said District are subject to the same development standards.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. Given the circumstances described by the Applicant in "Applicant's Findings" (Exhibit 7), there appears to be no other alternative that would meet the Applicant's desire to create a 4.30-acre parcel and two 4.75-acre parcels from an existing 13.8-acre parcel and meet the lot size required of the AE-20 Zone District.

Based on the above analysis and considering the lack of a physical circumstance warranting the proposed parcel configuration and loss of a substantial property right, staff believes Findings 1 and 2 cannot be made.

Recommended Condition of Approval:

None

Conclusion:

Findings 1 and 2 cannot be made.

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:	4 acres	Single-family residence	AE-20	350 feet

Surrounding Parcels				
	10.43 acres	Single-family residence	AE-20	345 feet
	1.97 acres	Commercial land-leveling operation	AE-20	N/A
South:	2.5 acre	Single-family residence	AE-20	173 feet
	18.5 acres	Single-family residences	AE-20	107 feet
East:	71.4 acres	Vineyard	AE-20	N/A
West:	2.9 acres	Single-family residences	AE-20	75 feet

Reviewing Agencies/Department Comments:

Fresno County Department of Agriculture (Ag Commissioner’s Office): Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development. This requirement has been included as a Condition of Approval.

Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning: McCall Avenue is classified as an Arterial in the County’s General Plan, requiring an ultimate right-of-way of 106 feet (53 feet on each side of the section line). Currently, there is a 60-foot right-of-way on McCall Avenue. Olive Avenue is classified as a Local in the General Plan, requiring an ultimate right-of-way of 60 feet (30 feet on each side of the section line). Currently, there is a 60-foot right-of-way on Olive Avenue. The existing paved drive approach and gate located at the northwest corner of McCall and Olive Avenues shall be removed upon development of the proposed 4.30-acre parcel (Parcel 1) and relocated away from the intersection. This requirement has been included as a Condition of Approval.

Additionally, an encroachment permit shall be required from the Road Maintenance and Operations Division for any drive approach improvements or work involving construction within the County road right-of-way (Olive Avenue and/or McCall Avenue). Setbacks for future improvements on the proposed parcels shall be measured from the ultimate right-of-way lines. A 20-foot by 20-foot corner cut-off for the ultimate right-of-way shall be maintained at the northwest corner of Olive and McCall Avenues.

Fresno County Department of Public Health, Environmental Health Division: Building permit records indicate the existing sewage disposal system was installed in 1988. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach field evaluated by an appropriately-licensed contractor if they have 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(s).

Development Engineering Section of the Fresno County Department of Public Works and Planning: A grading permit or voucher shall be required for any grading proposed with this application. An on-site turn-around shall be required for vehicles leaving the site to enter McCall Avenue (Arterial) in a forward motion. Direct access to McCall Avenue shall be limited to one access point. If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing driveway at Olive Avenue.

Zoning Section of the Fresno County Department of Public Works and Planning: Mapping procedure shall be required for the proposed parcels, if the Variance is approved.

Fresno Irrigation District (FID): FID's East Branch Canal No. 5 runs westerly and crosses McCall Avenue approximately 60 feet south of the subject 13.8-acre property. Any street and/or utility improvements along McCall or Olive Avenues and in the vicinity of the canal crossing shall require FID's review and approval of all plans. FID's Fresno Canal No. 3 runs westerly and crosses McCall Avenue approximately 1,200 feet north of the subject property. Any street and/or utility improvements along McCall Avenue and in the vicinity of this canal crossing shall also require FID's review and approval of all plans. FID owns a parcel (APN 309-081-05) comprising a portion of Fancher Creek Detention Basin approximately 200 feet west of the subject property. Any street and/or utility improvements along McCall Avenue, Olive Avenue or in the vicinity of said parcel shall require FID's review and approval of all plans. FID's Limbaugh Pond No. 177 is approximately 1900 feet west of the subject property and south of Olive Avenue. Any street and/or utility improvements along Olive Avenue or in the vicinity of the Pond shall require FID's review and approval of all plans.

The above-mentioned requirements have been included as Project Notes.

Design Division, Building and Safety and Water/Geology/Natural Resources Sections of the Fresno County Department of Public Works and Planning; San Joaquin Valley Air Pollution Control District; Fresno County Fire Protection District: No concerns regarding the proposal.

Analysis:

In support of Finding 3, the Applicant states that granting the requested Variance will not have a material impact to the public welfare or be injurious to properties and improvements in the area. Given the fact that there are no other agricultural operations in the immediate vicinity of the subject property, the elimination of dust and spraying activities that would occur if the property must develop as agricultural would actually be a benefit to the surrounding properties. Moreover, granting the Variance request will result in the development of a parcel that is wholly consistent with other properties in the area.

The subject property is located in an area transforming from agriculture to rural residential uses. Limited agricultural activities exist in the area and no identifiable scenic vista or resources were identified in the vicinity of the property.

Staff would like to note that the granting of this Variance may result in the establishment of one single-family residence by right on each of the proposed Parcel 1 (4.30 acres) and Parcel 2 (4.75 acres) and one additional residence on all three parcels through Director Review and Approval (Exhibit 5). However, such uses are not incompatible with the existing residential uses on farmland in the vicinity of the proposal. Given the nature of potential future residential development and the surrounding residential land uses, staff believes that the Variance will not have detrimental effects on property and improvements in the vicinity if granted with the included Conditions of Approval and mandatory Project Notes. Finding 3 can be made.

Recommended Conditions of Approval:

See Conditions of Approval and mandatory Project Notes attached as Exhibit 1.

Conclusion:

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>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 Policy LU-A.9.</p>	<p>Due to the subject Variance request proposing to create three parcels less than 20 acres in the AE-20 Zone District, staff believes this proposal is inconsistent with this policy. Also, the proposal doesn't qualify for an exception under Policies LU-A.9, in that the lot is not for a financing parcel, gift lot, or owned by the property owner prior to the date the policies were implemented.</p>
<p>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 noted above, the subject Variance request is proposing to create a 4.30-acre parcel and two 4.75-acre parcels, all of which are less than 20 acres in size in the AE-20 Zone District, and therefore inconsistent with Policy LU-A.6. The Planning Commission's action on this application will be final unless appealed to the Board of Supervisors. Staff recommends denial of the subject Variance based on the inability to make Findings 1, 2, and 4.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source. If groundwater is proposed, a hydrological investigation may be required. If the land in question lies in an area of limited groundwater, a hydrologic investigation shall be required.</p>	<p>The project site is not in a water-short area and no development is proposed by this application. The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns related to water usage or sustainability.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is not subject to a Williamson Act Contract. The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. Policies LU-A.6 and LU-A.7 state that the County shall generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture and Policy PF-C.17 requires adequate water supply for the proposal.

Analysis:

In support of Finding 4, the Applicant states that all of the adjacent properties consist of either residential or industrial/commercial uses. There are no adjacent agricultural uses, and forcing the subject property to be used as such will create the very conflicts that Policy LU-A.7 is trying to avoid.

The subject property and the land in the vicinity are designated Agriculture in the County General Plan and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Ordinance. Land to the west (across McCall Avenue) is planted in vineyard and lands to the north, south and west are developed with single-family residences and a commercial use.

The subject proposal is inconsistent with General Plan Policies LU-A.6 and LU-A.7 which require a minimum parcel size of 20 acres as a means of encouraging continued agricultural production and minimizing the amount of land converted to non-agricultural uses. The subject 13.8-acre parcel is currently non-conforming to the lot size and this Variance will allow further parcelization (one 4.30-acre parcel and two 4.75-acre parcels) in the AE-20 Zone District. The increased parcelization in the area will create additional inventory of parcels under five acres in size, which could be viewed as *de facto* rural residential parcelization, and is generally not supported by General Plan policy.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

Staff received ten (10) letters of support from property owners in the vicinity of the subject proposal. The letters state that the property owners do not object to the Applicant's Variance request to divide his property into three parcels.

CONCLUSION:

Staff believes the required Findings 1, 2, and 4 for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4010.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4010; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4010; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA
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**Variance Application (VA) No. 4010
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan (Exhibit 5) as approved by the Commission.
2.	Prior to completion of a mapping procedure, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County.
3.	The existing paved drive approach and gate located at the northwest corner of McCall and Olive Avenues shall be removed upon development of the proposed 4.30-acre parcel (Parcel 1) and relocated away from the intersection.

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 Parcel Map Ordinance. A Parcel Map Application shall be filed to create a 4.30-acre parcel and two 4.75-acre parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this project 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. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a maximum of two one-year extensions of time.
3.	Per the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> • An encroachment permit is required from the Road Maintenance and Operations Division for any drive approach improvements or work involving construction within the County road right-of-way (Olive Avenue and/or McCall Avenue). • Setbacks for future improvements on the proposed parcels shall be measured from the ultimate right-of-way lines. • A 20-foot by 20-foot corner cut-off for the ultimate right-of-way shall be maintained at the northwest corner of Olive and McCall Avenues.
4.	Per the Fresno County Department of Public Health, Environmental Health Division, building permit records indicate the existing sewage disposal system was installed in 1988. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach field evaluated by an appropriately-licensed contractor if they have 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(s).
5.	Per the Development Engineering Section of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> • A grading permit or voucher is required for any grading proposed with this application.

Notes

- An on-site turn-around is required for vehicles leaving the site to enter McCall Avenue (Arterial) in a forward motion.
- Direct access to McCall Avenue shall be limited to one access point.
- If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing driveway at Olive Avenue.

6. Per Fresno Irrigation District (FID):

- FID's East Branch Canal No. 5 runs westerly and crosses McCall Avenue approximately 60 feet south of the subject 13.8-acre property. Any street and/or utility improvements along McCall or Olive Avenues and in the vicinity of the canal crossing shall require FID's review and approval of all plans.
- FID's Fresno Canal No. 3 runs westerly and crosses McCall Avenue approximately 1,200 feet north of the subject property. Any street and/or utility improvements along McCall Avenue and in the vicinity of this canal crossing shall also require FID's review and approval of all plans.
- FID owns a parcel (APN 309-081-05) comprising a portion of Fancher Creek Detention Basin approximately 200 feet west of the subject property. Any street and/or utility improvements along McCall Avenue, Olive Avenue or in the vicinity of said parcel shall require FID's review and approval of all plans.
- FID's Limbaugh Pond No. 177 is approximately 1,900 feet west of the subject property and south of Olive Avenue. Any street and/or utility improvements along Olive Avenue or in the vicinity of the pond shall require FID's review and approval of all plans.

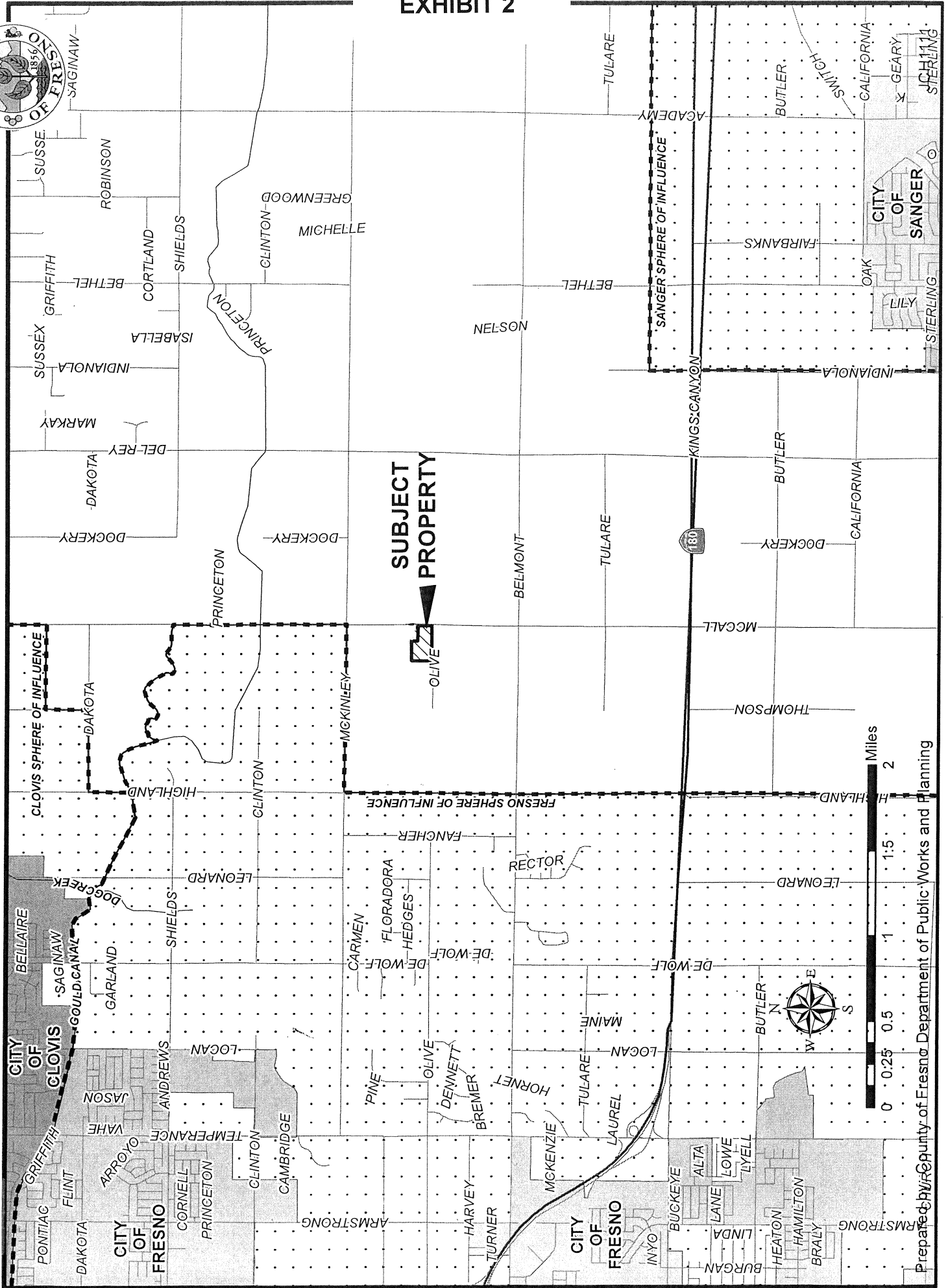
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LOCATION MAP

VA 4010



EXHIBIT 2



Prepared by Fresno County Department of Public Works and Planning

EXISTING ZONING MAP



EXHIBIT 3

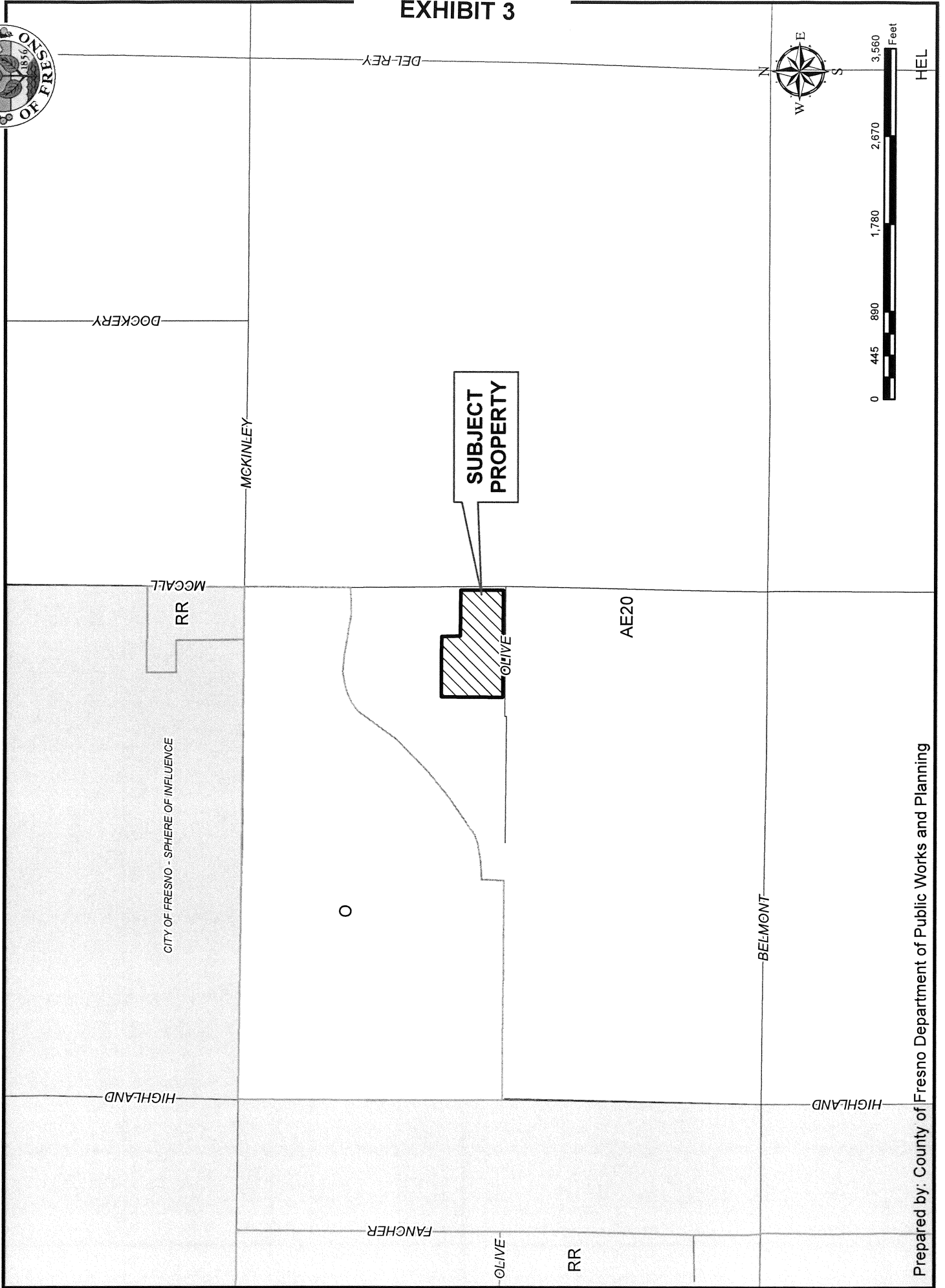


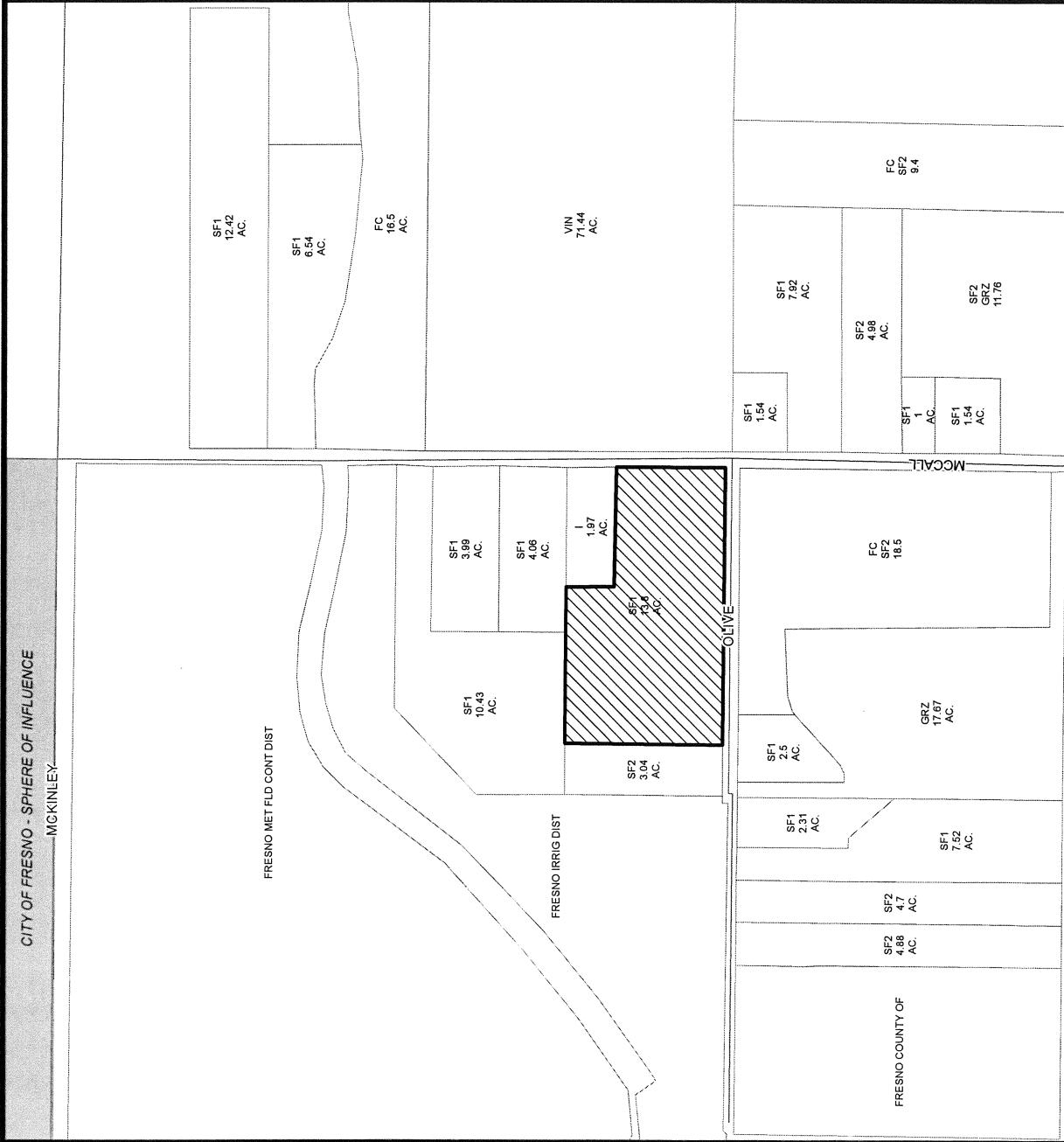


EXHIBIT 4

EXISTING LAND USE MAP

VA 4010

CITY OF FRESNO - SPHERE OF INFLUENCE
MCKINLEY

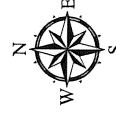


LEGEND	
FC - FIELD CROP	
GRZ - GRAZING	
I - INDUSTRIAL	
SF# - SINGLE FAMILY RESIDENCE	
VIN - VINEYARD	
V - VACANT	

LEGEND:



Subject Property



Department of Public Works and Planning
Development Services Division

Map Prepared by: HEL
J:GIS\CH\Landuse\

EXHIBIT 5

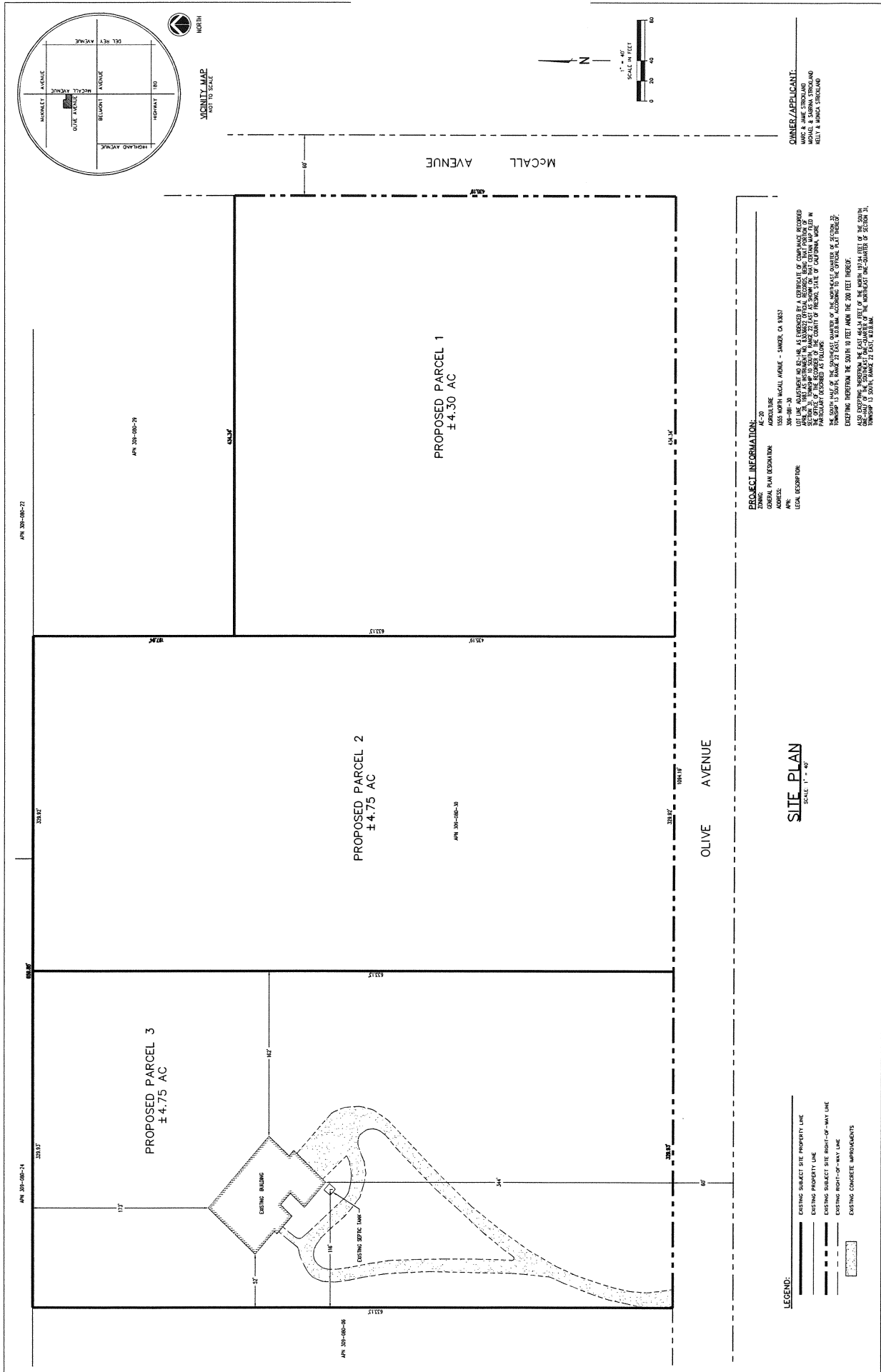


EXHIBIT 7

SUPPORTING
INFORMATION
PROPOSED VARIANCE REQUEST
Marc Strickland
1555 N. McCall
Fresno, CA 93727
(APN 309-081-30)

VA 4010
RECEIVED
COUNTY OF FRESNO
SEP 06 2016
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

OWNER/APPLICANT Mr. Marc Strickland P.O. Box 11248 Fresno, CA 93727	REPRESENTATIVE Joseph Guagliardo Comprehensive Planning Associates, Inc. 5414 E. Pitt Fresno, CA 93727 joe.guagliardo@comcast.net 559-259-5000
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PROPERTY LOCATION

The subject property is generally located on the Northwest Corner of N. McCall Avenue and E. Olive Avenue approximately 2.5 miles east of the city limits of the City of Fresno.

BACKGROUND

The subject property is a 13.8 +/- acre parcel that has approximately 466 +/- linear feet of frontage on N. McCall Avenue and 1,193 +/- linear feet of frontage on E. Olive Avenue.

General Plan Designation

Agricultural

Zoning

AE-20 (Exclusive Agriculture-20 acre minimum parcel size)

The property is a “panhandle” shaped property that has been developed with a home on western third of the property. The center portion of the property was previously used for the racing of go carts and dirt bikes. The eastern third of the property is planned for development as a well drilling business which is co-owned by the Applicant and his brothers.

With the properties in this area made up of a mix of residential properties, industrial properties (the property immediately north is a heavy construction storage yard and office, approximately 1,100 feet west is Fresno County Road Yard #8) and to the west and north is the Fresno Metropolitan Flood Control District 1,891 acre-foot Fancher Creek Detention Basin there are no active commercial agricultural activities on the west side of McCall Avenue.

This lack of agricultural activity is also evidenced by the information shown in Exhibit 1 that was derived from information provided by the State of California Department of Conservation Important Farmlands Finder. This map identifies the subject property as “Semi-Agricultural and Rural Commercial Land”. As such, it is not considered to be “lands of agricultural significance”.

With no other commercial agricultural activities in the area, initiation of such activities on the subject property would be an anomaly and, due to typical agricultural practices (plowing, pest control spraying, etc.) result in potential conflicts with existing residential developments immediately adjacent to the property.

Moreover, given the limited area available for agricultural purposes, it would be incumbent on the property owner to plant crops that would provide the highest possible return. These would include such crops as citrus and or almonds. Per The University of California Department of Agriculture and Natural Resources, (ANR Publication 8549, October 2015), the water demand for citrus in the Central Valley averages 3.5 acre feet of water per acre of citrus. This would equate to approximately 17.5 acre feet of irrigation water or 5,702,392 gallons of water annually. Almonds would create an even higher water demand. Per The University of California Department of Agriculture and Natural Resources, (ANR Publication 8515, February 2015), the water demand for almonds in the Central Valley averages 4 to 5 acre feet of water per acre of almond. For 5 acres of almonds this would equate to between 6,511,620 gallon of water and 8,139,525 gallons of water annually.

Alternatively, residential development would use between .56 acre feet (182,500 gallons) and 1.12 acre feet (375,00 gallons) annually. In an area of primarily residential development, the pumping required for the irrigation of citrus or almonds may result in a negative impact on adjoining properties.

As shown in the attached proposed parcel layout, three parcels are proposed.

Parcel 1

Proposed Parcel “1” would be used for the water well drilling business operated by the applicant and his brothers. The parcel would be approximately 4.30 +/- acres in size and would have frontage on both N. McCall Avenue and E. Olive Avenue.

Parcel 2

Proposed Parcel “2” would be a 4.75 +/- acre parcel generally located on the east side of E. Olive Avenue. This parcel would be a future home site.

Parcel 3

Proposed Parcel “3” would be 4.75 +/- acres in size and is currently developed with a single family home (owned and occupied by the applicant).

According to information shown on Fresno County Assessor maps and as summarized in Table 1 below, there are approximately 76 privately owned parcels within a .5 mile radius of the subject property. Of those parcels 61 (80%) are less than 20 acres in size and 45 (59%) are less than 5 acres in size (which is comparable to what is being requested in this application).

Table 1
 Summary of Assessor Parcel Map Pages
 Within 1/2 Mile Radius

APN Page #	Number of Privately Owned Parcels Within 1/2 Mile Radius of Site	Number of Privately Owned Parcels Less Than 20 Acres	% of Parcels Less Than 20 Acres	Number of Parcels Less Than 5 Acres in Size	% of Parcels Less Than 5 Acres in Size
309-081	6	4	67%	4	67%
309-210	12	10	83%	9	75%
309-220	5	5	100%	5	100%
309-290	27	20	74%	17	63%
309-300	15	12	80%	6	40%
309-330	11	10	91%	4	36%
Total	76	61	80%	45	59%

Given these factors, there is adequate justification for the granting of a variance to allow the property to be divided into three parcels.

REQUEST

Due to the fact that the property is not conducive to commercial agricultural practices the applicants are requesting the following variance:

1. Allow the creation of three (3) parcels within the AE-20 zone district that are less than the 20 acre minimum (§816.5.A.1)

JUSTIFICATION

In order to grant a variance four findings must be made:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.*

As noted above, there are multiple extraordinary circumstances affecting this property:

- The property is designated as Semi Agricultural and Rural Commercial Land by the State of California. It is 1 of 2 properties in the area with such a designation.
- Portions of the site have been used in a manner that does not make them compatible for agricultural uses.
- The irregular shape of the property does not make it conducive to agricultural practices.
- Existing residential developments immediately adjacent to the site create an environment that is not conducive to commercial agricultural practices.

Therefore, the subject parcel has extraordinary conditions from other properties in the area that justify the creation of lots with less than the 20 acre minimum lot size.

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.*

As noted in Table 1, 80% of the privately owned properties within ½ mile of the subject property are less than 20 acres in size and 59% of the properties within a ½ mile radius are 5 acres or less in size, which is comparable to the request.

It is clear that the majority of property owners in the area have been given the right to own and develop properties of less than 20 acres and of a size comparable to the request. Not granting the requested variance definitely deprives the property owner of the rights that are retained by other property owners in the area.

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 requested variance will not have a material impact to the public welfare or injurious to properties and improvements in the area. Given the fact that there are no other agricultural operations in the immediate environs of the subject property, the elimination of dust and spraying activities that would occur if the property must develop as agricultural, would actually be a benefit to the surrounding properties.

Moreover, granting the variance request will result in the development of a parcel that is wholly consistent with other properties in the area.

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

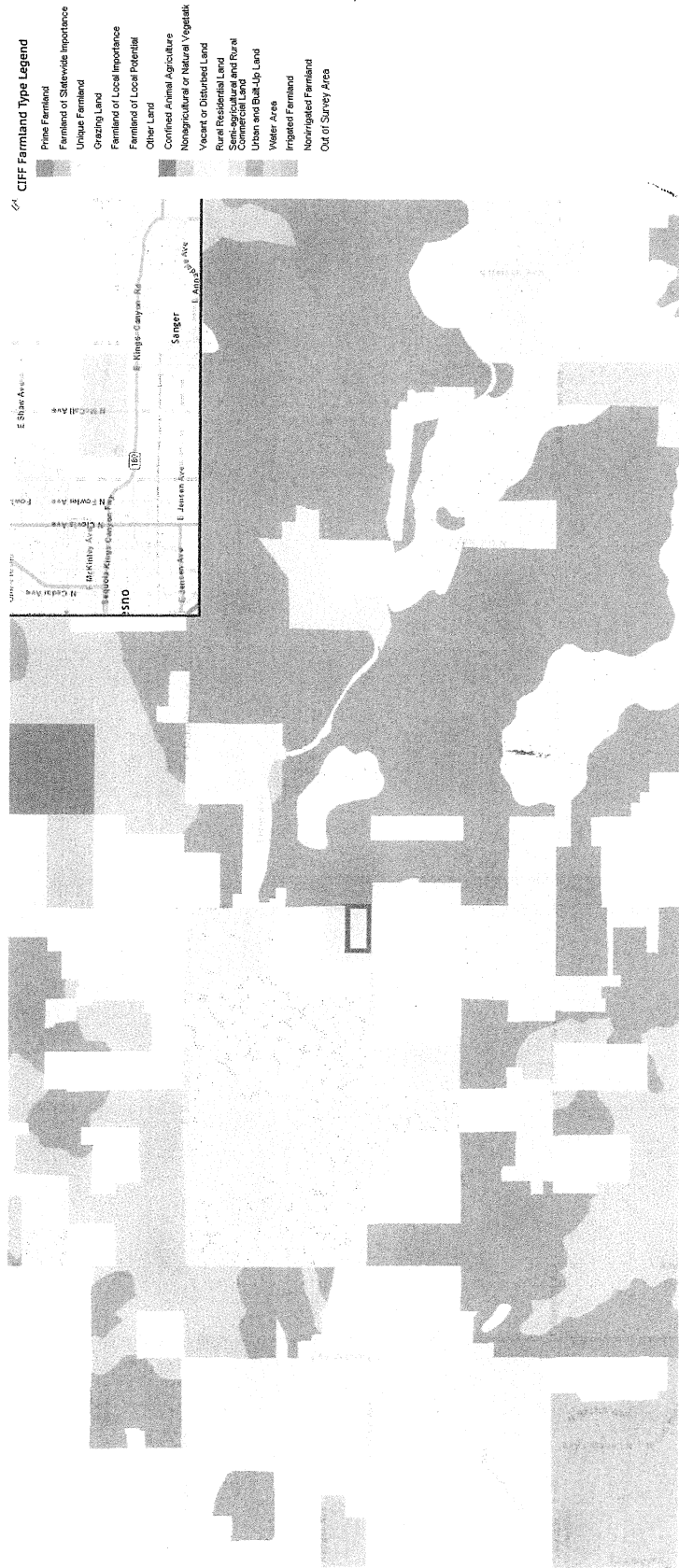
Fresno County General Plan Policy LU-A.7 (Exceptions to Minimum Agricultural Parcel Size) states, “The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels....”. (emphasis added)

As noted above, all of the adjacent properties consist of either residential or industrial/commercial uses. There are no adjacent agricultural uses. In fact, forcing the subject property to be used as such will create the very conflicts that this policy is trying to avoid.

CONCLUSION

Approval of the requested variance will allow the creation of parcels that are consistent with the existing pattern of development in the area and eliminate the creation of possible conflicts with existing residential developments by agricultural practices.

EXHIBIT 1
STATE OF CALIFORNIA
IMPORTANT FARMLANDS



Property designated as "Semi-Agricultural and Rural Commercial Land"

SOURCE
STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
IMPORTANT FARMLANDS FINDER
<http://maps.conservation.ca.gov/ciff/ciff.html>

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AND PLANNING
DEVELOPMENT SERVICES DIVISION

EXHIBIT 8

Mr. Bernard Jimenez, Assistant Director

Public Works and Planning

Fresno County

2200 Tulare Street, 8th Floor

Fresno, CA 93721

SUBJECT: PROPOSED VARIANCE REQUEST – 9760 E. OLIVE – APN 309-081-30

Dear Mr. Jimenez:

Todd & Michelle Jones owns the property located at 1388 N. McCall (APN-309-300-19) which is south / east of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.

559-351-9192

Todd & Michelle Jones

1388 N. McCall

Sanger, CA 93657



VA 4010

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DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director

Public Works and Planning

Fresno County

2200 Tulare Street, 8th Floor

Fresno, CA 93721

SUBJECT: PROPOSED VARIANCE REQUEST – 9760 E. OLIVE – APN 309-081-30

Dear Mr. Jimenez:

Jonathan & Connie Reelhorn owns the property located at 1215 N. McCall (APN-309-290-49) which is south of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.



Jonathan & Connie Reelhorn
1215 N. McCall
Sanger, CA 93657

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DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director
Public Works and Planning
Fresno County
2200 Tulare Street, 8th Floor
Fresno, CA 93721

SUBJECT: PROPOSED VARIANCE REQUEST -9760 E. OLIVE - APN 309-081-30

Dear Mr. Jimenez:

Target Land Development owns the property located at 1559 N. McCall (APN 308-081-29) which is immediately north of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.

For Target Land Development LLC
2587 N. Sunnyside *1559 N. McCall*
Fresno, CA 93720

James R. Boozel
346-7139

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DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director

Public Works and Planning

Fresno County

2200 Tulare Street, 8th Floor

Fresno, CA 93721

SUBJECT: PROPOSED VARIANCE REQUEST – 9760 E. OLIVE – APN 309-081-30

Dear Mr. Jimenez:

Juan & Maria Corral owns the property located at 1627 N. McCall (APN-309-081-22) which is north of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.

 559-251-1169

Juan & Maria Corral

1627 N. McCall

Sanger, CA 93657

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DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director

Public Works and Planning

Fresno County

2200 Tulare Street, 8th Floor

Fresno, CA 93721

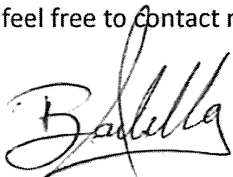
SUBJECT: PROPOSED VARIANCE REQUEST – 9760 E. OLIVE – APN 309-081-30

Dear Mr. Jimenez:

Adrian Badillo owns the property located at 1653 N. McCall (APN-309-081-25) which is north of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.



(559) 907-7246

ADRIAN BADILLO

1653 N. McCall

Sanger, CA 93657

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DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director

Public Works and Planning

Fresno County

2200 Tulare Street, 8th Floor

Fresno, CA 93721

SUBJECT: PROPOSED VARIANCE REQUEST – 9760 E. OLIVE – APN 309-081-30

Dear Mr. Jimenez:

William & Ruby Fox owns the property located at 1454 N. McCall (APN-309-300-28) which is east of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.

 559-457-0872

William & Ruby Fox

1454 N. McCall

Sanger, CA 93657

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DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director
Public Works and Planning
Fresno County
2200 Tulare Street, 8th Floor
Fresno, CA 93721


SUBJECT: PROPOSED VARIANCE REQUEST -9760 E. OLIVE - APN 309-081-30

Dear Mr. Jimenez:

We own the property located at 9728 E. Olive Avenue which is which is immediately west of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.


Manuel and Sofia Puentes (559) 253-0702
9728 E. Olive Avenue
Sanger, CA 93657

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DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director

Public Works and Planning

Fresno County

2200 Tulare Street, 8th Floor

Fresno, CA 93721

SUBJECT: PROPOSED VARIANCE REQUEST – 9760 E. OLIVE – APN 309-081-30

Dear Mr. Jimenez:

Heather & Thomas Lairmore owns the property located at 9831 E. Olive (APN-309-290-61) which is south of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.

 5599089104

Heather & Thomas Lairmore

9831 E. Olive

Sanger, CA 93657

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DEPARTMENT OF PUBLIC WORKS
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DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director

Public Works and Planning

Fresno County

2200 Tulare Street, 8th Floor

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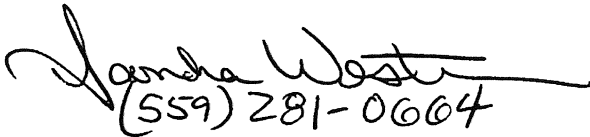
SUBJECT: PROPOSED VARIANCE REQUEST – 9760 E. OLIVE – APN 309-081-30

Dear Mr. Jimenez:

James & Sandra Western owns the property located at 9659 E. Olive (APN-309-290-050) which is south / west of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.



(559) 281-0604

James & Sandra Western

9659 E. Olive

Sanger, CA 93657

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DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director

Public Works and Planning

Fresno County

2200 Tulare Street, 8th Floor

Fresno, CA 93721

SUBJECT: PROPOSED VARIANCE REQUEST – 9760 E. OLIVE – APN 309-081-30

Dear Mr. Jimenez:

Raymond Tarvin owns the property located at 9617 E. Olive (APN-309-290-08) which is south / west of the property identified in the above variance request.

We do not object to Mr. Strickland's variance request to divide his property into three parcels.

Please feel free to contact me if you have any questions.

Raymond Tarvin 559-2463018

Raymond Tarvin

9617 E. Olive

Sanger, CA 93657

VA 4010

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