



Inter Office Memo

DATE: July 21, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12584 - VARIANCE APPLICATION NO. 3989

APPLICANT: Jeffrey T. Roberts

OWNER: Lincoln Grantor Farms, LLC

REQUEST: Allow the creation of two equal-sized parcels without public road frontage (minimum 165 feet required) from an existing 4.76-acre (net) parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the west side of N. Friant Road approximately 1,984 feet from its intersection with N. Willow Avenue (12449 N. Friant Road, Friant) (SUP. DIST. 2) (APN 579-050-12S).

PLANNING COMMISSION ACTION:

At its hearing of July 21, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Pagel to deny Variance No. 3989, based on the inability to make Findings 1, 2 and 4 citing no substantive reasons presented to the Commission that would justify subdivision of the subject 4.76-acre parcel.

The motion failed on the following vote:

VOTING: Yes: Commissioners Woolf, Pagel, Borba
No: Commissioners Abrahamian, Egan, Eubanks, Mendes
Absent: Commissioner Lawson
Abstain: Commissioner Chatha

A subsequent motion was made by Commissioner Mendes and seconded by Commissioner Egan to adopt the required Findings for approval of a Variance stating that Findings 1 & 2 could be made based on the unique shape of the parcel, its limited access, and the adjoining ponding

RESOLUTION NO. 12584

basin, and stating Finding 4 could be made based on consistency of the proposed parcels with the surrounding area, and approved Variance No. 3989, subject to the Conditions listed in Exhibit B, with further stipulation that a Condition be added stating that no more than one residence shall be allowed on each of the proposed parcels.

This motion passed on the following vote:

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| VOTING: | Yes: | Commissioners Mendes, Egan, Abrahamian, Borba, Chatha, Eubanks |
| | No: | Commissioners Pagel, Woolf |
| | Absent: | Commissioner Lawson |
| | 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

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NOTES: 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 listed in Exhibit B 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 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. 3989

Staff: The Fresno County Planning Commission considered the Staff Report dated July 21, 2016, and heard a summary presentation by staff.

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

- We purchased the subject parcel from a tribal consortium; the property was previously used as a sweat lodge.
- Our proposal includes a Fresno Metropolitan Flood Control (FMFCD) easement to run a flood line to the adjoining FMFCD fully-developed storm water retention basin.
- The proposed southerly parcel will include the FMFCD easement and be developed with a single-family residence.
- The existing parcel can accommodate the flood pipeline for FMFCD; however, the subject proposal to allow an additional parcel more closely matches existing lot patterns created in the area over the years.
- The subject parcel was created at the time A-1 zoning was allowed; the parcel become non-conforming due to a broad-scale zone change from the A-1 Zone District to an AE-20 Zone District by the County of Fresno in 1973.
- Our proposal meets Finding No. 1. We regard the parcel size/shape, the need for the FMFCD easement, and the area's zoning history as unique circumstances applicable to the property.
- Our proposal meets Finding No. 2 as it is located in a prominent rural residential area and not in an agricultural area; 24 lots within one half-mile are smaller than the proposed lots.
- Our proposal meets Finding No. 4 due to not being located in a water-short or a prominent agricultural area.
- The subject is not a landlocked parcel and has no direct access from Friant Road.
- The County Sheriff patrols the area on a regular basis.

Others: No other individuals presented information in support of the application.

Two individuals presented information in opposition to the application, indicating that the project lacks good justification for the lot split and will add more residences in the area, require additional policing, impact groundwater consumption, and set a precedent for similar proposals in the area.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

**Variance Application (VA) No. 3989
Condition of Approval and Project Notes**

Condition of Approval

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| 1. | Development shall be in accordance with the Site Plan as approved by the Commission. |
| 2. | Prior to the completion of a mapping procedure to create two 2.38-acre parcels, a covenant shall be recorded prohibiting development of no more than one residence on each parcel. Future property owners may request relief from this condition by applying for and being granted a subsequent Variance to remove this condition. |

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.

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| 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 two 2.38-acre parcels. The Map shall comply with the requirements of Title 17.72. |
| 2. | If not already present, 30-foot by 30-foot corner cutoffs should be improved for site distance purposes at the exiting driveway onto Friant Road. |
| 3. | Any work done within the right-of-way to construct a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division. |
| 4. | A Grading Permit or Voucher shall be required for any grading proposed with this application. |
| 5. | According to the Fresno Metropolitan Flood Control District: <ul style="list-style-type: none"> • The County shall require a temporary on-site storm water storage facility. Said facility should be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street. • The project shall pay drainage fees. |
| 6. | According to the Fresno County Department of Public Health, Environmental Health Division: <ul style="list-style-type: none"> • Building permit records indicate the septic system was installed in 1979. If the existing sewage disposal system does not meet the required property line setbacks from the proposed property line, it shall be properly destroyed and replaced under permit and inspection by the Development Services Division. • It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain fields 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). |



County of Fresno

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

September 30, 2016

Jeffrey T. Roberts
1396 W. Herndon #101
Fresno CA 93711

Dear Applicant:

Subject: Resolution No. 12584 - Variance Application No. 3989

On July 21, 2016, the Fresno County Planning Commission approved your application with modified 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 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.

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 Division

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Enclosure