



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

February 11, 2016

Nancy Smith
5701 N. Indianola Ave
Clovis, CA 93619

Re: Resolution for Director Review and Approval No. 4412

Dear Ms. Smith:

Enclosed with this letter is a copy of the Resolution adopted by the Planning Commission on January 14, 2016. This Resolution documents the denial of your Director Review and Approval Application No. 4412 at the hearing on December 17, 2015. This copy is being provided for your records: no further action on your part is required.

As always, please feel free to contact me if you have any questions.

Best wishes,

Christina Monfette, Planner
Development Services Division
(559) 600-4245, cmonfette@co.fresno.ca.us

c: Michael Smith
Sierra View Ranchos Homeowners Association, Attn: Gus Bonner

DEVELOPMENT SERVICES DIVISION

BEFORE THE FRESNO COUNTY PLANNING COMMISSION

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IN THE MATTER OF
Director Review and Approval Application
No. 4412 Submitted by Nancy Smith

RESOLUTION ADOPTING FINDINGS OF
FACT GRANTING APPEAL AND
DENYING DIRECTOR REVIEW AND
APPROVAL APPLICATION NO. 4412

The Planning Commission for the County of Fresno hereby makes the following findings regarding the above-captioned matter.

The Director Review and Approval Application

1. Applicant Nancy Smith (the "Applicant") is the owner of that certain parcel of real property located on the west side of North Indianola Avenue across from East Browning Avenue with the address of 5701 N. Indianola Avenue, Clovis CA 93619, and Assessor's Parcel Number 308-200-25 (the "Property").

2. In July 2015, Applicant filed Director Review and Approval Application Number 4412 ("DRA No. 4412") with the Department of Public Works and Planning (the "Department") to permit a mobile home as a second residence on the Property.

3. Department staff determined, pursuant to Section 15303(a) of the California Environmental Quality Act (CEQA) Guidelines that the Director Review and Approval proposal will not have a significant effect on the environment and is not subject to CEQA.

4. Department staff investigated the facts bearing on DRA No. 4412 and prepared it for consideration by the Director.

5. On October 30, 2015, the Director determined that the evidence presented demonstrated that each of the findings required by Fresno County Zoning Ordinance Section 872 to grant a Director Review and Approval had been established, subject to certain conditions of approval and project notes.

6. On November 2, 2015, notices of approval were mailed to surrounding property owners, beginning the 15-day appeal period required by Zoning Ordinance Code, § 872.D.1.

1 **Appeal of DRA No. 4412 to Planning Commission**

2 7. On November 17, 2015, the Sierra Ranchos Tract No. 2150 Homeowners Association
3 ("Appellant"), represented by Mark May, filed an appeal of the Director's approval of DRA No.
4 4412 to the Planning Commission.

5 8. On December 17, 2015, the Planning Commission conducted a public hearing on DRA
6 No. 4412, at which it received oral and written reports from Department staff, and oral and
7 written evidence from persons in favor and opposed to DRA No. 4412. After closing the public
8 comment period, the Planning Commission deliberated and voted on a motion to grant the
10 appeal and deny DRA No. 4412. The vote on the motion was unanimous, in favor of the appeal,
11 with Commissioner Egan absent.

12 **Finding 1**

13 9. Finding Number 1 requires a showing "[t]hat the site of the proposed use is adequate in
14 size and shape to accommodate said use and all yards, spaces, walls and fences, parking,
15 loading, landscaping and other features required by this Division, to adjust said use with land
16 and uses in the neighborhood." (Zoning Ordinance Code, § 872.C.1.)

17 10. The evidence presented to the Planning Commission demonstrates that Finding Number
18 1 is satisfied, to wit:

- 19 a. The Property is not subject to an Agricultural Land Conservation Contract.
- 20 b. The soils of the Property are adequate to accommodate the additional septic
21 waste from the second residence.
- 22 c. The Property is part of Sierra View Ranchos Tract No. 2150, and is typical of
23 other parcels in the area in both size and shape, and satisfies the setback
24 requirements and development standards of the Rural Residential Zone District.

25 **Finding 2**

26 11. Finding Number 2 requires a showing "[t]hat the site for the proposed use relates to
27 streets and highways adequate in width and pavement type to carry the quantity and kind of
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1 traffic generated by the proposed use.” (Zoning Ordinance Code, § 872.C.2.)

2 12. The evidence presented to the Planning Commission demonstrates that Finding Number
3 2 is satisfied, to wit:

- 4 a. North Indianola Avenue is a County-maintained road that is currently in good
5 condition.
- 6 b. North Indianola Avenue is classified as a local road with an existing 30-foot right-
7 of-way east of the center line along the parcel frontage, per Plat Book, meeting
8 the minimum width for a local road east of the centerline.
- 10 c. Traffic increase due to the second residence will not deteriorate conditions of
11 North Indianola Avenue.

12 **Finding 3**

13 13. Finding Number 3 requires a showing that “[t]hat the proposed use will not be
14 detrimental to the character of the development in the immediate neighborhood or the public
15 health, safety, and general welfare.” (Zoning Ordinance Code, § 872.C.3.)

16 14. The evidence presented to the Planning Commission demonstrates that Finding Number
17 3 is not satisfied, to wit:

18 a. **Inconsistent With Overall Character of Immediate Surrounding**

19 **Neighborhood:** The neighborhood surrounding the Property is comprised of
20 parcels of at least 5 acres with single-family residences. The proposed
21 secondary residence is a mobile home. There are no mobile homes in the
22 immediate neighborhood surrounding the Property. The proposed secondary
23 residence on the Property is inconsistent with the character of the immediate
24 neighborhood in which it would be situated.

25 In addition, the drawings of the proposed secondary residence make clear that
26 the structure will be dissimilar and out of character in appearance to the existing
27 residence on the Property and to other structures on neighboring residences.
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1 These differences will be readily apparent to persons in the immediate
2 neighborhood of the Property and would degrade the aesthetics of that
3 neighborhood. Therefore, permitting the construction of such a structure would
4 be detrimental to the character of the development in the immediate
5 neighborhood.

6 b. **Negative Effect on Viewshed:** The site of the proposed secondary residence
7 on the Property will be within the viewshed of surrounding property owners. For
8 the reasons addressed above regarding the dissimilarity between the proposed
10 secondary residence and the existing structure on the Property and structures in
11 the immediate neighborhood, if the proposed secondary residence were to be
12 permitted, it would be necessary to visually screen the proposed secondary
13 residence such that it would not be visible to surrounding property
14 owners. However, any such screening would interfere with the view of the
15 foothills and Sierra mountain range currently enjoyed by those property owners
16 located to the west of the Property. Therefore, there is no feasible way to screen
17 the proposed secondary residence while not also interfering with the viewshed of
18 property owners to the west of the Property.

19 **Negative Effect on Property Values:** Oral and written evidence submitted by
20 owners of property in the immediate neighborhood surrounding the Property
21 opposed to DRA No. 4412, which included the written opinion of a firm
22 specializing in real estate appraisals, established that construction of the
23 proposed secondary residence will have a substantial negative impact on
24 property values in the surrounding neighborhood. Such a decline in property
25 values will harm the owners of the properties whose property values are
26 negatively affected. The representative for the Applicant at the hearing before
27 the Planning Commission admitted that he had presented no evidence refuting
28 the evidence presented by the opponents of DRA No. 4412 with respect to

1 property values. On this record, the Planning Commission concludes that
2 granting DRA No. 4412 will result the substantial decline of property values in the
3 neighborhood surrounding the Property, which will harm property owners in this
4 area.

5 **Finding 4**

6 15. Finding Number 4 requires a showing that "[t]hat the proposed development be
7 consistent with the General Plan." (Zoning Ordinance Code, § 872.C.4.)

8 16. The evidence presented to the Planning Commission demonstrates that Finding Number
10 4 is satisfied, to wit:

- 11 a. Policy LU-H.4 states that "[t]he County shall allow second dwellings, not to be
12 sold as a separate unit, subject to a discretionary permit in areas designated for
13 low, medium, and medium high density residential use, rural residential use, and
14 agricultural or rangeland use. The second dwelling shall be clearly subordinate
15 in size to the primary dwelling."
- 16 b. The Property is located on land that is designated Rural Residential.
- 17 c. The primary residence has 2,350 square feet of living space and the secondary
18 residence has 1,560 square feet of living space, which is 790 square feet smaller
19 than the primary residence, and therefore clearly subordinate in size to the
20 primary dwelling.
- 21 d. Policy PF-C.17 states that "[t]he County shall, prior to consideration of any
22 discretionary project related land use, undertake a water supply evaluation..."
- 23 e. The subject property is in a low-water area. However, a well yield test was
24 performed in October 2015, which determined that the on-site well produces
25 enough water for both residences. Based on the results of this test, the Planning
26 Commission determines that:

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- i. The water supply for the parcel which is the subject of DRA No. 4412 is adequate to meet the highest demand to be permitted by this application.
- ii. The use proposed by DRA No. 4412 will have no appreciable effect on other water uses in Fresno County because the use of groundwater on the subject property will not adversely affect the supply of groundwater in the area or in Fresno County generally. For this reason, the additional use of water which will likely result from the second residence proposed by DRA No. 4412 will be sustainable.

- f. Policy PF-D.6 states that “[t]he County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.”
- g. The Property does not connect to municipal water or sewer.
- h. Review of the soils determined that septic factors may require an engineered septic system to serve the secondary residence.

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1 NOW, THEREFORE, BE IT RESOLVED, as follows:

- 2 1. The Planning Commission grants the appeal and denies DRA No. 4412.
- 3 2. The Planning Commission directs the Clerk of this Commission to furnish copies of
- 4 this Resolution to the Director of Public Works and Planning and County Counsel.
- 5 3. The Planning Commission directs the Clerk of this Commission to furnish copies of
- 6 this Resolution to the Applicant and Appellants as follows:

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Applicant

Nancy Smith
5701 N. Indianola Avenue
Clovis, California 93619

Appellant

Sierra View Ranchos Homeowners
Association
ATTN: Gus Bonner
7480 North Palm, Suite 101
Fresno, California 93711

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Representative of Applicant

Michael Smith
Central California Permit Services
P.O. Box 3814
Merced, California 93544

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17 THE FOREGOING was passed and adopted by the following vote of the Planning
18 Commission of the County of Fresno on the 14th day of January 2016, to-wit:

19 AYES: 6 - Abrahamian, Borba, Mendes, Rocca, Woolf, Zadourian

20 NOES:

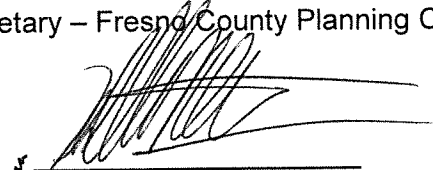
21 ABSENT: 1 - Lawson

22 ABSTAIN: 2- Chatha, Egan



CHAIR OF PLANNING COMMISSION

23 ALAN WEAVER, DIRECTOR
24 Department of Public Works and Planning
25 Secretary – Fresno County Planning Commission

26
27 By: 
28 William M. Kettler, Manager
Development Services Division