



County of Fresno

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

November 9, 2020

CVEAS, Inc.
2132 High Street
Selma CA 93662

Dear Applicant:

Subject: Resolution No. 12840 – Initial Study Application No. 7308 and Variance Application No. 4026

On September 10, 2020, 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. However, prior to your entitlement being able to be utilized you will need to complete the Williamson Act Contract cancelation process. Derick Chambers from our Policy Planning Unit will be glad to continue to assist you with your efforts to complete the process.

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 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 Drandall@fresnocountyca.gov or 559-600-4052.

Sincerely,

David Randall, Senior Planner
Development Services and Capital Projects Division

DR:

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Enclosure



Inter Office Memo

DATE: September 10, 2020

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12840 – INITIAL STUDY APPLICATION NO. 7308 and
VARIANCE APPLICATION NO. 4026

APPLICANT: CVEAS, Inc.

OWNER: Gary L. Roberts & Shirley M. Downes

OWNERS'
REPRESENTATIVE: Central Valley Engineering (Nick Sahota)

REQUEST: Allow the creation of a 2.5-acre parcel and a 17.05-acre
parcel from an existing 19.55-acre parcel in the AE-20
(Exclusive Agricultural, 20-acre minimum parcel size) Zone
District.

LOCATION: The subject parcel is located on the east side of Thompson
Avenue, between Jensen and North Avenues,
approximately 1.7 miles west of the City of Sanger (2374
S. Thompson Avenue, Sanger, CA) (Sup. Dist. 4) (APN
332-021-22).

PLANNING COMMISSION ACTION:

At its hearing of September 10, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).


A motion was made by Chairman Abrahamian and seconded by Commissioner Eubanks to adopt the Negative Declaration prepared for the project, adopt the required findings and approve Variance Application No. 4026 subject to the conditions listed in Exhibit 'B' with the inclusion of an additional condition limiting residential development on the proposed 17.05-acre parcel (Parcel B). In the motion to approve, the Chairman indicated that because the Applicant desires to maintain the homesite as a separate parcel, which is seen as a substantial Propertyright, and the applicant intends to continue farming; that Findings 1 and 2 could be made with the inclusion of a condition restricting a second residence on Parcel B. That finding 4 can be made because nothing would substantially physically change, the existing parcel is already inconsistent with the General Plan's minimum size requirements and that the remaining Parcel B could continue to be farmed.

RESOLUTION NO. 12840

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Eubanks, Burgess, Hill, Lawson
 No: Commissioner Woolf
 Absent: Commissioners Carver, Chatha, Ede
 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

WMK:im
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NOTE: 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

Initial Study Application No. 7308
Variance Application No. 4026

Staff: The Fresno County Planning Commission considered the Staff Report dated September 10, 2020 and heard a summary presentation by staff.

Applicant: The Applicant's representative indicated:

- The 2.5 acres was never farmed.
- An application for cancelation of the Williamson act has been filed.
- Within a few miles there are 20 parcels similar in size to this.
- Has farmed the land for a very long time and does not want to move away to another place in his older age.
- Has been working on this issue for five years
- Clarified that only one 2.5-acre parcel is being created.
- Mr. Roberts has had the property for over 40 years.
- Mr. Roberts built the house in 1993.

The Applicant concurred with a proposed additional Condition restricting Parcel B to one residence only.

Others: 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.

DR:

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EXHIBIT B

Variance Application No. 4026 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 final map approval, the Applicant/subdivider shall enter into an agreement with Fresno County incorporating the provisions of the County Right-To-Farm Notice (Fresno County Ordinance Code Section 17.04.100).</p> <p>Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years."</p>
3.	The owner of the subject property shall record a document irrevocably offering the westerly 10 feet of the subject property across the parcel frontage to the County of Fresno as future right-of-way for Thompson Avenue.
4.	Prior to the completion of a mapping procedure to create the 2.5-acre and 17.05-acre parcels, a covenant shall be recorded prohibiting development of a second residence on the 17.05-acre parcel. Future property owners may request relief from this condition by applying for and being granted a subsequent Variance to remove this condition. (Condition added by Motion at PC Hearing)
Conditions of Approval reference recommended 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.	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 a 2.5-acre parcel and a 17.05-acre parcel. The Map shall comply with the requirements of Title 17.72.
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 substantial compliance with the Conditions and Project Notes and 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 a maximum of two one-year extensions of time.
3.	A grading permit or voucher may be required for grading that has been done without a permit and any grading proposed with this application.
4.	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 Thompson Avenue.