



County of Fresno

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

November 15, 2019

Ray Remy
5590 S. Frankwood
Reedley CA 93654

Dear Applicant:

Subject: Resolution No. 12802 - Variance Application No. 4078

On October 24, 2019, 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 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: October 24, 2019
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12802 - VARIANCE APPLICATION NO. 4078

APPLICANT/
OWNER:

Ray Remy

REQUEST: Allow the creation of two 2.23-acre parcels from an existing 4.46-acre legal non-conforming parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the southeast corner of South Frankwood and East Jefferson Avenues, approximately two and one half-miles north of the nearest city limits of the City of Reedley (5530 South Frankwood Avenue) (SUP. DIST. 4) (APN 360-130-01).

PLANNING COMMISSION ACTION:

At its hearing of October 24, 2019, 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 the required Findings for approval of the Variance could be made, stating that Finding 1 could be made because of the inability to fumigate the soil in order to replant the orchard, Finding 2 could be made because of the owner's need to build a new residence due to age and mobility difficulties, and Finding 4 could be made because the property is not of sufficient size to sustain commercially viable crop yields. Based on the ability to make all four required findings, a motion was made to approve Variance No. 4078, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12802

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Chatha, Burgess, Delahay, Ede, Eubanks, Lawson and Vallis
	No:	None
	Absent:	Commissioner Hill
	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 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. 4078

Staff: The Fresno County Planning Commission considered the Staff Report dated October 24, 2019, and heard a summary presentation by staff.

Applicant: The Applicant's representative did not concur with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- This parcel has existed as a legal parcel since 1971 and has never contained 20 acres; the parcel has been non-conforming since the area was rezoned to AE-20 during a County-initiated rezoning action involving many properties in the area.
- Within one mile of the subject parcel, there are approximately 29 parcels that are smaller than twenty acres.
- The original stone fruit orchard was planted in 1991 and the soil later became infested with nematodes; the property owner is unable to obtain a permit to fumigate due to the proximity of the orchard to other residences; and the two-acre orchard was removed in 2016.
- The property owners have lived in the existing residence for several decades; the owner's mobility limitations make navigating the multi-story dwelling difficult; the property owners intend to build and reside in a new single-story dwelling on the second parcel; and sale of the existing residence will fund the construction of their new home.

Others: The property owner presented information in support of the application, stating that the ability to fumigate the soil was restricted by the location of his well and neighboring wells.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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**Variance Application (VA) No. 4078
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Division of the property shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
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.	<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 recodation 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. Contact the Water Surveillance Program at (559) 600-3357 for more information.
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. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
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).

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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