



Inter Office Memo

DATE: April 27, 2023
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12990 - VARIANCE APPLICATION NO. 4108 and INITIAL STUDY NO. 8088

APPLICANT/
OWNER: Boparai Farms

REQUEST: Allow a reduction in the minimum parcel size to authorize the creation of a 2.5-acre parcel with an existing residential dwelling, and a 26.98-acre parcel from an existing 29.48-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northwest corner of the intersection of E. American Avenue and S. DeWolf Avenue, approximately 1.75 miles northeast of the City of Fowler (APN: 331-061-67S) (7916 E. American Avenue) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing on April 27, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Carver to determine that the four required Variance Findings could be made and moved to approve Variance Application No. 4108 subject to the conditions listed in attached Exhibit B. The Commission, in its motion to approve stated that Finding No. 1 could be made as there are exceptional circumstances in that the residence is existing, the applicants own and farm adjacent properties; that Finding No. 2 could be made given that the owners have the right to retain the residence as a separate property, a substantial property right would be realized; that Finding No. 4 could be made the intent of the property division is consistent with General Plan objectives in that no change in its agricultural use will occur as a result of the proposed division.

RESOLUTION NO. 12990

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Carver, and Arabian
 No: Commissioner Woolf
 Absent: Commissioners Ewell, Hill, and Zante
 Abstain: Commissioner Chatha

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

William M. Kettler, Manager
Development Services and Capital Projects Division

Notes: The approval of this project will expire one year from the date of approval unless a mapping application is filed in accordance with the requirements of the County 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.

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EXHIBIT A

Variance Application No. 4108
Initial Study No. 8088

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 27, 2023, and heard a summary presentation by staff.
- Applicant: The Applicant's representative disagreed with the Staff's recommendation. He described the project and offered the following information to clarify the intended use:
- The applicants own additional farming property in the area.
 - The applicants desire to be able to divide the property so that they can sell the portion with the existing home.
 - With regard to Finding 1, we believe that the existing home represents an exceptional circumstance, as no other structures or improvements are proposed by the variance.
 - With regard to Finding 2, we believe that the owners have the right to build an additional home with discretionary approval.
 - With regard to Finding 3 we agree with Staff's assertion that there would be no adverse impacts on surrounding property.
 - With regard to Finding 4, we believe that the proposed property division will not disrupt the existing farming operation, and is therefore consistent with the County's General Plan.
- Others: One other individual, a family member, gave testimony in support of the application. No individuals spoke in opposition.
- Correspondence: Six letters in support of the Variance were presented to the Planning Commission at the hearing. No letters in opposition were received.

EXHIBIT B

Variance Application (VA) No. 4108
Condition(s) of Approval and Project Notes

Condition(s) of Approval	
1.	Division of the property shall be in accordance with the site plan (Exhibit 5) as approved by the Planning Commission.

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.	
1.	<p>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 the two proposed parcels. The Map shall comply with the requirements of Title 17.72.</p> <p>The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that "Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance." These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.</p>
2.	The approval of this Variance 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 and in accordance with the Parcel Map Ordinance.
3.	All abandoned water wells and septic systems on the subject parcel or resultant parcels shall be properly destroyed by an appropriately licensed contractor, subject to permits and inspections by the Fresno County Department of Public Works and Planning and the Fresno County Department of Public Health.
4.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state and local government requirements.
5.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
6.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).

EXHIBIT B

Notes

7.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
8.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.

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