



County of Fresno

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

February 28, 2020

Jay Ventress
11614 N. Newmark Avenue
Clovis CA 93619

Dear Applicant:

Subject: Resolution No. 12812 - Variance Application No. 4080

On January 23, 2020, the Fresno County Planning Commission approved your application 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 one year from the date of approval unless the required mapping application to create the parcels is filed in accordance with the Parcel Map 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.

If you have any questions regarding the information in this letter please contact me at jshaw@fresnocountyca.gov or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: January 23, 2020
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12812 - VARIANCE APPLICATION NO. 4080

APPLICANT: Jay Ventress

OWNER: Delma Joy Ventress

REQUEST: Allow the creation of a five-acre parcel and a 35-acre parcel (40-acre minimum required) from an existing 40-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on North Newmark Avenue, approximately three quarter-miles north of State Route 168 (11610 and 11614 North Newmark Avenue) (SUP. DIST. 5) (APN 150-031-21).

PLANNING COMMISSION ACTION:

At its hearing of January 23, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Eubanks to determine the required Findings for approval of a Variance could be made, stating that Finding 1 could be made because the creek running through the property creates an exceptional circumstance, Finding 2 could be made because of the long duration of family ownership and the applicant's desire to reside on a homesite parcel creates a substantial property right, and Finding 4 could be made because the proposed 35-acre parcel will continue to be utilized for grazing purposes. Based on the ability to make all four of the required findings, a motion was made to approve Variance No. 4080, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Variance Application No. 4080

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 23, 2020, and heard a summary presentation by staff.
- Applicant: The Applicant did not concur with the Staff Report and staff's recommendations. He described the project and offered the following information to clarify the intended use:
- The well will not create an issue with the use of the easement, which is for access to the proposed 35-acre parcel.
 - The creek sometimes overflows the banks and damages the fences; however, it does not reach the proposed five-acre homesite parcel boundaries.
- Others: The property owner presented information in support of the application, offering the following information:
- It is my intention to live on the property for my remaining years and the property has been in my family for several generations.
 - It may become necessary to sell the 35-acre property in the future.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

**Variance Application (VA) No. 4080
Conditions of Approval and Project Notes**

Conditions of Approval

1.	Division of the property shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	A 60-foot-wide easement providing access to the proposed 35-acre parcel, across the proposed 5-acre parcel, shall be recorded as part of the final parcel map. The easement shall comply with applicable standards of the Fresno County Parcel Map Ordinance (Ordinance Code) Title 17.72.

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.

1.	<p>Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72.</p> <p>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.</p>
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.	All abandoned water wells and septic systems on the subject parcel or resultant parcels shall be properly destroyed by an appropriately-licensed contractor, subject to permits and inspections by the Fresno County Department of Public Works and Planning and the Fresno County Department of Public Health.
4.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked 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 shall 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.
5.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

Notes

6.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).
7.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
8.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.