



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 Hearing Date June 9, 2022

SUBJECT: Environmental Review No. 8134 and Variance Application No. 4118

DESCRIPTION: Variance to waive road frontage and minimum lot requirement in the AE-20 (Exclusive Agricultural 20-acre minimum parcel size) Zone District to allow for the creation of two parcels: Parcel A (1.19-acres) and Parcel B (1.13-acre) from the existing 2.32-acre parcel.

LOCATION: The subject parcel is located on the west side of N. Minnewawa Avenue 850 feet south of E. Copper Avenue approximately 0.9 miles east from the City of Clovis (APN: 580-050-28) (10801 N. Minnewawa Avenue) (Sup. Dist. 1).

OWNER: Chris Cruz

APPLICANT: Jenna Chilingerian

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4118; 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. Approved Variances in One-Mile Radius Map

6. Site Plans and Detail Drawings
7. Applicant's Variance Findings
8. Applicant's Exhibits (A-E): Arial photographs of subject parcel

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Exclusive Agricultural	No Change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No Change
Parcel Size	2.42-acres	Allow for the creation of two parcels. Parcel A (1.19-acres) and Parcel B (1.13-acre)
Structural Improvements	N/A	N/A
Nearest Residence	31 feet	N/A
Surrounding Development	Exclusive Agricultural	N/A

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

ENVIRONMENTAL ANALYSIS:

It has been determined that the proposed project will not have a significant effect on the environment and is not subject to further analysis under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3): Common Sense Exemption (Ex: It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

PUBLIC NOTICE:

Notices were sent to 31 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.

There were no public correspondences.

PROCEDURAL CONSIDERATIONS:

A Variance 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 Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The current Variance request, submitted on September 1, 2021, proposes to allow the creation of a 1.19-acre and 1.13-acre parcels from an existing 2.32-acre parcel and request to waive road frontage. If this Variance is approved, it will create two separate parcels after a parcel map process.

Within one mile of the subject property there has been only one other variance for parcel size on record that requested the waiver of reduced road frontage. This variance is detailed in the table below:

Application/Request:	Date of Action:	Staff Recommendation:	Final Action:
VA No. 3858: Allow creation of a 1.38-acre parcel (minimum 20-acre required) without public road frontage (minimum 165 feet required) from a 12.27-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District.	January 25, 2007	Approval	Approved by the Planning Commission

Staff notes that the single variance granted 15 years ago does not create a precedent for approval. Each variance application is 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.*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	No change	Y
Lot Dimensions	Lot width: 165 feet Lot depth: 180 feet	No change	Y
Parking	One covered parking space	No change	Y
Lot Coverage	30% lot coverage	No change	Y
Space Between Buildings	6-feet	No change	Y
Wall Requirements	6-feet	No change	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Septic Replacement Area	100 percent of the existing system	No change	Y
Water Well Separation	Building sewer/septic tank: 50 feet. disposal field:100 feet; seepage pit/cesspool: 150 feet	No change	Y
Road	Ultimate Right of Way 106 feet Per Fresno County General Plan (City of Clovis Heritage Grove Master Plan)	Waive road frontage	N

Reviewing Agencies/Departments Comments:

No comments specific to the substantial property rights were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

The applicant asserts the subject parcel has been substandard in size prior to 1970 and primarily used for agricultural purposes. However, since that time, the site has not been utilized for agricultural purposes but rather is intended for residential zoning (see Finding 4 for further details). The applicant further justifies this land use designation based on Department’s Rural Land Mapping Project re-categorized the properties within the Project Area to “Rural Residential Land” (Exhibit E).

The applicant states there is a precedence with subdivided parcels in the area from the 1960s and 1970s. They assert that despite its underlying AE-20 zoning designation, the Project site and Project Area have historically been characterized by its low-density rural development and suggests the intended use for the surrounding area to be in opposition to actual practices. This is further supported by the lack of farming practices on the subject parcel.

The Applicant’s justification for finding 1 (Exhibit 7) points to the existing and past land patterns parcel sizes as being inconsistent with the 20-acre minimum and the larger intent of the Zone district. However, the issue for this finding is not historical practices or what the land might be more appropriately zoned as. The applicants must identify how their circumstance is an exceptional or an extraordinary condition which does not apply generally to other property in the vicinity having the identical zoning classification. The site is subject to the same requirements and constraints as all other parcels within the area with the same zoning.

Recommended Conditions of Approval:

None

Finding 1 Conclusion:

Finding 1 cannot be made as there are not any exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity.

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 identical zoning classification.

Reviewing Agencies/Departments Comments:

No comments specific to the substantial property rights were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

The applicant states the average size of parcels within the project area is 4.9-acres; of which the majority (92%) already substandard in size. They assert based on the existing substandard lot sizes, further subdividing parcels would not create a precedence but rather adhere to the established land use pattern. Therefore, this would grant the applicant the same rights to property owners within the surrounding area.

Staff concurs with the applicant: the parcel is substandard from AE-20, 20-acre minimum size. Many of the homes in the area have a lot size of around 1-3 acres in size, however variances can only be used to provide relief to preserve the “substantial property right” to be able to utilize a property for the intended use of the zoning, they are not a mechanism to de-facto rezone property by applying development standards of other higher density zones.

When General Plan land use designations and zoning are applied to an area that includes substandard sized parcels it is often done to arrest the further division of land, otherwise the area of smaller parcels would have been designated for higher densities and zones like RR or RA.

The Applicant must demonstrate they are denied a property right which is enjoyed by neighboring parcels under the same zoning classification. All of the County parcels in this area have the same zoning, and whether they be above or below the minimum 20-acre size limitation, they are all subject to the same restriction regardless of size. A 1-acre parcel or a 39-acre parcel both are restricted from dividing their parcel any further, as they will not result in twenty acre or larger parcels. There are no rights granted to others within the subject area to create substandard-sized parcels.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Finding 2 cannot be made as denial of this Variance would not deprive the Applicant of any right enjoyed by other property owners in the AL-20 Zone District, since all property owners are

subject to the same development standards and are restricted from reducing or further developing parcels less than 20 acres in size. Granting of the appeal could be construed as granting of a special privilege not enjoyed by surrounding properties with the same zoning.

Finding 3: The granting of a Variance will not be materially detrimental to 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:	1.91-acres	Single family residence	AE-20	60 feet
West:	4.97-acres	Single family residence	AE-20	635 feet
South:	1.81-acres	Single family residence	AE-20	129 feet
East:	77.50-acres	Agricultural	AE-20	N/A

Reviewing Agencies/Departments Comments:

The Water and Natural Resources Division has reviewed the Groundwater Supply Report, dated March 2022, prepared by Kenneth D. Schmidt and Associates. A 72-hour pump test was conducted with one nearby monitoring well resulted in a total of 60,470 gallons being pumped with an average discharge rate of 14.0 g.p.m.

No other comments specific to the public welfare were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

The applicant states the road frontage waiver and lot size requirements are necessary to allow for the creation of two parcels. The intent is to allow for the secondary parcel, Parcel “B” (B) to be sold off while allowing the applicants to preserve their homesite, Parcel “A” (A). Access to “B” would be via an existing private road while a 12.8-foot access easement for “A” shall be proposed.

Staff concurs that there will be no additional impact to surrounding properties, provided the newly created parcels meet water supply requirements according to General Plan Policy PF-C.17. Staff concurs, with the hydro report, that the project has an adequate and sustainable supply of groundwater to meet the needs of the project and that future groundwater utilization on the property would not result in significant pumping-related impacts to surrounding properties.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of two separate legal non-conforming parcels has the potential to increase residential density in the area by allowing a single-family residence through Director Review and Approval (DRA) on Parcel A and one primary residence by right and one secondary residence through DRA on Parcel B. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations, The minimum acreage requirement of the AE-20 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential agricultural activities. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.

Recommended Conditions of Approval:

See Conditions of Approval under Finding 1.

Finding 3 Conclusion:

Finding 3 can be made due to the limited scale of this individual request, the application does not present a significant material detriment to properties in the vicinity.

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

Finding 4 Reviewing Agency Comments:

Fresno County Policy Planning Unit: The subject parcel is not enrolled in the Williamson Act Program.

The subject parcel is located within the Clovis SOI. As such, the relevant policies are as follows:

Policy LU-A.6: *The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated as 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.*

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.*

Policy LU-G.1: *The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.*

Regarding Policies LU-A.6 and LU-A.7, the subject parcel is already a substandard parcel and is located within the City of Clovis Sphere of Influence (SOI). There are existing residential parcels similar to the proposed parcels to the north and south of the subject parcel. As such, the southwest corner of Minnewawa and Copper Avenues is predominantly residential uses and therefore, General plan policies cited above are not applicable in this case.

City of Clovis Planning and Development:

The Project is located with the City of Clovis Sphere of Influence (SOI), and within the Heritage Grove Master Plan Area of the City. Based on the Heritage Grove Design Guidelines, the City would recommend against the variance, as it does not conform to the future planned land use of the Heritage Grove Master Plan.

Finding 4 Analysis:

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-A.6: <i>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 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.</i></p>	<p>With regards to Policies LU-A.6 and LU-A.7, the subject parcel is already a substandard parcel and is located within the City of Clovis Sphere of Influence (SOI). There are existing residential parcels similar to the proposed parcels to the north and south of the subject parcel. As such, the southwest corner of Minnewawa and Copper Avenues is predominantly residential uses and therefore, General plan policies cited are not applicable in this case.</p>
<p>Policy LU-A. 7: <i>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.</i></p>	<p>Consistent. See discussion above.</p>
<p>Policy LU-G.1: <i>The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.</i></p>	<p>Inconsistent. The City of Clovis Planning and Development department stated the project is inconsistent with the Heritage Grove Design Guidelines. Further, the applicant shall pay all applicable development fees in accordance to the Heritage Grove Master Plan (See Exhibit 8, Project Notes).</p>

The applicant states the Project site is within the AE-20 Zone District, the applicable General Plan policy is LU-A.6 which 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 increase residential density and lead to the degradation of farmland. As demonstrated above, the ± 2.42-acre Project site was created by subdivisions occurring between 1967 and 1973. These subdivisions created sub-standard parcels that do not meet the 20-acre minimum lot size allowed by the AE-20 Zone District. In addition, these subdivisions converted active farmland to residential uses thereby altering the physical characteristics of the Project Area from exclusively agricultural toward rural, large-lot residential. This is further evidenced by the Department of Conservation's classification

of the Project site and properties within the Project Area as "Rural Residential Land." In addition, the Project site has not yielded crops nor has been used for agricultural operations since pre-1970. Thus, the granting of a variance will not remove any farmland from active production.

Staff routed the project to the City of Clovis Planning and Development department who expressed concerns that the project is inconsistent with the Heritage Grove Design Guidelines (HGDG), the subject property is within an area of the Master plan, and as such the City requests denial of the proposed variance. Further, Fresno County Policy LU-G.1 calls for the adherence to city urban development within their designated Sphere of Influence and preservation of urban services, of which this variance would inharmoniously affect HGDG.

If approved they have requested Conditions of approval for dedication or right-of way and payment of City of Clovis development fees.

Recommended Conditions of Approval:

The Heritage Gove Design Guidelines designates North Minnewawa Avenue as a "Neighborhood Boulevard", which requires along the development frontage dedication to provide right-of-way for 44.5 feet (existing 30 feet) east of centerline, and improve with curb, gutter, sidewalk, drive approach, streetlight, 43 feet (22.5 feet west + 20.5 feet east) of permanent paving, 3 feet paved swale and transitional paving as needed. These requirements shall be enforced when development occurs in the area.

Finding 4 Conclusion:

Finding 4 cannot be made as the project is inconsistent with the County of Fresno General Plan and City of Clovis Planning and Development Heritage Grove Master Plan.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

SUMMARY CONCLUSION:

Granting of the variance could be construed as inconsistent with Government code section 65906 which prohibits granting of unqualified variances and states in part "...*shall constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.*" There are no provisions in the ordinance to create substandard parcels when you no longer wish to continue agricultural activities.

Based on the factors cited in the analysis, Staff has concluded that the required Findings 1, 2, & 4 for granting the Variance Application cannot be made as there are no exceptional or extraordinary circumstances or conditions applicable to the property, the variance is not 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, and will be contrary to the objectives of the General Plan. Staff therefore recommends denial of Variance Application No. 4118.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings 1, 2, & 4 cannot be made as stipulated by the staff report and move to deny Variance Application No. 4118; 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. 4118, 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

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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**Variance Application No. 4118
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Development shall be in accordance with the site plan as approved by the Planning Commission.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	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.
2.	For property within flood zone shaded x, any future/proposed building pad must be elevated above the existing ground to at least a minimum of twelve inches (12") and/or the finish floor elevation must be elevated above the crown of the adjacent street. Furthermore, any future/proposed associated electrical equipment/electrical system components (e.g., panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the shaded flood zone x must be elevated above the finish floor elevation. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. All sides of the future/proposed building shall be sloped 2% for 5 feet to provide positive drainage away from the building.
3.	Any additional storm water runoff generated by future development of this site cannot be drained across property lines or into the County road right-of-way, and must be retained on-site, per County Standards unless FMFCD specifies otherwise.
4.	Any existing or future access driveway should be set back a minimum of 10 feet from the property line.
5.	Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
6.	A 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing driveway accessing Behymer Avenue if not already present.
7.	A grading permit or voucher is required for any future grading proposed with this application.
8.	If the variance is approved, a parcel map application will have to be filed with Fresno County in order to affect the property division.

Notes	
9.	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.
10.	Any new sewage disposal systems shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
11.	The future construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno noise ordinance and the City of Clovis Municipal Code.
12.	At such time the applicant 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.
13.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
14.	Should any underground storage tank(s) be 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. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
15.	Should the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures to prevent the spread of vectors to adjacent properties.
16.	In the process of demolishing the existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead-based paints.
17.	If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
18.	<p>If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or remodel work the contractor should contact the following agencies for current regulations and requirements:</p> <ul style="list-style-type: none"> • California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600 • United States Environmental Protection Agency, Region 9, at (415) 947-8000 • State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

Notes	
19.	If approved, the subdivision will require a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map.
20.	Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application.
21.	If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.
22.	If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.
23.	A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.
24.	Upon subdivision, the applicant shall pay all applicable development fees prior to the issuing of a building permit. A preliminary estimate of fees is \$36,942.65. A breakdown of this estimate is attached to these conditions for your information. Additional fees may be assessed and must be paid prior to issuance of subsequent development permits. NOTE: The fees given at this time are an estimate calculated using rates currently in effect. These rates are subject to change without notice and the actual amount due shall be calculated using fee rates in effect at the time of payment. Additional fees payable to the City or other agencies (FMFCD) may become due as supplemental information regarding the project is received by the City.
25.	The applicant is advised that, pursuant to California Government Code, Section 66020, any party may protest the imposition of fees, dedications, reservations, or other exactions imposed on a development project by a local agency. Protests shall be filed in accordance with the provisions of the California Government Code and shall be filed within 90

Notes	
	days after conditional approval of this application is granted. The 90-day protest period for this project shall begin on the "date of approval" as indicated on the "Acknowledgment of Acceptance of Conditions" form.
26.	The applicant shall be aware that the Heritage Gove Design Guidelines designates North Minnewawa Avenue as a "Neighborhood Boulevard", which requires along the development frontage dedication to provide right-of-way for 44.5 feet (existing 30 feet) east of centerline, and improve with curb, gutter, sidewalk, drive approach, streetlight, 43 feet (22.5 feet west + 20.5 feet east) of permanent paving, 3 feet paved swale and transitional paving as needed. These requirements shall be enforced when development occurs in the area.
27.	The Unpermitted 15 feet x 23 feet Gazebo is located within a 20 feet Required Interior Yard Setback. Since it is not located 100 feet or more from the front property line it cannot encroach into the Interior SYSB.
28.	Per County Propane Setbacks & Per the CFC, the Existing LPG Tank Distance is Required to be Setback from the Southern Property Line by 25 feet.
29.	Plans, permits and inspections will be required to remedy the violation.
30.	For property within flood zone shaded x, any future/proposed building pad must be elevated above the existing ground to at least a minimum of twelve inches (12") and/or the finish floor elevation must be elevated above the crown of the adjacent street.
31.	Any work performed within the County road right-of-way will require an encroachment permit.
32.	All structures on the subject parcel require permits prior to final inspection, otherwise are subject to violation.

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EXHIBIT 2
LOCATION MAP

VA 4118

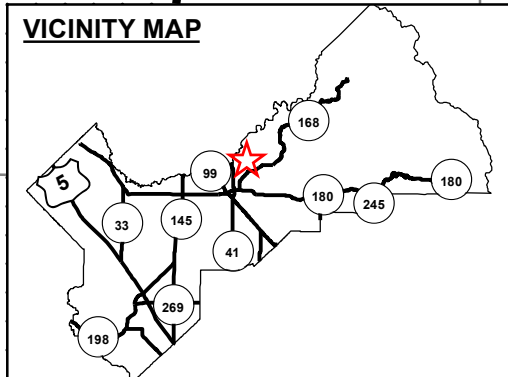
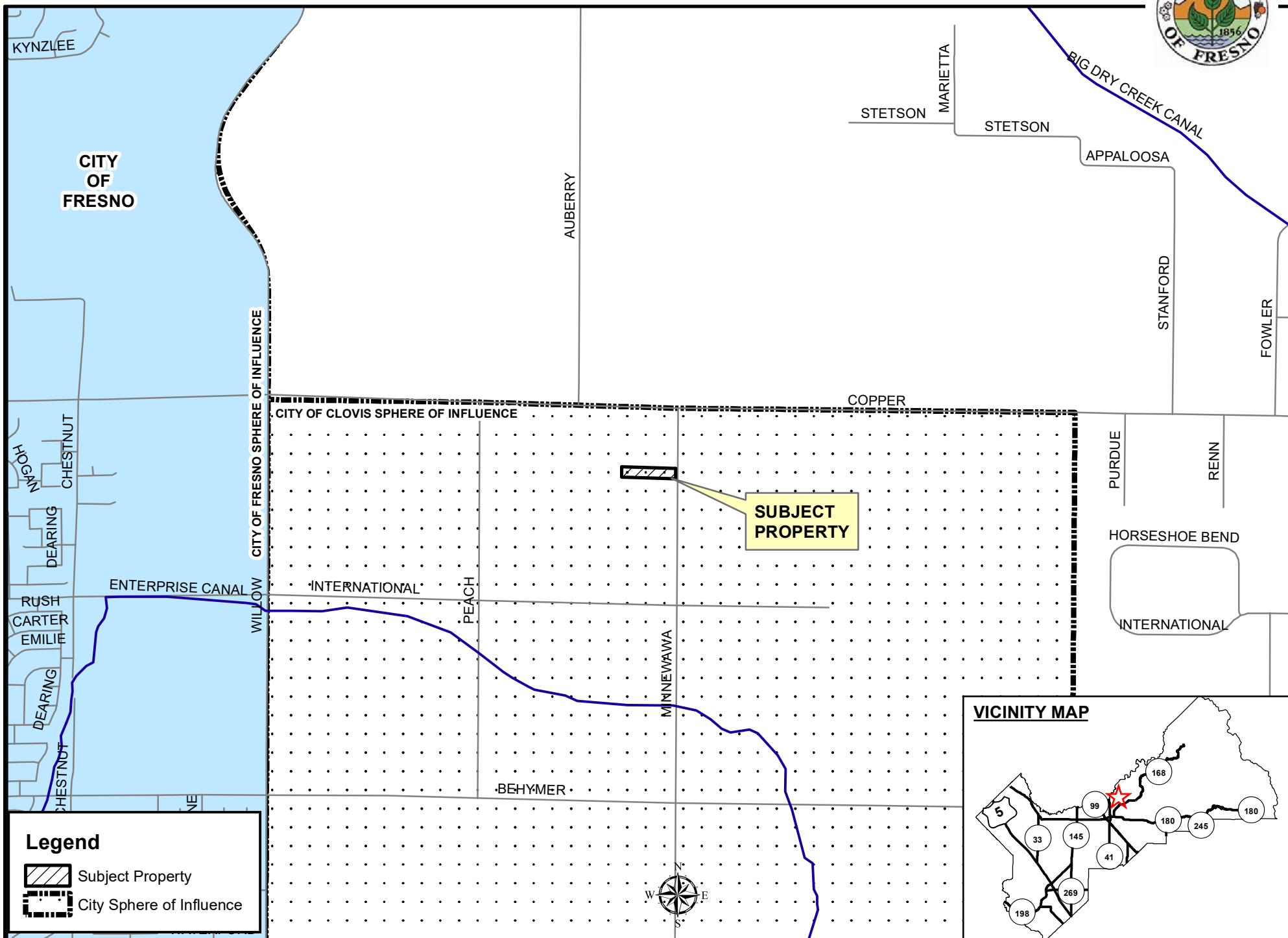


EXHIBIT 2

EXHIBIT 3
EXISTING ZONING MAP

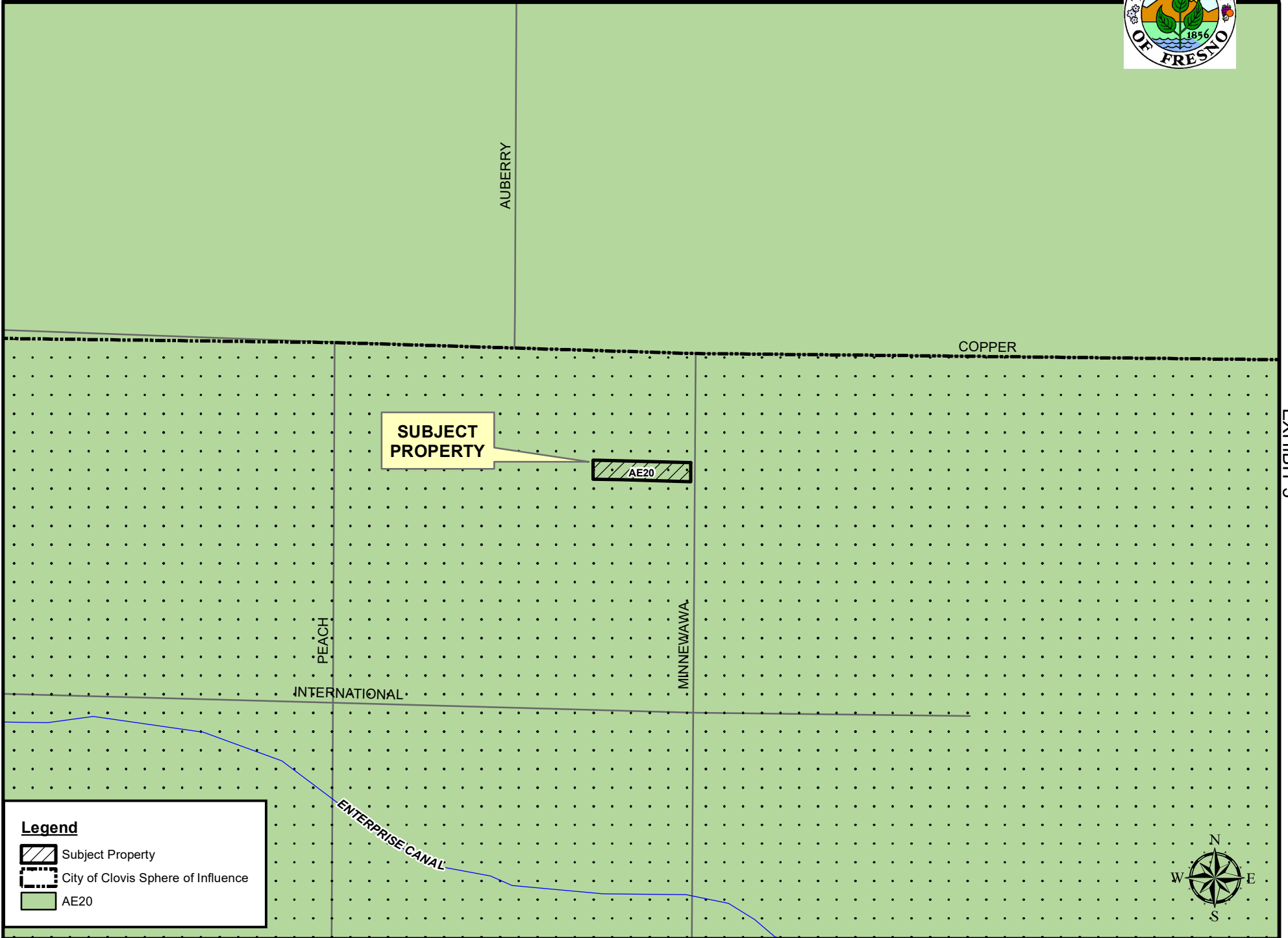



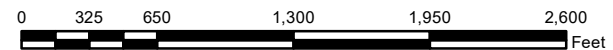


EXHIBIT 3

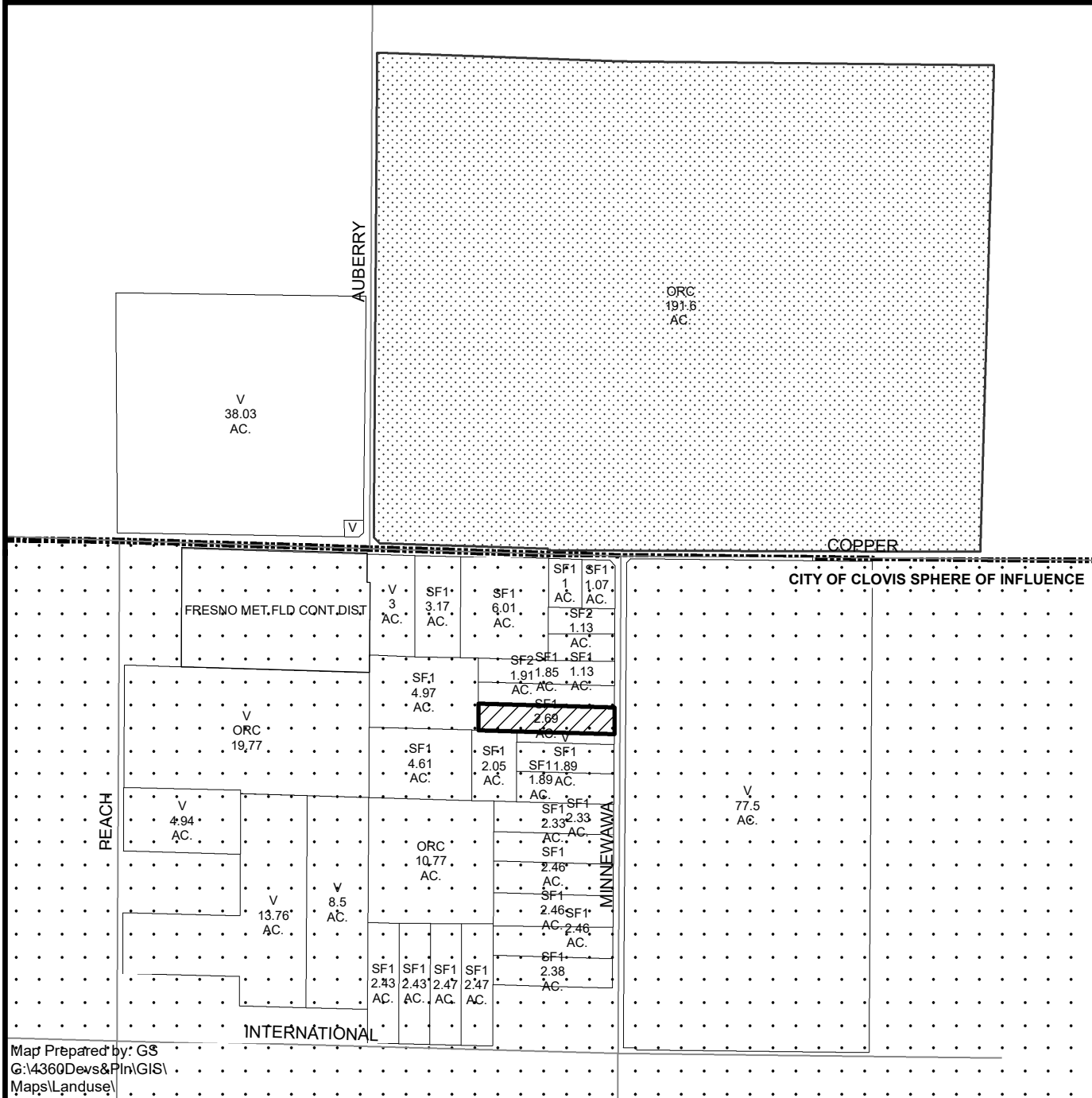
Legend

-  Subject Property
-  City of Clovis Sphere of Influence
-  AE20





EXISTING LAND USE MAP

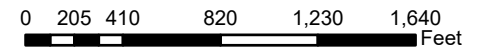
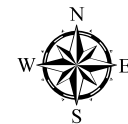
VA 4118



LEGEND	
ORC - ORCHARD	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

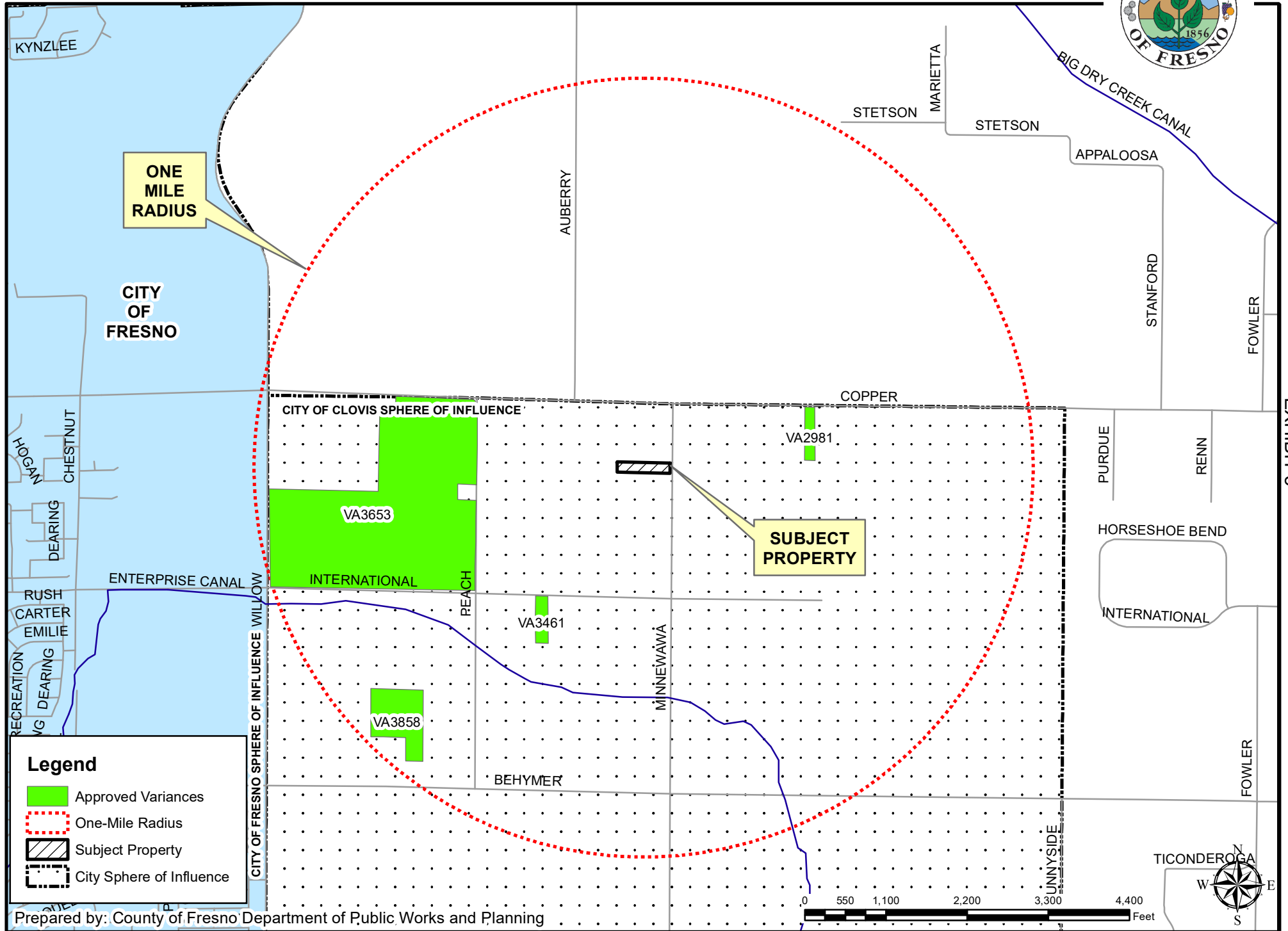
-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
 Development Services Division

Map Prepared by: GS
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EXHIBIT 5 APPROVED VARIANCES IN A ONE-MILE RADIUS



Legend

- Approved Variances
- One-Mile Radius
- Subject Property
- City Sphere of Influence

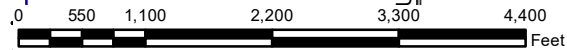
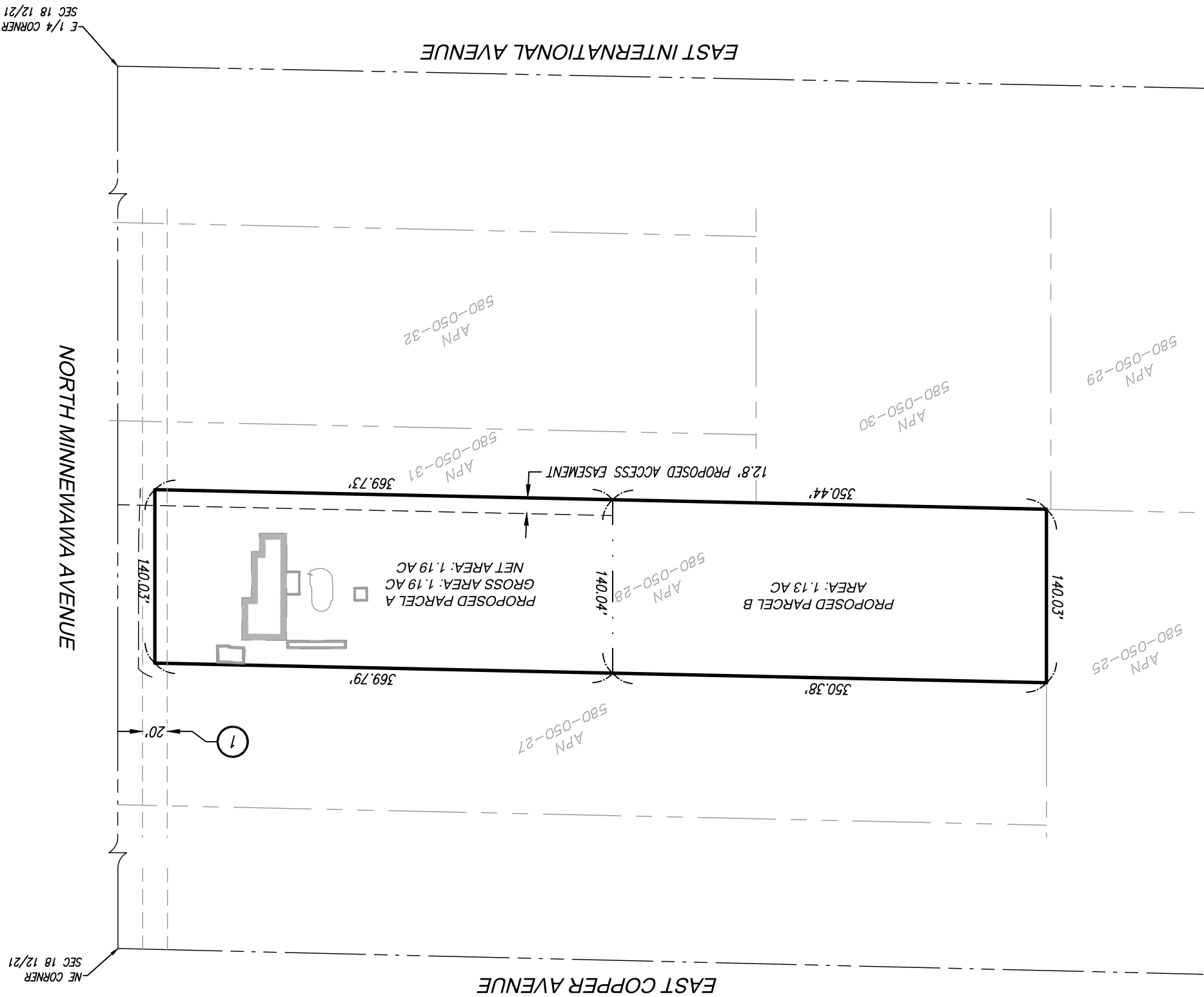
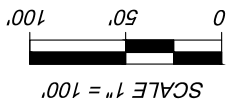


EXHIBIT "A"
PARCEL EXHIBIT



E 1/4 CORNER
SEC 18 12/21

NE CORNER
SEC 18 12/21



①
20' GARFIELD WATER DISTRICT EASEMENT, BK. 5376,
PG. 535, ORFC, PARCEL 10 (B) AND JOINT USE
WITH GARFIELD TELEPHONE COMPANY, BK. 5366, PG.
298, ORFC

EASEMENT NOTES:

1. SEE EXHIBITS A.2 AND A.3 REGARDING INFORMATION ON
DISTANCES AND LOCATIONS OF ON-SITE STRUCTURES AND
BUILDINGS.

NOTES:

--- --	EXISTING PROPERTY LINE
---	EXISTING STREET SECTION LINE
—	EXISTING PROPERTY BOUNDARY
- . - . - .	PROPOSED PROPERTY LINE

LEGEND

PROJECT NAME: EXHIBIT "A"
10801 N. MINNEWAWA AVENUE, CLOVIS, CA 93619

SHEET 1 OF 3

DATE: 2-17-2022

JOB#: 21-073



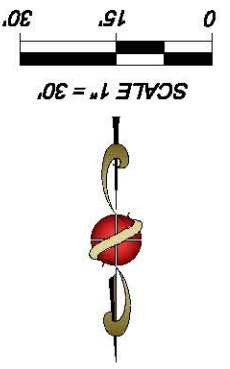
PLANNING • SURVEYING • CIVIL ENGINEERING
1234 O STREET FRESNO, CA. 93721
PH: (559) 449-4500 FAX (599) 449-4515

1

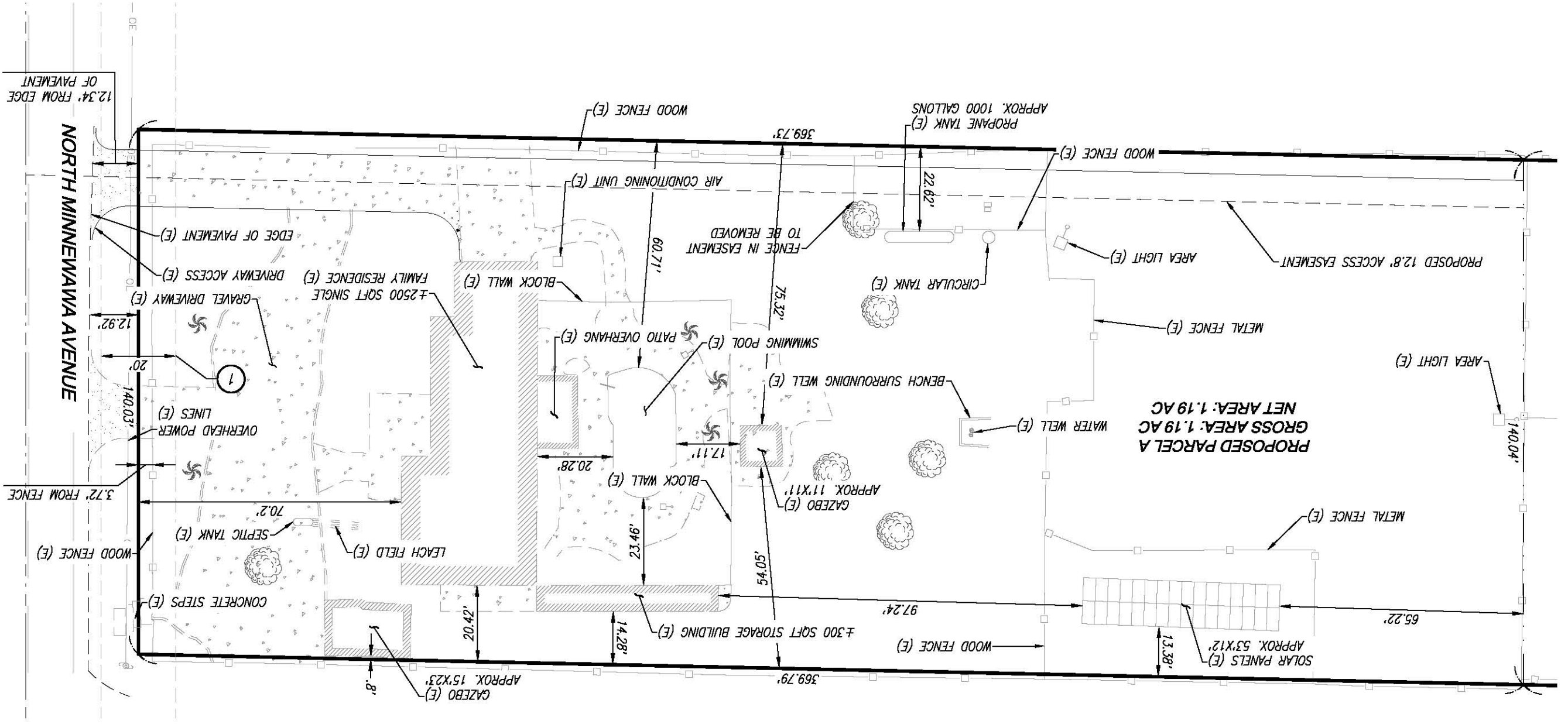
EASEMENT NOTES:
20' GARFIELD WATER DISTRICT EASEMENT, BK. 5376, PG. 535, ORFC, PARCEL 10 (B) AND JOINT USE WITH GARFIELD TELEPHONE COMPANY, BK. 5366, PG. 298, ORFC.

LEGEND

EXISTING PROPERTY LINE	---
EXISTING STREET SECTION LINE	---
EXISTING PROPERTY BOUNDARY	---
PROPOSED PROPERTY LINE	---
EXISTING CONCRETE	---
EXISTING STRUCTURE AS NOTED	---



**EXHIBIT "A.2"
PROPOSED PARCEL A DETAIL**



PROJECT NAME:

EXHIBIT "A.2"
10801 N. MINNEMAWA AVENUE, CLOVIS, CA 93619

SHEET

2 OF 3

DATE:

2-17-2021

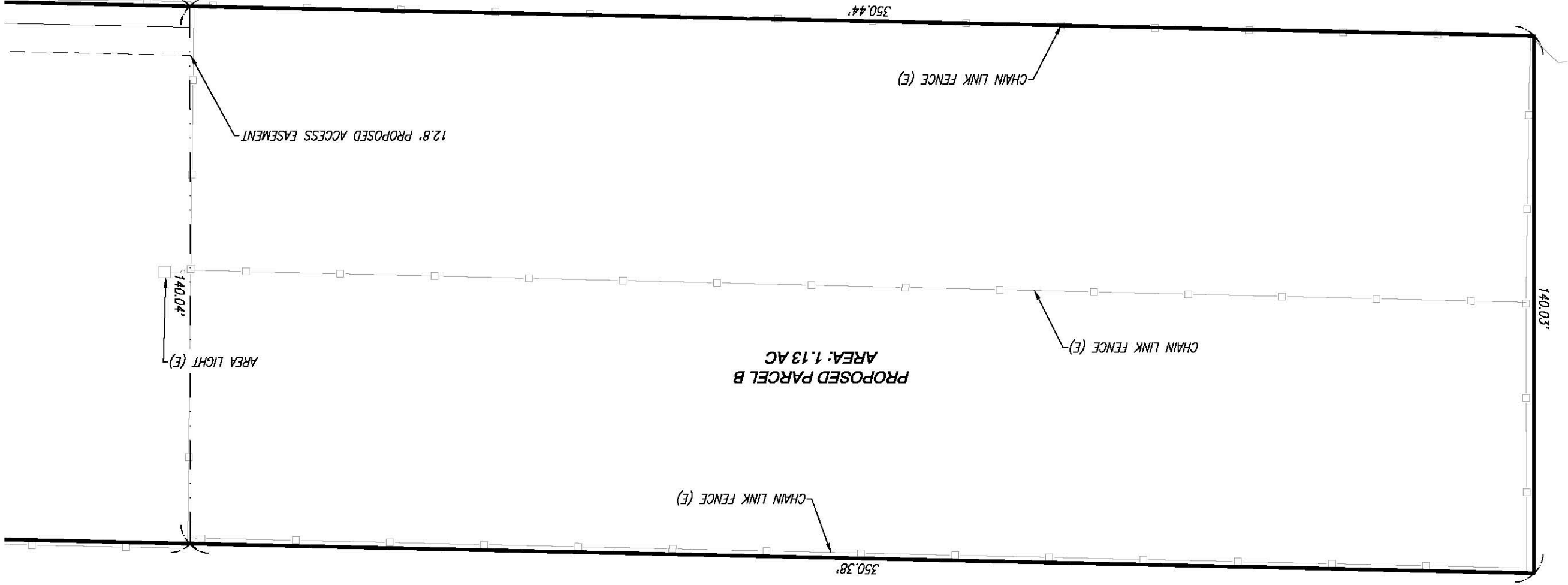
JOB#:

21-073



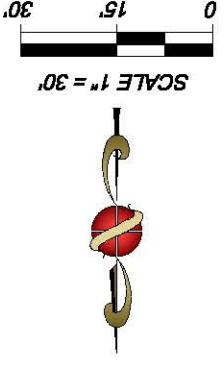
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1234 O STREET FRESNO, CA, 93721
PH: (559) 449-4500 FAX (559) 449-4515

EXHIBIT "A.3" PROPOSED PARCEL B DETAIL



LEGEND

-----	EXISTING PROPERTY LINE
-----	EXISTING STREET SECTION LINE
-----	EXISTING PROPERTY BOUNDARY
-----	PROPOSED PROPERTY LINE



PROJECT NAME: EXHIBIT "A.3"
 10801 N. MINNEWAWA AVENUE, CLOVIS, CA 93619
 SHEET 3 OF 3
 DATE: 2-17-2022
 JOB#: 21-073



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

Variance Findings for 10801 N Minnewawa Avenue, Clovis, CA (APN: 580-050-28)
REVISED 2/14/2022

The proposed variance is needed to waive the public road frontage requirements and lot size requirements to allow the creation of a \pm 1.13-acre parcel from the existing \pm 2.32-acre (net) subject parcel (APN: 580-050-28), thereby creating Parcel A (\pm 1.19-acres) and Parcel B (\pm 1.13-acres). The front portion of the subject parcel (future Parcel A) contains a \pm 2,044 sf. single-family residence that was built in 1971 in addition to amenities (e.g., pool, shed, etc.). The western portion of the parcel (future Parcel B) contains ruderal vegetation and is absent of improvements. The property owner, Criss Cruz, is seeking this variance to facilitate the development of a single-family residence on future Parcel B. The Cruz family have been the sole owners of the subject parcel since 1971. Allowing the subject parcel to be subdivided will help preserve the existing homesite for the Cruz family and allow the underutilized portion of the parcel to be developed with a single-family residence.

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.

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. These circumstances or conditions include:

- a) The Project site has been a substandard-sized parcel since pre-1970.** The Project site is zoned AE-20. Section 816, "AE" Exclusive Agricultural District of the Fresno County Zoning Ordinance, defines the "AE" District as an exclusive district for agriculture that is for those uses which are necessary and an integral part of the agricultural operation. The minimum lot size for properties within the AE-20 Zone District is 20 acres. According to historical aerial imagery for Fresno County (**Exhibit B**), large agricultural properties within the Project Area (i.e., Project Area is within a ½-mile radius of the Project site, **Exhibit C**) began to be subdivided into lots less than 20-acres in size between 1967 and 1973. These subdivisions resulted in the creation of the \pm 2.32-acre (net) Project site, which was developed by the Cruz family with a single-family residence in 1971. Thus, despite its underlying AE-20 zoning designation, the Project site has historically been a substandard-sized parcel.
- b) The Project site has not yielded crops nor has been used for agricultural operations since pre-1970.** Before 1970, the Project Area was primarily characterized by agricultural land and operations. The subdivisions that occurred between 1967 and 1973 introduced residential uses, thereby altering the physical characteristics of the area from exclusively agricultural toward rural, large-lot residential. Further, properties within the Project Area were designated by the California Department of Conservation as "Other Land" between 1984 and 2002 (**Exhibit D**). Generally, Other Land is land not included in any other mapping category. Common examples include low-density rural development and lands not suitable for agriculture. Since 2002, the Department's Rural Land Mapping Project re-categorized the properties within the Project Area to "Rural Residential Land" (**Exhibit E**).

According to the Department, Rural Residential Land is defined as “residential areas of 1 to 5 structures per 10 acres (‘ranchettes’).” Thus, despite its underlying AE-20 zoning designation, the Project site and Project Area have historically been characterized by its low-density rural development rather than agricultural operations consistent with AE-20.

Overall, the Project site has historically been a substandard-sized parcel with a residential use resulting from the County-permitted subdivisions that took place between 1967 and 1973. This is evidenced by aerial imagery, physical characteristics of the Project Area, and the State’s agricultural land classifications. As such, there are exceptional and extraordinary circumstances and conditions applicable to the Project site which do not apply generally to other property in the vicinity having the AE-20 zoning designation.

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.

Within the Project Area, there are approximately 500 acres of land zoned AE-20 (**Exhibit F**). In addition, approximately 92% (77 out of 84 parcels) of parcels within the Project Area are less than 20 acres in size (**Exhibit G**). The average size of these substandard parcels is 4.9 acres, and a majority are used primarily for non-agricultural uses. Therefore, by allowing the creation of these substandard parcels primarily for non-agricultural uses, the County has effectually: (1) altered the physical characteristics of the area from exclusively agricultural toward rural, large-lot residential; and (2) granted rights to property owners within the subject area to create substandard-sized parcels absent of agricultural activities. In line with the characteristics of the area and the rights possessed by nearby property owners under like conditions, the creation of Parcel A (**± 1.19-acres**) and Parcel B (**± 1.13-acres**) would thereby allow for the preservation and enjoyment of a substantial property right of the Cruz family, as has been provided to their neighboring property owners, while also contributing and conforming to the physical character of the area.

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.

The proposed variance is needed to waive the public road frontage requirements and lot size requirements to allow the creation of a **± 1.13-acre** parcel from the existing **± 2.32-acre (net)** subject parcel, thereby creating Parcel A (**± 1.19-acres**) and Parcel B (**± 1.13-acres**). Allowing the subject parcel to be subdivided will help preserve the existing homesite for the Cruz family and allow the unused portion of the parcel to be purchased and developed with a single-family residence. The proposed Parcel B will maintain safe access to N. Minnewawa Avenue by an existing private road that provides access to three properties south and west of the Project site (**Exhibit H**). Moreover, residential development on a future **± 1.13-acre** parcel would be consistent with several properties surrounding the Project site that contain single-family residences on sites that are less than two acres in size. Thus, the granting of this variance will not result in detrimental impacts to properties or improvements. In fact, it may improve the area by allowing for a more efficient use of underutilized land.

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

Because the Project site is within the AE-20 Zone District, the applicable General Plan policy is LU-A.6 which 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 increase residential density and lead to the degradation of farmland. As demonstrated above, the ± 2.32-acre (net) Project site was created by subdivisions occurring between 1967 and 1973. These subdivisions created sub-standard parcels that do not meet the 20-acre minimum lot size allowed by the AE-20 Zone District. In addition, these subdivisions converted active farmland to residential uses thereby altering the physical characteristics of the Project Area from exclusively agricultural toward rural, large-lot residential. This is further evidenced by the Department of Conservation’s classification of the Project site and properties within the Project Area as “Rural Residential Land.” In addition, the Project site has not yielded crops nor has been used for agricultural operations since pre-1970. Thus, the granting of a variance will not remove any farmland from active production.

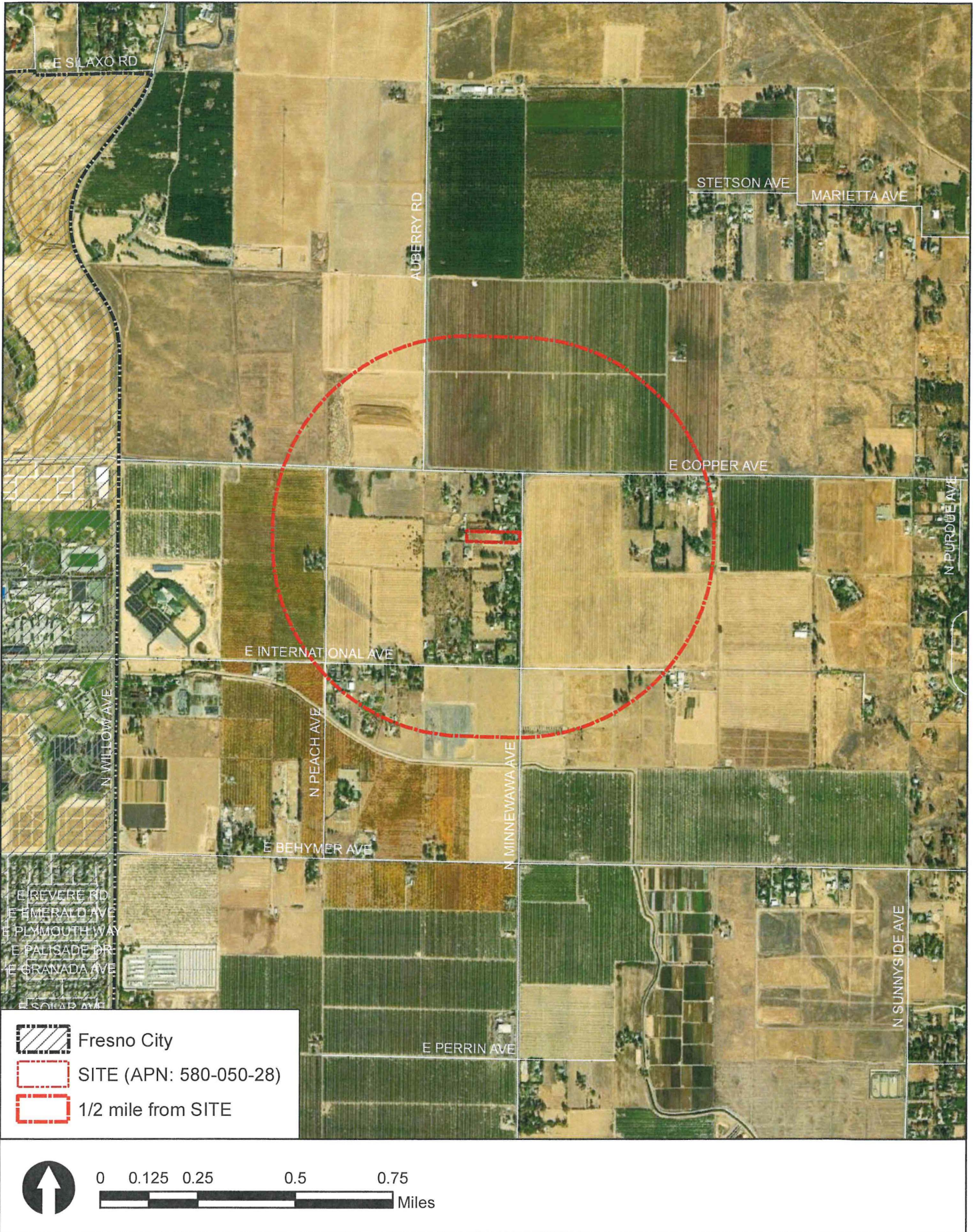


EXHIBIT B

[Print this item](#): 1970 2866-10-130 [Fresno County, California aerial survey, 1970]



EXHIBIT C



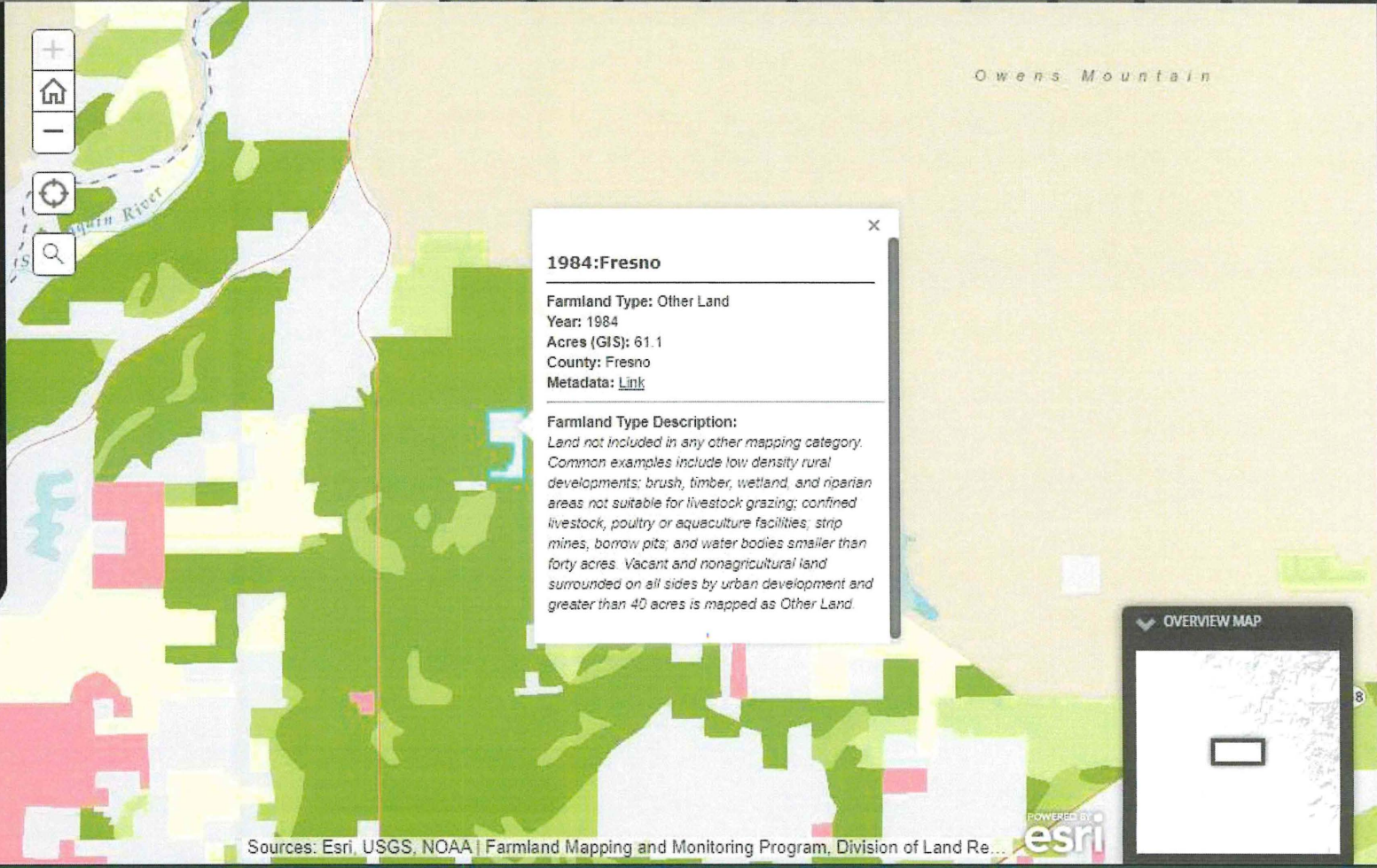
California Important Farmland: 1984-2018

EXHIBIT D

- Disclaimer
- Overview
- New Urban and Built-Up
- Most Recent
- 1984
- 1986
- 1988
- 1990
- 1992
- 1994
- 1996
- 1998
- 2000
- 2002
- ☰

California Important Farmland: 1984

- 1984
- Prime Farmland
- Farmland of Statewide Importance
- Unique Farmland
- Grazing Land
- Farmland of Local Importance
- Farmland of Local Potential
- Other Land
- Confined Animal Agriculture
- Nonagricultural or Natural Vegetation
- Vacant or Disturbed Land
- Rural Residential Land
- Semi-agricultural and Rural Commercial
- Urban and Built-Up Land
- Water Area
- Irrigated Farmland
- Nonirrigated Farmland



Sources: Esri, USGS, NOAA | Farmland Mapping and Monitoring Program, Division of Land Re...

California Important Farmland Finder Ca. Dept of Conservation EXHIBIT E

Find address or place

Gordon

Clovis North High

Clovis Community College

0.4km

Most Recent: Fresno, 2018

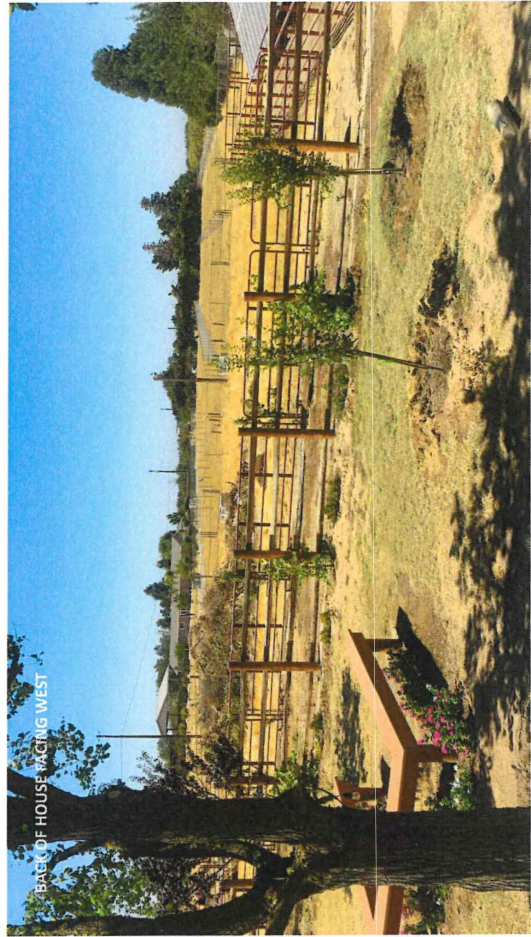
Farmland Type: Rural Residential Land
Year: 2018
Acres (GIS): 94.4
County: Fresno
Metadata: [Link](#)

Farmland Type Description:
This includes residential areas of one to five structures per ten acres

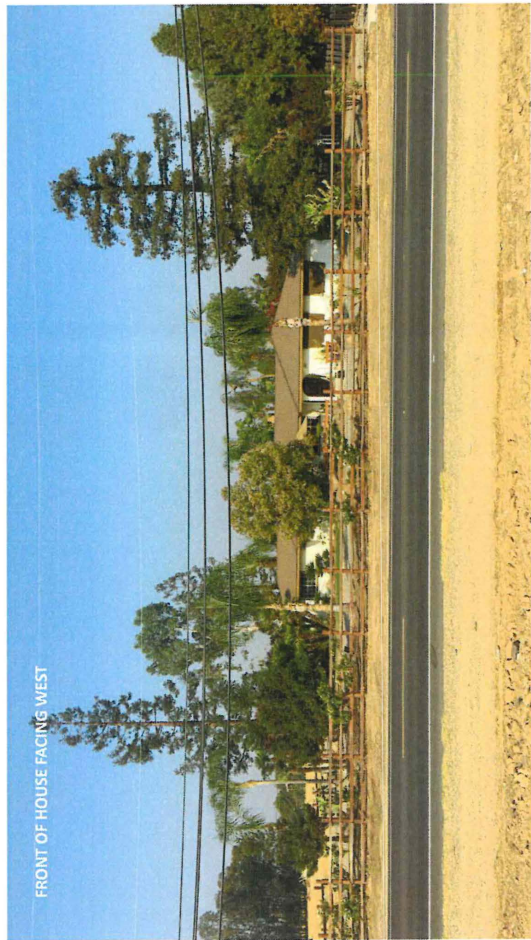
Zoom to

and Mapping and Monitoring Program, Division of Land Resource Protection, Californi...

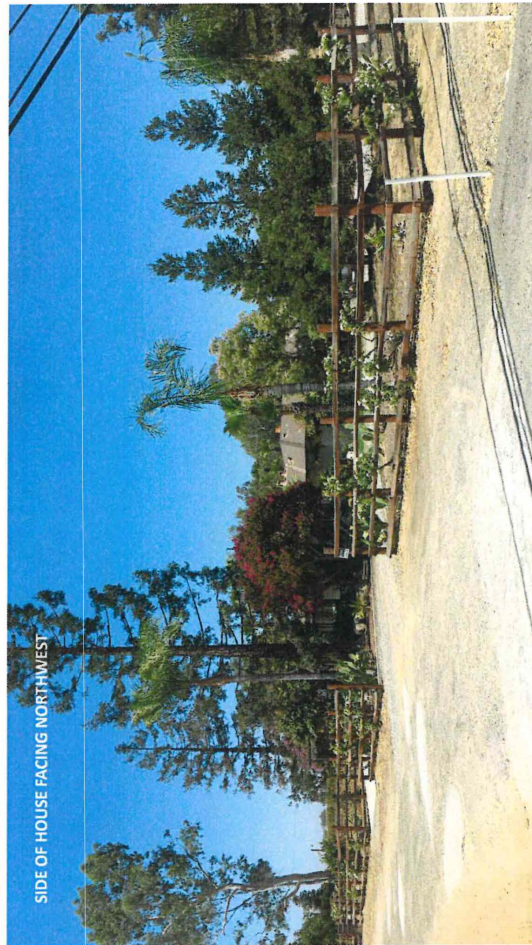
POWERED BY esri



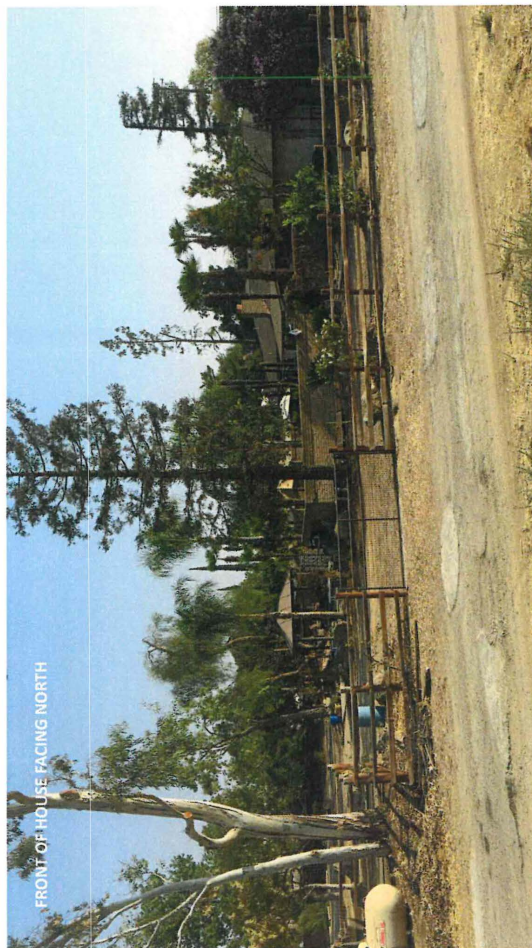
REAR OF HOUSE FACING WEST



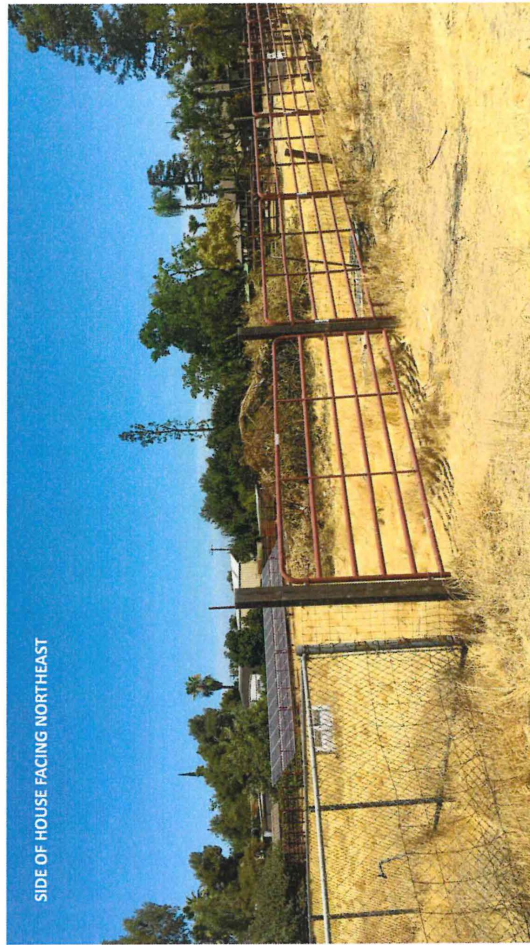
FRONT OF HOUSE FACING WEST

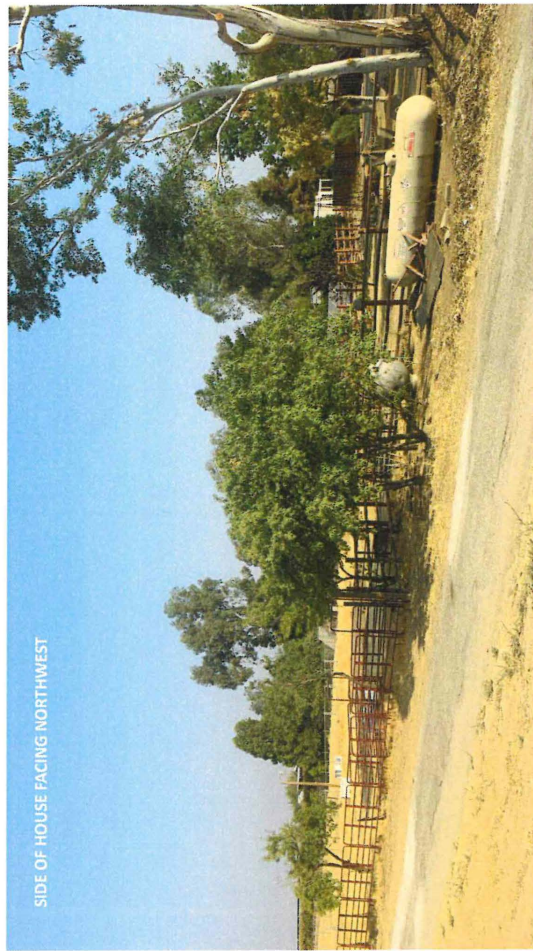


SIDE OF HOUSE FACING NORTHWEST



FRONT OF HOUSE FACING NORTH





SIDE OF HOUSE FACING NORTHWEST



SIDE OF HOUSE FACING NORTHEAST

