



County of Fresno

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

April 26, 2021

Joe Denham
8561 E. Central Ave.
Del Rey, CA 93616

Dear Mr. Denham:

Subject: Resolution No. 12875 - Variance Application No. 4104

On April 8, 2021, the Fresno County Planning Commission approved your application 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 unless the required mapping application to create the parcels is filed 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.

If you have any questions regarding the information in this letter, please contact me at jshaw@fresnocountyca.gov or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: April 8, 2021
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12875 - VARIANCE APPLICATION NO. 4104

APPLICANT/
OWNER: Joe Denham

REQUEST: Allow a reduction of the minimum lot size requirement in order to allow the creation of a 5.37-acre and an 11.55-acre parcel from an existing 16.92-acre parcel, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of E. Central Avenue between N. Leonard Avenue and N. Highland Avenue, approximately three and one-quarter miles southwest of the nearest city limits of the City of Sanger (SUP. DIST. 4) (APN 331-061-74) (8561 E. Central Avenue, Del Rey).

PLANNING COMMISSION ACTION:

At its hearing of April 8, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Chatha to determine that the recommended Variance findings could be made, stating that with regard to Finding 1, the physical depression in the land created an exceptional circumstance, and regarding Finding 2, the existence of other smaller residential parcels in the immediate vicinity demonstrates a substantial property right enjoyed by others in the vicinity, and Finding 3, that residential density would not increase, and there would be no impacts to adjacent agricultural operations, and Finding 4, that the majority of the property would remain farmable; and approve Variance No. 4104, subject to the conditions listed in Exhibit B.

This motion passed on the following vote:

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

1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.
2. 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 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. 4104

Staff: The Fresno County Planning Commission considered the Staff Report dated April 8, 2021 and heard a summary presentation by staff.

Applicant: The Applicant and the Applicant's representative disagreed with the Staff's recommendation regarding the Findings. They described the project and offered the following information to clarify the intended use:

- The property has an exceptional circumstance in that it has a physical depression where there has been inconsistent crop growth, and as a result there is limited acreage of viable farmland, to support a standalone agricultural operation.
- The agricultural operation on the subject parcel is smaller than most others in the immediate vicinity.
- There are at least four parcels in the immediate area, less than 2.5 acres in size.
- Given the existence of these smaller parcels, the granting of the variance would allow the applicant to enjoy the same right enjoyed by others while conforming to the character of the area.
- As there are no physical changes to the property proposed with this variance, there will be no negative impacts on surrounding property.
- The property is not of sufficient size to support additional residences, while still remaining viable for agricultural operations.
- Potential buyers of proposed Parcel A are agricultural operators, not residential developers.
- The granting of this variance would be consistent with the County's General Plan because Parcel A would remain capable of agricultural production.

Others: One other individual, a neighboring owner and farmer, presented information in support of the application, stating that proposed Parcel A would be more productive as farmland were it to be absorbed into a larger existing operation.

Correspondence: Three letters in support of the application were presented to the Commission, one from a neighboring owner and one from a local farmer expressing that Parcel A could be absorbed by a larger operation in the vicinity and would be increased in agricultural viability as a result; and one from a real estate broker, stating that there have been numerous offers to purchase the portion of the property (Parcel A) containing productive orchards.

**Variance Application (VA) No. 4104
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	The required mapping application shall be filed within one year after the approval of the Variance.
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.	The approval of this Variance will expire one year from the date of approval unless the parcels authorized by said Variance are not created within one (1) year after the granting of said Variance or an application for a tentative map is not filed within the one (1) year. However, in the case of a Variance for which a tentative or vesting map has been timely filed, expiration of said Variance shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map.
2.	Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation established in Section 877-D.2 (one year), the Commission may grant an extension of time for a period not to exceed an additional one (1) year period. Application for such extension of time must be set forth in writing the reasons for the extension and must be filed with the Department of Public Works and Planning, Development Services and Capital Projects Division before the expiration of the Variance.
3.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance and other applicable State regulation. A Tentative Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72 of the Fresno County Ordinance Code. 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.
4.	The subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the State Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map. Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application.

Notes

5.	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.
6.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has 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.
7.	New septic systems shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
8.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
9.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
10.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.