



Inter Office Memo

DATE: November 9, 2017
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12680 - VARIANCE APPLICATION NO. 4029

APPLICANT/
OWNER: Charles Brodie Johanson

REQUEST: Allow the creation of three 2-acre (net) parcels without public road frontage and one 3-acre (net) remainder parcel from two contiguous parcels totaling 9.84 acres (gross) in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The subject property is located on the west side of N. Marion Avenue approximately 970 feet north of its intersection with E. Nees Avenue, adjacent to the city limits of the City of Clovis (8239 N. Marion Avenue, Clovis, CA) (SUP. DIST. 5) (APN 560-052-08 & 09).

PLANNING COMMISSION ACTION:

At its hearing of October 12, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Vallis to continue the item to the November 9, 2017 Planning Commission hearing to provide the Applicant additional time to work with staff on modifying the application for a reduction in the number of parcels.

This motion was passed on the following votes:

VOTING:	Yes:	Commissioners Lawson, Vallis, Abrahamian, Borba, Delahay, Ede and Woolf
	No:	None
	Absent:	Commissioners Chatha and Eubanks
	Abstain:	None

RESOLUTION NO. 12680

At its November 9, 2017 hearing, the Commission considered the staff report with revised Site Plan consisting of four two-acre parcels and private road access. Based on the review of the information provided, and testimony provided by the Applicant's representative, a motion was made by Commissioner Ede and seconded by Commissioner Lawson to adopt the recommended Findings for approval of Variance Application No. 4029 as stated in the staff report subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Ede, Lawson, Abrahamian, Borba, Chatha, Delahay, Eubanks, Vallis and Woolf
	No:	None
	Absent:	None
	Abstain:	None

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

By: 

William M. Kettler, Manager
Development Services Division

WMK:ksn
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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. 4029

Public Hearing dated October 12, 2017

Staff: The Fresno County Planning Commission considered the Staff Report dated October 12, 2017, and heard a summary presentation by staff.

Applicant: The Applicant and his representative did not concur with Staff's recommendation. They described the project and offered the following information to clarify the intended use:

- The subject proposal would create 331-foot-wide parcels compared to 131-foot-wide parcels to the north, with a 60-foot-wide private road access.
- The proposal will allow a residential development of large homes with the pecan grove; the owner will retain an existing single-family residence on the property.
- A gated private access road off Marion Avenue (public road) will add to the security of homes.
- The project site is located within a 788-acre Dry Creek Preserve (DCP) area; twenty percent of parcels in DCP are less than two acres in size.
- Finding No. 1 is met because the parcel's length and width ratio prohibits the creation of useable two-acre homesite parcels.
- Finding No. 2 is met because the creation of two-acre parcels would provide the Applicant the same right enjoyed by other owners of two-acre parcels in the area.
- Finding No. 4 is met because the proposed parcels are close to the minimum two-acre parcel size required in the RR Zone District.
- The proposed private road access meets the A-15 road standards of Fresno County.
- We can adjust property boundaries to create minimum two-acre parcels if so desired by the Planning Commission.
- Road improvements and extension of the City of Clovis sewer and water lines to the property will cost approximately 1.25 million dollars.
- The project is located in a good water recharge area for agriculture and residential uses.

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Others: One individual presented information in support of the application, citing the project area has a good groundwater aquifer, drilling of four additional wells would have a less than significant impact on neighboring properties, and no groundwater is currently being used to maintain the on-site pecan grove.

Two individuals presented information in opposition to the application, citing impacts on the groundwater aquifer due to drilling of additional wells and the need for covenants and conditions to ensure preservation of the pecan grove.

Correspondence: One letter was presented to the Planning Commission in support of the application, citing the project would have no adverse impact to the area, as the proposed parcels are similar in size to others in the Dry Creek Preserve area.

No letters were presented to the Planning Commission in opposition to the application.

Public Hearing dated November 9, 2017

Staff: The Fresno County Planning Commission considered the Staff Report dated November 9, 2017, 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 subject proposal would create four exclusive homesite parcels, including a remainder parcel in a pecan grove setting.
- An existing 25-foot-wide Fresno Irrigation District (FID) easement traverses in north/south direction along the westerly boundary of the proposed Parcel 1.
- We can provide documentation on the existing easement to FID if necessary.

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.

**Variance Application (VA) No. 4029
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan approved by the Planning Commission.
2.	The proposed private road shall meet the vehicular needs of the users and shall also provide for grading and erosion control to prevent sedimentation or damage to off-site property arising out of its improvement or use. It will be the duty of the Registered Civil Engineer to attest to compliance with this condition; said statement to fully describe all grading work required by the Civil Engineer to be effective at the time of recordation of the Parcel Map.
3.	The properties shall connect to the City of Clovis public sewer system when the sewer main is available in the Marion Avenue frontage of the remainder parcel.
4.	The properties shall connect to the City of Clovis public water and sewer systems upon annexation with the City of Clovis, and the services being available to the property. Connection to the City systems would require the Applicant to construct necessary infrastructure for sewer and water connections as mandated by the City.
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 proposed parcels. The Map shall comply with the requirements of Title 17.72. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
2.	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 substantial compliance with the Conditions and Project Notes and 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 a maximum one-year extension of time.
3.	Building permit records indicate the existing septic system was installed in 1973. The Applicant should consider having the existing septic tank pumped, and have the tank and leach field 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(s).
4.	The existing septic system and domestic well shall be located on the same parcel as the single-family residence.
5.	To address project impact on Fresno Irrigation District's (FID) active Little Teague No. 415 pipeline that runs southerly and traverses the west side of the property, FID requires the following: <ul style="list-style-type: none"> • The Applicant shall grant FID a 20-foot-wide exclusive easement for the portion of the pipeline traversing the subject property. • Any improvements built within the FID easement shall require FID's review and approval.

Notes

	<p>The easement shall be shown on the Parcel Map for the project and any grading and drainage plan shall require FID's review and approval.</p>
6.	<p>To reduce project impact on Fresno Metropolitan Flood Control District (FMFCD) facilities, the District requires the following:</p> <ul style="list-style-type: none"> • The County shall require a temporary on-site storm water storage facility to be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street. • Drainage and grading plan shall be reviewed and approved by FMFCD prior to approval by the County. • A 15-foot-wide minimum storm drainage easement shall be provided on the property.
7.	<p>For the construction of a private road on the property, the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> • Access easements for a private road shall be improved as a minimum to the County's A-15 improvement standard (minimum paved width of 18-foot and 3-foot graded shoulders on each side, with minimum paved surfacing consisting of at least 0.2 foot of asphalt concrete). • The private road shall be maintained to a condition determined by the users of the road. • A maintenance entity shall be established during the parcel map process and road improvement plans shall be submitted to the County for review and approval prior to construction.
8.	<p>Future development on the property shall be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought and annexed to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>



County of Fresno

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

January 8, 2018

Charles Brodie Johanson
8239 N. Marion Avenue
Clovis Ca 93619

Dear Applicant:

Subject: Resolution No. 12680 - Variance Application No. 4029

On November 9, 2017, 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 eahmad@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services and Capital Projects Division

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Enclosure