



ATTACHMENT A

Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.

DATE: August 10, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12664 - VARIANCE APPLICATION NO. 4025

APPLICANT: Matt Ratzlaff

OWNER: Gary McDonald

REQUEST: Allow the creation of a 2.3-acre parcel and a 2.55-acre parcel from an existing 4.85-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southwestern corner of E. Reno Avenue and Auberry Road, approximately one mile northeast of the nearest city limits of the City of Fresno (3825 E. Reno Avenue) (SUP. DIST. 5) (APN 580-010-25S).

PLANNING COMMISSION ACTION:

At its hearing of August 10, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Chatha to deny Variance No. 4025, based on the Commission's inability to make the required Variance Findings.

EXHIBIT A

Variance Application No. 4025

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 10, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant and his Representative did not concur with the Staff Report and the recommended Conditions. They described the project and offered the following information to clarify the intended use:
- We would be willing to restrict development to one residence per parcel.
 - We are not creating any new residences or generating an increase in traffic, and each home currently has its own well and septic system.
 - We will probably end up selling Parcel B.
 - Across Auberry Road, east of the subject parcel, the parcels are similar in size to what we are proposing.
 - I developed my home on Parcel A; we only closed escrow last month, but I have been building there for the past 18 months.
 - Reno Road needs to be improved and approval of this application would require us to make those improvements, either by improving the road ourselves, or by joining the local assessment district.
 - Adding a second parcel would allow us the ability to finance by either renting the second home or by selling the new parcel.
 - Due to existing conditions relating to the zoning, low-water, and the water district, it is not likely that a subdivision would be approved in this area: approval of this Variance would not lead into more intensive development.
 - This parcel is as much a part of the Auberry Road community as it is a part of the Reno Avenue community.
- Others: Four individuals presented information in opposition to the application, generally stating that the subject parcel is part of the Reno Avenue community and approval of the variance would allow the creation of parcels inconsistent with the existing rural density. Additional concerns related to the poor condition of the Reno Avenue and the lack of water resources available in the area. No individuals presented information in support of this application.
- Correspondence: No letters were presented to the Planning Commission in support of this application. Fifteen letters were presented to the Planning Commission in opposition to the application.

EXHIBIT "B"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Variance Application No. 4025

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Variance Application:	\$ 6,049.00 ¹
Health Department Review:	365.00 ²
Preliminary Environmental Review:	259.00 ³
Agricultural Commissioner Review:	<u>34.00⁴</u>
Total Fees Collected	<u>\$ 6,673.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.
³ Review proposal to provide appropriate California Environmental Quality Act (CEQA) Exemption and include documentation for project file.
⁴ Review of proposal by the Department Agriculture to provide comments.



County of Fresno
Board of Supervisors
Minute Order

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November 14, 2017

Present: 5 - Supervisor Andreas Borgeas, Supervisor Nathan Magsig, Supervisor Buddy Mendes, Chairman Brian Pacheco, and Vice Chairman Sal Quintero

Agenda No. 9.

Public Works & Planning

File ID: 17-1085

Re: Consider appeal of Planning Commission's denial of Variance Application No. 4025 proposing to allow creation of 2.3-acre parcel and 2.55-acre parcel from existing 4.85-acre parcel in AE-20 Zone District; project site is located on southwestern corner of E. Reno Road and Auberry Road, approximately one mile northeast of nearest city limits of City of Fresno

CONDUCTED PUBLIC HEARING, AND RECEIVED PUBLIC TESTIMONY. CLOSED PUBLIC HEARING. A MOTION WAS MADE BY SUPERVISOR MAGSIG, SECONDED BY SUPERVISOR BORGEAS, TO DENY THE APPEAL FILED BY MATT RATZLAFF, AND DENY VARIANCE APPLICATION NO. 4025, BASED ON AN INABILITY TO MAKE FINDING 4. THE MOTION FAILED BY THE FOLLOWING VOTE:

Ayes: 2 - Borgeas, and Magsig

Noes: 3 - Mendes, Pacheco, and Quintero



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A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY CHAIRMAN PACHECO, TO GRANT THE APPEAL FILED BY MATT RATZLAFF, AND APPROVE VARIANCE APPLICATION NO. 4025, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT, A REQUIREMENT THAT THE APPLICANT ENTER INTO AN INDEMNIFICATION AGREEMENT WITH THE COUNTY, A LIMITATION OF ONE RESIDENCE ALLOWED ON EACH PARCEL PERMITTED TO BE CREATED BY THIS APPLICATION, AND DIRECTION TO THE DEPARTMENT OF PUBLIC WORKS AND PLANNING TO STUDY THE AREA SURROUNDING THE SUBJECT PROPERTY TO DETERMINE WHETHER ITS GENERAL PLAN AND ZONING DESIGNATIONS NEED TO BE CHANGED. THE BOARD DETERMINED THAT THE FOUR REQUIRED VARIANCE FINDINGS CAN BE MADE, AS STATED BY THE APPLICANT'S REPRESENTATIVE, AS FOLLOWS:

1. WHILE THE ZONING FOR THE SUBJECT PROPERTY IS AE-20, ALL OF THE PROPERTIES IN THE IMMEDIATE AREA ARE LESS THAN THE 20 ACRE MINIMUM. THE EXTRAORDINARY CIRCUMSTANCES AND CONDITION IS THAT THE SUBJECT PROPERTY HAS 330 FEET OF FRONTAGE ON AUBERRY ROAD AND 700 FEET OF FRONTAGE ON RENO ROAD. ADDITIONALLY, THERE IS A PG&E, PAC TELEPHONE AND CABLE EASEMENT THAT DISSECTS THROUGH THE PROPERTY AT MIDPOINT FROM NORTH TO SOUTH. THIS EASEMENT DIVIDES THE PROPERTY INTO 2 PARCELS THAT ARE ROUGHLY 350 X 300;

2. THE SUBJECT PROPERTY FACES AUBERRY ROAD WHERE THE ZONING IS AE-20. ALONG THE EAST SIDE OF AUBERRY THERE ARE 9 PARCELS WITHIN 1200 FEET THAT ARE LESS THAN 2.5 ACRES. WITHIN A HALF MILE OF THE SUBJECT PROPERTY THERE ARE 25 PARCELS SMALLER THAN 2.5 ACRES. THE SUBJECT PROPERTY CURRENTLY HAS TWO SINGLE FAMILY DWELLINGS AND EACH OF THESE DWELLINGS HAS A TESTED WELL OF GREATER THAN 30 GPM AND A CERTIFIED SEPTIC SYSTEM. APPROVAL OF THE VARIANCE WOULD GRANT RIGHTS TO THE PROPERTY OWNERS EQUAL TO THEIR NEIGHBORS THAT HAVE LESS THAN 20 ACRES. NO PARCEL IN THE HALF MILE RADIUS HAS 20 ACRES. THE LARGEST IS 18 +/- ACRES WITH THE MAJORITY BEING 2 TO 5 ACRES;

3. CONCUR WITH STAFF'S FINDING AS STATED IN THE STAFF REPORT;

4. THE SUBJECT PROPERTY WAS ZONED A-1 FROM 1960 TO 1977 WHEN IT BECAME AE-20 UNDER THE GENERAL PLAN THAT WAS ADOPTED IN 1977. THE A-1 AGRICULTURE ZONING ALLOWED A RESIDENCE ON A ONE-ACRE PARCEL. SINCE THAT TIME THE PLANNING COMMISSION AND BOARD OF SUPERVISORS HAVE APPROVED A NUMBER OF VARIANCES IN RECOGNITION OF THE AREA NOT BEING CONDUCIVE TO AGRICULTURAL PURPOSES. THERE IS NO FARMING OPERATION ALONG AUBERRY ROAD OR RENO ROAD CLOSER THAN ONE-HALF MILE TO THE SUBJECT PROPERTY. THE STAFF HAS RECOGNIZED THIS AREA WILL NEVER BE USED FOR FARMING AND HAS SUGGESTED IN THE STAFF REPORT THAT THE BOARD BEGIN THE PROCESS OF CHANGING THE ZONING THAT REFLECTS ITS CURRENT SIZE AND USE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 4 - Borgeas, Mendes, Pacheco, and Quintero

Noes: 1 - Magsig