



Inter Office Memo

DATE: May 26, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12572 - VARIANCE APPLICATION NO. 3992

APPLICANT/
OWNER:

Isabel Ybarra

REQUEST:

Allow the creation of a 1.5-acre parcel and a 15.5-acre parcel from an existing 17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District where a 20-acre minimum parcel size is required.

LOCATION:

The parcel is located on the south side of Hogan Avenue, approximately one quarter-mile west of its intersection with Navelencia Avenue (SUP. DIST. 4) (APN 185-160-17).

PLANNING COMMISSION ACTION:

At its hearing of May 26, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

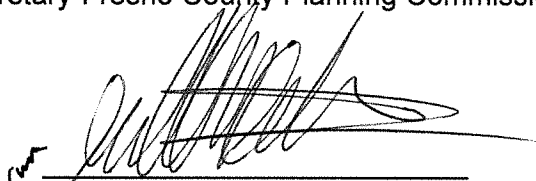
A motion was made by Commissioner Abrahamian and seconded by Commissioner Lawson to adopt the required Variance Findings and approve Variance Application No. 3992 subject to the conditions listed in Exhibit 'B' with the inclusion of an additional condition prohibiting residential development on the proposed 15.5-acre parcel (Parcel B). In its motion to approve, the Commission stated that Findings 1 and 2 could be made as the Applicant could have been permitted to retain the homesite parcel if it had been purchased a few months prior to the purchase date, and Finding 4 could be made with the inclusion of a condition restricting development on Parcel B and because the existing parcel is already inconsistent with the General Plan's minimum parcel size requirements.

RESOLUTION NO. 12572

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Lawson, Chatha, Mendes, Woolf
 No: Commissioner Borba
 Absent: Commissioners Egan, Eubanks, Pagel
 Abstain: None

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

By: 

William M. Kettler, Manager
Development Services Division

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- NOTES:
1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.
 2. The approval of this Variance will expire one year from the date of approval unless a mapping application is filed in accordance with the requirements of the Fresno County 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 of time not to exceed one additional year. Application for such extensions must be filed with the Department of Public Works before the expiration of the Variance.

Attachments

EXHIBIT A

Variance Application No. 3992

- Staff: The Fresno County Planning Commission considered the Staff Report dated May 26, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant's representative disagreed with the Staff Report and the recommended Conditions. She described the project and offered the following information to clarify the intended use:
- If my parents had purchased the land a few months earlier, they would have been able to create the homesite parcel by right.
 - The family has renovated the entire house to create a comfortable home for the elderly Applicant.
 - The almond farm is currently being farmed by our family with help from the neighbors.
 - There are about 233 acres of land adjacent to the subject parcel which are in the process of being sold and the proposed 15.5-acre parcel could be sold simultaneously to keep it in active production.
 - We are willing to accept the condition that no home will be built on the 15.5-acre parcel.
 - The almond orchard was replanted seven years ago.
- Others: Two other individuals presented information in support of the application. No individuals spoke 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 (VA) No. 3992
Conditions of Approval and Project Notes**

| Conditions of Approval | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Development shall be in accordance with the Site Plan, as approved by the Commission. |
| 2. | <p>Prior to the completion of a mapping procedure to create the 1.5-acre and 15.5-acre parcels, a covenant shall be recorded prohibiting development of a residence on the 15.5-acre parcel. Future property owners may request relief from this condition by applying for and being granted a subsequent Variance to remove this condition.</p> <p>Note: Should the 15.5-acre parcel be consolidated with an adjacent parcel to create a parcel greater than or equal to 20 acres, this condition shall become void.</p> |
| Notes | |
| Conditions of Approval reference required Conditions for the project. | |
| 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 create a 1.5-acre and a 15.5-acre parcel. |
| 2. | If not already present, on-site turnarounds are required for vehicles leaving the site to enter the Expressway in a forward motion. |
| 3. | Direct access to an Arterial is usually limited to one common point. No new access points are allowed without prior approval. |
| 4. | If any development is within the area identified as Zone A, it must comply with the County Flood Hazard Ordinance (Title 15.48). |
| 5. | Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. |
| 6. | A grading permit or voucher is required for any grading proposed with this application. |
| 7. | It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and 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. |



County of Fresno

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

June 13, 2016

Isabel Ybarra
PO Box 1503
Reedley CA 93654

Dear Applicant:

Subject: Resolution No. 12572 - Variance Application No. 3992

On May 26, 2016, the Fresno County Planning Commission approved your application with Modified 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 unless a determination is made that substantial development has occurred. 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 or 559-600-4245.

Sincerely,

Christina Monfette, Planner
Development Services Division

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Enclosure