



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.

This motion passed on the following vote:

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

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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Attachments

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.



Planning Commission Staff Report Agenda Item No. 4 August 10, 2017

SUBJECT: Variance Application No. 4025

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).

OWNER: Gary McDonald Development Company, Inc.
APPLICANT: Matt Ratzlaff

STAFF CONTACT: Christina Monfette, Planner
(559) 600-4245

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Deny Variance No. 4025; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Map of Variances Approved within 1 mile
6. Site Plan
7. Applicant's Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	4.85 acres	Two parcels measuring (A) 2.3 acres and (B) 2.55 acres
Project Site	4.85-acre parcel improved with two residences, two wells, and two septic systems	Each parcel will retain one residence, one well, and one septic system
Structural Improvements	See "Project Site" above	See "Project Site" above
Nearest Residence	445 feet east of existing residence on Parcel B	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: *Review for Exemption* that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 39 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The subject parcel was originally created as part of the Redwood Park Record of Survey, which was recorded in 1909. On June 8, 1960, the Board of Supervisors established an A-1 (Agricultural) Zone District on the subject parcel and other parcels in the area. On March 8, 1977, the Board of Supervisors approved County-initiated Amendment Application No. 2898 which rezoned parcels in this area to the current AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

While under different ownership, Variance Application No. 3771 was filed for the subject parcel, requesting to allow the creation of a 3.11-acre parcel and a 1.74-acre parcel from the existing 4.85-acre parcel. That application was denied by the Planning Commission on April 22, 2004 based on staff's inability to make Findings 1, 2, and 4. This information is included on the table below.

Director Review and Approval (DRA) No. 4397 was approved on July 28, 2015 to allow a permanent second residence on this parcel. If this Variance application is approved, the DRA will no longer be necessary, since each existing residence will be located on a separate parcel. DRA No. 4397 may not be used to authorize a second residence on either of the two parcels proposed by this application, however, each parcel would have the right to apply for a new DRA to allow a second residence.

Sixteen variances have been processed within one mile of this project. Of those, thirteen were variances related to the creation of parcels with less than the minimum parcel size, eight of which were approved. Those variances are detailed in the table below:

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 3483 - Allow the creation of three 5.20-acre parcels and a 10.06-acre parcel (20 acres required) from a 25.66-acre parcel of land in the AE-20 District.	Denial	PC Denied BOS Approved	March 16, 1995 April 18, 1995
VA No. 3556 - Allow the creation of two 5.0-acre parcels, a 5.1-acre parcel and a 5.2-acre parcel (20-acre minimum required) from a 20.30-acre parcel.	Denial	PC Approved	April 3, 1997
VA No. 3590 - Allow creation of a 2.50-acre and a 5.10-acre parcel with the smaller parcel having no public road frontage (20 acres and 165 feet required) from an existing 7.60-acre parcel of land in the AE-20 District.	Denial	PC Approved	November 6, 1997
VA No. 3618 - Allow creation of a 3.53-acre parcel, a 2.57-acre parcel, and a 2.62-acre parcel (20 acres required), each parcel having no public road frontage (165 feet required).	Deferred to Planning Commission	PC Denied BOS Denied	November 12, 1998 December 15, 1998
VA No. 3666 - Allow creation of a 2.5-acre homesite parcel without public road frontage (165 feet minimum required) from an existing 10.45-acre parcel of land in the AE-20 District.	Approval	PC Approved	April 6, 2000

VA No. 3693 - Allow creation of two, two-acre parcels from a four-acre parcel in the AE-20 District.	Denial	PC Denied	August 22, 2002
VA No. 3771 - Allow creation of a 3.11-acre parcel and a 1.74-acre parcel from a 4.85-acre parcel in the AE-20 Zone District and allow the 1.74-acre parcel without road frontage.	Denial	PC Denied	April 22, 2004
VA No. 3773 - Allow creation of two, two-acre parcels from a four-acre parcel in the AE-20 District.	Denial	PC Denied	March 4, 2004
VA No. 3815 - Allow the creation of four parcels, 3.9, 4.5, 4.6, and 5 acres in size (minimum 20 acres required), allowing three parcels without public road frontage (minimum 165 feet required) from an existing 18.03-acre parcel in the AE-20 District.	Denial	PC Approved	October 12, 2006
VA No. 3882 - Allow creation of a 5.88-acre parcel and a 6.29-acre parcel (minimum 20 acres required) from a 12.17-acre parcel in the AE-20 District.	Denial	PC Denied	November 18, 2008
VA No. 3895 - Allow the creation of two parcels, approximately two acres in size (minimum 20-acres required) from an existing 4.00-acre parcel in the AE-20 District.	Denial	PC Approved	April 16, 2009
VA No. 3932 - Allow creation of an approximately 3.4-acre parcel and two approximately 4.9-acre parcels from an existing 13.09-acre parcel.	Denial	PC Approved	December 12, 2013
VA 3952 - Allow the creation of two approximately 5-acre parcels	Denial	PC Approved	January 9, 2014

ANALYSIS/DISCUSSION:

Findings 1 and 2: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*

Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n):
Setbacks	<u>AE-20 Zone District:</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Parcel A (2.3 acres):</u> Front: 80 feet Side (east): 150 feet Side (west): 45 feet Rear: 150 feet <u>Parcel B (2.55 acres):</u> Front: 100 feet Side (east): 160 feet Side (west): 115 feet Rear: 115+ feet	<u>Parcel A:</u> Yes <u>Parcel B:</u> Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	N/A	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Yes
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change	Yes

Reviewing Agencies/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears each parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance.

Development Engineering Section of the Fresno County Department of Public Works and Planning: All Conditions of Approval for any previous applications shall be implemented, if not already in place. Reno Avenue is not County-maintained. Auberry Road is a County-maintained road classified as an Arterial road with an existing total right-of-way width of 60 feet, per Plat Book. The minimum total right-of-way width for an Arterial road is 106 feet. Furthermore, the Fresno County General Plan Scenic Roadways Figure OS-2 dated August 4, 2010 shows that said road is a scenic drive. Records indicate this section of Auberry Road from Copper Avenue

to 10,533.6 feet north of Copper Avenue has an Average Daily Traffic (ADT) of 5,400, pavement width of 32 feet, a structural section of 0.3 feet asphalt concrete, 0.35 feet aggregate base, 0.65 feet asphalt surfacing, and is in good condition.

Typically, in an Arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion, so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized. Typically, any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. If not already present, a ten-foot by ten-foot corner cutoff should be improved for sight distance purposes at any existing or proposed driveway accessing Reno Avenue and Auberry Road.

An intermittent stream may be present within the subject property based on the contour lines shown in the U.S.G.S. Quad Map. Any future development within or near a stream will require clearance from the State Department of Fish and Wildlife.

If the Variance is approved, a parcel map application will have to be filed with Fresno County in order to effect the property division. Development Engineering has no objection to this Variance Application.

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

Analysis:

As discussed in the Background Section of this application, DRA No. 4397 was approved to allow two residences on this parcel. All of the Conditions of Approval for that application were addressed prior to the issuance of permits for the second residence.

In support of Finding 1, the Applicant's findings state that the granting of this Variance will not constitute a granting of a special privilege inconsistent with the limitation on property in the vicinity with an identical zoning classification. This Variance/lot split will allow for two separate parcels to exist, which will allow for a single-family home upon each. Both of the parcels will conform as other parcels do within the vicinity.

In support of Finding 2, the Applicant's findings state that both parcels would have the same conditions/circumstances as the single existing parcel does now. Neighbors have also been granted variances/lot splits in the direct vicinity of the parcel in question. A similar development of 2-acre parcels was created by the owner, at Chelsea Downs, where the original parcel was zoned AE-20, but is now subdivided and zoned for multiple single-family residences. The owner intends to split this parcel in a manner that is consistent with how the homes on this street are laid out on the parcels, to improve home values for the entire street. This project is similar to other variances in this area, which have led to additional parcel splits, rezoning applications, and development.

Staff does not concur with the Applicant's findings. Section 816.5 of the Fresno County Zoning Ordinance lists several cases under which a homesite may be created with acreage less than the minimum designation. In general, this property does not qualify because of the existing residential development, the pre-existing substandard size (4.85 acres where 20 acres are required), and the date of purchase.

The subject parcel has been improved with two single-family residences. The area south of Reno Avenue is comprised of parcels between 2.3 and 10 acres which have been similarly improved with residential developments. Those parcels north of Reno Avenue tend to be larger in size and are dedicated to agricultural uses. A site visit was performed as part of the review for Variance No. 3771. At that time, staff could not identify a physical circumstance on the parcel that would justify the granting of a variance. The topography was described as gradually increasing toward the northwest with no physical demarcation associated with the grade, such as a ridge or stream. The 4.95-acre size is consistent with other parcels in this area and there are no physical characteristics of the site which impede a property right of the Applicant.

No property owner in the area has the right to create a parcel with less than the 20-acre minimum parcel size if he or she does not qualify under the conditions listed in Section 816.5 unless the substandard-sized parcel is approved through the Variance process. The existing residential use of the parcel does not exempt the property owner from the 20-acre minimum established to protect productive farming units. The Applicant's stated intent to shift this area to residential densities is not an exceptional circumstance and is not consistent with the existing agricultural zoning. Further, staff does not consider the presence of other parcels similar in size to those proposed with this Variance to be an extraordinary physical characteristic demonstrating a circumstance which merits the requested parcel configurations.

Staff performed a review of all properties within a mile of the subject property and identified eight variances relating to the creation of sub-standard parcels that had been approved in the area. The Planning Commission voted to deny six variances on properties within a mile of the subject property, and relating to the creation of parcels with less than the minimum parcel size. One of these applications was later approved by the Board of Supervisors. Each variance application must be reviewed and judged on its own merit. The approval or denial of other variances in the area should not be considered a precedent for decision in this case.

Chelsea Downs, the project referenced by the Applicant's findings, refers to a residential subdivision of 16 parcels which were zoned R-R (Rural Residential, two-acre minimum parcel size). The original 36.52-acre parcel was redesignated and rezoned for residential uses in 2000 by way of Amendment Application No. 3695 and General Plan Amendment No. 472. That site was then divided by way of Tentative Tract Map Application No. 5249-R, which did not require approval of a variance application.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant does not have any options for splitting the existing parcel without the approval of a variance under the current zoning. Based on the Applicant's intentions to develop this area for residential uses, it may be appropriate to engage in a large-scale effort to revise the General Plan and the zoning on parcels in this area to reflect the existing land uses.

Staff was unable to identify any unique or exceptional circumstances on the property and could not identify an impacted property right of the Applicant. Findings 1 and 2 cannot be made.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot be made.

Finding 3: *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	18.39 acres	Grazing	AE-20	None
South	3.86 acres	Vacant	AE-20	None
East	2.26 acres	Single-family residence	AE-20	240 feet
	2.37 acres	Vacant		
West	10 acres	Two single-family residences	AE-20	390 feet

*Measured from the existing property lines

Reviewing Agencies/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1040H, the parcel is not subject to flooding from the 100-year storm. The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) boundary. Typically, FMFCD should be consulted for their requirements and any additional runoff generated by future development cannot be drained across property lines.

The subject site is located within the SRA (State Responsibility Areas) boundary and any future development shall be in accordance with the applicable SRA Fire Safe Regulations.

Fresno County Fire Protection District: No fire requirements at this time.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Reno Avenue is a public road that is not maintained by the County, but is partially maintained by County Service Area (CSA) 35, Zone AJ. Approval of a Parcel Map subsequent to this Variance request would require that the property owners improve Reno Avenue to the A-15 County Road Improvement Standard.

Analysis:

In support of Finding 3, the Applicant's Findings state that the granting of the Variance will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor to the preservation and conservation of open space lands. This Variance for a lot split will in fact increase the welfare of the community and will improve the properties located within the vicinity of the subject parcel. Providing another developable parcel for a home builder to develop their residence will increase home values for the entirety of Reno Avenue.

In regard to Finding 3, staff concurs with the Applicant's assessment that the Variance would not be detrimental to surrounding properties. There is no change in land use proposed as part of this application. However, staff would like to note that both proposed parcels have already been developed, each with a single-family residence, well, and septic system. There will be no visual changes to the parcel and no increase to the traffic on Auberry Road or Reno Avenue.

Approval of Parcel Map No. 8027 required that Reno Avenue be improved to the A-15 County Road Improvement Standard from Auberry Road extending across the frontage of the subdivision. As such, this property owner would be required to certify during the Parcel Map Application process that Reno Avenue is still improved to that standard. The proposed parcels would also be required to annex into CSA 35, Zone AJ during that process.

Staff believes that there will be no adverse impacts on neighboring properties and Finding 3 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: The granting of such a Variance will not be contrary to the objectives of the General Plan.

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.	The Applicant is requesting a Variance from the 20-acre minimum parcel size requirement and does not qualify under Policies LU-A.9, LU-A.10, and LU-A.11. See Analysis below.
General Plan Policy LU-A.7: County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.	The minimum parcel size for the subject parcel is 20 acres. The creation of both parcels is inconsistent with this policy. See Analysis below.
General Plan Policy LU-A.9: The County may allow creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6 if the parcel	The subject parcel is 4.85 acres, whereas this policy requires the original parcel to be at least 20

Relevant Policies:	Consistency/Considerations:
<p>involved in the division is at least twenty (20) acres in size, subject to the following criteria:</p> <p>a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and</p> <p>b. One of the following conditions exists:</p> <ol style="list-style-type: none"> 1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or 2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity; there is only one (1) lot per related person; and there is no more than one (1) gift lot per twenty (20) acres; or 3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes. 	<p>acres. The project is not consistent with this policy.</p> <p>This application is also not consistent with part “b” of this policy:</p> <ol style="list-style-type: none"> 1. The parcel is not being created as a financing parcel. 2. The parcel is not being created as a gift deed. 3. The present owner purchased the property in May 2014. The AE-20 Zoning was adopted on March 8, 1977.
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>The owner was required to prepare a Well Yield Certification prior to approval of DRA No. 4397. No new wells are proposed as part of this request.</p>
<p>General Plan Policy PF-D.6: The 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.</p>	<p>Review by the Fresno County Department of Public Health, Environmental Health Division has determined that the soils of the parcels are adequate to support individual on-site sewage disposal systems.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is not subject to a Williamson Act Contract.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No comments.

Analysis:

In support of Finding 4, the Applicant states that the granting of this Variance will be consistent with the general purpose and objectives of the code, any applicable operative plan, and of the general plan. This proposed lot split/Variance to create a new parcel does no such act to violate the general purpose and objective of the code. This Variance will act to enhance both the property itself and the surrounding homes and neighborhood.

Staff does not concur with the Applicant's statement that the project does not violate the purpose and objective of the General Plan. Goal LU-A is "to promote the long-term conservation of productive and potentially-productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County's economic development goals." The abovementioned policies support that goal and relate to this application. Further discussion on this application's consistency with these plans is below.

Policy LU-A.6 identifies the minimum parcel size for parcels which are designated for Agriculture, such as the subject parcel, and also identifies those policies which provide for exceptions from that requirement (Policies LU-A.9 through LU-A.12).

Policy LU-A.9 generally mirrors Zoning Ordinance Section 816.5-A.2, which was discussed under the "Analysis" heading for Findings 1 and 2. The parcel's size, location, and recent change in ownership disqualifies the owner from pursuing those options.

The text of Policies LU-A.10 and LU-A.11 was not included in the above table because they outline exceptions specifically for the creation of an agricultural commercial center (LU-A.10) and the extraction of oil, gas, or mineral resources (LU-A.11). As such, this application does not qualify for an exception under those policies.

Policy LU-A.7 restricts the creation of parcels with less than the required acreage for the Zone District. Specifically, it states that evidence that the parcel is already not an economic farming unit is not a basis for granting an exception. This parcel has already been improved with two residences, and review of historical aerials suggests that it has not been farmed since 1998 or earlier. However, the parcels north of Reno Avenue are more consistent with the 20-acre minimum parcel size. The Applicant's findings suggest that increasing the number of parcels in the area will benefit the community, but this area is designated and zoned for agricultural use. LU-A.7 encourages large parcel sizes regardless of current land use and notes that the creation of small parcels has the potential to conflict with agricultural uses on adjacent parcels.

The subject parcel is not under a Williamson Act Contract; however, this does not make the proposal more consistent with the General Plan. The parcel does not qualify for a Williamson Act Contract due to its size.

In addition to the policies discussed above, Auberry Road has been designated as a Scenic Drive by the County General Plan. Policy OS-L.3 describes the principals which guide the County in managing land adjacent to Scenic Drives. These principals discuss many factors, such as timber harvesting adjacent to the right-of-way and limitations on signage and commercial uses. including the following: "Intensive land development proposals, including, but not limited to, subdivision of more than four lots, commercial developments, and mobile home

parks shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The design of said development proposals shall also provide for maintenance of a natural open space area two hundred (200) feet in depth parallel to the right-of-way." The existing residence is approximately 160 feet east of Auberry Road. Future development may be subject to compliance with this Policy; however, this Variance request is not considered to be intensive development.

Finding 4 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required Findings for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4025.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4025; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the findings) and move to approve Variance No. 4025, subject to the Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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Variance Application (VA) No. 4025
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan (Exhibit 6) as approved by the Commission.
2.	<p>Prior to approval of the mapping application associated with approval of this Variance, the Applicant shall provide certification to the Road Maintenance and Operations Division and the Development Engineering Section of the Development Services Division of the Department of Public Works and Planning that Reno Avenue has been improved to not less than the A-15 County Road Improvement Standard across the frontages of proposed Parcel A and Parcel B to Auberry Road.</p> <p>NOTE: Procedures for development to the A-15 County Improvement Standard are referenced in the mandatory notes below.</p>
3.	<p>Prior to approval of the mapping application associated with approval of this Variance, the Developer shall have provided for the maintenance of the segment of Reno Avenue extending across the frontages of proposed Parcel A and Parcel B to Auberry Road, by a County service area or other method acceptable to the Director of the Fresno County Department of Public Works & Planning.</p> <p>NOTE: Procedures for initiating annexation are referenced in the mandatory notes described below.</p>

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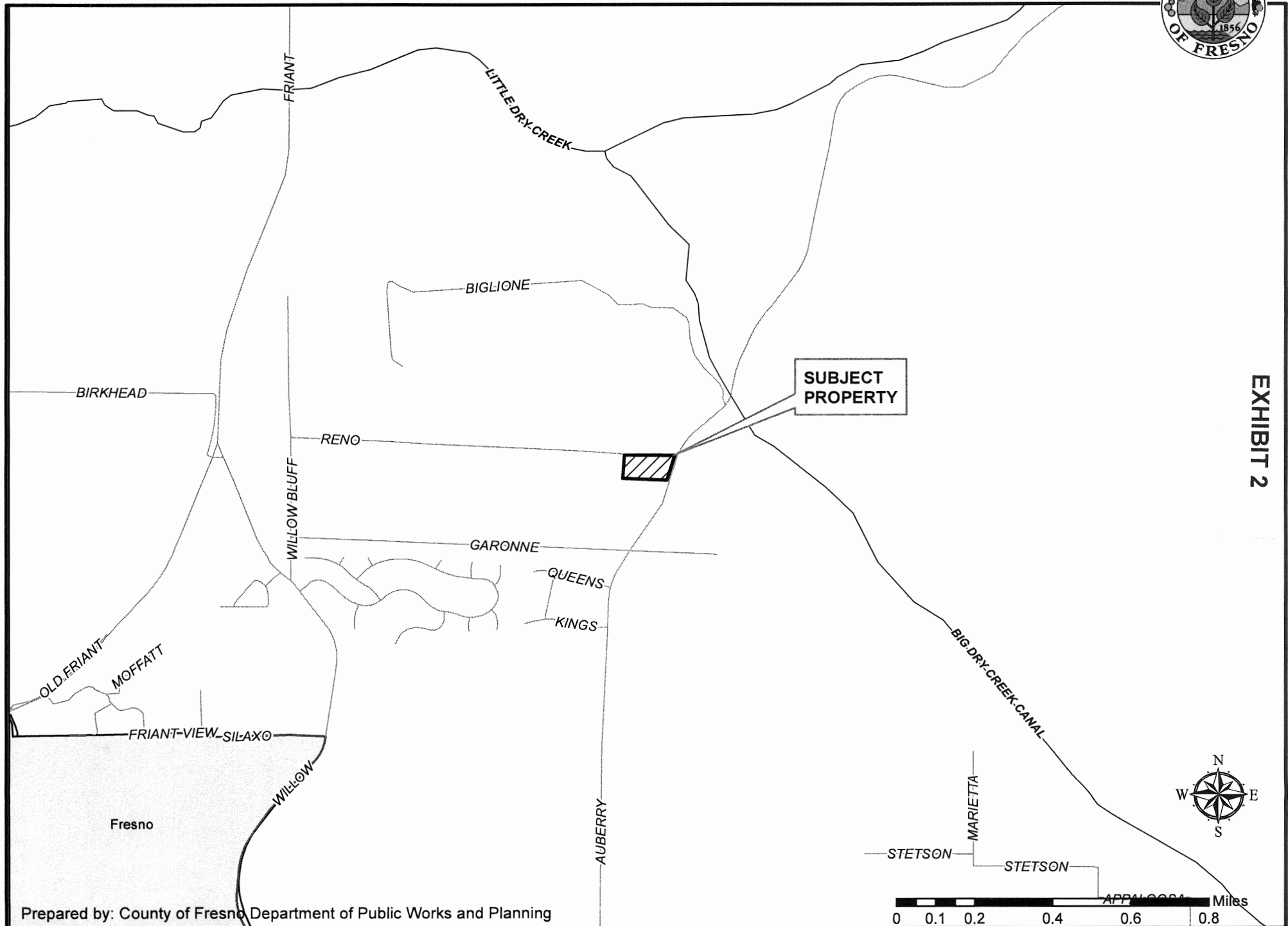
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G:\4360Devs&Pin\PROJSEC\PROJDOCS\VA\4000-4099\4025\SR\VA4025 Conditions & PN (Ex 1).docx

LOCATION MAP



EXHIBIT 2



EXISTING ZONING MAP

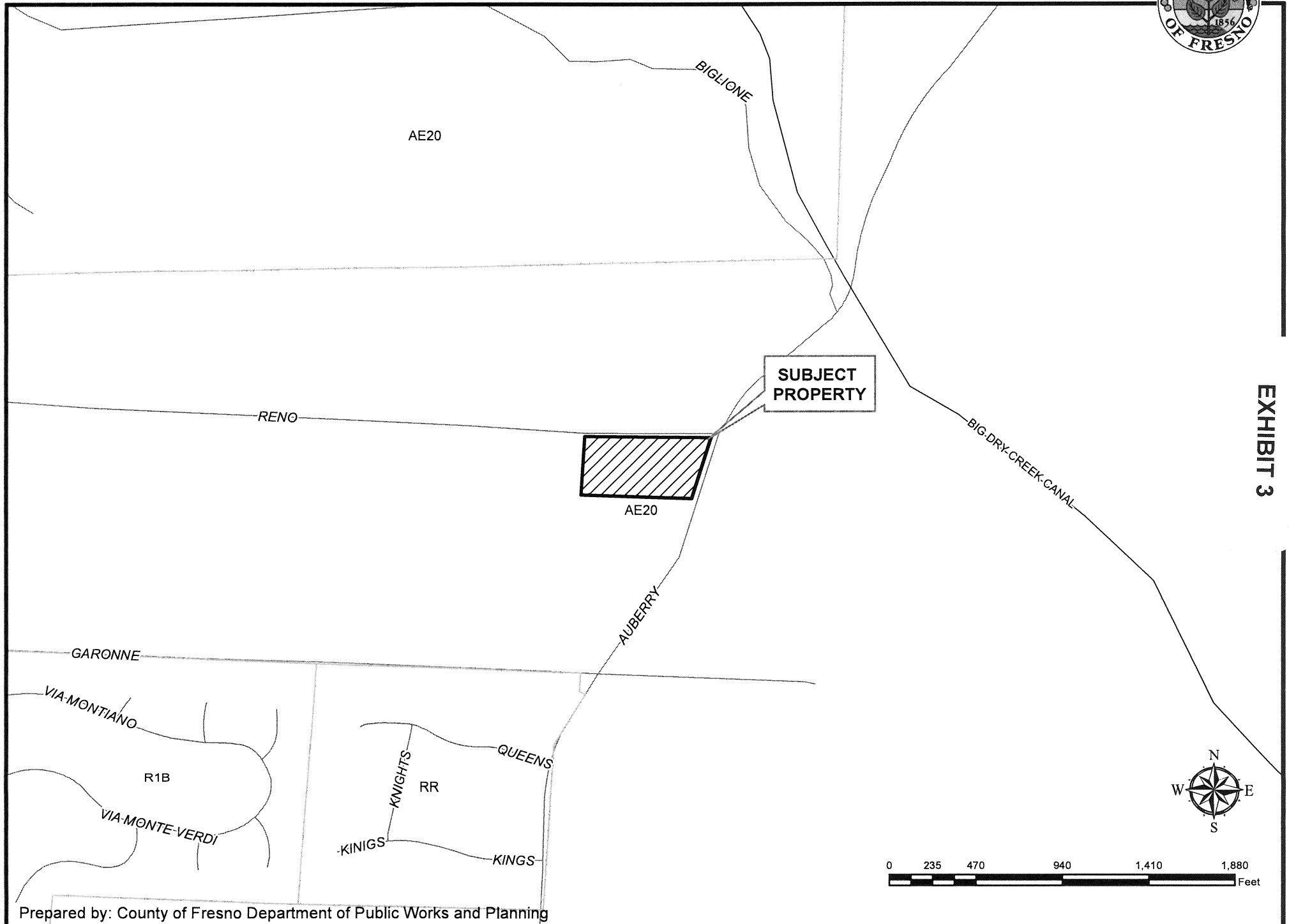
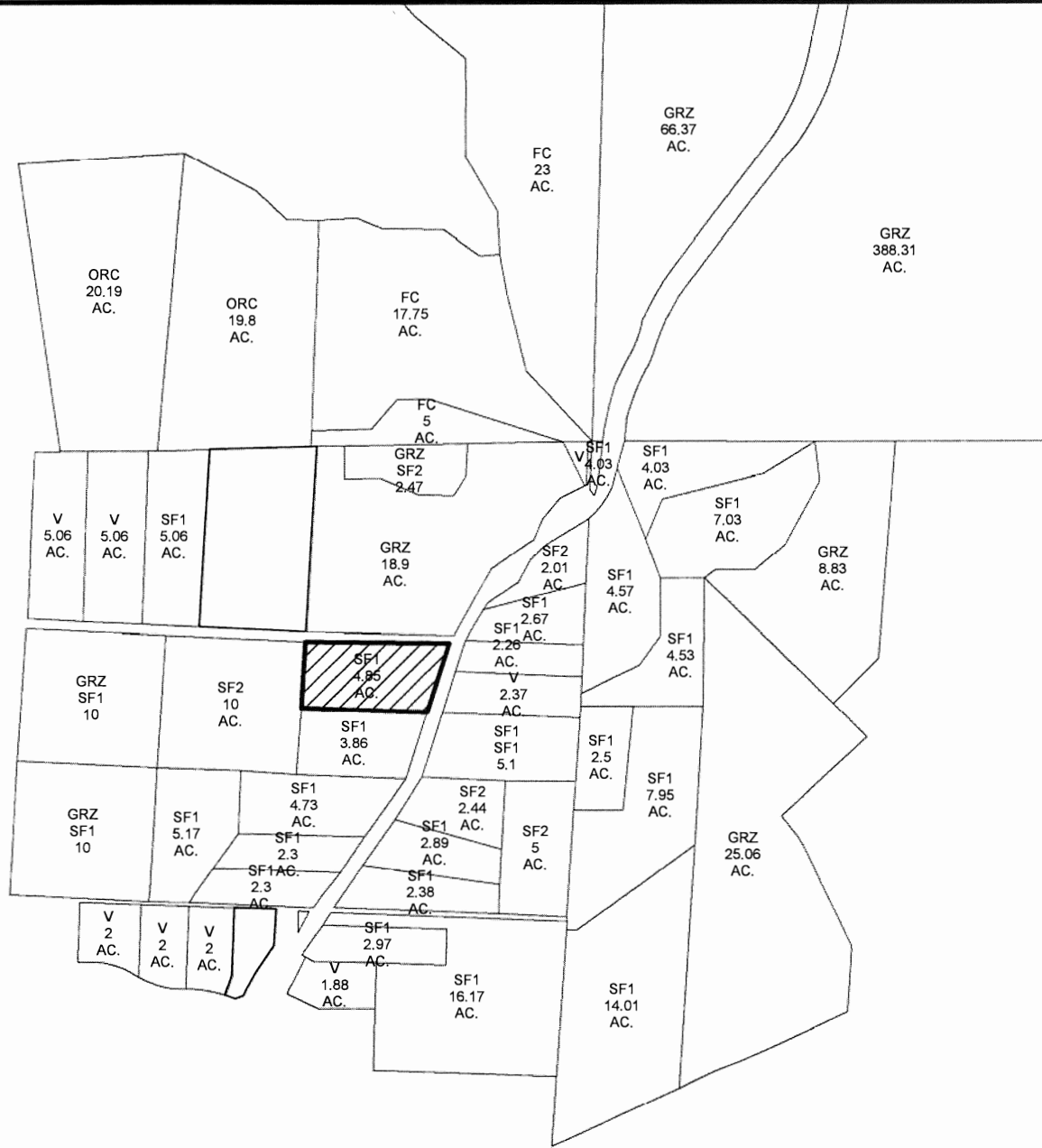


EXHIBIT 3

EXISTING LAND USE MAP



LEGEND	
FC - FIELD CROP	
GRZ - GRAZING	
ORC - ORCHARD	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

- Subject Property
- Ag Contract Land

EXHIBIT 4



0 212.5 425 850 1,275 1,700 Feet

APPROVED VARIANCES WITHIN A ONE MILE RADIUS

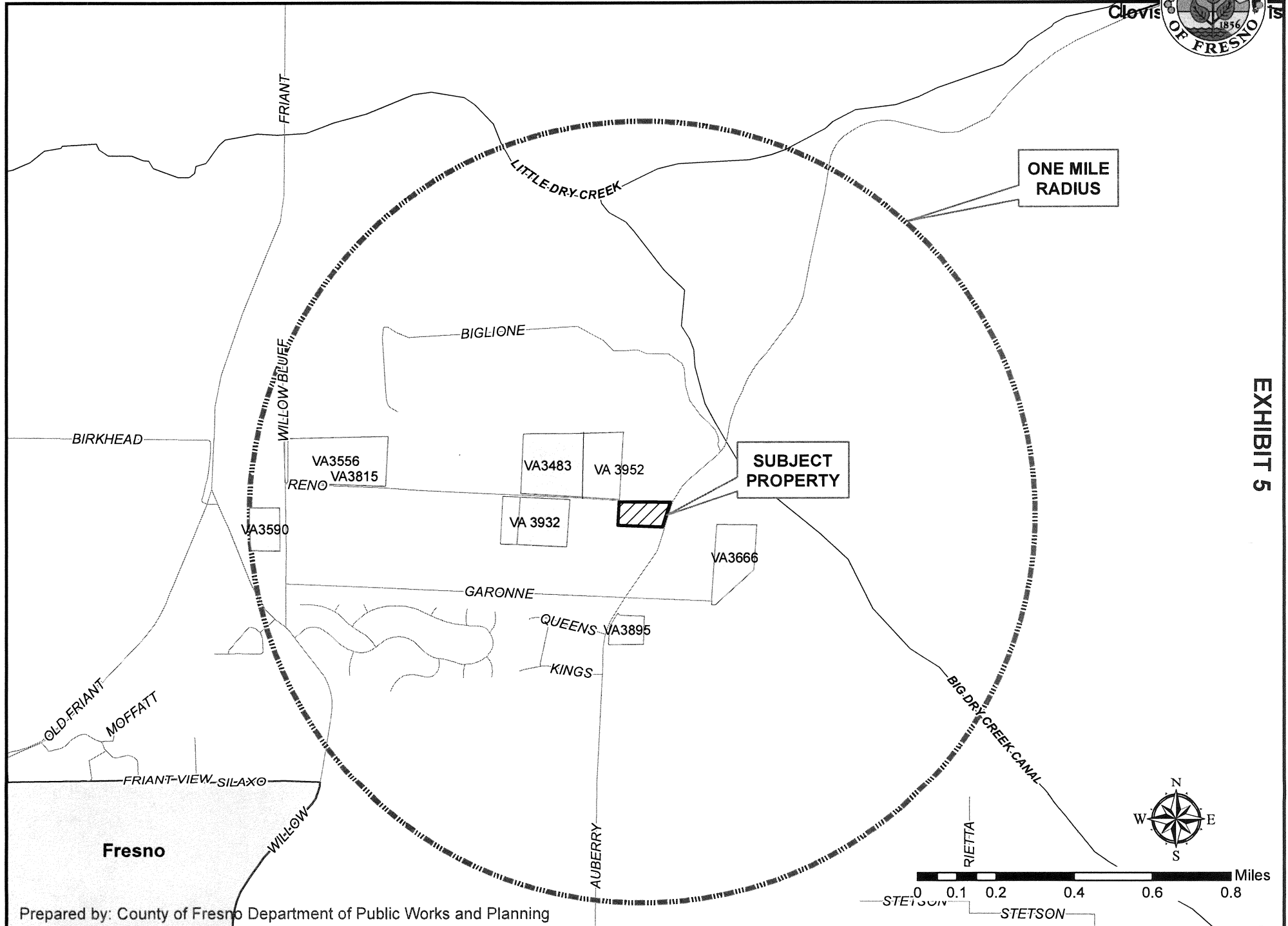


EXHIBIT 5

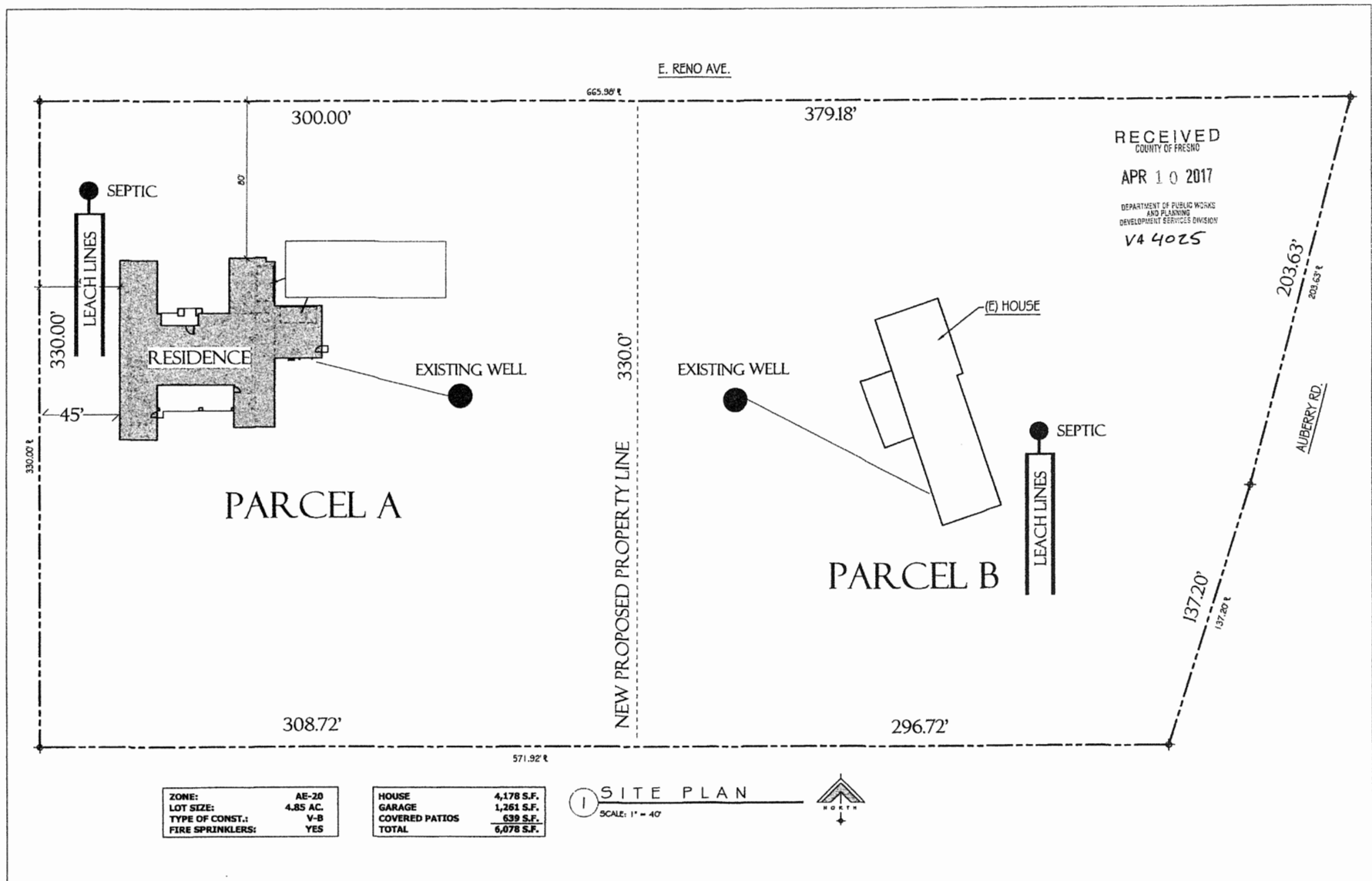


EXHIBIT 7

Fresno Land Company
385 W Bedford Ave Ste 103
Fresno, CA 93711

April 10, 2017

Department of Public Works and Planning
County of Fresno
2220 Tulare Street
Fresno, CA 93721

RECEIVED
COUNTY OF FRESNO

APR 10 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

✓4 4025

To Whom It May Concern:

I am writing this letter today to provide the required findings needed, to apply for a successful variance application in regards to the address of 3825 E Reno Road, Clovis, CA 93619, APN 580-010-25S. Pre-Application Review no. 39135. I hope you can understand our needs in regards to this variance. We believe that the Review Authority will agree that the proposed variance conforms to all criteria listed in the Required Findings.

Based on Section 1, of the required findings, the granting of this variance will not constitute a granting of special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications. This is evident, as the parcel in question, is located on the Northeast Corner of Reno and Auberry Road. This variance/lot split, will not cause any special privileges to be established, and will allow for two separate parcels to exist. These two parcels will allow for a single-family home to be respectively placed on each of the parcels. Both of the proposed parcels will have access to Reno Road, and will conform as the other parcels do within the vicinity.

When examining Section 2, the completion of this variance in regards to the proposed parcel, both future parcels would have the same conditions/circumstances, as the single existing parcel does now. Both parcels would have the same rights and access to the same features that the neighborhood and vicinity has to offer. Neighbors within the vicinity have also been granted variances/lot splits in the direct vicinity as the parcel in question. A similar setup of 2-acre parcels were created by Gary McDonald, at Chelsea Downs, where the original parcel was zoned AE-20, but is now subdivided and zoned for multiple single family residences. We seek to split this parcel, in a matter that is consistent with how the homes on this street are laid out on the parcels, to improve home values for the entire street. Many other instances of individuals in the AE-20 zone within this vicinity have had some interesting things happen to them in terms of zoning, parcel splits, and variances, and this variance falls into a similar style of lot split as the other prior proposals.

Next, when examining Section 3, the granting of this variance will not be detrimental or injurious to the property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands. The proposed lot split, will in fact maintain public welfare, and the properties and improvements within the vicinity. This variance for a lot split, will in fact increase the

welfare of the community and will improve the properties located within the vicinity of subject parcel. Providing another developable parcel for a home builder to develop their residence, will increase home values for the entire street of Reno Road. Public welfare will not be endangered, as this newly proposed parcel is only new for the sake of the lot split, but has remained in its current state on a single parcel for quite some time now. The parcel lot split, will not be injurious to the property, as it will remain in current condition until a new single family residence is ready to be built on the new subject parcel.

Lastly, Section 4 of the Required Findings states that the granting of the variance will be consistent with the general purpose and objectives of this [the] code, any applicable operative plan, and of the general plan. This proposed lot split/variance to create a new parcel does no such act to violate the general purpose and objective of the code. This variance will act to enhance both the property itself, and the surrounding homes and neighborhood. The purposes and objectives of this code are maintained within our proposed variance.

Best Regards,

A handwritten signature in black ink, appearing to read 'Matt Ratzlaff', with a long horizontal flourish extending to the right.

Matt Ratzlaff
President - Fresno Land Company
Applicant of Variance

ATTACHMENT C

Monfette, Christina

From: Tim Leary <tim@pro-screen.com>
Sent: Wednesday, August 09, 2017 8:28 AM
To: Monfette, Christina
Cc: darcher@targetconstructors.com; 4jpickett@sbcglobal.net; Rod Avadikian; Roger Bonakdar; Colette Kruck; waytefamily@hotmail.com; Deanna Leary; Vivian@pazderm.com
Subject: Planning Commission Public Hearing Variance Application No 4025

Hello Chrissy,

My name is Tim Leary and I am one of the representatives from Reno Rd where the variance application #4025 effects. I wanted to let you know that only one of the residence that I know of received your letter and announcement of the public hearing and that we are scrambling to inform residents about the meeting. I will tell you that there is overwhelming objection to allowing this variance to happen. We feel like our neighborhood and its integrity are under siege from the County and developers trying to make a quick dollar and not protecting our home values and water on our street and in our OUR neighborhood.

Please understand that if we are under represented at the public hearing tomorrow its only because the County still can't seem to give the residents proper notice to these meetings. We have an objection letter circulating the neighborhood now and copies of those will be delivered to the meeting by one of the residents.

Thank you
Tim Leary

--

PRO-SCREEN INC.
signs & graphics

Tim Leary

President

tim@pro-screen.com

Phone: 559.255.8079

cell: 559.289.9432

Fax: 559.255.8179

Lic. #1025288

www.pro-screen.com

Get Social With Us...



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AUG 10 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

August 7, 2017

Att: Ms. Christina Monfette, Planner
County of Fresno
Department of Public Works & Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

RE: Variance Application #4025
3825 E Reno Ave

Dear Ms. Monfette:

I am writing to notify the County Planning Commission that I do not support the request for variance and encourage the Planning Commission to agree with the staff report and deny this variance. The separation of the single parcel into two parcels does not meet the AE-20 standards and is not consistent with other development on Reno Avenue.

Thank you for your consideration.

Sincerely,

Tim Leary
Name

3542 Reno Ave.
Address

559-289-9432
Phone

August 7, 2017

Att: Ms. Christina Monfette, Planner
County of Fresno
Department of Public Works & Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

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Thank you for your consideration.

Sincerely,

Deanna Leary

Name

3542 Reno Ave.

Address

559-307-3082

Phone

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COUNTY OF FRESNO

AUG 10 2017

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Thank you for your consideration.

Sincerely,

Barbara Archer
Name

12457 Auberry Rd. Clovis CA
Address

559-269-0175
Phone

August 7, 2017

Att: Ms. Christina Monfette, Planner
County of Fresno
Department of Public Works & Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

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Thank you for your consideration.

Sincerely,

David R. Anshel
Name

12657 Auberry Rd Clovis, Ca 93619
Address

559 289-2205
Phone

RE: Variance Application #4025

3825 E Reno Ave

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COUNTY OF FRESNO

AUG 10 2017

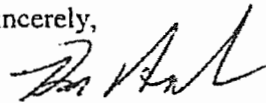
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Thank you for your consideration.

Sincerely,



Rod Avadian

Name

3462 E Reno Ave.

Address

559-269-3701

Phone

NOTICE OF HEARING AND ADDRESS

RE: Variance Application #4025

3825 E Reno Ave

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Thank you for your consideration.

Sincerely,

Charlotte Avedikian

Charlotte Avedikian

Name

3462 E. Reno Ave

Address

559. 250. 2145

Phone

NOTICE OF HEARING AND ADDRESS

August 7, 2017

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COUNTY OF FRESNO

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DEPARTMENT OF PUBLIC WORKS
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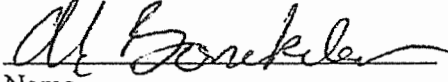
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Thank you for your consideration.

Sincerely,


Name

3692 E. Reno
Address

559-495-1545
Phone

August 7, 2017

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County of Fresno
Department of Public Works & Planning
2220 Tulare Street, 6th Floor
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Thank you for your consideration.

Sincerely,

May Bonakdar
Name

3692 E. Reno
Address

559-495-1545
Phone

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DEVELOPMENT SERVICES DIVISION

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Thank you for your consideration.

Sincerely,

Dr. Ardavan KHERADPIR
Name

12669 Amberly Rd
Address

559- 3234202
Phone

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COUNTY OF FRESNO

AUG 10 2017

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August 7, 2017

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Thank you for your consideration.

Sincerely,

Colette Kruck
Name

12669 Auberry Rd., Clovis 93619
Address

559-2135464
Phone

RECEIVED
COUNTY OF FRESNO

AUG 10 2017

DEPARTMENT OF PUBLIC WORKS
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August 7, 2017

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Thank you for your consideration.

Sincerely,

 (Carlos + Vivian Paz)

Name

3566 Reno Ave

Address

(559) 575-2233

Phone

August 7, 2017

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County of Fresno
Department of Public Works & Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

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Thank you for your consideration.

Sincerely,

Dick & Darlene Pedersen
Name

12667 Auberry Rd. Clovis CA
Address

559-2846084
Phone

August 7, 2017

Att: Ms. Christina Monfette, Planner
County of Fresno
Department of Public Works & Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

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COUNTY OF FRESNO

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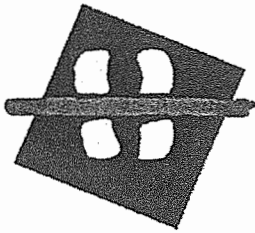
Thank you for your consideration.

Sincerely,

KEITH
Name

3170 RENO AVE
Address

351-6101
Phone



Donald E. Snyder, D.D.S.
Orthodontics

BOARD CERTIFIED - AMERICAN BOARD OF ORTHODONTICS
www.donaldsnyderdds.com

RECEIVED
COUNTY OF FRESNO

AUG 10 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

August 7, 2017

OBJECTION LETTER

Att: Ms. Christina Monfette, Planner
County of Fresno
Department of Public Works & Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

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Thank you for your consideration.

Sincerely,

Name

Donald E. Snyder Mayor P. Snyder
12545 AUBERRY RD CLOVIS CA 93619
Address

431-5750 (OFFICE)
Phone

ATTACHMENT D

Variance Application (VA) No. 4025 Conditions of Approval and Project Notes

Conditions of Approval

1.	Development shall be in accordance with the Site Plan (Exhibit 6) as approved by the Commission.
2.	<p>Prior to approval of the mapping application associated with approval of this Variance, the Applicant shall provide certification to the Road Maintenance and Operations Division and the Development Engineering Section of the Development Services Division of the Department of Public Works and Planning that Reno Avenue has been improved to not less than the A-15 County Road Improvement Standard across the frontages of proposed Parcel A and Parcel B to Auberry Road.</p> <p>NOTE: Procedures for development to the A-15 County Improvement Standard are referenced in the mandatory notes below.</p>
3.	<p>Prior to approval of the mapping application associated with approval of this Variance, the Developer shall have provided for the maintenance of the segment of Reno Avenue extending across the frontages of proposed Parcel A and Parcel B to Auberry Road, by a County service area or other method acceptable to the Director of the Fresno County Department of Public Works & Planning.</p> <p>NOTE: Procedures for initiating annexation are referenced in the mandatory notes described below.</p>

Conditions of Approval reference recommended Conditions for the project.

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CMM:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4025\SR\VA4025 Conditions & PN (Ex 1).docx