



Inter Office Memo

DATE: July 21, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12954 – VARIANCE APPLICATION NO. 4123

APPLICANT: David Horn, (Yamabe & Horn Engineering)

OWNER: John Wolf

REQUEST: Allow the creation of a 13.45-acre parcel and a 36.63-acre parcel from two parcels, a 22.98-acre parcel and a 27.1-acre parcel (via lot line adjustment) and waive public road frontage requirements for the proposed parcels within the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located 0.25 miles north of E. Ashlan Ave west of the Bethel Avenue alignment, approximately 1.8 miles east of the nearest city limits of the City of Clovis (APNs: 308-081-57s & 308-081-61s) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of July 21, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Vice-Chair Hill and seconded by Commissioner Chatha concurring with staff's recommendation to determine that the four required Variance Findings could be made, and move to approve Variance No. 4123 subject to the Conditions of Approval listed in Exhibit B.

RESOLUTION NO. 12954

This motion passed on the following vote:

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

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

By:



William Kettler, Manager
Development Services and Capital Projects Division

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NOTE: 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.

Attachments

EXHIBIT A

Variance Application No. 4123

Staff: The Fresno County Planning Commission considered the Staff Report dated July 21, 2022 and heard a summary presentation by staff.

Representative: The applicant agreed with the Staff's recommendation and offered the following information to clarify the intended use:

- The lot line adjustment to change the property lines is needed to better fit the existing lake.
- The adjusted parcel will be used for agricultural purposes.
- The two parcels as adjusted would use the approved road frontage waiver, thus providing adequate access to both parcels.

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

Correspondence: No letters were received either in favor of or in opposition to the proposal.

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EXHIBIT B
Mitigation Monitoring and Reporting Program
Variance Application No. 4123
(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.	Recommend that the County require on-site storm water facility(ies). The location of such facility(ies) should be compatible with existing natural drainage patterns. If the development is a high priority facility (i.e. significant development, automotive repair facility, restaurant, or retail gasoline outlet) as defined in RWQCB Order No. R5-2013-0080 (stormwater permit) and is within the permit's boundaries and does not flow to a District storm water basin, the development is required to follow the specific stormwater runoff mitigation criteria listed in the permit.
2.	The proposed development appears to be located within a 100-year flood prone area as designated on the latest Flood Insurance Rate Maps (FIRM) available to the District, necessitating appropriate flood plain management action (See attached Flood Plain Policy).
3.	All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is in a 100-year flood plain (special flood hazard area inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; to identify the calculated water surface elevation of the 100-year flood event.
4.	The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.
5.	Wolf Lakes Tributary (WLT) is an existing channel that traverses the subject parcels, predominantly in a southwesterly direction, through the center of a man-made lake as shown on Exhibit No. 2. The District holds an easement for the entire channel. Grades within the easement shall not be altered. Furthermore, no improvements associated with CO VAR 4123 shall be permitted within the District's existing channel easement.
6.	No County maintained roads front the subject property. Ashlan Avenue is the nearest public maintained road.
7.	The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary with a rural stream (Wolf Lakes Tribe). Written clearance from FMFCD is required prior to the County issuing a grading permit/voucher for

EXHIBIT B

Notes	
	any future work.
8.	Furthermore, any future work within a stream may require a clearance from California Department of Fish and Wildlife (CDFW) and a Streambed Alteration Agreement (SAA) if the proposed project would result in the alteration or degradation of a stream
9.	According to the U.S.G.S. Quad Map, Gray Colony Ditch traverses the subject property. Any future improvements constructed within or near a ditch should be coordinated with the owners of the ditch/appropriate agency.
10.	Any existing or future access driveway should be set back a minimum of 10-feet from the property line.
11.	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.
12.	A 10-foot X 10-foot corner cut-off should be improved for sight distance purposes at any future or existing driveway accessing Ashlan Avenue if not already present.
13.	Any future work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
14.	A grading permit/voucher is required for any grading that has been done without a permit and any future grading with this application.
15.	If the variance is approved, a parcel map application will have to be filed with Fresno County to affect the property division.
16.	According to FEMA FIRM Panel 1615H, portions of the area of the subject property are found to be under Flood Zone AE, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service 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.) must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. FEMA Elevation Certificate is required for every future structure to be constructed within the Special Flood Hazard Area. If the future building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required. The MOS must show spot elevations within the perimeter of the proposed structure and the flood zone for verification purposes.

Notes

17.	Should the newly adjusted or created parcel(s) ever be monumented, a Record of Survey shall be required pursuant to Section(s) 8762(b)(4) & (5) of the Professional Land Surveyors Act.
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County of Fresno

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

October 11, 2022

David Horn, (Yamabe & Horn Engineering)
2985 N. Burl Ave. No. 101
Fresno, CA 93727

Dear Mr. Horn:

Subject: Resolution No. 12954 – VARIANCE APPLICATION NO. 4123

On July 21, 2022, the Fresno County Planning Commission approved your application to allow for the creation of a 13.45-acre parcel and a 36.63-acre parcel from two parcels, a 22.98-acre parcel and a 27.1-acre parcel (via lot line adjustment) and waive road frontage requirement (applied to all subject parcels) within the R-R (Rural Residential, 2-acre minimum parcel size) Zone District.

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

If you have any questions regarding the information in this letter, please contact me at eracusin@fresnocountyca.gov or (559) 600-4245.

Sincerely,

Elliot Racusin, Planner
Development Services Division

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Enclosure