



# County of Fresno

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

April 6, 2018

Hong V. Khoeur  
7175 N. De Wolf  
Clovis Ca 93619

Dear Applicant:

Subject: Resolution No. 12700 - Director Review and Approval Application No. 4512

On March 15, 2018, the Fresno County Planning Commission approved your project with Conditions. A copy of the Planning Commission Resolution is enclosed.

The Planning Commission's decision is final.

Please be aware that you must exercise the Director Review and Approval within two years from the date of approval. In addition, you must comply with the Conditions of Approval, special standards, and Notes. Failure to meet any Condition may require revocation of this permit.

As part of the conditions of approval for your project, the property owners must sign a covenant, which requires that one home is occupied by a property owner. The enclosed covenant will need to be signed by all property owners of record in the presence of a notary public. Once signed and notarized, please return the **original** document along with a check in the amount of \$243.50 to cover the current County Processing Fee. Please make this payment payable to "Fresno County Department of Public Works and Planning".

Additionally, a separate recording fee is required. This fee is currently estimated to be \$106.00 based on the assumption that the property owners will share an acknowledgement page. If your notary provides more than one acknowledgement page, the fee will increase by \$3.00 per page. Please address this check or money order to "FRESNO COUNTY RECORDER".

If you have any questions regarding the information in this letter please contact me at mmollring@co.fresno.ca.us or 559-600-4569.

Sincerely,

*MMOLLRING*

Marianne Mollring, Senior Planner  
Development Services and Capital Projects Division

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Enclosure

## DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200  
Equal Employment Opportunity • Affirmative Action • Disabled Employer

1 RECORDING REQUESTED  
2 BY AND AFTER RECORDING  
3 PLEASE RETURN TO:  
4 DEVELOPMENT SERVICES  
5 DIVISION, MAIL  
6 STOP 214  
7 ATTN: Marianne Mollring

8 THIS SPACE FOR RECORDER'S OFFICE USE ONLY

9 COVENANT RUNNING WITH THE LAND REGARDING  
10 DIRECTOR REVIEW AND APPROVAL OF A SECOND RESIDENCE

11 THIS AGREEMENT made and entered into this \_\_\_\_\_ day \_\_\_\_\_,  
12 2018, by and between the County of Fresno, hereinafter referred to as the "County"  
13 and, Hong V. Khoeur and Kim N. Khav, hereinafter referred to as "Property Owners".

14 WITNESSETH:

15 WHEREAS, the property owners are the sole owners of all of that real property  
16 located in the County of Fresno, State of California, located at 7175 North De Wolf  
17 Avenue known as Assessor's Parcel No. 565-043-21, more particularly described as  
18 follows:

19 **SEE ATTACHED EXHIBIT "A"**

20 *and;*

21 WHEREAS, pursuant to the Land Use Policies of the Fresno County General  
22 Plan and provisions of the Fresno County Zoning Ordinance, the property owners intend  
23 to construct a conventional home as a primary residence and to retain an existing  
24 conventional home as a second residential unit upon the premises described above.

25 NOW THEREFORE, in consideration of the County's granting of Director Review  
26 and Approval No. 4512 to allow said secondary residential unit, the property owner(s)  
27 and the County do hereby mutually agree as follows:  
28

1           1.       One of the residential units on the property shall be occupied by the  
2 property owners, or another record owner of the property.

3           2.       This Agreement is an instrument affecting the title and possession of the  
4 real property described above. This Agreement shall be binding upon and inure to the  
5 benefit of the County of Fresno and its successors in interest.

6           3.       This Covenant shall run with the land and shall be binding upon all future  
7 owners, heirs, successors, and assigns to this property. This Covenant shall be binding  
8 upon all parties and all persons claiming under them from the date this Covenant is  
9 recorded. Enforcement shall be by proceedings at law or equity against any person or  
10 persons violating or attempting to violate this Covenant, either to restrain violation or to  
11 recover damages. In the event an action is instituted to enforce the provisions of this  
12 Agreement or to recover damages, the property owners shall pay for all court costs,  
13 reasonable attorney's fees and interest at the legal rate from the date such costs have  
14 been incurred.

15           IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be  
16 executed as of the day and year first above written.

17  
18           COUNTY OF FRESNO  
19           STEVEN E. WHITE, DIRECTOR  
20           Department of Public Works and Planning

21  
22           BY: \_\_\_\_\_ DATED: \_\_\_\_\_  
23           William M. Kettler, Manager  
24           Development Services Division

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THE SIGNATURE OF THE UNDERSIGNED INDICATES THAT EACH AND EVERY PARAGRAPH OF THIS AGREEMENT, INCLUDING THE PREAMBLE, WAS READ AND IS UNDERSTOOD.

BY: \_\_\_\_\_ DATED: \_\_\_\_\_  
Hong. V. Khoeur, Property Owner

BY: \_\_\_\_\_ DATED: \_\_\_\_\_  
Kim N. Khav, Property Owner

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## EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Fresno, State of California, and is described as follows:

Portion of the Southwest Quarter of Section 35, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, particularly described as follows:

Beginning at a point on the East line of the Southwest Quarter of said Section 35 which is 827.55 feet North 0° 20' 00" East from the Southeast corner of the Southwest Quarter of said Section 35; thence North 0° 20' 00" East along said East line of distance of 254.29 feet to a point which is 238.71 feet South 0° 20' 00" West from the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 35; thence South 89° 59' 24" West parallel with the North line of the Southeast Quarter of the Southwest Quarter of said Section 35, a distance of 659.35 feet to a point on the West line of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of said Section 35; thence South 0° 19' 32" West along the West line of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 35, a distance of 254.29 feet; thence North 89° 59' 24" East parallel with the North line of the Southeast Quarter of the Southwest Quarter of said Section 35, a distance of 659.32 feet to the point of beginning.

APN: 565-043-21



## Inter Office Memo

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DATE: March 15, 2018  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12700 - DIRECTOR REVIEW AND APPROVAL  
APPLICATION NO. 4512

APPLICANT/  
OWNER: Hong V. Khoeur

REQUEST: Allow a 4,465 square-foot conventional home to be constructed as a primary residence, with an existing approximately 2,000 square-foot home to remain as a permanent second residence, on a 2.63-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of N. De Wolf Avenue between E. Herndon Avenue and E. Locust Avenue (7175 N. De Wolf Avenue) (Sup. Dist. 5) (APN 565-043-21).

### PLANNING COMMISSION ACTION:

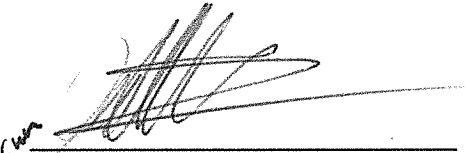
At its hearing of March 15, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Vallis to adopt the recommended Findings of Fact in the Staff Report, and approve Director Review and Approval Application No. 4512, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Woolf, Vallis, Abrahamian, Burgess, Delahay, Ede, Eubanks, and Lawson
	No:	None
	Absent:	Commissioner Chatha
	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:ksn  
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NOTE: The approval of this project will expire two years 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 Director's Review and Approval.

Attachments

EXHIBIT A

Director Review and Approval Application No. 4512

- Staff:** The Fresno County Planning Commission considered the Staff Report dated March 15, 2018, and heard a summary presentation by staff.
- Applicant:** The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The property owners want to build their dream home on this property; the new home will improve the aesthetics of the area.
  - The existing home will be used by visitors and family.
  - The well was drilled to 400 feet to avoid impacting the neighboring wells.
  - The site grading and construction of the rabbitry was done by a previous owner; the grading will be rectified during construction and is a Condition of Approval.
  - The rabbitry is not an inhabitable structure and will be used for storage.
- Others:** Five individuals representing neighboring property owners provided testimony in opposition to the proposal. Concerns raised included:
- The property is in a flood zone and was filled and graded without permits by a previous owner; the grading causes neighboring properties to flood during heavy rain.
  - The rabbitry could be used as a second residence.
  - The new residence will not complement the neighborhood; it will change the neighbors' way of life.
  - Neighboring homes are single-story; the new residence will block the view of the mountains; the property is not being maintained.
  - The new well and residential use will cause neighboring wells to go dry and the new well will allow the property owners to subdivide.
- Correspondence:** No letters were provided to the Planning Commission in favor of the application. Nineteen letters were presented to the Planning Commission in opposition to the application. Letters in opposition generally stated concerns regarding unpermitted grading and flooding, low water availability, home devaluation, an agricultural building being used as a second residence, and neighborhood aesthetics.



**Conditions of Approval and Project Notes  
Director Review and Approval Application No. 4512**

Conditions of Approval	
1.	Development shall be in substantial compliance with the approved site plan, floor plans, and elevation drawings. Said Site Plan shall show all structures properly labeled for the proposed use.
2.	The proposed primary and secondary residences shall be painted in a manner such that the primary residence's color and trim color is substantially the same as the secondary residence.
3.	As the subject parcel is located in an area defined as being water-short, any future development on the proposed parcel will require that a well yield certification be performed and approved prior to the issuance of Building Permits.
4.	To address prior unpermitted on-site grading activity, the Applicant/property owner shall address those items listed in mandatory project notes below (grading, permit or voucher, grading and drainage plan, elevation certificate for Flood Zone) prior to issuance of building permits for the primary residence.
Conditions of Approval reference required Conditions for the project.	
Special Standards	
<b>This application is subject to the following mandatory standard of the Fresno County Zoning Ordinance, Section 855-N.28.</b>	
1.	Prior to issuance of a building permit, a covenant running with the land between the County and the owner shall be recorded requiring that one of the dwelling units shall be occupied by the property owner(s) or another owner of record.  Note: The Department of Public Works and Planning will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.
Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	This approval shall become void if there has been a cessation of the use for a period in excess of two years.
2.	A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.
3.	An Engineered Grading and Drainage Plan shall be submitted to Development Engineering for review and approval prior to the County issuing a building permit for the construction of a new home. An on-site drainage basin is required and shall be designed per County Standards to retain the runoff from all existing and proposed development on the parcel.
4.	According to the site plan, the proposed second residence is within Flood Zone A. Any development within a flood zone must comply with Fresno County Flood Hazard Ordinance Code Section 15.48. An initial elevation certificate shall be submitted to Development Engineering for review and approval prior to issuing any building or grading permits. A final elevation certificate is required prior to the final grading inspection and building sign-off.

**Notes**

5.	Any additional runoff generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County standards.
6.	According to FEMA FIRM Panel 1585H, a portion of the subject property is found to be under Flood Zone A, which is subject to flooding from the 100-year storm. Typically, no net import of fill shall be allowed within the flood zone, and any work within the designated flood zones shall comply with the Fresno Metropolitan Flood Control District Flood Plain Policy.
7.	Contact the Building and Safety Section of the Department of Public Works & Planning at (559) 600-4540 regarding permits for installation, construction, electrical, and plumbing work.
8.	If approved, plans, permits and inspections are required, including site development, based upon the California Codes in effect at the time of plan check submittal.
9.	Plans, permits, and inspections are required for the non-permitted agricultural structure at the southwest corner of the parcel and shall be obtained prior to the issuance of permits for the second residence.
10.	The project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
11.	Building permit records indicate the existing septic system was installed in 1973. It is recommended that the Applicant consider having the septic pumped and have the tank and the drain fields 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 system.
12.	A separate sewage disposal system shall be installed for the new residence under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.
13.	The Clovis Unified School District, in which construction is proposed, has adopted a resolution requiring the payment of a construction fee. The County, in accordance with State Law that authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid. An official certification form, to be completed by the school district, will be provided by the County when application is made for a building permit.
14.	Two parking spaces, either covered or uncovered, shall be provided for each dwelling unit as shown on the approved site plan. Each parking space shall have a minimum size of 8-1/2 feet by 20 feet. The parking spaces and the driveway providing access to said parking spaces shall be improved.
15.	A ten-foot by ten-foot corner cutoff shall be provided for sight distance purposes at any driveway accessing Locust Avenue.
16.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

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