



## Inter Office Memo

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DATE: August 11, 2022  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12959 – TENTATIVE TRACT MAP NO. 6334 AND INITIAL STUDY NO. 7905

APPLICANT/  
OWNER: Edward Barton

REQUEST: Allow the creation of a nine-lot subdivision consisting of two-acre lots from a 19.76-acre parcel, in the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the west side of N. Greenwood Avenue approximately 600 feet south of Clinton Avenue, approximately three miles southeast of the nearest city limits of the City of Clovis (APN: 309-191-85) (2383 N. Greenwood Ave.) (Sup. Dist. 5).

### PLANNING COMMISSION ACTION:

At its hearing on August 11, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Carver to adopt the Negative Declaration for the project based on Initial Study No. 7905, adopt the required Findings as described in the staff report, and approve Tentative Tract Map No. 6334, subject to the Conditions listed in Exhibit B.



EXHIBIT A

Tentative Tract Map No. 6334  
Initial Study No. 7905

Staff: The Fresno County Planning Commission considered the Staff Report dated August 11, 2022, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- The current owners have owned the property for more than sixty (60) years, and the subject parcel is one of the last remaining unsubdivided parcels in the area.
- The proposal to subdivide is consistent with the Rural Residential zoning and General Plan designation, adopted by the County; and the project is consistent with the five required findings necessary for approval of a tentative tract map, and the project is essentially "infill" development.
- The cul-de-sac was designed specifically to address emergency vehicle ingress and egress in that the cul-de-sac radius has been enlarged and additional turnouts have been included to allow residential and emergency vehicle traffic to pass safely within the road right-of-way.
- New development will use much less water due to recent changes to the building and plumbing code which require more efficient water use in appliances; and it is not uncommon for the wells to have to be drilled deeper over time.
- In regard to water, the property has not been identified by the County as being in an area of low water. Water quality standards required for new wells are more stringent today than it was in the past when some of the surrounding property wells were established.
- The property owners will establish a homeowner's association to maintain the access road.
- The two existing parcels to the south of the proposed subdivision were gift deeded by the applicant to family members.

Others: Six individuals spoke in opposition to the application, stating the following concerns:

- There will be increased use of groundwater from domestic wells, and some existing wells on neighboring properties have gone dry and have had to be drilled deeper and at considerable expense.

RESOLUTION NO. 12959

- New wells drilled to less than 100 feet may likely experience increased nitrate levels in the water, and new septic systems may contribute to increased nitrate levels.
- There is a concern with the poor condition of surrounding County roads and the increased traffic that may be generated by the proposed subdivision.

Correspondence: One letter was presented to the Planning Commission in opposition to the proposed map signed by three residents in the vicinity of the proposal; and four letters were presented in support of the application from the applicant and residents in the area.

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EXHIBIT B

**Tentative Tract Map No. 6334 & Initial Study No. 7905  
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	The proposed subdivision (final map) shall be in substantial conformance with the tentative map as approved by the Planning Commission.
2.	In accordance with Title 17 Section 17.48.020 of the Fresno County Ordinance Code and Table 1 Section 17.48.397 of the Code; The proposed access road (Fairview Avenue) shall be constructed to the required County Road Standard, and with a minimum 60-foot right-of-way. The proposed access road total right-of-way width shall also comply with County Improvement Standards. A County Standard B-2 rural residential cul-de-sac shall be provided at the end of the access road. The proposed access road shall be offered for Dedication to the County, for public road purposes.
3.	<p>Prior to approval of the Final Map for the proposed subdivision, road improvement and grading plans shall be prepared and submitted by a certified professional engineer for review and approval by the Fresno County Department of Public Works and Planning. Initial submittal shall include a soils report, which shall identify a recommended traffic index, R-value and pavement structural section. Subsequent R-values shall be obtained for sub-grade after completion of earthwork operations.</p> <p>Additionally, engineered plans for the proposed access road (Fairview Avenue) and an engineered grading and drainage plan shall be required to show how additional storm water runoff generated by the proposed development of the access road will be handled without adversely impacting adjacent properties. The Fresno Metropolitan Flood Control District shall be consulted for drainage requirements.</p>
4.	Prior to the recordation of the final map of subdivision containing any improved local public or private roads, the subdivider shall have provided for their maintenance by a county service area or other method acceptable to the director.
5.	Prior to recordation of the final map, the project shall be required to annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. A pressurized hydrant system will be required for the subdivision. The well, and pressurized storage tank shall be located on proposed Outlot 'A' as shown on the tentative map and shall be maintained in perpetuity in accordance with Fresno County Ordinance Code and Fresno County Fire Protection District requirements, and subject to inspection and approval by the County Fire Protection District.
6.	As per Title 17, Section 17.04.100 of the Fresno County Ordinance Code; if a subdivision is at any point within three hundred feet of an AE-20 (Exclusive Agricultural), AL (Limited Agricultural), TPZ (Timberland Preserve) or RC (Resource Conservation) Zone District, the approval of the tentative and final subdivision map shall be conditional upon the recordation with the Fresno County Recorder of notice in substantially the following form:

EXHIBIT B

*Fresno County Right to Farm Notice: It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-fate law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not be or become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.*

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.

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| 1. | As per Fresno County Ordinance Section 17.48.390.C; Water storage facilities for fire protection shall be provided where the parcels are to be served by individual wells. Such facilities shall be located within one half-mile of each lot measured along a public or approved private road and shall be capable of supplying a quantity of water for a one-hour period determined by the application of the following formula: $Q=700 F^{1/2}$ ; Q= Available storage in gallons; F= Number of families to be served by the fire protection water storage facility. In no case shall the storage facilities have a capacity of less than six (6) thousand gallons. Water storage facilities shall consist of a well, pump and storage tank located upon a water lot easement, together with an unsurfaced fire road between the water lot and a private or public road. Prior to the approval of the final map, the well shall be drilled and developed to supply the quantity of water necessary to replenish the storage facility in a 24-hour period. <b>See condition of approval number 5.</b> |
| 2. | Any additional storm water runoff generated by the proposed development of a site cannot be drained across property lines or into the County right-of-way, and must be retained on-site, as per County standards.  |
| 3. | Prior to recordation of the final map, any proposed wells shall be constructed, permitted, and tested by the County. Additionally, sewer system improvements must be completed and accepted by the County prior to the issuance of building permits for residential construction.  |
| 4. | <p>In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor (permits required).</p> <p>Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.</p> <p>It is recommended that the applicant consider having any existing septic tanks pumped and have the tank and</p>  |

**Notes**

	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.
5.	If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
6.	According to the U.S.G.S. Quad Map, Fairview Ditch is near the southerly property line of the subject parcel. Any improvements constructed near Fairview Ditch should be coordinated with the owners of the ditch.
7.	The subject parcel is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary. Written Clearance from FMFCD is required prior to the County issuing a grading permit/voucher for any proposed work. It is the Applicant's responsibility to initiate contact with FMFCD and obtain the required clearance.
8.	<p>Fresno Irrigation District's (FID's) Fairview No. 98 (canal/pipeline) traverses the southern portion of the subject parcel and will be impacted by future development. Records indicate that FID has a 15-foot-wide exclusive easement for the canal/pipeline. The easement is recorded as Document No. 76806, Book 7075, Page 22, Official Records of Fresno County (ORFC) and 30-foot-wide exclusive easement recorded on July 14, 1978, in Book 7075, Page 8 ORFC.</p> <p>FID requires that all landscaping, fencing, structures, etc. to be located outside of its easement. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other inactive FID and private structures must be removed from within FID's easement.</p> <p>Please inquire with Fresno Irrigation District (FID) for any additional District Requirements related to FID facilities on the subject property.</p>
9.	The project will be subject to the school facilities fees charged by the Sanger Unified School District at the time building permits are issued.
10.	An encroachment permit will be required from the Road Maintenance and Operations Division for any work done within the County Road right-of-way.
11.	Engineered plans for the road improvement and an engineered grading and drainage plan shall be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.

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12.	All parcels within the proposed subdivision shall be a minimum of 2.0 acres net area, exclusive of all road and canal rights of way, recreation easements, permanent water bodies and public or quasi-public common use areas. Curved and cul-de-sac lots shall have a minimum street frontage of ninety (90) feet. All other lots shall conform to the development standards of the Rural Residential Zone District.
13.	According to FEMA, FIRM, Panel 1615H, the southwest corner of the subject property is under Flood Zone AO (Depth 2 feet) subject to flooding from the 100-year storm event. Additionally, a large portion of the property is under shaded Flood Zone X, referring to area of 0.2 percent annual chance of flood, areas of 1 percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile, and areas protected by levees from 1 percent annual chance flood. All future development will be subject to the requirements of the current building code and fire code, and applicable requirements relevant to development within special flood hazard areas.
14.	The subdivider shall obtain a National Pollution Discharge Elimination System (NPDES) permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the State Water Resources Control Board (SWRCB). A copy of the NOI with the WDID (Waste Discharger Identification) number shall be provided; The subdivider shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans. The plan shall be submitted to the County prior to commencement of any grading activities.
15.	Any proposed new Onsite Wastewater Treatment Systems (OWTS) will be subject to the requirements of the Fresno County Local Area Management Program (LAMP). A sewage feasibility report may be required, prior to development of any individual onsite wastewater treatment systems.
16.	A 20-foot by 20-foot corner cut-off shall be provided at the proposed interior road intersection with Greenwood Avenue.





# County of Fresno

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

October 10, 2022

Edward Barton  
2383 N. Greenwood Ave.  
Sanger, CA 93657

Dear Applicant:

Subject: Resolution No. 12959 - Tentative Tract Map No. 6334 & Initial Study No. 7905

On August 11, 2022, the Fresno County Board of Supervisors approved your above-referenced project 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 two years from the date of approval unless a determination is made that substantial development has occurred. 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 Conditional Use Permit.

If you have any questions regarding the information in this letter, please contact Jeremy Shaw at [jshaw@fresnocountyca.gov](mailto:jshaw@fresnocountyca.gov) or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner  
Development Services and Capital Projects Division

JS:

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Enclosure