



# County of Fresno

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

May 7, 2018

Pete Cohrs  
1234 O Street  
Fresno CA 93721

Dear Applicant:

Subject: Resolution No. 12711 - Variance Application No. 4040

On April 12, 2018, 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 [cmonfette@co.fresno.ca.us](mailto:cmonfette@co.fresno.ca.us) or 559-600-4245.

Sincerely,

Chrissy Monfette, Planner  
Development Services and Capital Projects Division

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Enclosure



## Inter Office Memo

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DATE: April 12, 2018  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12711 - VARIANCE APPLICATION NO. 4040

APPLICANT: Pete Cohrs

OWNER: Vulcan Lands, Inc.

REQUEST: Allow the division of a 107-acre parcel to create a 96-acre parcel (Parcel A) and an 11-acre parcel (Parcel B), in both the AL-20 (Limited Agricultural, 20-acre minimum parcel size) and O (Open Space) Zone Districts. A Variance is required to allow both parcels to be created with less than five acres of Open Space Zoning, and a Variance is required to allow the creation of Parcel B with less than 20 acres of AL-20 Zoning.

LOCATION: The subject parcel is located east of South Riverbend Avenue and north of the Kings River, approximately two miles east of the nearest limits of the City of Sanger (SUP. DIST. 5) (APN 333-041-33).

### PLANNING COMMISSION ACTION:

At its hearing of April 12, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Eubanks to adopt the required Findings of Fact for approval of a Variance, stating that Finding No. 2 could be made due to the right of the previous property owner to continue the use of the parcel for private recreation and that Finding No. 4 could be made because the project is supportive of recreational uses which is consistent with General Plan Policies OS-H.8, HS-C.1, and the Kings River Regional Plan, and approve Variance Application No. 4040, subject to the Conditions listed in Exhibit B.



EXHIBIT A

Variance Application No. 4040

Staff: The Fresno County Planning Commission considered the Staff Report dated April 12, 2018, and heard a summary presentation by staff.

Applicant: The Applicant's representative provided information in support of the required Findings and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- Vulcan bought 375 acres in 2007 to allow sand and gravel operations and agreed as a condition of the purchase to deed the subject 11-acre area back to the original property owners.
- The use of the area as a private park has continued for decades; there is an existing fence around the proposed parcel; and there will be no change in the use of the land.
- If the Variance is not approved, Vulcan could expand their operations to include this land.
- This is a unique situation and the agreement to return the parcel to the original owners represents a substantial property right.
- Regarding General Plan Policy LU-A.6, there is case law supporting the Planning Commission's ability to make a "General Plan Consistency" Finding (Finding 4) based on a need to harmonize competing policies and goals, in this case, harmonizing policies restricting the creation of parcels of substandard size and the development and expansion of recreational uses adjacent to rivers.
- We want to maintain this as an open space area.

Others: A representative of Gerawan Farming offered further support for the application, and two engineers from Precision Engineering provided clarification to the Commission. 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. 4040  
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.

Conditions of Approval reference Conditions for the project.

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.	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 an 11.26-acre parcel and a 95.74-acre parcel.
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 one-year extension of time.
3.	Pursuant to Zoning Ordinance Section 858, the extraction of materials or overburden and the stockpiling of materials shall be prohibited within 25 feet of the proposed property line between Parcel A and Parcel B.
4.	According to U.S.G.S Quad maps, there are existing natural drainage channels traversing the subject parcel. Easements may be required by the appropriate agency if development is proposed in the vicinity of these channels.
5.	A grading permit or voucher may be required for any grading that has been done without a permit and any proposed grading.
6.	If future development is sought, the project will annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project will also be subject to the requirements of the current Fire Code and Building Code.