



Inter Office Memo

DATE: April 28, 2022
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12933 - VARIANCE APPLICATION NO. 4109,
DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4662, AND
INITIAL STUDY NO. 8090

APPLICANT/

OWNER: Jamie Bledsoe

REQUEST: Allow the creation of a 37.64-acre, 35.61-acre, 4.62-acre, and a 2.02-acre parcel from two existing parcels totaling approximately 79.89-acres; allow an existing 1,368 square foot single-family dwelling to remain on the proposed 4.62-acre parcel as a permanent second residence, with an existing 1,646 square-foot primary residence; and allow a reduced front yard setback of 11 feet, where a minimum of 35 feet are required, for an existing 78 square-foot shed. The Project is located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the southeast and southwest corners of the intersection of S. Bryan Avenue and W. Harlan Avenue, approximately one mile northeast of the unincorporated community of Lanare (APN: 053-031-03S) (20140, 20141, 20142 S. Bryan Avenue) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of April 28, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Zante to determine that the required Variance Findings could be made and moved to approve Variance Application No. 4109 subject to the conditions listed in attached Exhibit B, stating in their motion to approve that Finding No.1 could be made because the existing development creates an exceptional circumstance; Finding No. 2 could be made because at 80 acres the property could be divided into 20 acre parcels by right and developed with a single family dwelling; Finding No. 4 could be made because the undeveloped balance of the property will continue to use for agricultural purposes, and the residential parcels will be subject to the Right-to-Farm Ordinance.

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Zante, Arabian, and Carver
 No: Commissioners Hill and Woolf
 Absent: Commissioners Chatha and Ewell
 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

Notes: The approval of this project will expire one year from the date of approval unless a mapping application is filed in accordance with the requirements of the County Ordinance. 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.

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EXHIBIT A

Variance Application No. 4109,
Director Review and Approval Application No.4662, and Initial Study No. 8090

Staff: The Fresno County Planning Commission considered the Staff Report dated April 28, 2022 and heard a summary presentation by staff.

Applicant: The Applicant disagreed with the Staff Report and staff's recommendation. He described the project and offered the following information to clarify the intended use:

- I purchased the subject property because it was close in proximity to my other agricultural property.
- The previous owners attempted to complete this proposed subdivision but withdrew the application.
- As part of the purchase agreement, I am pursuing the subdivision of the property to retain the existing homesites, on behalf of the previous owners.
- I have recently planted pistachios on the property and have no intention of further subdivision.
- It is my understanding that the previous owners wished to retain the homesites and to reside there and eventually pass them to their heirs.

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
Variance Application (VA) No. 4109/Director Review and Approval No Application No. 4662 and Initial Study No. 8090
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Division of the subject parcel shall be substantial conformance with the site plan (Exhibit 5) as approved by the Planning Commission.
2.	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 owners or another owner of record. Note: Our Department will prepare the Covenant upon receipt of the standard Processing Fee, which is currently \$243.50.
3.	Prior to final map approval, the Applicant/subdivider shall record a document on the subject property incorporating the provisions of the County Right-of-to-Farm Notice (Ordinance Code Section 17.40.100). Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right to farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years."
4.	Director Review and Approval No. 4662 will not be effective unless the property is legally divided.

Conditions of Approval reference required Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The approval of this Variance will expire one year from the date of approval unless the parcels authorized by said Variance are not created within one (1) year after the granting of said Variance or an application for a tentative map is not filed within the one (1) year. However, in the case of a Variance for which a tentative or vesting map has been timely filed, expiration of said Variance shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map.
2.	Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation established in Section 877-D.2 (one year), the Commission may grant an extension of time for a period not to exceed an additional one (1) year period. Application for such extension of time must be set forth in writing the reasons for the extension and must be filed with the Department of Public Works and Planning, Development Services and Capital Projects Division before the expiration of the Variance.

EXHIBIT B

Notes

3.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance and other applicable State regulation. A Tentative Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72 of the Fresno County Ordinance Code. The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that "Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance." These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.
4.	The subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the State Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map. Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application.
5.	According to the U.S.G.S. Quad Map, Turner Ditch traverses the subject property. Any future improvements constructed within or near a ditch should be coordinated with the owners of the ditch and/or appropriate agency.
6.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has 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.
7.	New septic systems shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section.
8.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells.
9.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
10.	Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.