



County of Fresno

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

April 15, 2019

Brian Finegan
395 W. Herndon Avenue
Clovis CA 936312

Dear Applicant:

Subject: Resolution No. 12765 - Variance Application No. 4058

On March 28, 2019, the Fresno County Planning Commission 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 one year from the date of approval. 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: March 28, 2019
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12765 - VARIANCE APPLICATION NO. 4058

APPLICANT/
OWNER:

Brian Finegan

REQUEST: Allow the creation of a 3.1-acre parcel, a 3.0-acre parcel, and a 2.7-acre parcel from an existing 8.80-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Willow Bluff Road approximately three quarter-miles north of its intersection with North Willow Avenue, and approximately one mile northeast of the nearest city limits of the City of Fresno (13152 Willow Bluff Road) (SUP. DIST. 5) (APN 300-070-33).

PLANNING COMMISSION ACTION:

At its hearing of March 28, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).


A motion was made by Commissioner Abrahamian and seconded by Commissioner Lawson to determine the required findings could be made, adopt the required Findings of Fact for approval of a Variance and approve Variance No. 4058 stating that Finding 1 could be made because the property is located on the bluff; Finding 2 could be made because a substantial number of similar variances have been approved in the vicinity; and Finding 4 could be made because the parcel size is not consistent with a viable farming operation. The Conditions of Approval are listed in Exhibit B.

RESOLUTION NO. 12765

This motion passed on the following vote:

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| VOTING: | Yes: | Commissioners Abrahamian, Lawson, Burgess, Chatha, Delahay, Ede, Eubanks and Vallis |
| | No: | None |
| | Absent: | Commissioner Hill |
| | Abstain: | None |

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

By: 

 William M. 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 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. 4058

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 28, 2019, and heard a summary presentation by staff.
- Applicant: The Applicant's representative did not concur with the Staff Report. He described the project and offered the following information to clarify the intended use:
- The staff report lists six other variance applications processed within the last ten years, for which staff recommended denial on all six, the Planning Commission approved five, and the sixth was approved by the Board of Supervisors.
 - We believe that the view of the San Joaquin River from the bluff creates an exceptional circumstance on the property; bluff views are rare and exceptional.
 - We believe that the substantial number of other variances approved in the vicinity, which have afforded other property owners the right to divide their parcel, is property right.
 - The property is not viable farmland and is not inconsistent with the General Plan
 - The property owner has agreed to the required Conditions of Approval.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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**Variance Application (VA) No. 4058
Conditions of Approval and Project Notes**

| Conditions of Approval | |
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| 1. | Development shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission. |
| 2. | A water well and Well Yield Certification shall be required prior to the issuance of Building Permits for any proposed parcel on which Building Permits are requested. |
| 3. | The property owner shall execute a covenant, running with the land, agreeing to maintain their proportionate part of the private easement designated as Willow Bluff Road. |
| 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. | 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 three 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. | 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. Contact the Water Surveillance Program at (559) 600-3357 for more information. |
| 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. Contact the Certified Unified Program Agency at (559) 600-3271 for more information. |
| 6. | 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." |

Notes

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| | <p>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> |
| 7. | <p>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).</p> |
| 8. | <p>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.</p> |
| 9. | <p>The subject property is located within the California Department of Forestry "State Responsibility Area" (SRA) boundary and is therefore subject to all applicable Fire Safe Regulations and standards, including, but not limited to, building setbacks, driveway construction, turnaround area, gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. Accordingly, any future development of the property or resultant parcels shall be subject to applicable SRA Fire Safe Regulations.</p> |