



Inter Office Memo

DATE: June 13, 2024
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 13040 – VARIANCE APPLICATION NO. 4166

APPLICANT: Dirk Poeschel

OWNER: William S. and Linda Smittcamp Trust

REQUEST: Allow for the creation of a two (2) substandard 10-acre parcels from an existing 20-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum) Zone District. If approved, mapping procedure to follow.

LOCATION: The subject parcel is located on the east side of Peach Avenue, 350 feet north of Behymer Avenue, approximately 1-mile from the City of Clovis (APN: 580-072-19) (10152 N. Peach Avenue) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of June 13, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Arabian and seconded by Vice-Chairman Hill to determine that the required Findings could be made, stating that Finding No. 1 could be made based on the fact that the property is adjacent to the City of Clovis and is slated for much denser zoning in the future; Finding No. 2 could be made based on the owner preserving the Farmland until the property is annexed by City of Clovis; and Finding No. 3 could be made as recommended in the Staff Report Analysis; and Finding No. 4 could be made based on the property being consistent with future development of the surround area.

Based on the ability to make all four required findings, a motion was made to approve Variance No. 4166, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 13040

This motion was passed on the following vote:

VOTING: Yes: Commissioners Arabian, Hill, Abrahamian, Carver, Whelan, and Zante

 No: None

 Absent: Commissioners Borchardt, Chanta, and Quist

 Abstain: None

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

By: 
Chris W. Motta, Manager
Development Services and Capital Projects Division

CM:rp:jp
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NOTES: The approval of this project will expire one year 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 Variance.

Attachments

EXHIBIT A

Variance Application No. 4166

Staff: The Fresno County Planning Commission considered the Staff Report dated June 13, 2024, and heard a summary presentation by staff.

Presenters: The applicant and the property owner disagreed with the Staff's recommendation. They stated the variance findings could be made and offered the following information to clarify the intended use:

- The property is adjacent to the City of Clovis and within the sphere of influence.
- The General Plan for the City of Clovis is to develop this area with up to 15 units per acre.
- The property owners would like to give a parcel to their son and build a new home for themselves keeping the peach orchards that are existing on the property. Until such time as the City Annexes the property and would require a higher residential density.
- Development of the site will conform to the City of Clovis development standards, bringing the subject site into compliance with the eventual annexation of the area.
- Granting of this Variance would not urbanize the parcel prematurely, because land will still be farmed until the city annexes the parcel.
- The property owner plans to farm the land for the remainder of his life, ensuring that the land will remain agricultural until his passing.

Others: No individuals presented information in support of or in opposition to the project.

Correspondence: Ten letters were presented to the Planning Commission in support of this application and there were no letters in opposition.

EXHIBIT B

**Variance Application (VA) No. 4166 & Environmental Review No.8541
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Division of the subject parcels shall be in substantial accordance with the site plan (Exhibit 6) as approved by the Planning Commission

Conditions of Approval reference required Conditions for the project.

Notes	
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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 Ordinance. A mapping procedure shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance 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.
3.	Currently, the subject parcels appears to be accessing the site through an access easement within a 30-foot right-of-way dedicated to the County of Fresno. Access for all users of the subject access road shall be properly maintained.
4.	An encroachment permit will be required for any work performed within the County of Fresno's road right-of-way.
5.	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.
6.	At such time the applicant or property owner(s) 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 Community 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.
7.	Any new sewage disposal system proposal 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. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage

EXHIBIT B

Notes	
	disposal system.
8.	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.
9.	If any abandoned underground storage tank(s) are found within the project area, 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.
10.	The northern portion of the area of the subject property is within the Low Water Area (Water Short Area). For any development wherein the proposed source of water is a private well, Water & Natural Resources Division should be consulted regarding any requirements they may have.
11.	According to the U.S.G.S. Quad Map, Enterprise Canal and Los Alamos Canal are near the northern and eastern property lines of the subject property respectively. Any future improvements constructed within or near a canal should be coordinated with the owners of the said canal/appropriate agency.
12.	According to the Wetlands Mapper of U.S. Fish and Wildlife Service, wetlands may be present near the northern and eastern property lines of the subject property. For any future development on wetlands, U.S. Fish and Wildlife Service and other appropriate agencies should be consulted regarding any requirements they may have.
13.	The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5 feet from the property line.
14.	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.
15.	A minimum of 10 feet x 10 feet corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Peach Avenue if not already present.
16.	If the subject parcel is not annexed to the City of Clovis, a grading permit/voucher may be required for any future grading with this application.
17.	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.
18.	The subject property is located within the City of Clovis Sphere of Influence and within one-half mile of the City of Clovis limits. The property has a land use designation of Park (PK) and Medium High Density Residential (MH). Per the adopted City of Clovis General Plan, the consistent uses with the PK land use are existing or proposed

Notes

parks and the consistent uses with the MH land use are small lot single family detached homes, townhouses, duplexes, and apartments. Per the Heritage Grove Master Plan, the northern portion of the subject parcel includes an approximate ±2.90-acre park, planned trail, and neighborhood boulevard (typical street right-of-way 89 feet). The applicant shall demonstrate that development of the proposed residence will not encroach and will have a sufficient setback to the planned park and neighborhood boulevard.

RP:jp

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County of Fresno

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

September 19, 2024

William S. and Linda Smittcamp
10152 N. Peach Avenue
Clovis, CA 93619

Dear William S. and Linda Smittcamp:

Subject: Resolution No. 13040 – Variance Application No. 4166

On June 13, 2024, the Fresno County Planning Commission approved your Variance application No. 4166 to allow for the creation of two (2) substandard 10-acre parcels from an existing 20-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum) Zone District, mapping procedure to follow.

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 drandall@fresnocountyca.gov or (559) 600-4224

Sincerely,

David Randall, Senior Planner
Development Services Division

DR:jp

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Enclosure