

## Memorandum

**To:** Austin Ewell and Mark Petersen

**From:** Brady K. McGuinness, Esq.

**Date:** March 8, 2022

**Re:** City of Sanger Annexation Application with LAFCO - Vested Property Rights and Entitlements in County of Fresno and Estoppel Considerations

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The City of Sanger's annexation request is premature and presents undue burdens on agricultural properties located at the outer largely undeveloped boundary of the annexation area.

As one of the landowners in the annexation area, Minnewawa Land Group, LLC's property will be detrimentally impacted by an unconditional approval; and our Company hereby reaffirms its protest to the City of Sanger North Academy Corridor Annexation request.

By way of background, our Property, which is located near the southeast corner of Academy Avenue and East Kings Canyon Road, is located in a rural area and surrounded primarily by farmland. The Property, which is currently zoned for exclusive agriculture use, has gone through extensive entitlements and site planning with the County for value-added agricultural uses and facilities. The uses are permitted in agricultural-exclusive zoning and the Project is now in last stage site planning. This Project, which is planned for a truck and trailer storage and maintenance facility servicing agricultural commodities, is necessary for our ongoing business and is well situated, being located in an area that largely consists of agricultural use and in close proximity to the State Highway 180.

Over the past few years, we have in good faith planned and processed entitlements and development permits for the Project. The Properties have been extensively studied with the following entitlements and permits approved and perfected with the County:

- Final Parcel Map;
- Conditional Use Permit;
- Director's Review and Approval;
- Variance;
- Grading Plans; and
- Development plans (including onsite water and septic services).

The County Project is now in its final site planning with vested entitlements. As this Project was processed by the County in an area within the Sphere of Influence, we justifiably relied upon the County to grant such entitlements with the understanding and belief that such approvals included findings of consistency and compatibility with the City's General Plan and available services.

We are now concerned that the City will not recognize or honor these entitlements and development permits as they may have different urban planning objectives. We do not believe that it is equitable or just for us to merely rely upon nonconforming use rights to protect a vested property interest that is compatible with neighboring properties.

We would submit that there are variety of factors for consideration in evaluating this area for annexation, including, but not limited to, the existing rural land use in this area, the potential loss of the physical and economic integrity of agricultural land, the distance of these boundary parcels from populated areas of Sanger, and the inability to efficiently offer City services to these locations at this time.

If LAFCO finds that annexation is an appropriate measure, we would request that the approval be conditioned upon the recognition and acceptance by the City of the recent County entitlements and permits for our Property.