



PLANNING COMMISSION AGENDA

Room 301, Hall of Records
2281 Tulare Street
Northwest Corner of Tulare & M
Fresno, CA 93721-2198

Contact: Planning Commission Clerk
Phone: (559) 600-4497
Email: knovak@co.fresno.ca.us
Call Toll Free: 1-800-742-1011 – Ext. 04497

Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

AGENDA August 9, 2018

8:45 a.m. - CALL TO ORDER

INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

There are no Consent Agenda items for this hearing.

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)
2. **INITIAL STUDY APPLICATION NO. 7455** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3612** filed by **VERIZON WIRELESS**, proposing to allow a new wireless communication facility consisting of a 100-foot-tall stealth monopole tower with six (6) six-foot-tall panel antennas on top. The tower and antennas are to be located within a 30-foot by 30-foot fenced area to contain the tower and related equipment. The facility is to be sited within an E-40 (Exclusive Agricultural) zoning district. The project site is to be enclosed by an eight-foot-tall, slanted chain-link fence, and the site is to be illuminated by an eight-foot-tall lighting fixture. The project site is located on the west side of North Madsen Avenue, approximately 95 feet south of its intersection with East Teague Avenue, approximately 4.6 miles east of the nearest city limits of the City of Clovis (8437 N. Madsen Avenue) (SUP. DIST. 5) (APN 150-220-32S). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7455, and take action on Unclassified Conditional Use Permit Application No. 3612 with Findings and Conditions.

-Contact person, Danielle Crider (559) 600-9669, email: dacrider@co.fresno.ca.us

-Staff Report Included

-Individual Noticing

3. **VARIANCE APPLICATION NO. 4045** filed by **TFS INVESTMENTS** and **GERALD WAYNE PALMER**, proposing to allow the creation of an 8.70-acre parcel and a 1.15-acre parcel from existing 4.83-acre and 4.77-acre parcels in the R-R (Rural Residential, two-acre minimum parcel size) Zone District, and waive the public road frontage required for the proposed 1.15-acre parcel (165 feet required). The project site is located on the north side of Belmont Avenue approximately 830 feet west of its intersection with De Wolf Avenue, approximately 0.7 miles east of the nearest city limits of the City of Fresno (7730 and 7780 E. Belmont Avenue) (SUP. DIST. 5) (APN 310-143-34, -35).

-Contact person, Danielle Crider (559) 600-9669, email: dacrider@co.fresno.ca.us

-Staff Report Included

-Individual Noticing

4. **FRESNO COUNTY PLANNING COMMISSION CONFLICT OF INTEREST CODE UPDATE.** Recommend for adoption the amended Conflict of Interest Code for the Fresno County Planning Commission.

-Contact person, Kyle Roberson, Deputy County Counsel IV (559) 600-3479, email: kroberson@fresnocountyca.gov

-Staff Report Included

5. **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@co.fresno.ca.us

Requests for disability-related modification or accommodation reasonably necessary in order to participate in the meeting must be made to Suzie Novak, Planning Commission Clerk, by calling (559) 600-4497 or email knovak@co.fresno.ca.us, no later than the Monday preceding the meeting by 9:00 a.m.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 August 9, 2018

SUBJECT: Variance Application No. 4045

Allow the creation of an 8.70-acre parcel and a 1.15-acre parcel from existing 4.83-acre and 4.77-acre parcels in the R-R (Rural Residential, 2-acre minimum parcel size) Zone District and waive the public road frontage required for the proposed 1.15-acre parcel (165 feet required).

LOCATION: The project site is located on the north side of Belmont Avenue approximately 830 feet west of its intersection with De Wolf Avenue, approximately 0.7 miles east of the nearest city limits of the City of Fresno (7730 and 7780 E. Belmont Avenue) (SUP. DIST. 5) (APN 310-143-34, -35).

**OWNER/
APPLICANT:** TFS Investments

STAFF CONTACT: Danielle Crider, Planner
(559) 600-9669

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4045; 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. Proposed Parcel Configuration (Site Plan)
6. Variance Map
7. Applicant's Statement of Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Rural Residential	No change
Zoning	R-R (Rural Residential)	No change
Parcel Size	Parcel 1: 4.83 acres (Net) Parcel 2: 4.77 acres (Net)	Parcel 1: 1.15 acres (Gross) Parcel 2: 8.70 acres (Gross)
Structural Improvements	Parcel 1: One single-family residence, three nursery-related structures Parcel 2: One single-family residence, one nursery-related structure	Parcel 1: One single-family residence, four nursery-related structures Parcel 2: One single-family residence
Nearest Residence	Less than 10 feet east of the subject parcels	No change
Surrounding Development	Agricultural and low-density residential	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 53 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.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if the four Findings specified in the Fresno County Zoning Ordinance, Section 877-A 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 existing 4.83- and 4.77-acre parcels currently conform to the 2-acre minimum parcel size required in the R-R (Rural Residential) Zone District. These parcels are adjacent and bounded to the north by the Fancher Canal and to the south by Belmont Avenue. On the northern end of each parcel there is a single-family residence, and the majority of acreage on both parcels is leased for the operation of the Belmont Nursery. If the proposed Variance and subsequent mapping procedure are approved, one residence and the entirety of the Belmont Nursery would be located on an 8.70-acre parcel that conforms to the development standards required in the R-R Zone District. The remaining residence would be located on a substandard 1.15-acre parcel with no public road frontage (165 feet required), and would be accessible through a proposed easement.

This Variance would allow Belmont Nursery to operate on a single parcel, and would facilitate the proper permitting of existing unpermitted structures that are currently built across the property line.

The Belmont Nursery has been in operation for at least 20 years. The eastern parcel has been owned by Gerald and Varrel Palmer since 2011, and the western parcel has been owned by TFS Investments since 2017.

In addition to the subject application, there have been 7 other variance applications within one mile of the subject property which have allowed the creation of parcels with fewer than 2 acres, and there have been no variances within one mile of the subject property which allowed the creation of a parcel without road frontage. The following table provides a brief summary of these Variance (VA) applications and final actions.

Application/Request:	Date of Action:	Staff Recommendation:	Final Action:
VA No. 3833: Allow the creation of two 1.35-acre parcels from an existing 2.70-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	February 16, 2006	Denial	Approved by the Planning Commission
VA No. 3767: Allow the creation of one 2.07-acre and one 3.09-acre parcel from a 5.15-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and allow one parcel to have no road frontage (165 feet required).	September 11, 2003	Denial	Approved by the Planning Commission
VA No. 3696: Allow the creation of a 0.38-acre parcel and a 0.28-acre parcel and waive road frontage, lot depth, and side-yard setbacks in the R-R (Rural Residential) Zone District.	Jun 14, 2001	Denial	Approved by the Planning Commission

VA No. 3098: Allow the creation of two 1-acre parcels with 157 feet of road frontage (165 feet required) from an existing 2.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	September 24, 1987	Denial	Approved by the Planning Commission
VA No. 2876: Allow the creation of three 2.11-acre parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	December 6, 1984	Denial	Approved by the Planning Commission
VA No. 2850: Allow the creation of a 1.89-acre and a 1.71-acre parcel from two 1.80-acre parcels in the R-R (Rural Residential) Zone District.	August 2, 1984	Approval	Approved by the Planning Commission
VA No. 2717: Allow the creation of two parcels from a 1.17-acre parcel in the R-R (Rural Residential) Zone District.	August 12, 1982	Denial	Approved by the Planning Commission

Although there is a history of variance requests within proximity of the subject parcel, each variance request is considered on its own merit, based on unique site conditions and circumstances.

ANALYSIS/DISCUSSION:

Findings 1 and 2: 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; and

Such a 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.

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 Rear: 20 feet	<u>Parcel 1:</u> Front (south property line): 60 feet Side (west property line): 58 feet Side (east property line): 84 feet Rear (north property line): 55 feet	Parcel 1: Yes

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
		<u>Parcel 2:</u> Front (south property line): 225 feet Side (west property line): 60 feet Side (east property line): 32 feet Rear (north property line): 60 feet from residence	Parcel 2: Yes
Parking	One parking space shall be required per residence, and it must be located on the same parcel as the residence.	Both residences will retain the required parking space on their respective parcels.	Yes
Lot Coverage	No Requirement	No Requirement	N/A
Separation Between Buildings	No Requirement	No Change	N/A
Wall Requirements	No Requirement	No Requirement	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No Change	Yes

Reviewing Agencies/Department Comments Regarding Site Adequacy:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Belmont Avenue is classified as an Arterial road with an existing 30-foot right-of-way north of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way north of the section line is 58 feet.

Belmont Avenue is a County-maintained road. Records indicate this section of Belmont Avenue, from Locan Avenue to De Wolf Avenue, has an ADT of 3800, pavement width of 34.4 feet, structural section of 0.2 feet AC, and is in excellent condition.

According to FEMA, FIRM Panel 1595H, the parcels are not subject to flooding from the 100-year storm.

Zoning Section of the Fresno County Department of Public Works and Planning: Structures over 120 square feet, if built after March 1, 1958, require review, approval, permits, and inspection from the Zoning Section of the Fresno County Department of Public Works and Planning. Appropriate permits must be acquired for unpermitted structures in Belmont Nursery within 90

days of the effective date of approval. Additionally, these permits must be acquired prior to the final approval of the subsequent mapping action to authorize the proposed parcelization. This comment will be included as a Condition of Approval.

Fresno Irrigation District (FID): FID requests that the Applicant consult with them on all proposed development, and that the owner grant an easement to FID for the width of the canal and the space required to maintain the Fancher Canal. Because no development is proposed, no consultation will be required. The Applicant will be required as a Condition of Approval to map the portion of the properties beneath Fancher Canal and grant an exclusive easement on this land to the Fresno Irrigation District. This will be required as a Condition of Approval.

Analysis:

In support of Finding 1, the Applicant states that the presence of Belmont Nursery is a special circumstance that justifies a variance from established development standards. Additionally, this Variance would allow the company to acquire permits for operational structures currently built over property lines. In support of Finding 2, the Applicant states that there are approximately 100 parcels under 2 acres within one mile of the project site.

With regard to Finding 1 and Finding 2, staff does acknowledge that the Belmont Nursery is a unique operation that is not typical of nearby R-R properties. Staff also recognizes that development near unique landforms, such as Fancher Creek, could experience uncommon difficulties as a result of their proximity to the landform. However, these parcels are already fully developed and the Applicant is only seeking the ability to convey legal ownership of one of the existing residences separately from the Belmont Nursery and to acquire permits for unpermitted structures. The ability to create, sell, or transfer ownership of a substandard parcel is not a substantial property right, and there are no conditions specific to this site that are preventing the owners from developing their properties in the same manner as their neighbors.

Staff concurs with the Applicant that there are many parcels within a one-mile radius which are fewer than 2 acres in size. Fifteen of these parcels were created by variances, and the others were created through tentative tract map applications or were created prior to the implementation of current development standards in this area.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant could choose to merge the two subject parcels into a 9.60-acre parcel, which would result in Belmont Nursery being entirely on one parcel and could meet all development standards. To keep both of the existing residences, a Director Review and Approval Application would be required in this situation. Alternatively, the Applicant could propose a different lot line adjustment to create a 2-acre parcel that included 7730 E. Belmont Avenue, and a 7.60-acre parcel that would contain the nursery and 7780 E. Belmont Avenue, which is allowed in the R-R Zone District. A variance would still be required to waive public road frontage in this situation.

Recommended Condition of Approval:

See recommended Condition of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot be made.

Finding 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.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	84.59 acres	Orchard/Single-Family Residence	R-R	1,620 feet
West:	25.76 acres	Field Crops/Single-Family Residence	R-R	820 feet
South:	2.11 acres	Single-Family Residence	R-R	165 feet
	1.23 acres	Single-Family Residence	R-R	125 feet
	2.31 acres	Single-Family Residence	R-R	175 feet
	2.31 acres	Single-Family Residence	R-R	190 feet
East:	2.44 acres	Single-Family Residence	R-R	820 feet

Reviewing Agencies/Department Comments:

Environmental Health Division of the Fresno County Department of Public Health: In the case of this application, it appears the parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain fields evaluated by an appropriately-licensed contractor if they have 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. This recommendation has been included as a Project Note.

Any new land development utilizing private sewage dispersal system as defined in Tier 2 Local Area Management Plan (LAMP) of the OWTS Policy requires a minimum 2-acre parcel size to conform to the new Local Area Management Program (LAMP) approved by the Central Valley Regional Water Quality Control Board (RWQCB). This has been included as a Project Note.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The proposed project is not within an area of the County defined as being water short; as such, the Division has no comments.

Analysis:

In support of Finding 3, the Applicant states that the size of a parcel has no effect on the general public, the site is not within a water-short area, and soil surveys of eastern Fresno indicate the presence of soil that is well drained and that provides good conditions for septic leach fields.

In regard to the Applicant's third finding, staff concurs that the site is not in a water-short area. However, the Applicant provided no studies or surveys supporting their claim that the soil is well drained and well suited for septic leach fields.

If approved, the granting of this Variance will allow the creation of an 8.70-acre parcel and a 1.15-acre parcel, without public road frontage. This parcel will be accessible via a 30-foot-wide easement which will follow an existing partially-paved and partially-graveled private road along the western boundary of the existing western parcel. Aerial photographs indicate that this road is also used by many cars and trucks to access the Belmont Nursery and to transport their products. Each of the proposed parcels will be improved with an existing single-family residence, and the 8.70-acre parcel will include the existing Belmont Nursery.

Approval of this Variance in itself may not have a significant impact on the existing character of the neighborhood; however, it may establish a precedent for owners of similar parcels to seek variance approval to develop similar substandard parcels without public road frontage. The Zoning Ordinance requires all lots in the R-R Zone District to have frontage on a public road and be at least 2-acres in size.

The Local Area Management Program (LAMP) was enacted by the Central Valley Regional Water Quality Control Board (RWQCB) to ensure that a high volume of septic systems would not affect the quality of the water used by all residents. This Program requires a minimum parcel size of 2 acres to support one septic system in an effort to ensure the long-term quality of the water supply. The creation of parcels below this minimum size could have a cumulatively negative affect on the water quality in the area, and will be required to provide engineered plans for septic system replacement when needed.

The surrounding area is residential and agricultural in nature, as is the existing development on the subject parcels. No new development will result from the proposed project, so the existing uses would continue to be compatible with the surrounding area.

Based on the above analysis, Finding 3 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-E.3: The County shall maintain two (2) acres as the minimum permitted parcel size, exclusive of all road and canal rights-of-way, recreation easements, permanent water bodies, and public or quasi-public common use areas.</p>	<p>The proposed 1.15-acre parcel does not meet this standard. Additionally, the full width of the northern edge of this proposed parcel would extend to the center of the Fancher Canal, and staff approximates that 0.10 acres of this proposed parcel is permanently covered by Fancher Canal. According to this General Plan policy, the proposed parcel would only be 1.05 acres in size (excluding permanent water bodies), or 53% of the required size.</p>

Relevant Policies:	Consistency/Considerations:
Policy PF-C. 17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.	The project is not in a low-water area. No new development or change in land use is proposed with this application.
Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.	The Local Area Management Program (LAMP) enacted by the Central Valley Regional Water Quality Control Board (RWQCB) aims to protect water quality and requires 2 acres of land per septic system. This program indicates that the creation of parcels with fewer than 2 acres which are unable to be served by a community sewer system and are intended for development that would require a septic system could threaten groundwater quality.

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcels are not subject to a Williamson Act Contract.

Analysis:

In support of Finding 4, the Applicant states that the granting of this Variance would not be contrary to the objectives of the General Plan because it is in the best interest of the Belmont Nursery, which has positive economic development impacts and is agricultural in nature.

In regard to the Applicant’s statements, staff notes that the nursery already exists and will not expand its operation as a result of the proposed Variance. The proposed 1.15-acre parcel is not consistent with General Plan policies because the parcel size is less than 2 acres in size. New development standards set forth by the Central Valley Regional Water Quality Control Board (RWQCB) indicate that residential parcels with fewer than 2 acres that are served by septic systems could cumulatively threaten water quality and pose health hazards. The proposed project is not in conformance with the General Plan for these reasons.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required Findings 1, 2 and 4 for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4045.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4045; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4045; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Condition of Approval and Project Notes:

See attached Exhibit 1.

DTC:

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**Variance Application No. 4045
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in substantial compliance with the site plan, as approved by the Planning Commission.
2.	Permits must be acquired from the Zoning Section of the Fresno County Department of Public Works and Planning for unpermitted structures in Belmont Nursery within 90 days of the effective date of approval of this Variance and prior to the final approval of the subsequent mapping action to authorize the proposed parcelization.
3.	Prior to final mapping approval, the Applicant must have the portion of parcels 310-143-34 and 310-143-35 that is under the Fancher Canal mapped, and they shall grant an exclusive easement on this portion of these parcels to the Fresno Irrigation District.

Conditions of Approval reference recommended Conditions for the project.

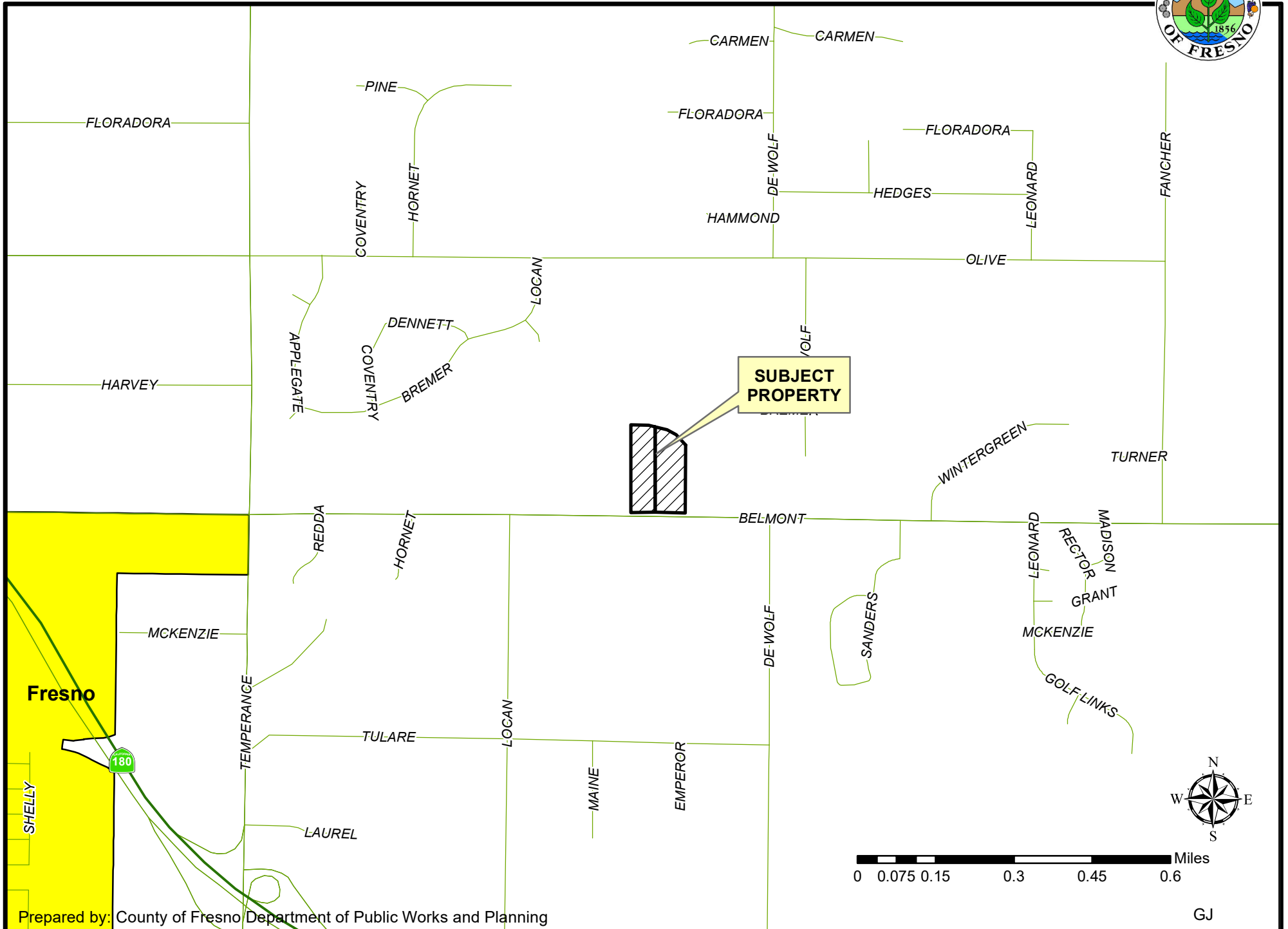
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	In the case of this application, it appears the parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain fields evaluated by an appropriately-licensed contractor if they have 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.
2.	Septic system density will be limited to one system per two acres. Any new development of less than two acres or secondary dwelling on less than four acres will require a nitrogen-loading analysis by a qualified professional, demonstrating to the Department that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to RWQCB for their concurrence and input. Supplemental treatment systems for nitrogen reduction will be referred to RWQCB for permitting.

DTC:

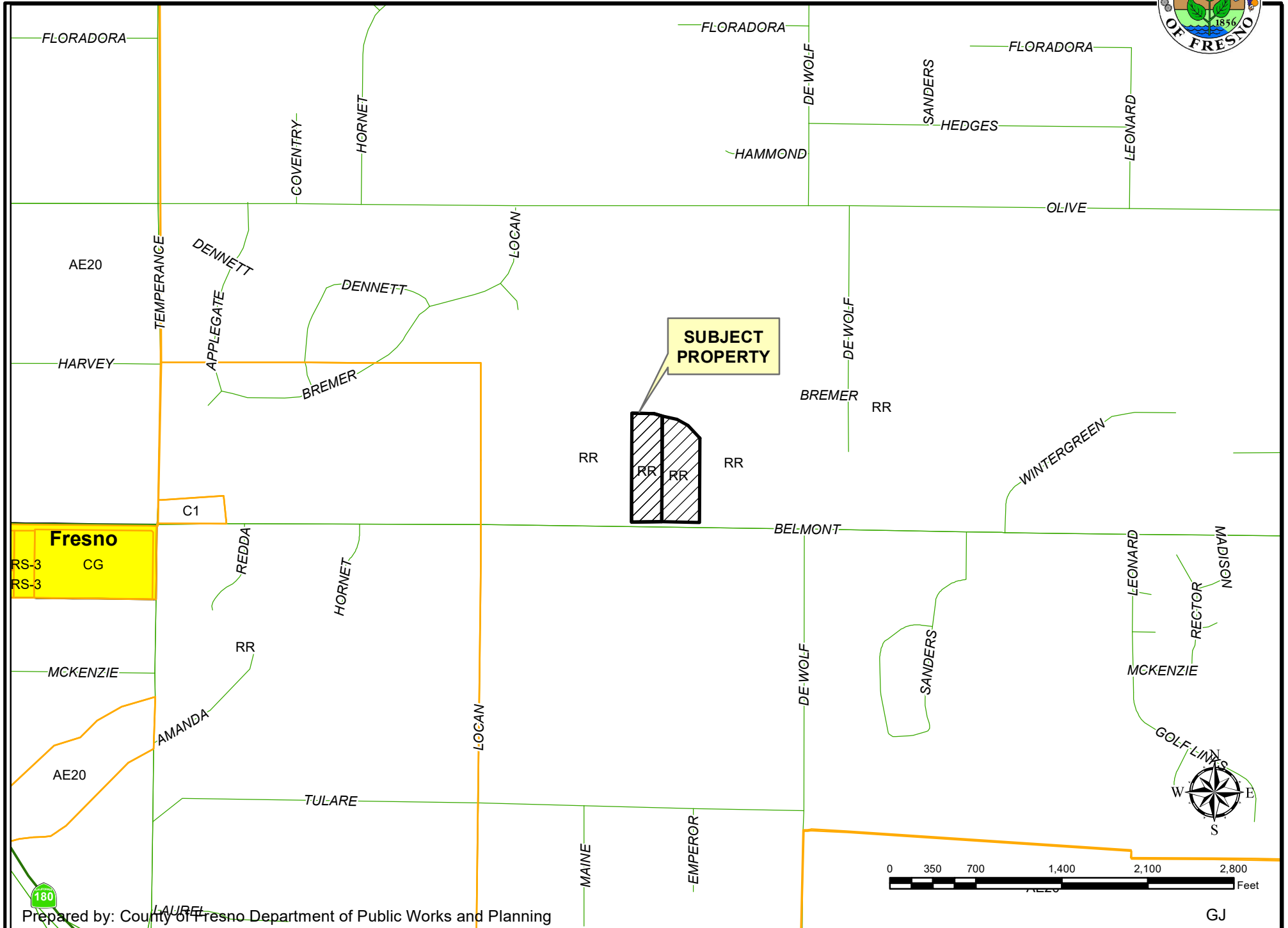
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EXHIBIT 1

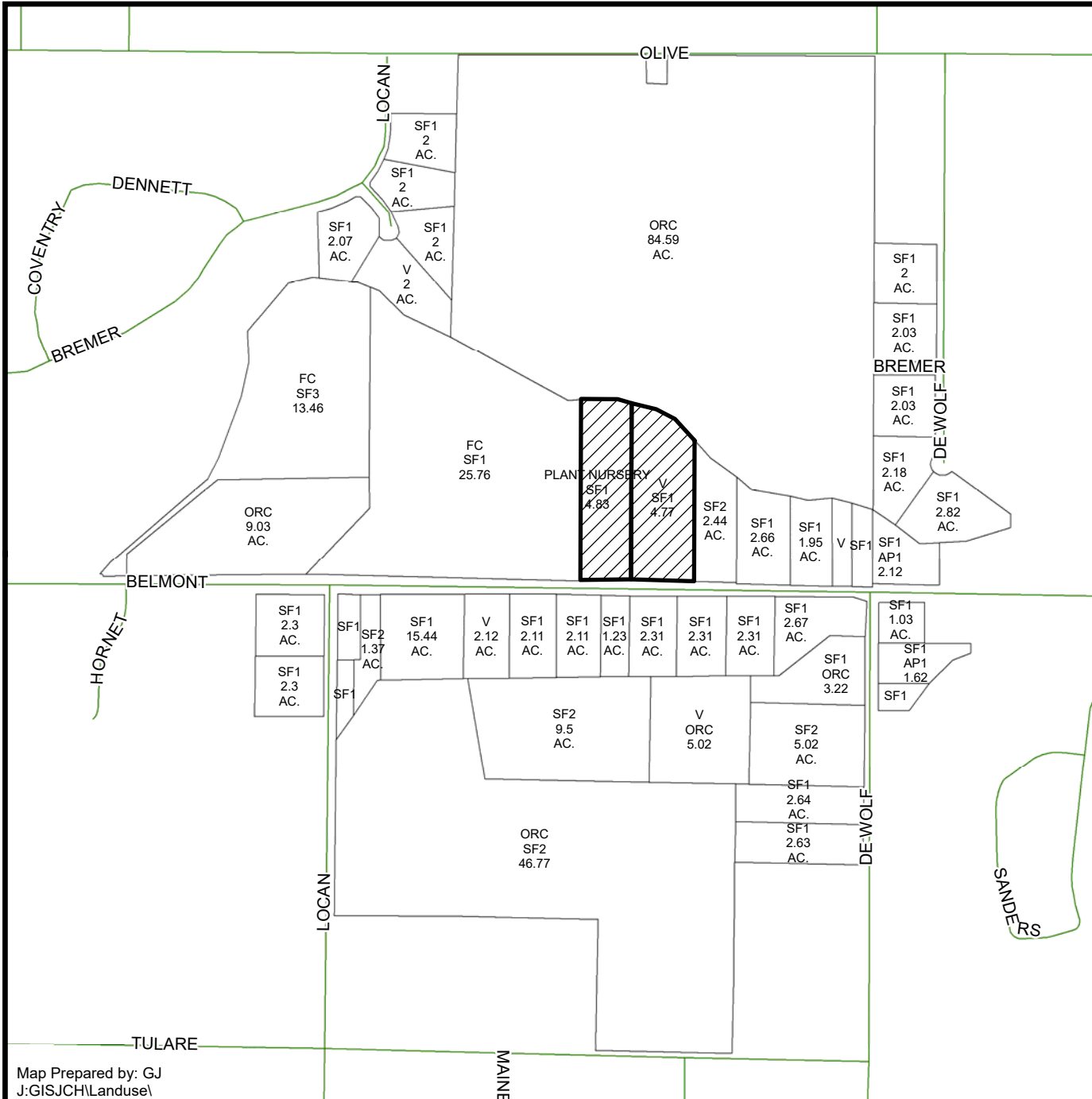
LOCATION MAP



EXISTING ZONING MAP




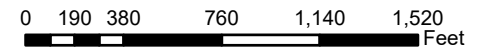
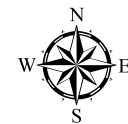
EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

VARIANCE EXHIBIT / LLA

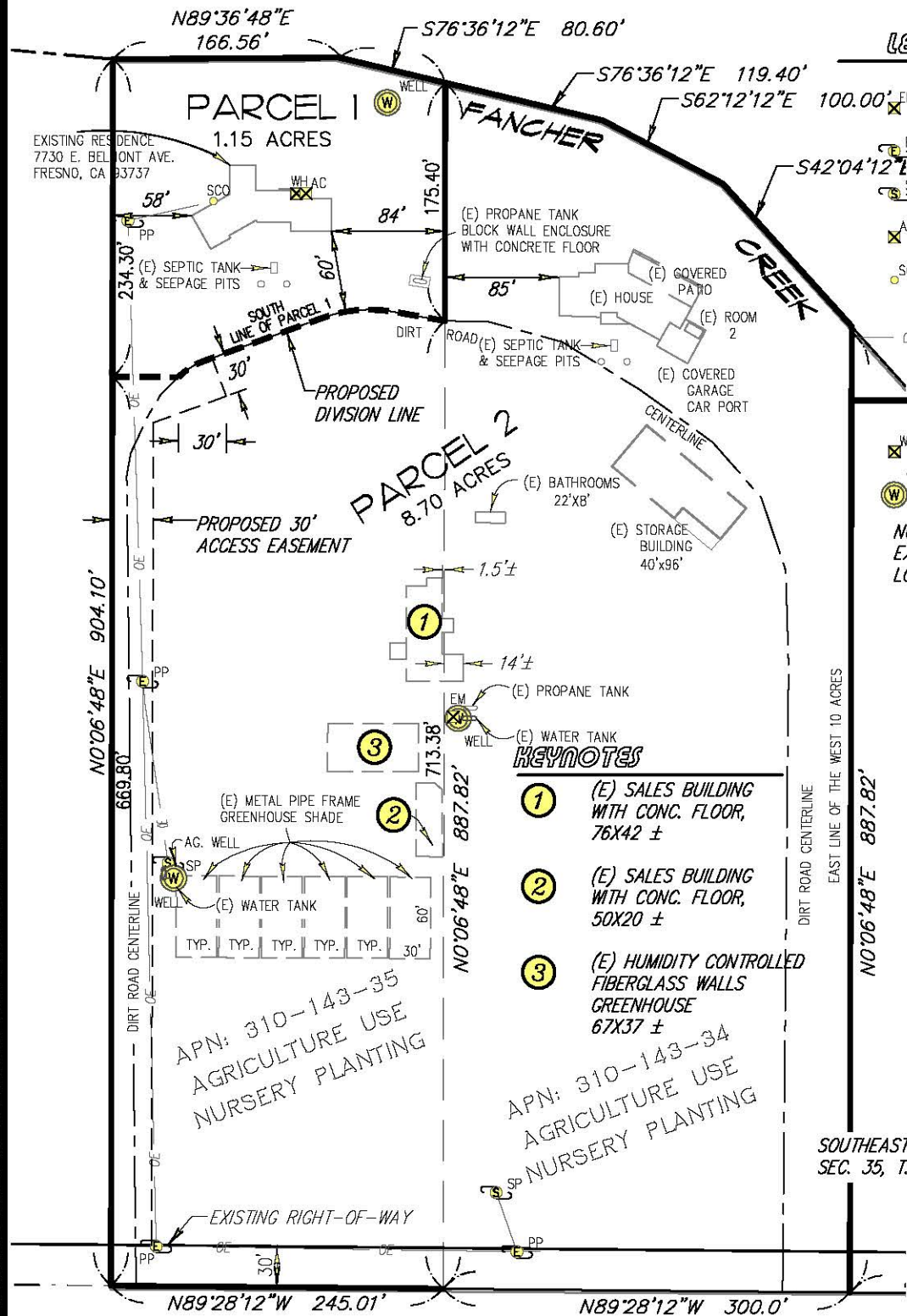
LEGEND

- EXISTING ELECTRICAL METER
- EXISTING POWER POLE
- EXISTING SERVICE POLE
- EXISTING AC UNIT
- EXISTING SANITARY SEWER CLEAN OUT
- EXISTING OVERHEAD ELECTRICAL LINE
- SUBJECT SITE BOUNDARY
- EXISTING WATER METER
- EXISTING WATER WELL

NOTE:
EXISTING SEPTIC TANK AND WELL
LOCATED FROM 1961 PERMIT CARD



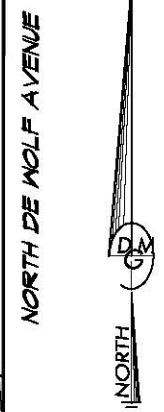
- KEYNOTES**
- 1 (E) SALES BUILDING WITH CONC. FLOOR, 76X42 ±
 - 2 (E) SALES BUILDING WITH CONC. FLOOR, 50X20 ±
 - 3 (E) HUMIDITY CONTROLLED FIBERGLASS WALLS GREENHOUSE 67X37 ±



APN: 310-143-35
AGRICULTURE USE
NURSERY PLANTING

APN: 310-143-34
AGRICULTURE USE
NURSERY PLANTING

EAST BELMONT AVENUE



PLOTTED BY: DALE G. MELL - 7/3/2018 7:57:22 PM V:\PROJECTS\2017\PROJECTS\17-094\DWGS\17-094EX01.DWG

PREPARED BY:

DALE G. MELL & ASSOCIATES

ENGINEERING & SURVEYING SERVICES

2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(559) 292-4046 * FAX 251-9220 * EMAIL: STAFF@DALEMELL.COM

SITE PLAN

FOR

TFS INVESTMENTS

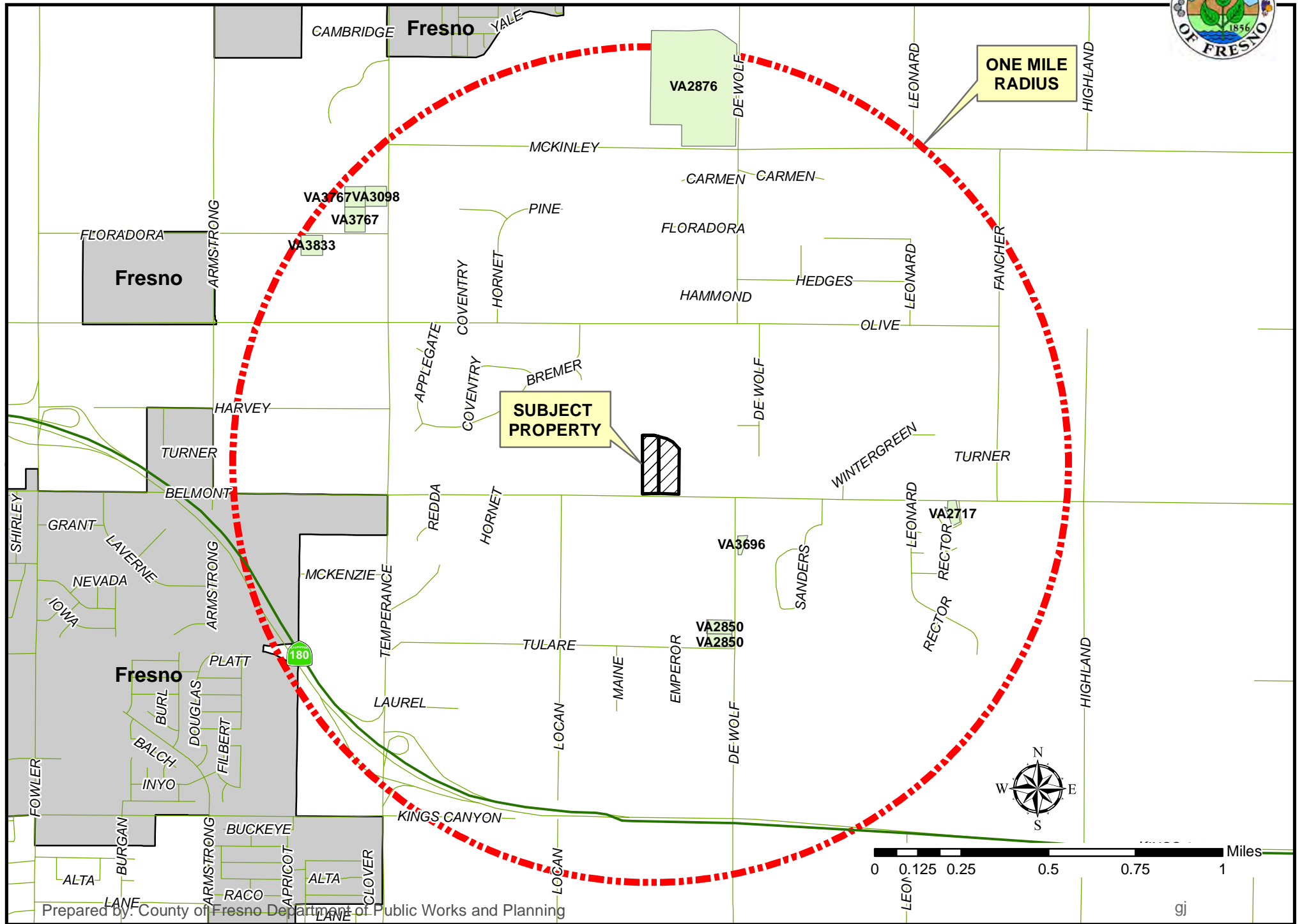
1411 L ST #M
FRESNO, CA 93721

BY: J. LOR - 07/2/18

DMA CADFILE: 17-094EX01

FB# 417

APPROVED VARIANCE WITHIN A ONE MILE RADIUS



SUBJECT PROPERTY

ONE MILE RADIUS

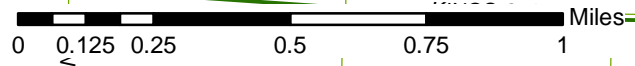
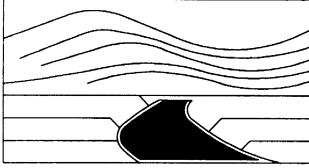


EXHIBIT 6



DALE G. MELL & ASSOCIATES

ENGINEERING & SURVEYING SERVICES

2090 N. WINERY AVENUE · FRESNO, CALIFORNIA 93703 · PH (559) 292-4046 · FAX (559) 251-9220

Findings for Variance

1.) Exceptional conditions applicable to the property as follows:

- A). Existing "TFS" Residence was constructed at the north limits of property adjacent to Fancher Creek with the remainder farmed by Belmont Nursery.
- B). Width of tax Parcel 35 is 248 feet, insufficient width to divide into East/West half. Minimum of 165 ft. required on each parcel per RR Zone District.
- C) During the initial Variance review process it was discovered that the unpermitted operational structures were built across property lines by the Belmont Nursery (Lessee) (APN: 310-143-35 "TFS" & 3610-143-34 "Palmer"). As a result of this discovery "TFS" and "Palmer" agree to merge the current nursery portions of the subject tax parcel 35 into the neighboring tax parcel 34, "TFS" will retain the residence on tax parcel 35 and the farming portion of tax parcel 35 will attach to tax parcel 34 by lot line adjustment application and resolve the building code issue.

2.) Variance necessary for the preservation and enjoyment of substantial property right as follows:

- A). Right to divide the current parcel with residence located on 1.3 acre parcel home site and remaining 3.5 acre parcel fronting on Belmont Avenue will be attached to tax parcel 34.
- B). There are approximately 100 parcels under 2 acres within a mile radius of the project site.

3.) Granting of this variance will not be detrimental to the public welfare or injurious to property as follows:

- A). The parcel size will have no effect on the general public;
- B). The site is not within a water shortage area;
- C). From the Eastern Fresno area soils survey the soils are of the Delhi Series, The site has soils that are well drained and provide good conditions for septic leach fields.. Therefore we feel that the grading of this variance will not be detrimental or have any impact or effect on the public.

- 4.) Granting of the Variance would not be contrary to the objectives of the Fresno County General built on the following ten major themes:

Economic Development:

Promote job growth and reduce unemployment through the enhancement and expansion of its traditional agricultural economic base. Allow for the creation of a 3.5 acre parcel for farming and expansion of the Belmont Nursery, currently leased, granting of this variance would approve the creation of a parcel to commit the Belmont Nursery to the area and maintaining of the county's natural resources.

Agricultural Land Protection: Granting of this Variance will protect the productive agricultural land as the county's most valuable natural resource and the historical basis of its economy by limiting the encroachment of incompatible development upon agricultural areas. The residence will remain on a reduced area parcel (1.3 acres) limits currently developed so as to ensure the maximum area retained for farming.

Growth Accommodation: Granting of this Variance will align with the plan designed to accommodate population growth through the year 2045. Creating a residential lot adjacent to the south bank of Fancher Creek and maintaining productive Ag land

Urban-Centered Growth: Granting of this Variance and reduced parcel size will promote compact growth by the orderly development of this existing rural residential/Ag setting.

Efficient and Functional: Granting of this Variance does maintain & promote compact, mixed-use, and pedestrian focus in the county's unincorporated communities. Use of the canal as a trail, running and biking path to enrich the community and rural life style.

Service Efficiency: The plan provides for the orderly and efficient extension of infrastructure such as roadways, water, waste water, drainage, and expansion services to support the county's economic development goals and to facilitate compact growth patterns. Granting of this Variance will maintain compact growth as well as productive farm land.

Recreational Development: The plan supports the expansion of existing recreational opportunities and the development of new opportunities, particularly along the San Joaquin and Kings Rivers, **Resource Protection:** Granting of this Variance will support this theme by providing an opportunity for a 1.3 acre parcel with an existing residence in a high density rural life style setting next to Fancher Creek.

Health and Safety Protection: Granting of this Variance would be aligned with the GP that seeks to protect county residents and visitors through mitigation of hazards and nuisances.

Enhanced Quality of Life: Granting of this Variance will improve the attractiveness of the county life style to new residents and protection of open space, view corridors, outdoor activities and expansion of recreational opportunities.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 Hearing Date, August 9, 2018

SUBJECT: Fresno County Planning Commission Conflict of Interest Code Update

Recommend for adoption the amended Conflict of Interest Code for Fresno County Planning Commission.

PROPONENT: County of Fresno

STAFF CONTACT: Kyle R. Roberson, Deputy County Counsel IV
(559) 600-3479

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the amended Conflict of Interest Code for the Fresno County Planning Commission Conflict of Interest Code and direct staff to file the 2018 Local Agency Biennial Notice; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Proposed amended Conflict of Interest Code for Fresno County Planning Commission
2. Draft 2018 Local Agency Biennial Notice

ENVIRONMENTAL ANALYSIS:

Adoption of the amended Conflict of Interest Code is not a "project" under CEQA, as defined by California Public Resources Code section 21065, because the recommended action will not cause a direct or indirect change in the physical environment. Therefore, no environmental analysis is required.

PUBLIC NOTICE:

Notice of this agenda item has been provided in accordance with the requirements of the Ralph M. Brown Act. No further notice is required.

PROCEDURAL CONSIDERATIONS:

Per Government Code section 82011, the Board of Supervisors is the code reviewing body for any County agency. A decision by the Commission in support of adoption of the amended Conflict of Interest Code is an advisory action requiring an affirmative vote by a majority of the members present. A recommendation for approval is then forward to the Board of Supervisors for final approval. The amended Conflict of Interest Code is not effective until it has been approved by Board of Supervisors, as the code reviewing body. The Commission's decision not recommend approval of the amended Conflict of Interest Code will require this matter to be returned for future consideration for approval, based on recommended changes by the Commission. However, the Commission must submit its biennial notice to the Board of Supervisors by October 1, 2018, regardless of the action taken on the proposed code.

BACKGROUND INFORMATION:

The Commission last reviewed and recommended for adoption the Conflict of Interest Code on September 30, 1992. The Board of Supervisors, as the code reviewing body, approved the current code on December 1, 1992. The Fair Political Practices Commission requires that agencies' conflict of interest codes be reviewed biennially (every two years) during even years. The Board of Supervisors, as the code reviewing body, requests the Commission review its Conflict of Interest Code.

Such a review has not be performed since adoption of the current code in 1992 because the only designated positions subject to the current Conflict of Interest Code are the Members of Commission. Because Members of the Commission are mandatory filers and subject to the procedures and requirements of Government Code section 87200 *et seq.*, review of Conflict of Interest Code was deemed unnecessary.

During this current review, staff determined that the Conflict of Interest Code is silent as to the disclosure obligations for staff that advise or come before the Commission. Per this review, staff modified the Conflict of Interest Code to reflect the County's model code; modernized the language of the code by incorporating by reference California Code of Regulations, Title 2, section 18730, which contain the terms of a standard conflict of interest code; added designated positions; and removed "Commissioners" as a designated position.

Under the proposed code, the new designated positions include Fresno County Planning Development Services and Capital Projects Division Managers; Fresno County Senior Planners and Planners I, II, and III assigned to present items to the Commission; Legal Counsel to the Commission; and Consultants hired by the Commission. The proposed code limits the reporting requirements for individual listed under a designated position to only information contained in the following disclosure categories:

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type subject to the regulatory, permit or licensing authority of, or have an application for permit or entitlement pending before the agency, including but not limited to:

- a license
- utility permit
- station vendor permit.

The Conflict of Interest Code proposed for adoption governs only the designated positions listed above. The proposed code update does not affect the Members of the Commission. The Members of the Commission are included in Government Code 87200 and therefore must disclose all financial interests in Fresno County, not just those listed in the proposed code. The Members of the Commission are included in the proposed code only for disqualification purposes, and are not listed as a designated position. As mandatory filers, pursuant to Government Code section 87200, Members of the Commission will continue to submit their Form 700s to the Clerk of the Board of Fresno County Board of Supervisors annually.

The goal of the proposed update to the Conflict of Interest Code is increase public confidence in the Commission's actions and codify staff's obligation to consider and, when necessary, disclose conflicts of interests on matters presented to the Commission.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes that the proposed amended Conflict of Interest Code is necessary to bring the Commission's code into compliance with the requirements of Fair Political Practices Commission.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend that the Board of Supervisors approve the amended Conflict of Interest Code for the Fresno County Planning Commission and direct staff to file the 2018 Local Agency Biennial Notice with code reviewing body; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Recommend that the Board of Supervisors not approve the amended Conflict of Interest Code for the Fresno County Planning Commission, direct staff revise the amended code with recommended changes, and direct staff to file the 2018 Local Agency Biennial Notice with the code reviewing body; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**CONFLICT-OF-INTEREST CODE FOR
FRESNO COUNTY PLANNING COMMISSION**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the FRESNO COUNTY PLANNING COMMISSION ("Commission").

The Form 700s for designated positions shall be filed with the Secretary of the Commission. The Secretary of the Commission shall retain the original Form 700s of designated positions and shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

The provisions of all conflict-of-interest codes and amendments thereto previously adopted by the Commission are hereby superseded.

APPENDIX A

Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments *and will file a statement of economic interests pursuant to Government Code Section 87200*. These positions are listed for informational purposes only:

- None

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• Development Services and Capital Projects Division Manager	1, 6
• Senior Planners assigned to present items to the Planning Commission	1, 6
• Planners I, II, III assigned to present items to the Planning Commission	1, 6
• Legal Counsel to the Commission	1, 6
• Consultants	1, 6*

The Members of the Commission are included in Government Code Section 87200 and therefore must disclose all financial interests in Fresno County, not just those listed in this code. As a result, the Members of the Commission are included in this code only for disqualification purposes, and are not listed in APPENDIX "A" as a designated position.

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division Manager ("Manager") may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

APPENDIX B DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type subject to the regulatory, permit or licensing authority of, or have an application for permit or entitlement pending before the agency, including but not limited to:

- a license
- utility permit
- station vendor permit.

2018 Local Agency Biennial Notice

Name of Agency: Fresno County Planning Commission

Mailing Address: 2220 Tulare Street, Suite 500, Fresno, California 93721

Contact Person: Kyle R. Roberson Phone No. (559) 600-3479

Email: kroberson@fresnocountyca.gov Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) Complete revision

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2018**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

www.fppc.ca.gov
FPPC Advice: advice@fppc.ca.gov (866.275.3772)
Page 1 of 1

EXHIBIT 2