



Inter Office Memo

DATE: December 8, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12614 - VARIANCE APPLICATION NO. 4010

APPLICANT/
OWNER: Marc Strickland

REQUEST: 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).

PLANNING COMMISSION ACTION:

At its hearing of December 8, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Egan and seconded by Commissioner Eubanks to adopt the required Findings for approval of a Variance stating that Findings 1, 2 and 4 could be made as articulated by the Applicant's representative including statements that the property has not been farmed or designated as agriculture on State's Important Farmland Map, other properties less than five-acres in size are residential in nature, the proposal wouldn't negatively impact agricultural uses in the area and a motion to approve Variance No. 4010, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12614

EXHIBIT A

Variance Application No. 4010

Staff: The Fresno County Planning Commission considered the Staff Report dated December 8, 2016, and heard a summary presentation by staff.

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

- Finding 1 can be made in that the subject property has not been farmed, is not designated for agriculture on the State Farmland Map and was utilized by a former cotton gin; uniqueness of the property in this case is not limited to physical characteristics.
- Finding 2 can be made in that properties less than five-acre in size within a one half-mile radius are residential in nature, giving the Applicant the same right to be allowed with the same size parcels.
- Finding No. 4 can be made in that the proposed subdivision will not have negative incremental impacts on agricultural uses due to other five-acre parcels in the vicinity.
- The Applicant will relocate a by-right allowed well drilling business on the proposed Parcel 1.
- The Applicant will construct a single-family residence on the proposed Parcel 2; Parcel 3 is pre-developed with a single-family residence.
- The septic business owned by the Applicant's family will not be relocated on the proposed parcels.
- The Applicant and his two brothers maintain 76 percent, 12.5 percent and 12.5 percent ownership in the property respectively.
- Eleven neighboring property owners have provided letters of support to the request.

Others: Two individuals presented information in support of the application, indicating that the subject parcel has not been farmed in 40 years and is not productive agricultural land due to sandy soils and slow well yield.

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

**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 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 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. • An on-site turn-around is required for vehicles leaving the site to enter McCall Avenue (Arterial) in a forward motion.

Notes

- 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.



County of Fresno

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

January 18, 2017

Marc Strickland
PO Box 11248
Fresno CA 93727

Dear Applicant:

Subject: Resolution No. 12614 - Variance Application No. 4010

On December 8, 2016, the Fresno County Planning Commission approved your application 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 unless the required mapping application to create the parcels is filed 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 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 eahmad@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services Division

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Enclosure