



## ATTACHMENT A

# Inter Office Memo

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**ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.**

DATE: November 14, 2017  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12670 – INITIAL STUDY APPLICATION NO. 7160;  
VARIANCE APPLICATION NO. 3998

APPLICANT: Ceres Management Group

OWNER: Ceres Management Group

REQUEST: Allow the creation of a 1.5-acre parcel from an existing 18.86-acre parcel (20-acre gross; remaining 17.36-acre parcel to be combined with a 39.49-acre parcel) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northeast corner of E. South Avenue and S. Alta Avenue, approximately two miles east of the nearest city limits of the City of Reedley (22212 E. South Avenue, Reedley, CA) (SUP. DIST. 4) (APN 373-070-50 & 87S).

### PLANNING COMMISSION ACTION:

At its hearing of September 21, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Chatha to deny Variance No. 3998, based on the Commission's inability to make required Variance Findings 1 and 4 citing that there are no compelling reasons for the creation of a homesite parcel, and the negative effect agricultural pesticide spray may have on inhabitants of the single-family residence.

Fees paid by the Applicant for the processing of the land use application are attached as Exhibit B.

This motion passed on the following vote:

VOTING:      Yes:            Commissioners Lawson, Chatha, Ede, Woolf and Vallis

                  No:            Commissioners Eubanks and Mendes

                  Absent:        Commissioners Abrahamian and Borba

                  Abstain:       None

STEVEN E. WHITE, DIRECTOR  
 Department of Public Works and Planning  
 Secretary-Fresno County Planning Commission

*mm* By: *ckw*   
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 William M. Kettler, Manager  
 Development Services Division

WMK:ksn  
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Attachments

EXHIBIT A

Initial Study Application No. 7160  
Variance Application No. 3998

- Staff: The Fresno County Planning Commission considered the Staff Report dated September 21, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant and his Representative did not concur with the Staff Report and staff's recommendation. They described the project and offered the following information to clarify the intended use:
- The Variance is to allow the creation of a 1.5-acre parcel with an existing single-family residence, a barn, a well and a driveway.
  - The subject 18.86-acre parcel and the adjacent 39.49-acre parcel are in common ownership.
  - The single-family residence has a renter; however, due to its size, we are unable to get an equitable rent for the value of the house.
  - The approval of the Variance will allow us to sell the 1.5-acre homesite parcel, if we choose to do so.
  - The 17.36-acre remainder parcel will be merged with a 39.49-acre parcel resulting in a 56.85-acre parcel with orchard and no additional homes.
  - The parcel mergers will provide allocation of additional water to the land.
  - Variance Finding No. 2 can be made in that the separation of homesite from orchard will allow a private owner to better maintain the house with a reduced possibility of vandalism.
  - Variance Finding No. 4 can be made in that the project is consistent with homesite provisions of the County General Plan.
  - The Agricultural Land Conservation Committee unanimously recommended approval of the cancellation which supports making the General Plan findings for the preservation of agricultural land.
- 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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EXHIBIT "B"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7160  
Variance Application No. 3998

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Variance Application:	\$ 6,049.00 <sup>1</sup>
Health Department Review:	365.00 <sup>2</sup>
Preliminary Environmental Review:	259.00 <sup>3</sup>
Agricultural Commissioner Review:	<u>34.00<sup>4</sup></u>
<b>Total Fees Collected</b>	<b>\$ <u>6,707.00</u></b>

<sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
<sup>2</sup> Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.
<sup>3</sup> Review proposal to provide appropriate California Environmental Quality Act (CEQA) Exemption and include documentation for project file.
<sup>4</sup> Review of proposal by the Department Agriculture to provide comments.



County of Fresno  
Board of Supervisors

Minute Order

November 14, 2017

Hall of Records, Room 301  
2281 Tulare Street  
Fresno, California  
93721-2198  
Telephone: (559) 600-3529  
Toll Free: 1-800-742-1011  
www.co.fresno.ca.us

**Present:** 5 - Supervisor Andreas Borgeas, Supervisor Nathan Magsig, Supervisor Buddy Mendes, Chairman Brian Pacheco, and Vice Chairman Sal Quintero

Agenda No. 11.

Public Works & Planning

File ID: 17-1337

**Re:** Consider appeal of Planning Commission's denial of Variance Application No. 3998 proposing to allow creation of 1.5-acre parcel from existing 18.86-acre parcel (20-acre gross; remaining 17.36-acre parcel to be combined with a 39.49-acre parcel) in the AE-20 Zone District; consider adoption of Negative Declaration prepared for Initial Study Application No. 7160; and determine whether Required Findings specified in Fresno County Ordinance Code Section 877.A can be made for approval of Variance and articulate for the record the manner in which Findings are met, project site is located on northeast corner of E. South and S. Alta Avenues, approximately two miles east of City of Reedley

**CONDUCTED PUBLIC HEARING, AND RECEIVED PUBLIC TESTIMONY FROM APPLICANT'S REPRESENTATIVE. CLOSED PUBLIC HEARING. A MOTION WAS MADE BY SUPERVISOR MENDES, SECONDED BY SUPERVISOR MAGSIG, TO GRANT THE APPEAL FILED BY CERES MANAGEMENT GROUP, AND APPROVE VARIANCE APPLICATION NO. 3998 AND ADOPT THE NEGATIVE DECLARATION PREPARED FOR INITIAL STUDY APPLICATION NO. 7160, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT. THE BOARD DETERMINED THAT THE FOUR REQUIRED VARIANCE FINDINGS CAN BE MADE, AS STATED BY THE APPLICANT'S REPRESENTATIVE, AS FOLLOWS:**

- 1. THE RESIDENTIAL STRUCTURE ON THE PROPERTY IS LONG STANDING, HAVING BEEN BUILT IN 1956, AND THE PROPOSAL IS TO CREATE A HOMESITE SATISFYING ALL DEVELOPMENT STANDARDS;**
- 2. APPLICANT HAS A RIGHT TO CREATE THIS HOMESITE, AND THE EVIDENCE FROM AN APPRAISER FAMILIAR WITH THE FRESNO, KINGS, KERN COUNTIES' REAL ESTATE MARKETS, WHO DEMONSTRATED THAT WITH THE CONSOLIDATION OF FARMS, THE HOMESITES HAVE NO VALUE BECAUSE LARGER FARMS ARE NOT INTERESTED IN OWNING AND MANAGING RESIDENCES, AND THAT THIS HAS BEEN DEMONSTRATED IN THE CASE OF THE SUBJECT PROPERTY;**
- 3. CONCUR WITH STAFF'S FINDING AS STATED IN THE STAFF REPORT;**
- 4. THE COUNTY'S WILLIAMSON ACT COMMITTEE DETERMINED THAT THE REQUIRED FINDINGS COULD BE MADE FOR TERMINATION OF THE CONTRACT ON THE PORTION OF THE SUBJECT PARCEL THAT THIS APPLICATION SEEKS TO RESERVE AS A HOMESITE ON A SEPARATE PARCEL, AND THIS APPLICATION WOULD CREATE TAKE A SUBSTANDARD PARCEL AND MERGE A PORTION OF IT WITH A LARGER PARCEL, WHICH IS CONSISTENT WITH THE GENERAL PLAN. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero