



## Inter Office Memo

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DATE: April 28, 2022  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12934 - VARIANCE APPLICATION NO. 4128

APPLICANT/  
OWNER: Lawrence P. Zamzok

REQUEST: Allow a reduction in the minimum parcel size in order to allow for a mapping procedure to create a 39.65-acre, 39.35-acre, 17.95-acre, and an 18.40-acre parcel, from two existing, approximately 57.67-acre parcels totaling 115.30-acres in the RC-40 (Resource Conservation, 40-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located approximately one-third mile north of the intersection of State Route 180 (Kings Canyon Road) and State Route 245 (Pinehurst Road) and approximately 1.5 miles north of the unincorporated community of Pinehurst (APNs: 195-100-33, 195-100-34, 195-030-62, 195-030-63) (Sup. Dist. 5).

### PLANNING COMMISSION ACTION:

At its hearing of April 28, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Arabian to determine that the required Variance findings could be made and moved to approve Variance Application No. 4128 subject to the conditions listed in attached Exhibit B, stating in their motion that Finding No. 1 could be made because there are exceptional circumstances in that the current property owner understood there to be four legal parcels, and that each parcel is traversed by a forest service road; that Finding No. 2 could be made because there is a substantial property right due to the fact that the parcels were acquired legally and in good faith; that Finding No. 4 could be made because, although two of the proposed parcels are smaller than the minimum acreage required, the intent of the property division is consistent with General Plan objectives.

This motion passed on the following vote:

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| VOTING: | Yes:     | Commissioners Woolf, Arabian, Abrahamian, Carver, Hill, and Zante |
|         | No:      | None  |
|         | Absent:  | Commissioners Chatha, and Ewell                                   |
|         | Abstain: | None  |

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

By:   
\_\_\_\_\_  
William M. Kettler, Manager  
Development Services and Capital Projects Division

Notes: The approval of this project will expire one year from the date of approval unless a mapping application is filed in accordance with the requirements of the County 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.

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EXHIBIT A

Variance Application No. 4128

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 28, 2022, and heard a summary presentation by staff.
- Applicant: The Applicant's representative disagreed with the Staff's recommendation for the variance request. He described the project and offered the following information to clarify the intended use:
- The previous owners sold the property to the current owner who understood there to be four separate parcels.
  - Each of the four presumed parcels have access via an existing forest service road.
  - Each parcel has a separate legal description, and a separate assessor's parcel number.
  - The northwest parcel, (39.65 acres), was sold in 2021 and went through a title company review and was recorded.
  - The southwest parcel (17.95 acres) was placed into escrow; at that time the County made the determination that the parcel was not a legal parcel.
  - We understand that from the standpoint of the County, there are currently only two parcels, comprised of the east and west halves of the property.
- Others: No other individual presented information in support of or in opposition to the application.
- Correspondence: None

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EXHIBIT B  
**Variance Application (VA) No. 4128**  
**Conditions of Approval and Project Notes**

| Conditions of Approval |   |
|------------------------|---|
| 1.                     | Division of the subject parcel shall be substantial conformance with the site plan (Exhibit 5) as approved by the Planning Commission |

Conditions of Approval reference required Conditions for the project.

| Notes  |  |
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| <b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b> |  |
| 1.   | The approval of this Variance will expire one year from the date of approval unless the parcels authorized by said Variance are not created within one (1) year after the granting of said Variance or an application for a tentative map is not filed within the one (1) year. However, in the case of a Variance for which a tentative or vesting map has been timely filed, expiration of said Variance shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map.  |
| 2.   | Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation established in Section 877-D.2 (one year), the Commission may grant an extension of time for a period not to exceed an additional one (1) year period. Application for such extension of time must be set forth in writing the reasons for the extension and must be filed with the Department of Public Works and Planning, Development Services and Capital Projects Division before the expiration of the Variance.   |
| 3.   | Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance and other applicable State regulation. A Tentative Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72 of the Fresno County Ordinance Code. The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that "Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance." These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.                              |
| 4.   | The approved subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the State Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map. 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. |

EXHIBIT B

| Notes |   |
|-------|---|
| 5.    | Prior to site development, all survey monumentation -Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. -within the subject area shall be preserved in accordance with Section 8771 of the professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.   |
| 6.    | Millwood Road (US Forest Service Route 13S97) is a County maintained road classified as a local road with an unknown existing right-of-way and an ultimate right-of-way of 60 feet as per the Fresno County General Plan; the road has a paved width of 15 feet with dirt shoulders, a pavement condition index of 7.6, and is in poor condition. The road has an annual average daily traffic count of 200 vehicles per day.   |
| 7.    | It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks 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.  |
| 8.    | New septic systems shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section.   |
| 9.    | At such time the applicant or property owner(s) decides to construct a new 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.   |
| 10.   | The subject property is located in a water short area. Any future development may require a water supply evaluation by the Fresno County Water and Natural Resources Division.  |
| 11.   | 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.   |
| 12.   | The subject property is located within the State Responsibility Area (SRA) boundary. Any future development shall be in accordance with the applicable SRA Fire Safe Regulations.   |
| 13.   | If future development is sought, the project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. The subject property may be required to annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.   |
| 14.   | Intermittent streams may be present within the subject property based on the contour lines shown on the U.S.G.S Quad Map. Any future work within or near a stream will require clearance from the California Department of Fish and Wildlife (CDFW). Additionally, Sequoia Lake is adjacent to the subject property. Any future improvements constructed near a lake shall be coordinated with the owners of the lake. The lowest floor of any future structure/building shall be elevated above the high-water level of Sequoia Lake to a minimum of 12 inches, and any associated electrical equipment/electrical system components must be elevated above the finished |

**Notes**

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|     | floor elevation. All sides of any future building(s) shall be sloped 2 percent for a distance of 5 feet to provide positive drainage away from the building.   |
| 15. | 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. |

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