



Inter Office Memo

DATE: October 20, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12601 - VARIANCE APPLICATION NO. 4000

APPLICANT: Madera Creek LLC

OWNER: Madera Creek LLC

REQUEST: Amend previously-approved Variance No. 3957 in order to remove a Condition of Approval requiring widening of an existing access easement, and remove a Condition of Approval requiring the payment of a proportionate share of cost for maintenance of said access easement.

LOCATION: The subject property is located approximately one quarter-mile northeast of the intersection of Saddleback Road and Rockledge Road, within the unincorporated community of Shaver Lake (Sup. Dist. 5) (APN 130-920-24).

PLANNING COMMISSION ACTION:

At its hearing of October 20, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Abrahamian to adopt the required Variance Findings, citing that Findings 1 and 2 can be made considering the imposition of cost placed upon the Applicant by the Conditions of Approval for Variance No. 3957 in conjunction with the fact that members of the Sierra Cedars Community Services District would not be required to contribute toward the costs associated with the Conditions of Approval for Variance No. 3957 related specifically to maintenance of the access easement, and approve Variance Application No. 4000, subject to Conditions listed in Exhibit B, with exclusion of the recommended Condition to require a turnout at the midpoint of the subject access easement.

EXHIBIT A

Variance Application No. 4000

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 20, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant's representative disagreed with the Staff Report, Staff's recommendation and the recommended Conditions. She described the proposal and offered the following information:
- The cost required of the Applicant to widen the access easement pavement is burdensome.
 - Widening the access easement pavement will result in negative aesthetic and environmental impacts such as the removal of trees.
 - The requirements for the Applicant to widen the access easement and pay toward the maintenance of the access easement are premature in this case considering that the Applicant has no plan to develop the parcels authorized by Variance No. 3957.
 - Considering that the Applicant has no plan to develop the parcels authorized by Variance No. 3957, satisfaction of State Responsibility Area (SRA) development requirements is not necessary at this time.
 - The Applicant has no control over the gate located at the intersection of the subject access easement and Black Oak Way.
- Others: No other individuals presented information in support of the application, and two individuals representing the Sierra Cedars Community Services District expressed concern that the District did not receive a Notice of Public Hearing and requested a Continuance in order to better analyze the proposal.
- Correspondence: No letters were presented to the Planning Commission in support of the application. Two pieces of correspondence (emails) were presented to the Planning Commission in opposition to the application citing concerns that the Applicant should be required to contribute toward the maintenance of the subject access easement.

Variance Application No. 4000
(Conditions of Approval)

Conditions of Approval	
1.	All Mitigation Measures, Conditions of Approval and Project Notes for Variance (VA) No. 3957 shall remain in full force and effect, except as modified with the approval of Variance (VA) No. 4000.
2.	Provide a turnout at the midpoint of the subject access easement (halfway between Saddleback Road and Black Oak Way) in accordance with State Responsibility Area (SRA) standards for a One-Way Road. (Removed by Planning Commission 10/20/2016)

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County of Fresno

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

November 7, 2016

Madera Creek LLC
7571 N. Remington #104
Fresno CA 93711

Dear Applicant:

Subject: Resolution No. 12601 - Variance Application No. 4000

On October 20, 2016, 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 a maximum of two one-year extensions of time. 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 dchambers@co.fresno.ca.us or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure