



County of Fresno

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

April 15, 2019

Ervin R. Prieto
12745 E. Dinuba
Selma CA 93662

Dear Applicant:

Subject: Resolution No. 12767 - Variance Application No. 4036

On March 28, 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 tkobayashi@fresnocountyca.gov or 559-600-4224.

Sincerely,

Thomas Kobayashi, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: March 28, 2019
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12767 - VARIANCE APPLICATION NO. 4036

APPLICANT: Ervin R. Prieto

OWNER: Tom Taylor

REQUEST: Allow the creation of a 2.08-acre parcel, 10.25-acre parcel and 5.25-acre parcel from an existing 17.58-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located at the southwest corner of Academy Avenue and Dinuba Avenue, approximately 2,678 feet south of the city limits of the City of Parlier (10205 South Academy Avenue, Selma, CA) (Sup. Dist. 4) (APN 358-270-56 & 57).

PLANNING COMMISSION ACTION:

At its hearing of March 28, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Vallis and seconded by Commissioner Abrahamian to determine the required findings could be made, adopt the required Findings of Fact for approval of a Variance, and approve Variance No. 4036, stating Finding 1 could be made because of the exceptional situation of the parcel being split by a canal and safety concerns; Finding 2 could be made because there is a property right to agriculturally viable property; and Finding 4 could be made because the request is not inconsistent with the General Plan because the parcel is already substandard in size and has a residential structure. The Conditions of Approval are listed in Exhibit B.

EXHIBIT A

Variance Application No. 4036

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 28, 2019, and heard a summary presentation by staff.
- Applicant: The Applicant's representative did not concur with the Staff Report. He described the project and offered the following information to clarify the intended use:
- Our project has been delayed due to the poor health of the property owner.
 - The property was originally a 20-acre parcel, but was reduced in acreage when Academy Avenue and Dinuba Avenue were widened.
 - The property owner has been leasing the northern portion of the parcel to the adjacent property owners; those property owners wish to purchase the property.
 - Access to the northern portion of the parcel is unsafe because it requires agricultural machinery to travel on a busy street due to the canal bifurcating the site.
- 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.

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**Variance Application No. 4036
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the creation of the 2.08-acre parcel, the 10.25-acre parcel and the 5.25-acre parcel from an existing 17.58-acre parcel.
2.	Permits are required for all unpermitted structures prior to submittal of the mapping application.

Conditions of Approval reference required Conditions for the project.

Notes

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 split the property in accordance with the approved Site Plan.
2.	It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach field evaluated by an appropriately-licensed contractor if they have 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 systems.
3.	Academy Avenue is classified as an Arterial road with existing variable width of road right-of-way based upon the County's road reconstruction project from 2012. Additional variable width of road right-of-way of the section line is shown on Official Plan Line Serial No. 98 on file at the County Recorder's Office. No facilities shall be constructed within the ultimate right-of-way for Academy Avenue. The Applicant should show the ultimate right-of-way, including annotated 30' x 30' corner cutoffs, on any future parcel map that may be filed if this Variance is approved.
4.	Dinuba Avenue is classified as a Local road with existing 40 feet of road right-of-way, and an additional 10 feet of road right-of-way south of the section line. No facilities shall be constructed within 30 feet south of the section line, and any setbacks for new construction should be based upon the ultimate right-of-way for Dinuba Avenue.
5.	An encroachment permit is required from the Fresno County Road Maintenance and Operations Division prior to any work being performed in the County road right-of-way.
6.	According to U.S.G.S Quad Maps, there is an existing irrigation channel running through the parcel. Any work in or near this drainage channel may require additional permitting from the irrigation district and others.
7.	If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Academy Avenue.
8.	Typically, in an Arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
9.	A grading permit or voucher may be required for any unpermitted grading work or for any grading proposed with this application.

Notes

10. Plans, permits and inspections will be required for all on-site improvements.

11. There is no permit history for two storage buildings, new office building and existing shed. If unpermitted structures were built after March 1, 1958 or larger than 120 square feet, the unpermitted structures need to be removed or permitted, or will be subject to a violation.

12. If the Variance is approved, a mapping procedure will be required to create the parcels.