

TO:

County of Fresno

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

DATE: March 20, 2024

Department of Public Works and Planning, Attn: Steven E. White, Director
Department of Public Works and Planning, Attn: Bernard Jimenez,
Planning and Resource Management Officer
Development Services and Capital Projects, Attn: William M. Kettler,
Deputy Director
Development Services and Capital Projects, Attn: Chris Motta, Division Manager
Development Services and Capital Projects, Attn: Tawanda Mtunga,
Principal Planner
Development Services and Capital Projects, Attn: Attn: James Anders,
Principal Planner
Development Services and Capital Projects, Current/Environmental
Planning, Attn: David Randall, Senior Planner
Development Services and Capital Projects, Policy Planning, Attn:
Mohammad Khorsand, Senior Planner
Development Services and Capital Projects, Zoning & Permit Review,
Attn: Daniel Gutierrez, Senior Planner
Development Services and Capital Projects, Development Engineering,
Attn: Laurie Kennedy, Office Assistant III
Water and Natural Resources Division, Attn: Augustine Ramirez, Division
Manager
Water and Natural Resources Division, Attn: Roy Jimenez, Senior Planner
Water and Natural Resources Division, Transportation Planning, Attn:
Hector Luna, Senior Planner/Darren Findley, Senior Engineering
Technician/Brody Hines, Planner
Water and Natural Resources Division, Community Development, Attn:
Yvette Quiroga, Principal Planner
Design Division, Attn: Mohammad Alimi, Division Manager;
Erin Haagenson, Principal Staff Analyst
Resources Division, Attn: Daniel Amann, Interim Division Manger
Resources Division, Special Districts, Attn: Christopher Bump, Principal
Staff Analyst,
Road Maintenance and Operations Division, Attn: Wendy Nakagawa,
Supervising Engineer
Department of Public Health, Environmental Health Division, Attn: Deep
Sidhu, Supervising Environmental Health Specialist; Kevin Tsuda,
Environmental Health Specialist;
Agricultural Commissioner, Attn: Melissa Cregan
Sheriff's Office, Attn: Captain Ryan Hushaw, Adam Esmay, Kevin Lolkus, Lt. Brandon
Purcell
CA Highway Patrol (CHP), Attn: Captain Austin Matulonis
Pacific Gas and Electric, Centralized Review Team, Attn: PGEPlanReview@pge.com
CALTRANS, Attn: David Padilla, Division Chief/Nicholas Isla, Transportation Planner

Clovis Unified School District, Attn: Corrine Folmer, Ed. D. Superintendent/Michael Johnston, Associate Superindendent/Denver Stairs, Assistant Superintendent/Cherie Larson, Senior Analyst
Fresno County Fire District, Attn: Diane Rodriguez
Fresno Metropolitan Flood Control District, Attn: Frank Fowler, Chair/Peter Sanchez, General Manager
North Kings GSA, Attn: Kassy D. Chauhan, P.E. Executive Officer Designate
Fresno Irrigation District, Attn: Lawrince Kimura, P.E. Chief Engineer
Kings River Conservation District, Attn: Paul Peschel, General Manager
Clovis Memorial District, Attn: Miya Ubick, Administrative Assistant
Sierra Resource Conservation District, Attn: Kelly Kucharski, District Manager
City of Clovis, Attn: Renee Mathis, Director/McKencie Perez, MPA Senior
Planner/George Gonzalez, Associate Planner/Thad Avery, CIP Supervising Engineer/Mike Leonardo, Public Utilities Director/John Holt, City Manager

FROM: Reymundo Peraza, Planner Development Services and Capital Projects Division

SUBJECT: Variance No. 4166 and Environmental Review No. 8541

APPLICANT: William S. Smittcamp

DUE DATE: April 5, 2024

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing a Variance to waive lot size requirements to allow for the creation of a two (2) substandard 10-acre parcels from an existing 20-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum) Zone District. If approved, mapping procedure to follow.

The subject parcel is located on the east side of Peach Avenue, 350 feet north of Behymer Avenue, approximately 1-mile from the City of Clovis. (APN: 580-072-19) (10152 N. Peach Avenue) (Sup. Dist. 5).

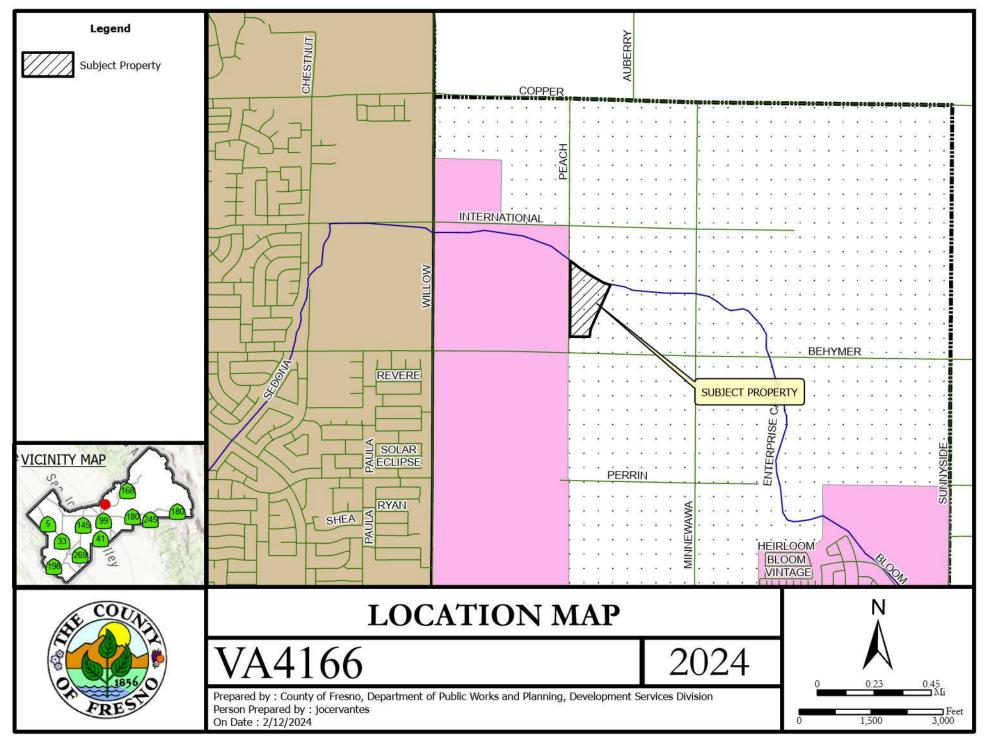
Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by <u>April 15, 2024</u>. Any comments received after this date may not be used.

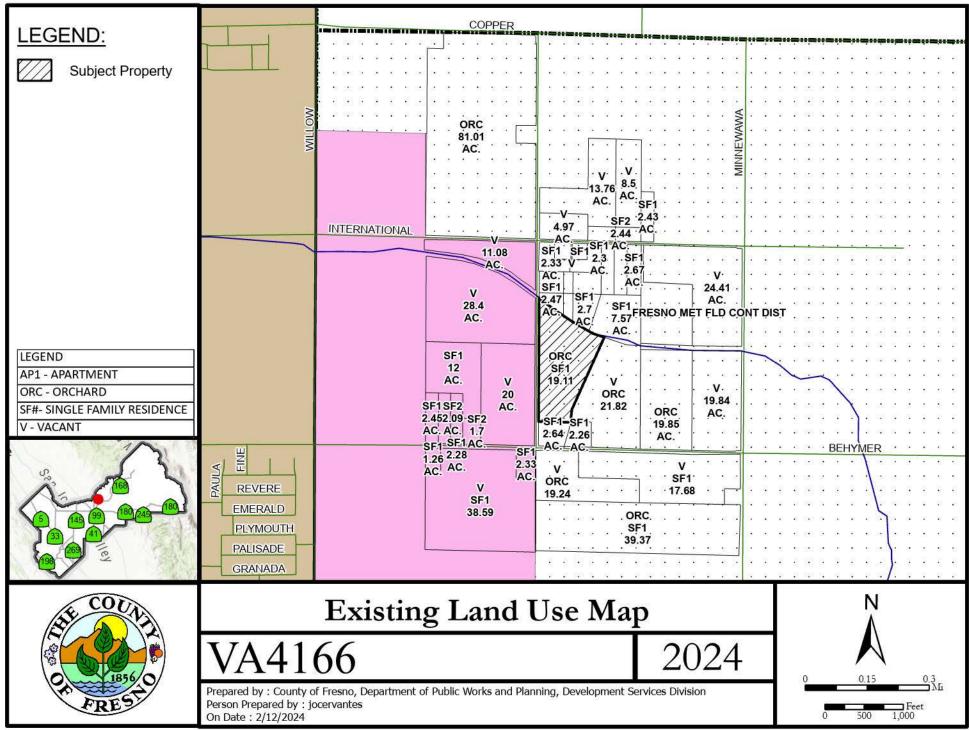
If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Reymundo Peraza, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4224, or email rperaza@fresnocountyca.gov

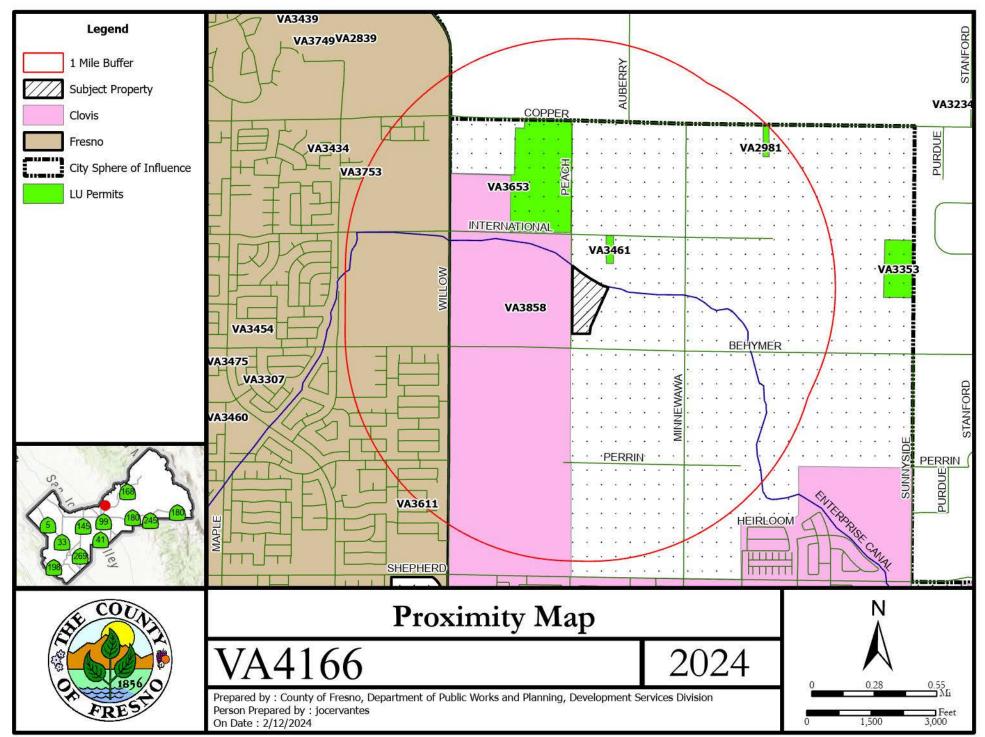
RP G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4100-4199\4166\Routing\VA 4166 Routing Ltr.doc *Activity Code (Internal Review):* 2377 Enclosures



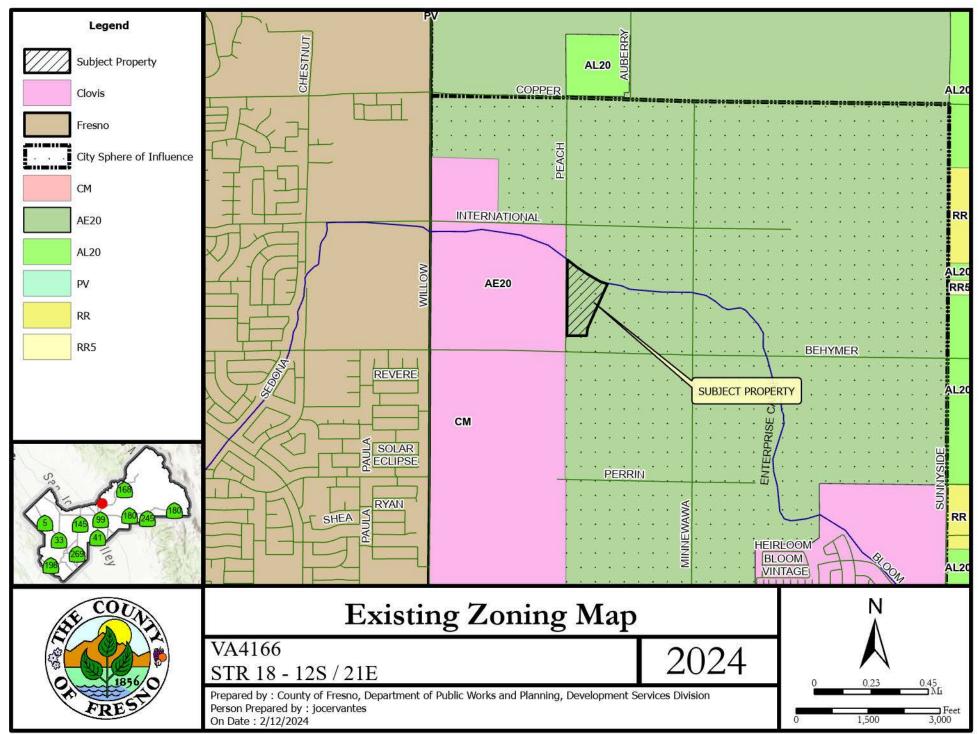
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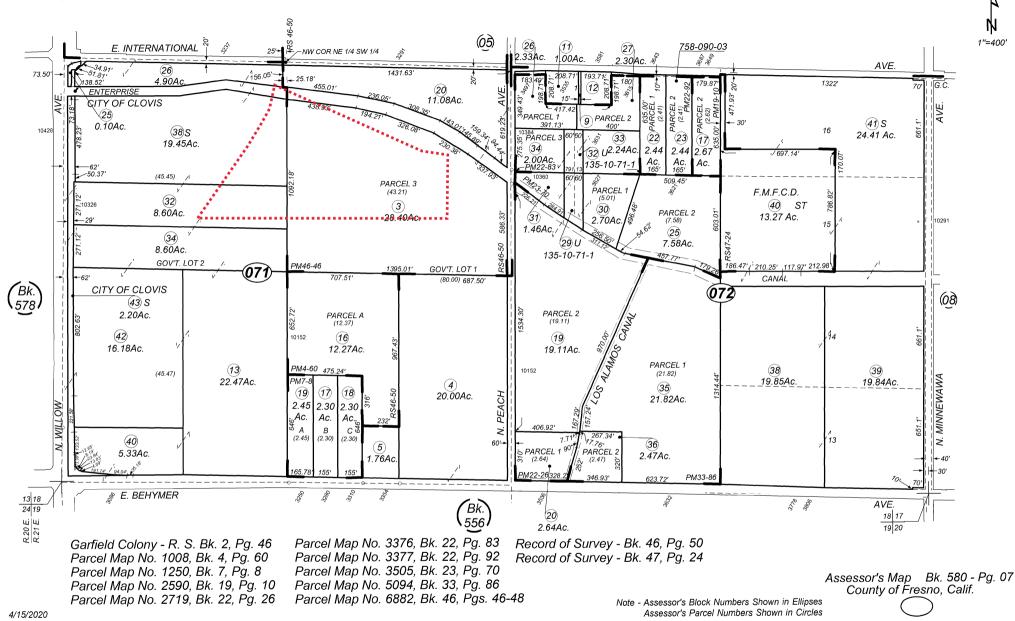


Path: G:\4360Devs&Pln\GIS\Completed GIS Maps\Landuse\va4166\va4166.aprx

-NOTE-This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 18, T.12 S., R.21 E., M.D.B.& M.

Tax Rate Area 76-045 76-052



			Date	Receive	ed: 2-8-24	VA 4166
SE COUN	Fresno Cour	ity Departmen	t of Public	c Work	ks and Planning	ER 8541
	MAILING ADDR	ESS:		LOCAT	TION:	(Application No.)
S-STEPP		blic Works and Pla	nning		vest corner of Tulare & "M"	
1856	Development Serv			Street	me net	
FREST	2220 Tulare St., 6				Phone: (559) 600-4497	Evet 0 4407
	Fresno, Ca. 93721			Toll Fre		×
					RIPTION OF PROPOSED USE	
Pre-Application (Type)					ove the creation of tw	
Amendment Application		Director Review and	• •		homesites from an ex	
Amendment to Text		for 2 nd Residence		1	parcel in the AE-20 z	
Conditional Use Permit		Determination of Me	rger		proposal was previou	
Variance (Class [/)/Min	_	Agreements		lunde	r Pre-Application No.	23-012405.
Site Plan Review/Occupa	-	ALCC/RLCC				
No Shoot/Dog Leash Lav	w Boundary	Other				
General Plan Amendmer	nt/Specific Plan/SP Ar	mendment)				
Time Extension for						
CEQA DOCUMENTATION:	🔲 Initial Study					
					ttach required site plans, fo	rms, statements,
and deeds as specified on	the Pre-Application			including	g Legal Description.	
LOCATION OF PROPERTY:		side of Peach Ave				
	between Behymer			d Enterpr	ise Canal	
		52 N. Peach Ave. Cl				
APN: 580-072-19	Parcel siz	e: 20.0 +/- Ac.		Sectio	n(s)-Twp/Rg: S <u>18</u> - T <u>1</u>	2S/R_ <u></u> E
	erty and that the ap	oplication and attac	hed document		or authorized representative all respects true and correc	
knowledge. The foregoing	declaration is mad	e under penalty of	perjury.			
William S. & Linda L. Smitto		100 W. Alluvial Ave.		lovis	93611	559-299-2901
Owner (Print or Type) William S. Smittcamp		Address 100 W. Alluvial Ave	City	y Iovis	Zip 93611	Phone 559-299-2901
Applicant (Print or Type)		Address	City		Zip	Phone 259-2901
Dirk Poeschel Land Develop				resno	93721	559-445-0374
Representative (Print or Type)		Address	City	y	Zip	Phone
CONTACT EMAIL: maria@	dplds.com					
OFFICE USE O	NLY (PRINT FOR	M ON GREEN PAP	PER)		UTILITIES AVAILA	<u>BLE:</u>
Application Type / No.: V	14160	Fe	e:\$ 6,049.			
Application Type / No.: Pr	·coppfee cr		e:\$ -247.	. 00 W	ATER: Yes 🔳/ No	
Application Type / No.:			e:\$		Agency: Private Water Well	
Application Type / No.:	0501		e:\$ e:\$ 25%.0	0 00		
PER Initial Study No.: EK Ag Department Review:	1001	Fe	e:\$ 259.00	SE SE	WER: Yes 🔳/ No	
Health Department Review	<i>ı</i> :		e: \$ 365.01		Agency: Private Septic	
Received By: K. Peraz		293666 TOTA	L:\$ 6,460.	0.00		
	This normit is say	ught under Ordinen	co Section:	Sec	t-Twp/Rg: T	S/R F
STAFF DETERMINATION	• This permit is sou	ight under Ordinah	ce section:		N #	/ N L
					N#	
Related Application(s):					N#	
Zone District:					N#	
Parcel Size:						
G:\4360Devs&Pln\PROJSEC\PROJDOCS\TEMP	LATES\PWandPlanningApplica	tionF-8Rvsd-20150601.docm (PRINT FORM	ON GREEN P	PAPER)		

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Fresno County

REG-RECEIPT: 14781-21924817 SMONTEMAYOR 02/08/2024 CASHIER ID: Feb 08, 2024 13:14:48 Date Printed: 23 012485 LU 6,460,00 Sub Total 6,460.00 0.00 GST 0.00 PST 6,460.00 TOTAL DUE **RECEIVED FROM :** BLAIR, CHURCH & FLYNN(DON GARMAN) 6,460.00 Check 6,460.00 TOTAL TENDERED 0.00

CHANGE DUE

County of Fresno Department of Public Works & Planning Mailing Address: 2220 Tulare Street, 6th Floor Fresno, CA 93721 24-HR REQUEST LINE: 600-4131 LOCAL: 600-4560 TOLL FREE: 800742-1011 FAX: 600-4201



INVOICE TO: BLAIR, CHURCH & FLYNN

INVOICE NO: 293666

INVOICE DATE: February 08, 2024

PERMIT #: Folder 2023 012485 000 00 LU

REFERENCE #: PRE-APPLICATION REVIEW No. 23-012485

PROJECT LOCATION: 10152 PEACH CLOVIS CA

PROJECT DESCRIPTION: VARIANCE TO ALLOW THE CREATION OF TWO (2) / TEN (10) [GROSS] ACRE PARCELS FROM AN (E) TWENTY (20) [GROSS] ACRE PARCEL LOCATED WITHIN THE AE-20 ZONE DISTRICT VA4166

FEE DESCRIPTION	N	AMOUNT COMME
Pre-Application fee Cr	edit	\$-247.00
AG. COMM. Variance		\$34.00
Environmental Review	,	\$259.00
Health Department Re	view (Envir Health Rev)	\$365.00
Variance Application (VA) - Class II	\$6,049.00
	TOTAL	\$6,460.00
SUMMARY OTHER	· · · · ·	\$6,460.00
	TOTAL	\$6,460.00
	Total Billed:	\$6,460.00
	Payment Received:	\$0.00
	Balance Due:	\$6,460.00

FORM OF PAYMENT:	
Check	
Credit Card	
Cash	
DrawDown-Acct#	
Roads Charge-Use Acct#	
Submitted by:	Ext:

COD	IAIL TO:	
B	LAIR, CHURCH & FLYNN TTN: DON GARMAN	Pre-Application Review
Sorvices and 4	51 CLOVIS AVE. STE 200	
Capital Projects	LOVIS, CA 93612	Department of Public Works and Planning
	MAIL TO:	NUMBER:23-012485
FREST	garman@bcf-engr.com	APPLICANT:
		PHONE: (559) 326-1400
PROPERTY LOCATION: 10152 N PE	ACH AVE CLOVIS, Califor	rnia, 93619, USA
APN(s): 580-072-19 ALCC: No	<u>X</u> Yes # <u>N/A</u> VIOLA	TION NO. <u>N/A</u>
ZONE DISTRICT: AE-20 ; SRA: No	X Yes HOME	IN ½ MILE OF CITY: No_ Yes_ <u>N/A</u> SITE DECLARATION REQ'D.: No <u>X</u> Yes
LOT STATUS:		
		Deed Review Req'd (see Form #236)
Map Act: (X) of of Rec. Map: (On '72 rolls: () Other PA	Initiated In process R2 OF PM2719_; () Deeds Req'd (see Form #236)
SCHOOL FEES: No_X_YesDISTRIC	T:_N/A	PERMIT JACKET: No Yes X
SCHOOL FEES: No <u>X</u> Yes_ DISTRIC FMFCD FEE AREA: () Outside (X) D	istrict No.: <u>AQ</u>	FLOOD PRONE: No X Yes
PROPOSAL <u>VARIANCE TO ALLOW TH</u> (E) TWENTY (20) [GROSS] ACRE PARCEL		TEN (10) [GROSS] ACRE PARCELS FROM AN
(E) TWENTY (20) [GROSS] ACRE PARCEL	LUCATED WITHIN THE A	E-20 ZONE DISTRICT
COMMENTS:		
ORD. SECTION(S): 816.5 B	Y: <u>O. RAMIREZ</u>	DATE:09/08/2023
GENERAL PLAN POLICIES:	al (ICPA:	<u>PROCEDURES AND FEES:</u> ()MINOR VA:
COMMUNITY PLAN:	()AA:	(×)HD: <u>4365</u> 00
REGIONAL PLAN:	()CUP:	(X)AG COMM:34.00
SPECIFIC PLAN:	()DRA:	()ALCC:
SPECIAL POLICIES: SPHERE OF INFLUENCE: Clovis	(X)VA: <u>#6 04</u>	9.00 (X)IS/PER*: <u>\$ 259.00</u> ()Viol. (35%):
ANNEX REFERRAL (LU-G17/MOU):	() <i>TT</i> :	()Other:
	CONTRACTOR STREET	Filing Fee: \$ 6,707.00
COMMENTS:	Pre-A	pplication Fee:
		county rining ree. <u> </u>
FILING REQUIREMENTS:	OTHER FILING	FEES:
(X) Land Use Applications and Fees	AT A REAL PROPERTY AND A R	Inventory Fee: <u>\$75 at time of filing</u>
(X) This Pre-Application Review form		to Southern San Joaquin Valley Info. Center)
(<) Copy of Deed / Legal Description		h & Wildlife (CDFW):(\$50+\$2,764)
(×) Photographs		to Fresno County Clerk for pass-thru to CDFW.
(x) Letter Verifying Deed Review (x) IS Application and Fees* * Upon rev		or to IS closure and prior to setting hearing date.) an Initial Study (IS) with fees may be required.
(×) Site Plans - 4 copies (folded to 8.5"X		
() Floor Plan & Elevations - 4 copies (fo		"x11" reduction
() Project Description / Operational Sta	tement (Typed)	BUUH 442 5-1 \$247.00
 () Statement of Variance Findings (×) Statement of Intended Use (ALCC) 		PLU # 113 Fee: <u>\$247.00</u>
() Dependency Relationship Statement		Note: This fee will apply to the application fee if the application is submitted within six (6)
() Resolution/Letter of Release from Cit	y of	months of the date on this receipt.
() Nitrogen Loading Analysis or RWQC	B supplemental treatment	19.11 - acres King Basin Wa
BY:	DATE:	City of Claulis
BY: PHONE NUMBER: (559)		
NOTE: THE FOLLOWING REQUIREMENT		clovis unified
	SITE PLAN REVIEW	Fresho co. Five
() MAP CERTIFICATE () E	BUILDING PLANS	FMFCD
	BUILDING PERMITS WASTE FACILITIES PERMIT	NORTH King GISA
	SCHOOL FEES	FED
() ALUC or ALCC () (OTHER (see reverse side)	Kings River ConservationOVER
Rev 12/21/22 G:\4360Devs&PIn\FORMS\F226 Pre-	Application Review.docx	clovis memorial
		Chain Rathmarks.



County of Fresno

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

September 21, 2023

Blair Church & Flynn (Don Garmin) 451 Clovis Avenue Suite 200 Clovis Ca. 93612

Dear: Don Garmin

Pre-Application Review No. 23-012485

Proposal: Variance to waive lot size requirements to allow for the creation of a two (2) substandard 10-acre parcels from an existing 20-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum) Zone District. If approved, mapping procedure to follow.

Project Location: The subject parcel is located on the east side of Peach Avenue, 350 feet north of Behymer Avenue, approximately 1-mile from the City of Clovis. (APN: 580-072-19) (10152 N. Peach Avenue) (Sup. Dist. 5).

A Variance Application (VA) is required. I am enclosing the necessary forms to return for a complete application.

Variance Findings Required:

Attached are the necessary forms to file an application for the requested Variance. In order for the Planning Commission to approve a Variance, the Fresno County Ordinance requires that four mandatory Findings of Fact must be able to be made before a Variance may be granted (see Variance Findings on the back of the application form). Your response to how your circumstance justifies being able to make these Findings is crucial to your application.

Variances are intended to only allow a deviation from a required property development standard when there is an "exceptional" or "extraordinary" circumstance related to a physical feature of a property that makes it unlike other properties with the same zoning and deprives the property from enjoying the same opportunities as the surrounding properties.

A variance cannot to be used to remedy an economic hardship or suspend the provisions of the ordinance for an individual's personal circumstance. Granting of such a special unsubstantiated individual privilege is prohibited by state law.

Based on the limited information we currently have on your requested Variance; it does not appear that there is a unique physical feature associated with your property that would be the basis for being able to make the mandatory findings. While you always have the right to make an application and the Planning Commission makes the formal decision; unless you can articulate unique circumstances, Staff would not be able to recommend approval of the Variance to the Planning Commission.

Homesite Parcel Alternative:

In place of a variance the property owners could create a Homesite parcel if one of the three conditions listed below exists.

- 1. Financing- A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or
- 2. Blood Relative The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or
- 3. Continuous ownership since 1958 The present owner owned the property prior to the date these policies were implemented [1958] and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.

Parcel Map:

A separate application and filing fee will be required for the mapping processing of a Parcel Map. Please be advised that the County's fees, engineering costs, and time required to process the map can be considerable (six months to a year). For information on the mapping process, contact Development Engineering at (559) 600-4022.

City Sphere of Influence:

The subject property is located within the City of City of Clovis Sphere of Influence and is inconsistent with the City's' General Plan policies. It is recommended that you contact the City of Clovis and discuss your proposal prior to submitting your application.

City Referral:

The subject of the enclosed Pre-Application Review is a discretionary land use application within the City's Sphere of Influence. Under the Memorandum of Understanding between the City of City of Clovis and the County, this type of project must first be referred to the City for consideration of annexation. As indicated in the enclosed letter, the City has 105 days to proceed with the annexation process or release the project to the County for processing.

Preliminary Environmental Review:

A Preliminary Environmental Review (PER) of your application will be conducted. If staff determines in its investigation that potential environmental impacts may be evident, staff will then require you to file a formal Initial Study Application to review all environmental impacts associated with this project.

Flood Control District:

Projects within the Fresno Metropolitan Flood Control District (FMFCD) boundaries will be routed to FMFCD for review and comment. FMFCD will review your application and return a Notice of Requirements (NOR) form and a completed FMFCD Drainage Fee Calculation Worksheet to the County, if applicable. The NOR will include their Development review fees for

the NOR that are due prior to your project being scheduled for the Planning Commission or prior to DRA approval, and for a Grading Plan Review that is due upon first submittal of your grading plans for review. The calculated drainage fee provided will be valid through the following February, upon which the fee may be revised. Development review fees are to be paid by the applicant directly to FMFCD, with proof of payment provided to the County. Drainage fees can be paid to FMFCD or the County prior to the issuance of building permits by the County.

Agricultural Commission Review:

Your property is located in an area of agricultural land use. As such, the proposal will be routed to the Fresno County Department of Agriculture for review and comment by staff of the Agricultural Commissioner's Office. A Project Review Fee of \$34.00 will be charged for review of your proposal by this Department.

Fresno County Health Department Review:

The proposal will be routed to the Fresno County Department of Public Health, Environmental Health Division for review and comments. Project Review Fees of \$365.00 will be charged for review of your proposal by this Department.

Fire Protection:

You are located within the jurisdiction of the Fresno County Fire Protection District. The Fresno County Fire Protection District conducts plan reviews on all projects to confirm that certain fire and life safety issues are addressed. Some examples of fire and life safety issues are fire apparatus access, fire lanes, gates, water supply systems, fire suppression systems, fire alarm systems, high-piled storage, evacuation plans, exiting systems, and hazardous materials storage. It is suggested that you contact the Fresno County Fire Protection District at (559) 493-4359 to schedule a meeting to discuss the specific fire protection requirements for the project during the design stage of the project.

Recommended that you consult with surrounding property owners:

The Planning Commission and Board of Supervisors will often inquire about an Applicant's efforts to work with surrounding neighbors of the project, it is recommended prior to your application and/or hearing before the Commission, you contact the surrounding property owners and residents to determine if there are concerns and/or support for your project. Surrounding property owners will receive applicable notices in the mail. The public will have the opportunity to comment on the project in writing or present testimony at the public hearings.

Revision to Applications:

It is important that applications be well defined when they are submitted if a project needs to be revised after the initial routing it will delay the processing. A new Application with the revised project description must be submitted with new signatures along with a 25% revision fee.

BELOW ARE THE FILING REQUIREMENTS FOR YOUR PROJECT:

<u>Application Form</u>: This application is a green form. Please fully complete the owner, applicant, and representative portions of the application. All owners included on the Grant Deed must sign the application. An electronic version of the form is available. Please contact us via email to receive the electronic version.

<u>Agent Authorization Form</u>: The Agent Authorization form is only required when a property owner grants authority to an individual to submit and/or pursue a land use entitlement application on their behalf.

<u>Initial Study Application:</u> This application form is a stapled five-page form. Please complete and sign.

<u>Pre-Application Review</u>: Please return the completed Pre-Application Review sheet with your formal application submittal. The information provided on this sheet will be needed to complete the application. (Note: The Pre-Application Fee of \$247.00 will be applied to the Filing Fee if a formal application is submitted within six months of the date on the Pre-Application form. The following Filing Fee information assumes that the application will be filed within the six-month time period.)

<u>Legal Description</u>: Submit a copy of the Grant Deed to the property with the legal description. (Note: The legal description must correlate with the property boundaries depicted on the Site Plan drawing.)

<u>Site Plans:</u> Four (4) <u>folded</u> copies of a detailed Site Plan are required. We route projects for comments electronically, therefore we request that electronic versions of all drawings be submitted in PDF format. If that is not possible, we require one black-line print in either 8½"x11" or 11"x17" size so that it can be scanned. Please refer to the back of the application for detailed requirements on preparing Site Plans. It is important that all requirements are met in order for the Site Plan to be acceptable. Therefore, you may wish to review the Site Plan with a Planner prior to submitting the application. In addition, four (4) <u>folded</u> copies of the Floor Plan and Elevations are required, as well as an electronic PDF version or reduction as described above.

<u>Variance Findings:</u> Please submit a detailed, typed narrative that addresses each of the four Variance Findings that appear on the reverse side of the application. Please call me if you have questions regarding the Variance Findings. The Planning Commission must find that all four apply to your project in order for it to be approved.

<u>Photographs</u>: Provide labeled photos of panoramic views of the property (north, south, east, and west).

Filing Fees:

Variance (VA) Application	\$ 6,049.00
Preliminary Environmental Review (PER)	\$ 259.00
Agricultural Commissioner Review	\$ 34.00
Public Health Environmental Review	\$ 365.00
Minus the \$247.00 Pre-Application Credit	\$ - 247.00
Please make check payable to "Fresno County" for:	\$ 6,460.00

(2.219% Transaction Fee is added for Credit Cards)

<u>FMFCD fees:</u> Additional Fresno Metropolitan Flood Control District (FMFCD) fees may be required prior to the issuance of any permits. These fees will be identified during the application process.

As prescribed by the Zoning Ordinance, the Planning Commission will make a decision on the application following a public hearing. The Planning Commission hearing should occur approximately four to six months from the date the application is submitted; however, this time frame will be extended if reviewers request additional information, or if review by the State Clearinghouse is needed. Please note that if review comments are not received from certain key reviewing agencies in response to our initial request for comments, staff will continue to pursue formal comments from those agencies so as to provide for the most complete project analysis possible. This may result in additional processing time. Also, please note that an appeal of the Planning Commission's decision would add additional time because it would necessitate a hearing before the Board of Supervisors, who would then make the final decision.

In order to save time processing your application, we recommend that you or your representative schedule a meeting to review your application submittal prior to filing a formal application.

If you have any questions regarding the information described in this letter or wish to schedule a meeting concerning the filing of an application, please contact me at rperaza@co.fresno.ca.us or (559) 600-4224.

Sincerely,

Reymundo Peraza

Reymundo Peraza, Planner Development Services and Capital Projects Division

RP \\pacific\pwp\4360Devs&PIn\PROJSEC\PRE-APPS\2023\23-012485 (VA)\23-012485 Pre-App Letter.docx

Enclosures

97146750

Recording Requested By and When Recorded Return To:

Kenneth J. Fransen Bolen, Fransen & Boostrom LLP 414 Pollasky Avenue Clovis, CA 93612 AT 30_MIN PAST 30_M

RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA 2

NOV 3 1997

FRESNO COUNTY, CALIFORNIA WILLIAM C. GREENWOOD, County Recorder JODI CAMP SY DEPUTY RECORDER

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX IS \$ -0-

Assessor's Parcel No. 301-052-19

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, WILLIAM S. SMITTCAMP and LINDA L. SMITTCAMP, husband and wife, hereby GRANT(S) to WILLIAM S. SMITTCAMP and LINDA L. SMITTCAMP, Co-Trustees of the WILLIAM S. SMITTCAMP AND LINDA L. SMITTCAMP LIVING TRUST, under Declaration of Trust dated Mula (1), 1997, the following described real property in the County of Fresno, State of California:

Parcel 2 of Parcel Map No. 2719, recorded in Book 22, Page 26 of Parcel Maps, Fresno County Records.

THIS GRANT IS MADE EXPRESSLY SUBJECT TO ALL ENCUMBRANCES DONE, MADE OR SUFFERED BY THE GRANTOR(S), OR ANY PERSON CLAIMING UNDER THE GRANTOR(S).

Dated: March 1997

SMITTCAMP

MAIL TAX STATEMENTS TO:

Mr. and Mrs. William S. Smittcamp, 100 West Alluvial Avenue, Clovis, CA 93611

002\22155.002\GrantDeed(301-052-19)

STATE OF CALIFORNIA) COUNTY OF <u>Hebho</u>

On <u>MANCH 12</u>, 1997, before me, <u>Valletic L. Hutter</u>, notary public, personally appeared WILLIAM S. SMITTCAMP, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



alerie & Heatt

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STATE OF CALIFORNIA COUNTY OF HEAD

On <u>MARCH 12</u>, 1997, before me, <u>Walkric L. Huller</u>, notary public, personally appeared LINDA L. SMITTCAMP, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Valerie & Heater

002\22155.002\GrantDeed(301-052-19)

EXHIBIT "A"

Existing Legal Description

4

Parcel 2 of Parcel Map No. 2719, recorded in Book 22. Page 26 of Parcel Maps, Fresno County Records.



County of Fresno

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

INITIAL STUDY APPLICATION

INSTRUCTIONS

Answer all questions completely. An incomplete form may delay processing of your application. Use additional paper if necessary and attach any supplemental information to this form. Attach an operational statement if appropriate. This application will be distributed to several agencies and persons to determine the potential environmental effects of your proposal. Please complete the form in a legible and reproducible manner (i.e., USE BLACK INK OR TYPE).

IS No	
Project	2
No(s)	
Application Rec	'd.:

GENERAL INFORMATION

1. Property Owner : William S. & Linda L. Smittcamp Trust Phone/Fax 559-299-2901

	Mailing 100 W. Alluvial Ave.	Clovis	CA 93611
	Street	City	State/Zip
2.	Applicant : William S. Smittcamp		Phone/Fax: 559-299-2901
	Mailing 100 W Alluvial Ave.	Clovis	CA 93611
	Street	City	State/Zip
3.	Representative: Dirk Poeschel Land Deve	lopment Services, I	nc. Phone/Fax: 559-445-0374
	Mailing Address: 923 Van Ness Ave., Suit	te 200 Fresno	o, CA 93721
	Street	City	State/Zip
4.	Proposed Project: Approve the crea	ation of two, 1	0.0 +/- acre homesites from an
	existing 20.0 +/- acre parcel within the	AE-20 Zone Distr	ict.
5.	Project Location: The subject parcel	is located on the	e east side of Peach Ave., 350 feet
	north of Behymer Ave., approximate	ely 1-mile from th	ne City of Clovis.
6.	Project Address: 10152 N. Peach Ave).	
7.	Section/Township/Range: <u>18</u> /12s	21e8	. Parcel Size: 20.0 +/- Ac.
9.	Assessor's Parcel No. 580-072-19		<i>OVER</i>

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200 The County of Fresno is an Equal Employment Opportunity Employer

- 10. Land Conservation Contract No. (If applicable): N/A
- 11. What other agencies will you need to get permits or authorization from:

LAFCo (annexation or extensi	on of services) SJVUAPCD (Air Pollution Control District)
CALTRANS	Reclamation Board
Division of Aeronautics	Department of Energy
Water Quality Control Board	Airport Land Use Commission
Other	

12. Will the project utilize Federal funds or require other Federal authorization subject to the provisions of the National Environmental Policy Act (NEPA) of 1969? Yes X No

If so, please provide a copy of all related grant and/or funding documents, related information and environmental review requirements.

- 13. Existing Zone District¹: AE-20 (Exclusive Agricultural, 20-acre minimum)
- 14. Existing General Plan Land Use Designation¹: Agriculture

ENVIRONMENTAL INFORMATION

15. Present land use: <u>Agriculture/Residential</u> Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing these improvements:

See Variance findings for more details.

Describe the major vegetative cover:

Any perennial or intermittent water courses? If so, show on map: Yes, please see attached Assessors Parcel Map.

Is property in a flood-prone area? Describe: None.

16. Describe surrounding land uses (e.g., commercial, agricultural, residential, school, etc.):

North: Agricultural/Residential

South: Agricultural/Residential

East: Agricultural/Residential

West: Agricultural

- 17. What land use(s) in the area may be impacted by your Project?: None.
- 18. What land use(s) in the area may impact your project?: None.

19. Transportation:

- NOTE: The information below will be used in determining traffic impacts from this project. The data may also show the need for a Traffic Impact Study (TIS) for the project.
- A. Will additional driveways from the proposed project site be necessary to access public roads? Yes X No

B. Daily traffic generation:

<i>I</i> .	Residential - Number of Units	1
	Lot Size	10.0 +/- Ac.
	Single Family	1
	Apartments	
II.	Commercial - Number of Employees	
	Number of Salesmen	
	Number of Delivery Trucks	
	Total Square Footage of Building	

III. Describe and quantify other traffic generation activities: Typical single-family residential traffic.

20. Describe any source(s) of noise from your project that may affect the surrounding area: None.

21. Describe any source(s) of noise in the area that may affect your project: None.

22. Describe the probable source(s) of air pollution from your project: None.

23.	Proposed source of water:	
	(X) private well	
	() community system ³ name:	OVER

24.	Anticipated volume of water to be used (gallons per day) ² : Typical residential water use.			
25.	Proposed method of liquid waste disposal: (X · septic system/individual () community system ³ -name			
26.	Estimated volume of liquid waste (gallons per day) ² :			
27.	Anticipated type(s) of liquid waste:			
28.	Anticipated type(s) of hazardous wastes ² :			
29.	Anticipated volume of hazardous wastes ² : <u>N/A</u>			
30.	Proposed method of hazardous waste disposal ² :			
<i>31</i> .	Anticipated type(s) of solid waste:			
<i>32</i> .	Anticipated amount of solid waste (tons or cubic yards per day):Typical residential waste.			
33. 2	Per Fresno County standards.			
34.	Proposed method of solid waste disposal:			
35.	Fire protection district(s) serving this area:			
36.	Has a previous application been processed on this site? If so, list title and date:			
37.	Do you have any underground storage tanks (except septic tanks)? Yes No			
38.	If yes, are they currently in use? Yes No			
W	To the best of my knowledge, the foregoing information is true. WILLSSATCON 12-7-23 SIGNATURE DATE			

¹Refer to Development Services and Capital Projects Conference Checklist ²For assistance, contact Environmental Health System, (559) 600-3357 ³For County Service Areas or Waterworks Districts, contact the Resources Division, (559) 600-4259

(Revised 12/14/18)

NOTICE AND ACKNOWLEDGMENT

INDEMNIFICATION AND DEFENSE

The Board of Supervisors has adopted a policy that applicants should be made aware that they may be responsible for participating in the defense of the County in the event a lawsuit is filed resulting from the County's action on your project. You may be required to enter into an agreement to indemnify and defend the County if it appears likely that litigation could result from the County's action. The agreement would require that you deposit an appropriate security upon notice that a lawsuit has been filed. In the event that you fail to comply with the provisions of the agreement, the County may rescind its approval of the project.

STATE FISH AND WILDLIFE FEE

State law requires that specified fees (effective January 1, 2021: \$3,445.25 for an EIR; \$2,480.25 for a Mitigated/Negative Declaration) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.

The following projects are exempt from the fees:

- 1. All projects statutorily exempt from the provisions of CEQA (California Environmental Quality Act).
- 2. All projects categorically exempt by regulations of the Secretary of Resources (State of California) from the requirement to prepare environmental documents.

A fee exemption may be issued by CDFW for eligible projects determined by that agency to have "no effect on wildlife." That determination must be provided in advance from CDFW to the County at the request of the applicant. You may wish to call the local office of CDFW at (559) 222-3761 if you need more information.

Upon completion of the Initial Study you will be notified of the applicable fee. Payment of the fee will be required before your project will be forwarded to the project analyst for scheduling of any required hearings and final processing. The fee will be refunded if the project should be denied by the County.

Applicant's Signature

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County of Fresno

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

AGENT AUTHORIZATION

AUTHORIZATION OF AGENT TO ACT ON BEHALF OF PROPERTY OWNER

The Agent Authorization form is required whenever a property owner grants authority to an individual to submit and/or pursue a land use entitlement application on their behalf. This form must be completed by the property owner and submitted with the land use entitlement application to confirm that the property owner has granted authority to a representative to sign application forms on their behalf and represent them in matters related to a land use entitlement application.

The below named person is hereby authorized to act on my behalf as agent in matters related to land use entitlement applications associated with the property listed below.

Dirk Poeschel	Land Development Services, Inc.
Agent Name (Print or Type)	Company Name (Print or Type)
923 Van Ness Ave., Suite 200	Fresno, CA 93721
Mailing Address	City / State / Zip Code
559-445-0374	maria@dplds.com
Phone Number	Email Address
580-072-19	10152 N. Peach Ave.
Project APN	Project Street Address

A list consisting of _____ additional properties is attached (include the APN for each property).

Project Description (Print or Type):

Request approval of a Variance to create two, 10.0 +/- acre homesites from

an existing 20.0 +/- acre parcel in the AE-20 Zone District.

The undersigned declares under penalty of perjury that they own, possess, control or manage the property referenced in this authorization and that they have the authority to designate an agent to act on behalf of all the owners of said property. The undersigned acknowledges delegation of authority to the designated agent and retains full responsibility for any and all actions this agent makes on behalf of the owner.

All S Sitcan	\bigcirc	DEL	- 7.	2023	
Öwner Signature	~	Date			
William S. Smittcamp	559-299-290	1 Bills@	Bills@wawona.com		
Owner Name (Print or Type)	Phone Number	Email A	Address		

* If the legal owner of the property is a corporation, company, partnership or LLC, provide a copy of a legal document with this authorization form showing that the individual signing this authorization form is a duly authorized partner, officer or owner of said corporation, company, partnership or LLC.

G:\4360Devs&PIn\FORMS\F410 Agent Authorization 8-14-19.doc

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION 2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200 The County of Fresno is an Equal Employment Opportunity Employer

VARIANCE FINDINGS Mr. Bill Smittcamp 10152 N. Peach Ave.

December 11, 2023

Owner & Applicant:

Mr. William S. & Mrs. Linda L. Smittcamp 100 W. Alluvial Ave. Clovis, CA 93611

Representative:

Mr. Dirk Poeschel Dirk Poeschel Land Development Services, Inc. 923 Van Ness Ave., Suite 200 Fresno, CA 93721 559-445-0374

Property Location:

10152 N. Peach Ave., Clovis, CA 93619; on the north side of Behymer Ave., between Peach and Minnewawa Avenues, in Clovis.

APN:

580-072-19

Existing General Plan Land Use Designation:

Fresno County - Agriculture

City of Clovis - MH (Medium High-Density Residential; 7.1–15.0 du/ac)

Existing Zone Designation:

Fresno County AE-20 (Exclusive Agricultural, 20-acre minimum)

Request:

Grant a Variance to allow the creation of two, 10.0 + - acre parcels from an existing 20.0 + - acre parcel in the AE-20 Zone District. Mapping procedure to follow.

Background:

The property owners, Mr. William S. & Mrs. Linda L. Smittcamp, own a 20 +/- acre parcel located at 10152 N. Peach Ave., Clovis, on the north side of Behymer Ave., between Peach and

Minnewawa Avenues. The Enterprise Canal is located north of the site (see *Figure 1-Annotated Site Aerial* below). Access to the project site is from N. Peach Ave., which connects to E. Behymer Ave.

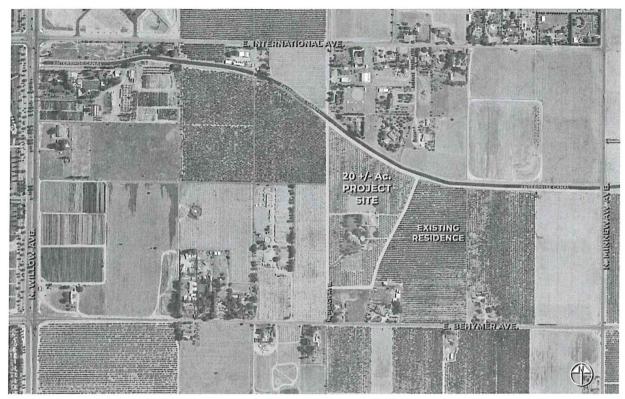


Figure 1 – Annotated Site Aerial

Previously, Mr. & Mrs. Smittcamp gave their son the existing 6,189 sq. ft. home on the subject 20-acre parcel. Mr. & Mrs. Smittcamp now desire to construct a residence for themselves on *Proposed Parcel 1*. The existing residence on *Proposed Parcel 2* will remain. Please see the attached site plan depicting *Proposed Parcel 1* and *Proposed Parcel 2* prepared by Blair, Church & Flynn. The 20-acre parcel site contains 13.5 +/- acres of firestone peach orchards. The applicant will continue to farm the peach orchards, therefore no impact to agriculture will occur with the proposed home site creation.

Irrigation water is allocated from the Enterprise Canal located to the north of *Proposed Parcel 1*. The 20-acre parcel is served by the Fresno Irrigation District.

The subject 20-acre parcel is designated and zoned Exclusive Agriculture (AE-20) in the Fresno County General Plan. The subject parcel is outside of the City of Clovis, but within the city's Sphere of Influence and designated for MHD (Medium High Density Residential) per the Heritage Grove Master Plan. The City of Clovis incorporation line is immediately west of the subject site. Eminent urban development is proposed immediately adjacent to the Smittcamp property.

To the east, a single-family residential development project is being proposed by Granville Homes. Per city staff, the Tentative Tract Map application has not formally been submitted for this proposal. Generally, to the south a single-family residential project proposed by De Young Properties is currently in review by the City of Clovis. For reference, see *Figure 2 – De Young Properties Conceptual Site Plan* below.

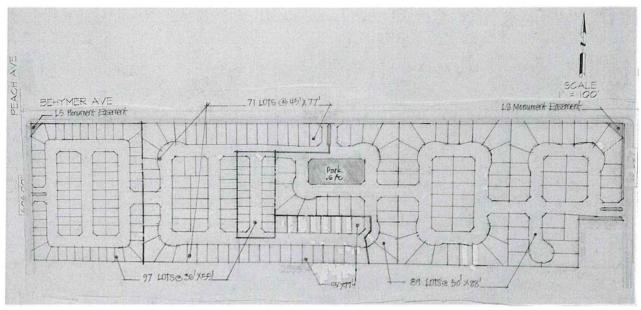


Figure 2 - De Young Properties Conceptual Site Plan

The existing home site is served by a domestic well and septic system. It is understood by Mr. Smittcamp that the City of Clovis will require the new residence to connect to city water and sewer. In the interim, Mr. Smittcamp will share the well with the existing residence on *Proposed Parcel 2*.

Conversations with senior City of Clovis Planning & Development staff on November 21, 2023, confirmed that annexation of the subject property into the City of Clovis could occur with the development of the proximate proposed residential subdivisions described above. However, the timing and surety of the development is not clear and therefore incompatible with Mr. Smittcamp's building schedule. City of Clovis planners agree that the proposed homesite creation does not preclude the future development of the subject site to the city's planned higher density residential uses.

At the November 21, 2023, meeting, Mr. Smittcamp committed to the City of Clovis that he will not oppose annexation and that he recognizes that the subject proposal will be subject to City of Clovis development standards and fees. This commitment assures that proposed land division will be consistent with the planned urbanization standards contemplated by the city and compatible with surrounding future uses.

Finding 1:

Does the strict application of the Zoning Ordinance deprive this property of privileges enjoyed by other properties in the vicinity and in an identical zoning district due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings? The neighborhood proximate and adjacent to the subject parcel is rapidly urbanizing. The City of Clovis designates the site for *medium high density residential* uses which has a residential density range of 7.1 to 15.0 units per acre.

The applicant has a right to develop his property consistent with its neighborhood character, proximate density of other single-family homes in the AL-20 zone district proximate to the subject property.

The applicant desires to create the proposed homesite which is necessary to preserve the applicant's ability to comply with the existing residential character of the neighborhood.

Finding 2:

Would this variance grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located?

The proposed Variance will not grant a special privilege because the proposed parcels are consistent in size with the surrounding neighborhood. Further, the proposed parcels are designated for the *medium high density* residential uses in the City of Clovis adopted General Plan.

The County General Plan and related agreements and policies contemplate the parcel developing in the City of Clovis as the subject property is within the City of Clovis Sphere of Influence as is the surrounding neighborhood.

The Sphere of Influence is a formal plan agreed to by the city and county that the city should control development. The City of Clovis and County of Fresno both agreed the property should ultimately develop in the city. Eventually, the subject property will be annexed into the city.

Finding 3:

If granted, would the requested variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?

Granting the proposed Variance will not be detrimental to surrounding properties for various reasons. The site will be improved with one single-family residence, garage, and other improvements. The proposed home will be an attractive and positive attribute to the neighborhood and community.

The subject site has frontage on N. Peach Ave., which is a public road of adequate width and pavement to serve the proposed home sites.

The proposed parcels will ultimately be served by City of Clovis water services and sewer. The site is also within the Fresno Metropolitan Flood Control District; therefore, erosion and flooding issues will not occur as the parcels will comply with that agency's development standards.

Ultimately, the applicant will install curb and gutter, sidewalks, street, and other improvements as required by the City of Clovis therefore being comparable with surrounding urban

development. Mr. Smittcamp has also agreed to pay all applicable City of Clovis development fees and to develop the proposed parcels in accordance with city standards. No variations in setback standards of either the county or city are required.

Based on the aforementioned information, no adverse impacts will occur to surrounding properties.

Finding 4:

1

If granted, would the requested variance be in conflict with established general and specific plans and policies of the county?

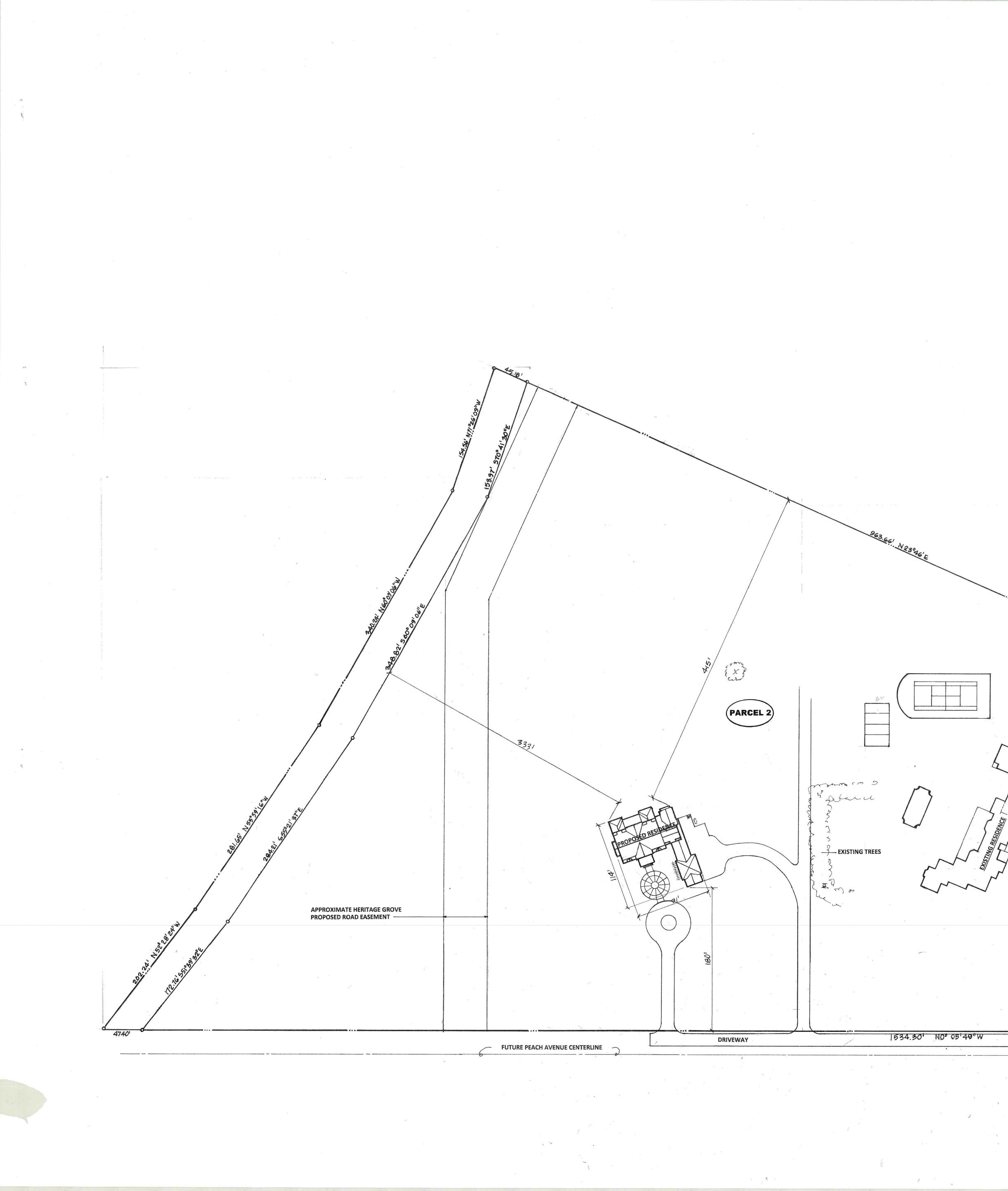
The project is within the Sphere of Influence of the City of Clovis that plans the site to be developed for *medium high density residential* uses. Over the past decades, the city and county has relied on the *Joint Resolution on Metropolitan Planning* among other agreements and policies between the City of Clovis and the County to direct urbanization to the city. Consistent with that Joint Resolution on Metropolitan Planning, the project will occur *within the city's sphere of influence …in a manner that reflects the city's concurrence* and will be accomplished in a manner that promotes the logical and orderly development of areas within the sphere.

The development will be *orderly* as the applicant has agreed to develop the proposed parcels to City of Clovis standards *and will not result in the premature conversion of agricultural lands* as the applicant intends to continue agricultural operations on the property at least until annexation into the City of Clovis occurs. Further, the applicant will not oppose annexation into the City of Clovis.

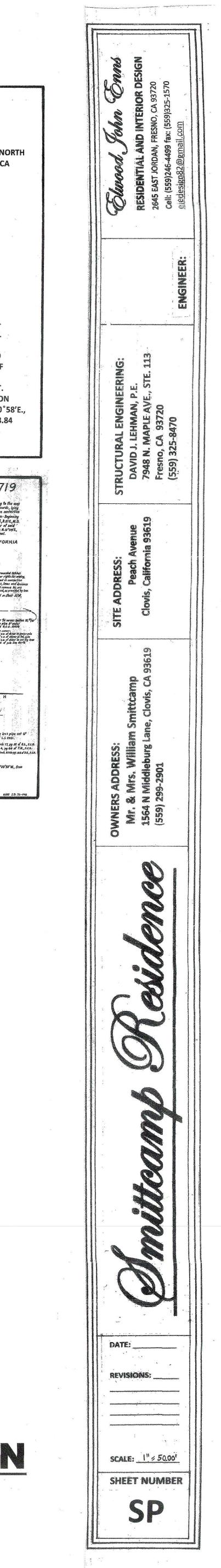
Fresno County General Plan Goal LU-A-1 seeks to *direct urban growth away from valuable agricultural lands to cities....in areas planned for such development were public facilities and infrastructure are available*. As previously mentioned, Mr. Smittcamp has also agreed to pay all applicable City of Clovis development fees and to develop the proposed parcels in accordance with city standards.

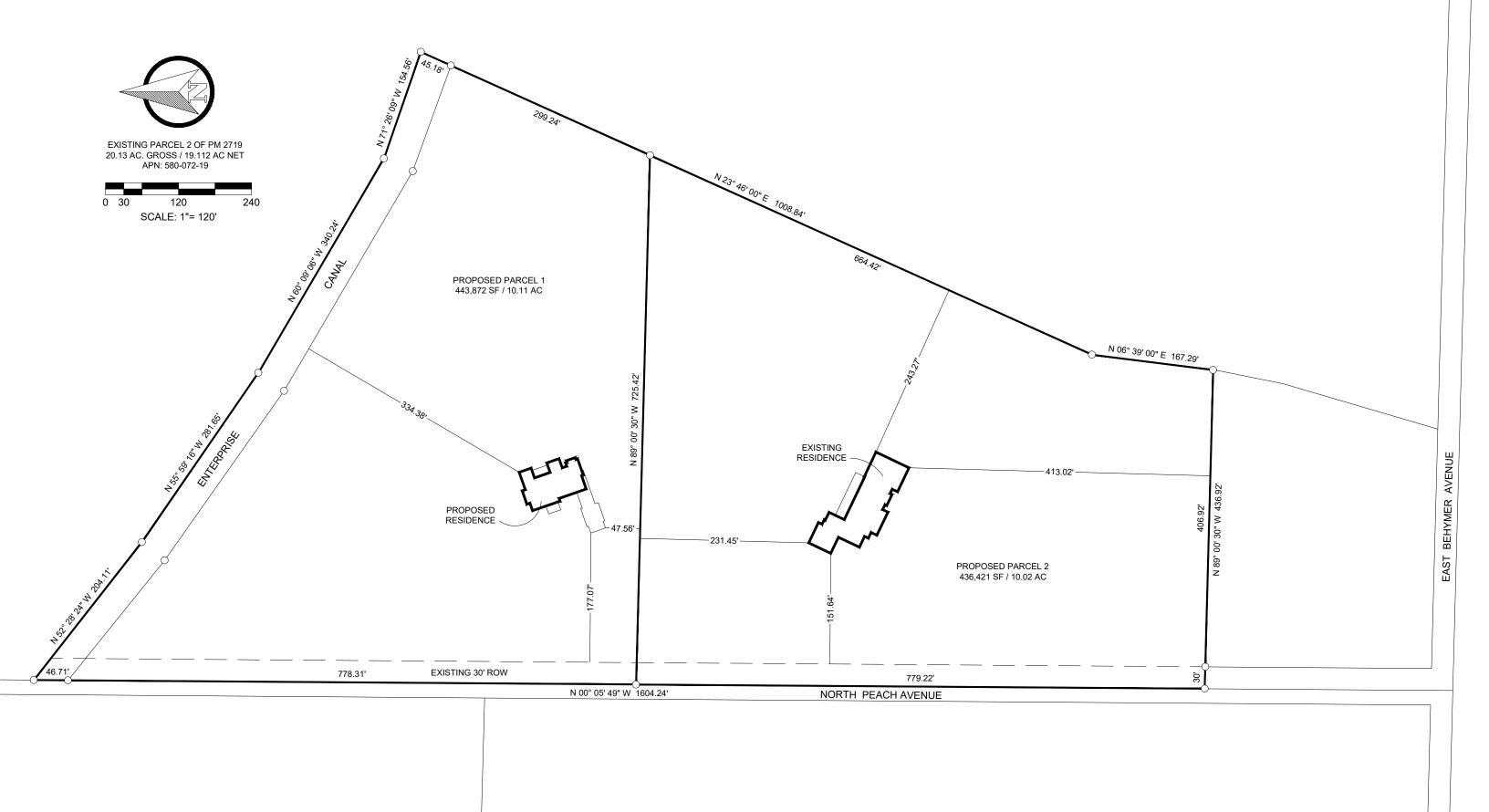
The property is in an area rapidly urbanizing. Nonetheless, the applicant intends to jointly farm the proposed parcels with his son, continuing the parcel's agricultural use at least until annexation into the City of Clovis occurs. The applicant has extensive experience in agricultural production and agribusiness believes that the subject property remains a viable farming unit.

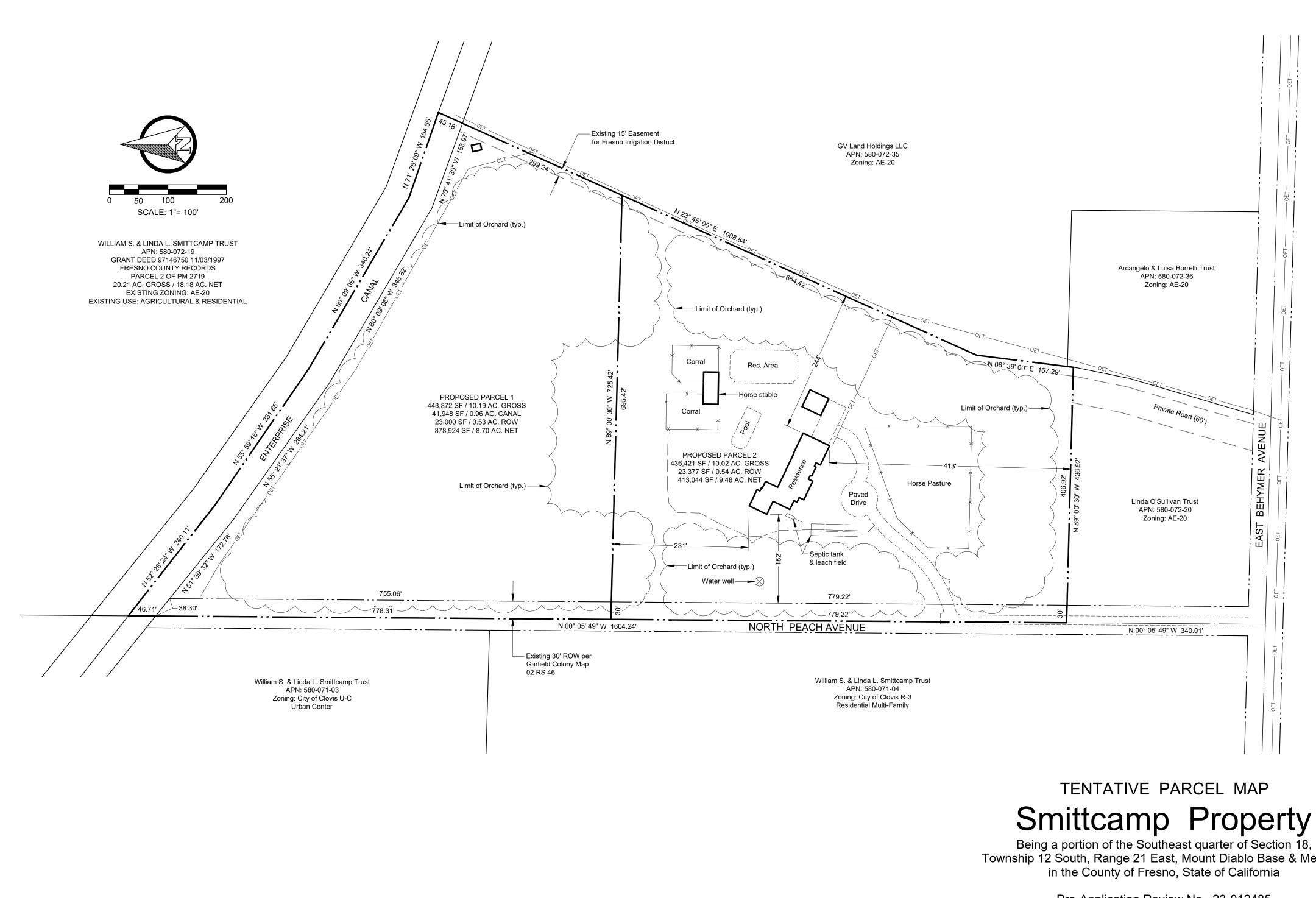
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	SITE D	ATA	90 B) B
	LOCATION	PARCEL 2, NORTH OF THE NORTH EAST COR PEACH AVENUE & EAST BEHYMER AVENUE,	
	ZONE	AE20	CLOVIS, CA
	FLOOD ZONE	ZONE C	
	ASSESSOR'S PARCEL	NO. 301-052-19	9
	LEGAL DESCRIPTION	BEING A DIVISION OF THAT PORTION OF LOT AND 4 OF GARFIELD COLONY, ACCORDING T MAP THEREOF IN BOOK 2 PAGE 46 OF RECO SURVEYS, FRESNO COUNTY RECORDS, LYING ERLY OF THE CENTERLINE OF THE ENTERPRIS AND WESTERLY OF THE LOS ALMOS CANAL, CENTERLINE BEING MORE PARTICULARLY DE AS: BEGINNING AT THE POINT OF THE SOUTI SOUTHEAST QUARTER OF SECTION 18.,T12S, M.D. B.&M., WHICH BEARS N 89°00'30" E., 3 FROM THE SOUTH QUARTER CORNER OF SAI 18; THENCE AS FOLLOWS: N 15°48'E., 252.00 90.00 FT; N 6°39'E., 175.00 FT; AND N 23°46' FT. TO THE CENTERLINE OF THE ENTERPRISE	O THE RD OF SOUTH- SE CANAL SAID SCRIBED H LINE OF R21E, 849.70 FT. ID SECTION FT.; N10°58' ' E., 1008.84
Martin Title and Andrew	All for all the assessment of the second sec	And the standard of the standard of the service is a provide standard of the s	IEET id Galanj, according to the an i, Fresha County Records, lying al Wastarly of the centerful wall with the senterful wall of the centerful wall of the senterful in the fortury of the centerful is Section 18, 718 S, R. 2015, if the fortury is canad. TE OF CALIFORNIA 1975 IG, INC. PHONE 200-7821 Trice, to Withelm Mail, recorded Oth in and central activation is centered in the fortury security of the center is and the section is control in the fortury security of the center is the fortury security of the center is the fortury security of the center is the section of the conterpoly of the interful activation of the security of the center is the section of the conterpoly of the security of the is the section of the security of the center is the section of the security of the security of the security is the section of the security of the security of the security is the section of the security of the security of the security is the section of the security of the security of the security is the section of the security of the security of the security is the section of the security of the security of the security is the section of the security of the secu
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		AOS 92' SB9" OG 'OD	
			2







Being a portion of the Southeast quarter of Section 18, Township 12 South, Range 21 East, Mount Diablo Base & Meridian

Pre-Application Review No. 23-012485

