



Inter Office Memo

DATE: July 15, 2021
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12894 - VARIANCE APPLICATION NO. 4105

APPLICANT/
OWNER:

Doug and Connie McKenzie

REQUEST:

Allow the creation of a two-acre parcel and a 17-acre parcel (20-acres minimum required) from an existing 19-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION:

The subject parcel is located on the northeast corner of E. Nebraska Avenue and S. Fowler Avenue, approximately 2.6 miles west of the City of Selma (APN 385-031-31) (6096 E. Nebraska Avenue) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of July 15, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Hill to adopt the required Findings for approval of a Variance stating that Findings 1, 2 and 4 could be made based on a unique situation that the property was reduced to 19 acres due to Fowler Avenue's road alignment requiring an unusual amount of property taken for right-of-way putting the parcel below 20-acres, and at one time the family could have submitted for a gift deed but cannot under today's conditions, which otherwise would have allowed the two-acre parcel to be gift deeded; it is difficult to farm a smaller agricultural area and a buyer is willing to farm the balance; and that the proposal will have no impact on preservation of farmland as the larger parcel will remain in a viable farming operation. The motion to approve Variance No. 4105 is subject to the conditions listed in Exhibit B with an additional condition requiring that a "Right to Farm" acknowledgement be recorded on the property.

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Hill, Carver, Chatha, Ede, Eubanks,
Ewell, Woolf
No: None
Absent: Commissioner Burgess
Abstain: None

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

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NOTE: 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.

Attachments

EXHIBIT A

Variance Application No. 4105

- Staff: The Fresno County Planning Commission considered the Staff Report dated July 15, 2021 and heard a summary presentation by staff.
- Owner: The property owner 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:
- Our family has owned and farmed the property since 1952; after 1970 the property was leased for farming.
 - Farming small sized parcels is no longer profitable; we have been spending more money on farming than generating revenue.
 - Farming requires liability insurance and farm equipment, which we cannot afford; we want to sell the farmed portion of the property to a farmer who can maintain the farming operation.
 - We have reserved the right for the buyer to have the first right of refusal to the homesite if we decide to sell; creating a life estate, would restrict our ability in terms of what we can do with the property.
 - Regarding Finding 1, the property would be 20-acres (gross) if Fowler Avenue had not been built on our property resulting in its size being reduced to 19 acres.
 - A 20-acre parcel would have allowed us to gift deed a two-acre homesite without having to apply for a Variance.
 - Regarding Finding 2, there are many parcels in the area that are less than 20-acres in size; our neighbors are in support of the proposed parcellation.
 - Regarding Finding 4, the original idea of creating 20-acre parcels to encourage family farming is no longer practical; today you cannot make a living from 20-acres of farmland.
- Others: Two individuals, a buyer interested in the farmed balance of the property and a property sales agent, presented information in support of the application. The potential buyer stated that he owns several parcels of farmland in the area and has equipment and experience to maintain the farming operation. The sales agent stated that the parcel subdivision will not be detrimental to the area as no change to the current use of the property will occur; the proposal will improve land value and tax revenue.
- No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.



County of Fresno

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

July 19, 2021

Doug & Connie McKinzie
6096 E. Nebraska Avenue
Selma, CA 93662

Dear Applicant:

Subject: Resolution No. 12894 - Variance Application No. 4105

On July 15, 2021, 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 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@fresnocountyca.gov or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services and Capital Projects Division

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Enclosure