



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 6 December 8, 2016

**SUBJECT:** Variance Application No. 3994

Allow creation of a 1.4-acre parcel, a 4.5-acre parcel and a 5.5-acre parcel from an existing 1.38-acre parcel and an existing 10.41-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject property is located on the west side of Russell Avenue, between Althea and Nees Avenues, approximately nine miles west of the nearest city limits of the City of Firebaugh (10409 N. Russell Avenue, 10453 N. Russell Avenue, 10501 N. Russell Avenue, 10513 N. Russell Avenue) (Sup. Dist. 1) (APNs 004-120-20s, 004-120-21s).

**OWNER/APPLICANT:** Charles Ram

**STAFF CONTACT:** Derek Chambers, Planner  
(559) 600-4205

Chris Motta, Principal Planner  
(559) 600-4227

**RECOMMENDATION:**

- Deny Variance No. 3994; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Condition of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor's Map
6. Applicant's Submitted Findings
7. Site Plan

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	APN 004-120-20S: 1.38 acres  APN 004-120-21S: 10.41 acres	1.4 acres  4.5 acres  5.5 acres
Project Site	APN 004-120-20S: 1.38-acre parcel; single-family residence with attached garage and septic system; personal storage building (identified as "GARAGE" on Site Plan)  APN 004-120-21S: 10.41-acre parcel; two single-family residences with septic systems; ground-mount photovoltaic solar power generation equipment (personal use – not utility scale); detached garage; seven personal storage buildings; commercial irrigation supply and service operation comprised of five structures utilized for office space, workshops and storage	1.4-acre Parcel: single-family residence with septic system and detached garage; six personal storage buildings  4.5-acre Parcel: single-family residence with attached garage and septic system; personal storage building (identified as "GARAGE" on Site Plan); ground-mount photovoltaic solar power generation equipment (personal use – not utility scale)  5.5-acre Parcel: single-family residence with septic system; personal storage building; commercial irrigation supply and service operation comprised of five structures utilized for office space, workshops and storage

Criteria	Existing	Proposed
Structural Improvements	<p>APN 004-120-20S: single-family residence with attached garage and septic system; personal storage building (identified as "GARAGE" on Site Plan)</p> <p>APN 004-120-21S: two single-family residences with septic systems; ground-mount photovoltaic solar power generation equipment (personal use – not utility scale); detached garage; six personal storage buildings; commercial irrigation supply and service operation comprised of five structures utilized for office space, workshops and storage</p>	<p>1.4-acre Parcel: single-family residence with septic system and detached garage; six personal storage buildings</p> <p>4.5-acre Parcel: single-family residence with attached garage and septic system; personal storage building (identified as "GARAGE" on Site Plan); ground-mount photovoltaic solar power generation equipment (personal use – not utility scale)</p> <p>5.5-acre Parcel: single-family residence with septic system; personal storage building; five commercial structures utilized for office space, workshops and storage</p>
Nearest Residence	Approximately 1,735 feet south of the southern property lines of APN 004-120-20S and APN 004-120-21S	Approximately 1,735 feet south of the southern property line of the proposed 4.5-acre parcel
Surrounding Development	Agriculturally-related land uses with limited residential development	No change
Operational Features	<p>APN 004-120-20S: N/A (no non-residential use)</p> <p>APN 004-120-21S: N/A (existing commercial irrigation supply and service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)</p>	<p>1.4-acre Parcel: N/A (no non-residential use)</p> <p>4.5-acre Parcel: N/A (no non-residential use)</p> <p>5.5-acre Parcel: N/A (existing commercial irrigation supply and service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)</p>
Employees	<p>APN 004-120-20S: N/A (no non-residential use)</p> <p>APN 004-120-21S: N/A (existing commercial irrigation supply and service operation was previously authorized by</p>	<p>1.4-acre Parcel: N/A (no non-residential use)</p> <p>4.5-acre Parcel: N/A (no non-residential use)</p> <p>5.5-acre Parcel: N/A (existing</p>

Criteria	Existing	Proposed
	Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)	commercial irrigation supply and service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)
Customers	<p>APN 004-120-20S: N/A (no non-residential use)</p> <p>APN 004-120-21S: N/A (existing commercial irrigation supply and service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)</p>	<p>1.4-acre Parcel: N/A (no non-residential use)</p> <p>4.5-acre Parcel: N/A (no non-residential use)</p> <p>5.5-acre Parcel: N/A (existing commercial irrigation supply and service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)</p>
Traffic Trips	<p>APN 004-120-20S: residential traffic</p> <p>APN 004-120-21S: residential traffic and commercial traffic associated with the irrigation supply and service operation</p>	<p>1.4-acre Parcel: residential traffic</p> <p>4.5-acre Parcel: residential traffic</p> <p>5.5-acre Parcel: residential traffic and commercial traffic associated with the irrigation supply and service operation</p>
Lighting	<p>APN 004-120-20S: residential lighting</p> <p>APN 004-120-21S: residential lighting and commercial lighting associated with the irrigation supply and service operation</p>	<p>1.4-acre Parcel: residential lighting</p> <p>4.5-acre Parcel: residential lighting</p> <p>5.5-acre Parcel: residential lighting and commercial lighting associated with the irrigation supply and service operation</p>
Hours of Operation	<p>APN 004-120-20S: N/A (no non-residential use)</p> <p>APN 004-120-21S: N/A (existing commercial irrigation supply and service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on</p>	<p>1.4-acre Parcel: N/A (no non-residential use)</p> <p>4.5-acre Parcel: N/A (no non-residential use)</p> <p>5.5-acre Parcel: N/A (existing commercial irrigation supply and service operation was previously authorized by Conditional Use</p>

Criteria	Existing	Proposed
	July 23, 1992)	Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No**

**ENVIRONMENTAL DETERMINATION:**

It has been determined pursuant to Section 15061.b.3 of the California Environmental Quality Act (CEQA) Guidelines that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to eight property owners within 1,320 feet of the subject property, exceeding the 300-foot minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Variance (VA) may be approved only if four Findings specified in Zoning Ordinance Section 877 are made by the Planning Commission.

Specifically related to a VA, in order to make Findings 1 and 2, a determination must be made that the property is subject to an exceptional or extraordinary physical circumstance that does not apply to other properties in the same Zone District, and a substantial property right held by other property owners of like-zoned parcels in the area must be identified.

The decision of the Planning Commission on a VA is final unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

This proposal entails a request to allow creation of a 1.4-acre parcel, a 4.5-acre parcel and a 5.5-acre parcel from an existing 1.38-acre parcel and an existing 10.41-acre parcel where a 20-acre minimum parcel size is required for the creation of new lots.

According to the Variance Findings provided for this proposal, the Applicant desires to create an independent parcel for an existing commercial irrigation supply and service operation, which includes an existing single-family residence, and two other independent parcels for two other existing single-family residences located on the subject property.

The subject property was originally created as an 11.79-acre parcel by Parcel Map Waiver No. 3527, which was administratively approved by the Department of Public Works and Planning on October 11, 1976. The Zone District in effect at that time was AE-20 (Exclusive Agricultural, 20-acre minimum parcel size), which is the same Zone District currently in effect. The area where the subject property is located was originally zoned A-1 (Agricultural), which required a minimum parcel size of 100,000 square feet. However, on August 31, 1976, said area was rezoned from A-1 (Agricultural) to AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) by means of Amendment No. 2870, which was initiated by the County.

The subject 1.38-acre parcel was created from the original 11.79-acre parcel by means of Certificate of Compliance (COC) No. 2763, which was recorded on August 14, 1991, in order to convey said property to the Applicant as a Gift Parcel from his father, who was the property owner at that time. As is required for the creation of Gift Parcels, the Applicant's father and the Applicant recorded a Declaration of Intent and Acknowledgement of Penalty for Unlawful Conveyance (Declaration) prohibiting conveyance of the Gift Parcel to anyone except the Applicant. This Declaration must be released in order to record the Parcel Map that is required to effect the proposed parcelization, should the subject Variance request be approved. Further, this requirement for the Declaration to be released will be addressed during the Parcel Map Application process required to effect the proposed parcelization.

There have been no other Variance applications filed within a mile of the subject property.

**DISCUSSION:**

*Findings 1 and 2: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*

*Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	<p><u>1.4-acre Parcel:</u> Front (east property line): 90 feet Side (north property line): 1.5 feet Side (south property line): 10 feet Rear (west property line): 1 foot</p> <p><u>4.5-acre Parcel:</u> Front (east property line): 100 feet Side (north property line): 90 feet Side (south property line): 50 feet Rear (west property line): 30 feet</p> <p><u>5.5-acre Parcel:</u> Front (east property line): 30 feet Side (north property line): 2.6 feet Side (south property line): 2.6 feet</p>	<p><u>1.4-acre Parcel:</u> Yes (the improvements with a 1.5-foot side-yard setback, 10-foot side-yard setback, and 1-foot rear-yard setback are accessory structures which are allowed to be located on side and/or rear property lines in the AE-20 Zone District when said structures are located more than 100 feet from a front property line)</p> <p><u>4.5-acre Parcel:</u> Yes</p> <p><u>5.5-acre Parcel:</u> Yes [the improvement with a 30-foot front-yard setback is an existing single-family residence constructed</p>

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		line): 210 feet Rear (west property line): 285 feet	prior to building permit requirements and the existing setback will not be affected by this Variance proposal; the improvement with a 2.6-foot side-yard setback is an existing commercial building previously authorized by Conditional Use Permit No. 2568 (which was approved by the Planning Commission on July 23, 1992) and the existing setback will not be affected by this Variance proposal]
Parking	<u>Residential:</u> No requirements  <u>Commercial:</u> One standard parking space for every two permanent employees; one parking space for the disabled for every 40 standard parking spaces required	1.4-acre Parcel: N/A (no non-residential use)  4.5-acre Parcel: N/A (no non-residential use)  5.5-acre Parcel: N/A (existing commercial irrigation supply and service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)	1.4-acre Parcel: N/A (no non-residential use)  4.5-acre Parcel: N/A (no non-residential use)  5.5-acre Parcel: N/A (existing commercial irrigation supply and service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	1.4-acre Parcel: N/A (no new development proposed)  4.5-acre Parcel: N/A (no new development proposed)  5.5-acre Parcel: N/A (existing commercial irrigation supply and	1.4-acre Parcel: N/A (no new development proposed)  4.5-acre Parcel: N/A (no new development proposed)  5.5-acre Parcel: N/A (existing commercial irrigation supply and

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)	service operation was previously authorized by Conditional Use Permit No. 2568, which was approved by the Planning Commission on July 23, 1992)
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

**Reviewing Agencies/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: The AE-20 Zone District requires a minimum parcel size of 20 acres. Therefore, a Variance is required to waive the minimum parcel size requirement in order to create the proposed parcels. Additionally, there are no permit records for the six personal storage buildings located on the proposed 1.4-acre parcel. As such, construction plans for the unpermitted improvements shall be submitted to the Department of Public Works and Planning for review and approval, and any required building permits shall be obtained for the unpermitted improvements prior to recordation of the Parcel Map that is required to effect the parcelization, should the subject Variance request be approved. This requirement has been included as a Project Note.

**Analysis:**

In support of Finding 1, the Variance Findings provided for this proposal state that the existing commercial irrigation supply and service operation, which is a local company with 95% of its clientele located within 15 miles of the subject property, has been owned and operated by the current property owner's family for many years, and two generations of said family currently reside on the subject property.

With regard to Finding 1, staff does not believe the historic residential and commercial use of the subject property constitutes an extraordinary physical characteristic of the subject property which would demonstrate a circumstance meriting creation of the three proposed parcels.

In support of Finding 2, the Variance Findings provided for this proposal state that the division of the subject property into three parcels will create independent parcels for two of the existing single-family residences and the existing commercial irrigation supply and service operation. Additionally, there are five other parcels in the area of the subject property which are smaller than the 20-acre minimum parcel size required by the AE-20 Zone District. These other parcels range in size from 3.23 acres to 11.98 acres.



With regard to Finding 2, staff acknowledges that there are other parcels in the vicinity of the proposal that are smaller than 20 acres; however, none of these other parcels were created by means of a Variance. Further, denial of this Variance request would not deprive the Applicant of any right enjoyed by other property owners in the AE-20 Zone District, since all property owners in said District are subject to the same Development Standards.

**Noteworthy Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Findings 1 and 2 cannot be made.

*Finding 3: The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	2.50 acres 1.84 acres	Electrical Utility Substation owned and operated by Pacific Gas & Electric Company (PG&E)	AE-20	None
South:	18.66 acres	Field crops	AE-20	None
East:	335.21 acres	Orchard	AE-20	None
West:	368.19 acres	Field crops	AE-20	None

**Reviewing Agencies/Department Comments:**

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Russell Avenue is a County-maintained road classified as an Expressway. The minimum total width for an Expressway right-of-way is 126 feet. Russell Avenue has a variable existing right-of-way along the frontage of the subject property which ranges from 60 total feet, with 30 feet east and 30 feet west of the section line, to 80 total feet, with 30 feet east and 50 feet west of the section line. Additionally, the Fresno County Plan Line for Russell Avenue designates an ultimate right-of-way of 100 feet along the frontage of the subject property.

San Joaquin Valley Unified Air Pollution Control District (Air District): No concerns with the proposal.

Fresno County Department of Agriculture (Agricultural Commissioner’s Office): No concerns with the proposal.

Fresno County Department of Public Health, Environmental Health Division: It appears that each proposed parcel can accommodate individual septic systems meeting the mandatory setback requirements established in the California Plumbing Code and California Well Standards Ordinance. Building permit records indicate that the existing septic systems located on the proposed parcels were installed prior to 1993. It is recommended that the Applicant consider having the existing septic tanks pumped and leach 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. This recommendation has been included as a Project Note.

Fresno County Fire Protection District (Fire District): The proposed parcelization shall comply with the California Code of Regulations Title 24 – Fire Code, and County-approved Site Plans shall be submitted to the Fire District for review and approval prior to recordation of the Parcel Map that is required to effect the parcelization, should the subject Variance request be approved. This requirement has been included as a Project Note.

**Analysis:**

In support of Finding 3, the Variance Findings provided for this proposal state that the creation of the three proposed parcels will not affect any property used by the public. Additionally, the three driveways currently providing access to the subject property from Russell Avenue will remain unchanged with the creation of the three proposed parcels.

With regard to Finding 3, if approved, the granting of this Variance request will authorize creation of a 1.4-acre parcel with existing single-family residence located thereon, a 4.5-acre parcel with existing single-family residence located thereon, and a 5.5-acre parcel with existing single-family residence and existing commercial irrigation supply and service operation located thereon. Such uses are complimentary to and compatible with existing residential and agriculturally-related land uses in the vicinity of the proposal. Further, staff notes that a secondary residence could not be established on any of the proposed parcels as a matter of right. Considering the existing nature of the residential and commercial land uses located on the proposed parcels, and the surrounding residential and agriculturally-related land uses, staff believes that there will be no adverse aesthetic impact and no adverse effects on surrounding properties if the Variance is granted.

**Noteworthy Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 3 can be made.

*Finding 4: The granting of such a Variance will not be contrary to the objectives of the General Plan.*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-A.6: County shall maintain 20 acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than 20 acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.	The Applicant is requesting a Variance from the 20-acre minimum parcel size requirement of the AE-20 Zone District. See discussion below.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.7: County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>Creation of the proposed 5.5-acre parcel from the existing substandard sized parcel will separate an existing commercial irrigation supply and service operation from lands that are utilized for residential purposes and not agriculturally cultivated. Further, this Variance request would not increase the permitted residential density in the area. See discussion below.</p>
<p>General Plan Policy PF-C.17: County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: A) determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question; B) determination of the impact that use of the proposed water supply will have on other water users in Fresno County; and C) determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability.</p>	<p>This proposal was referred to the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning for review, which expressed no concerns with the proposal. Further, the subject property is not located in a designated water-short area.</p>

**Reviewing Agencies/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. General Plan Policies LU-A.6 and LU-A.7 state that the County shall generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture.

**Analysis:**

In support of Finding 4, the Variance Findings provided for this proposal quote the Fresno County General Plan Introduction as follows: *“The Fresno County General Plan is a comprehensive, long-term framework for the protection of the County’s agricultural, natural, and cultural resources and for development in the County.”* Additionally, the Findings further state that denial of the subject Variance request will not serve to protect any land being used for agricultural purposes, as the subject property is already being utilized for commercial and residential purposes. Additionally, no natural or cultural resources will be affected by the proposed parcelization, and no additional development is being proposed.

With regard to Policy LU-A.6, the subject property does not qualify for the creation of a parcel with less than 20 acres based on criteria outlined in Policies LU-A.9 through LU-A.11. These Policies provide opportunities for landowners to: retain a homesite parcel separate from an existing farming operation (LU-A.9), create a parcel of substandard size to operate an

agricultural commercial center (LU-A.10), or create a parcel of substandard size to support the recovery of mineral resources and the exploration and extraction of petroleum oil and gas.

With regard to Policy LU-A.7, creation of the proposed 5.5-acre parcel from the existing substandard sized parcel will separate an existing commercial irrigation supply and service operation from lands that are utilized for residential purposes and not agriculturally cultivated. Further, this Variance request would not increase the permitted residential density in the area.

Based on this analysis, Staff believes the Variance request is consistent with the General Plan, and is able to make Finding 4.

**Noteworthy Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Based on the factors cited in the analysis, staff is unable to make Findings 1 and 2. Therefore, staff recommends denial of Variance No. 3994.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 3994; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 3994, subject to the Conditions and Notes listed below; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

DC:ksn  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\3900-3999\3994\SR\VA3994 SR.docx

**Variance Application No. 3994  
Conditions of Approval and Project Notes**

**Conditions of Approval**

- |    |   |
|----|---|
| 1. | Division of the subject property shall be in accordance with the Site Plan approved by the Planning Commission. |
|----|---|

Conditions of Approval reference recommended 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.**

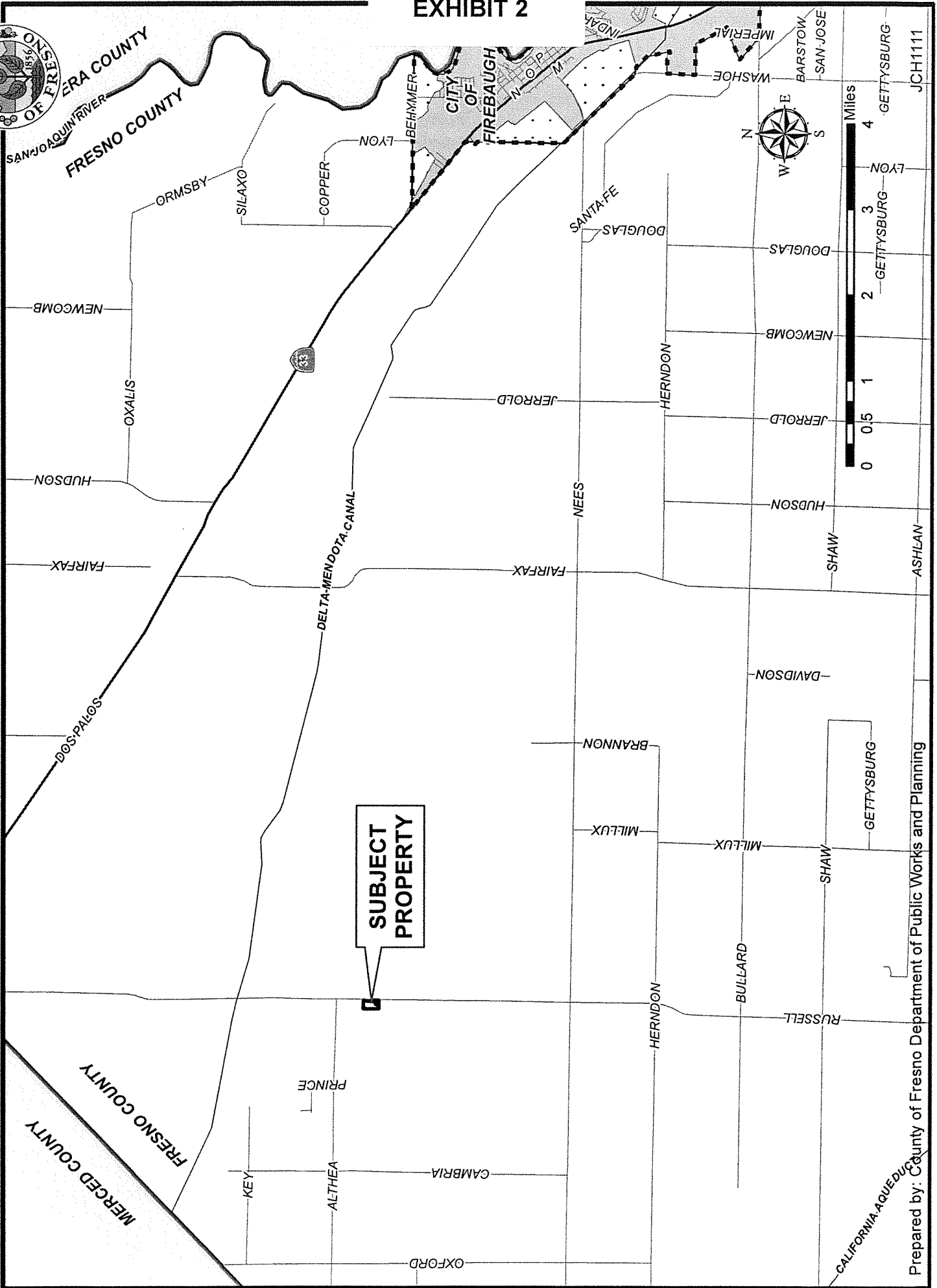
- |    |   |
|----|---|
| 1. | Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the proposed parcels. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.  |
| 2. | There are no permit records for the six personal storage buildings located on the proposed 1.4-acre parcel. As such, construction plans for the unpermitted improvements shall be submitted to the Department of Public Works and Planning for review and approval, and any required building permits shall be obtained for the unpermitted improvements prior to recordation of the Parcel Map that is required to effect the parcelization.                                   |
| 3. | Building permit records indicate that the existing septic systems located on the proposed parcels were installed prior to 1993. It is recommended that the Applicant consider having the existing septic tanks pumped and leach 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. |
| 4. | The proposed parcelization shall comply with the California Code of Regulations Title 24 – Fire Code, and County-approved Site Plans shall be submitted to the Fire District for review and approval prior to recordation of the Parcel Map that is required to effect the parcelization.   |



# EXHIBIT 2

## LOCATION MAP

VA 3994



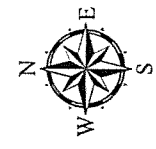
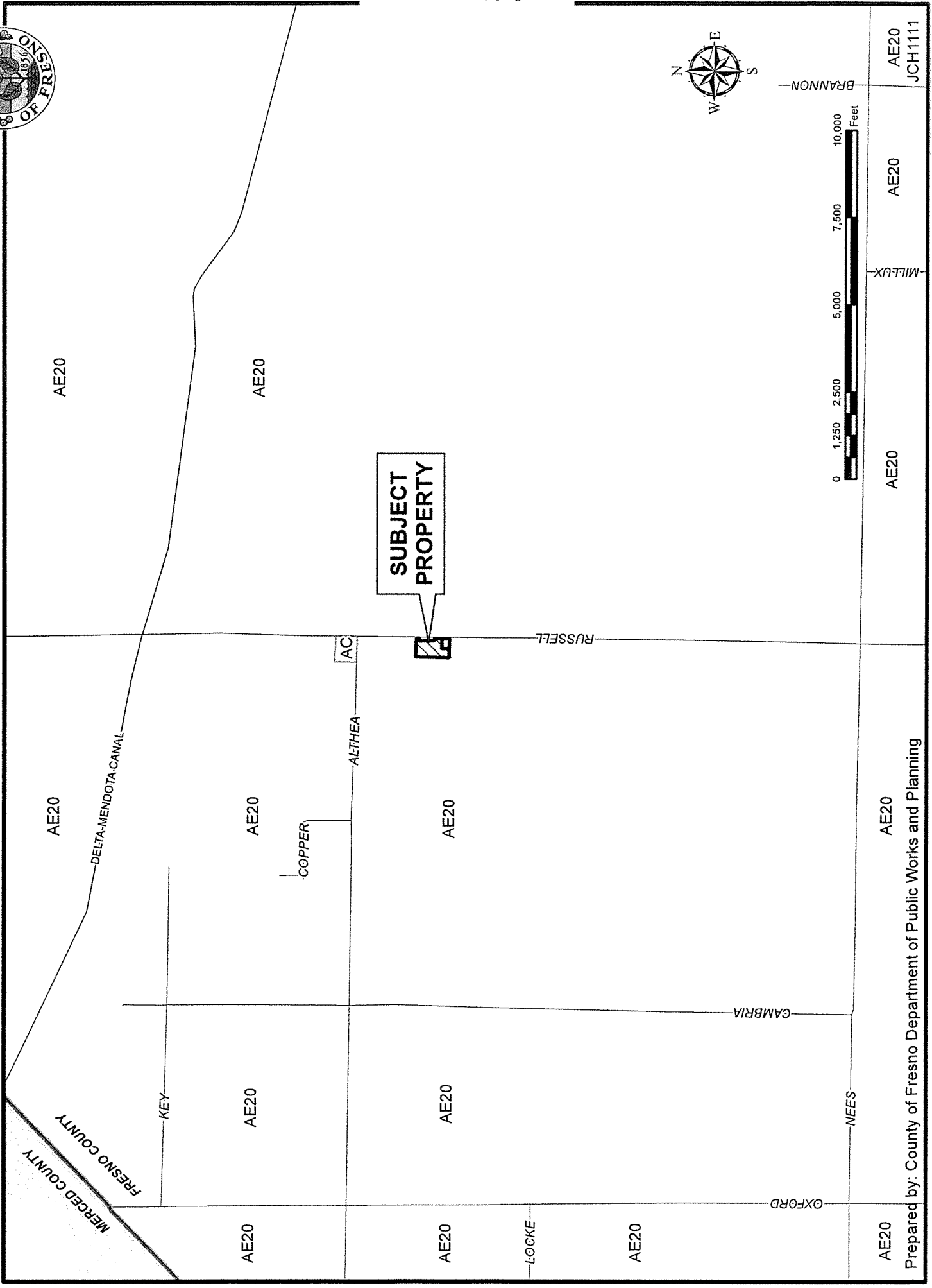
Prepared by: County of Fresno Department of Public Works and Planning

JCH1111

# EXISTING ZONING MAP



## EXHIBIT 3

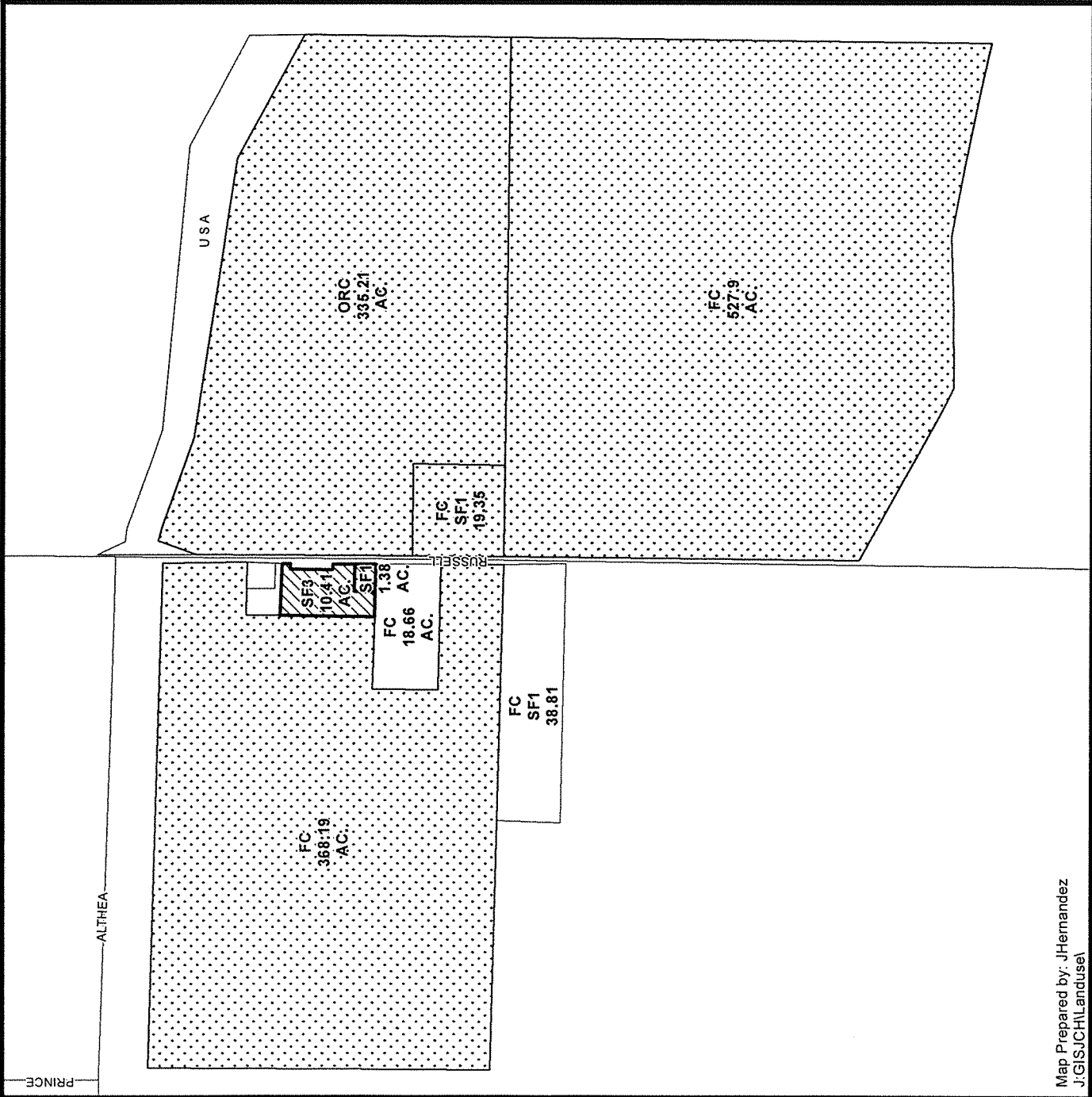




# EXHIBIT 4

## EXISTING LAND USE MAP

VA 3994

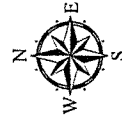


### LEGEND

- V - VACANT
- FC - FIELD CROP
- ORC - ORCHARD
- SF# - SINGLE FAMILY RESIDENCE

### LEGEND:

-  Subject Property
-  Ag Contract Land

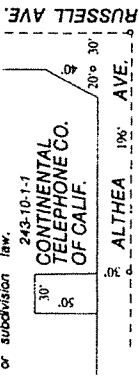


Department of Public Works and Planning  
Development Services Division



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.

243-10-1-1  
CONTINENTAL  
TELEPHONE CO.  
OF CALIF.



# SUBDIVIDED LAND IN SEC. 16, SEC. 15, T. 12S., R. 12E., M.D.B. & M.

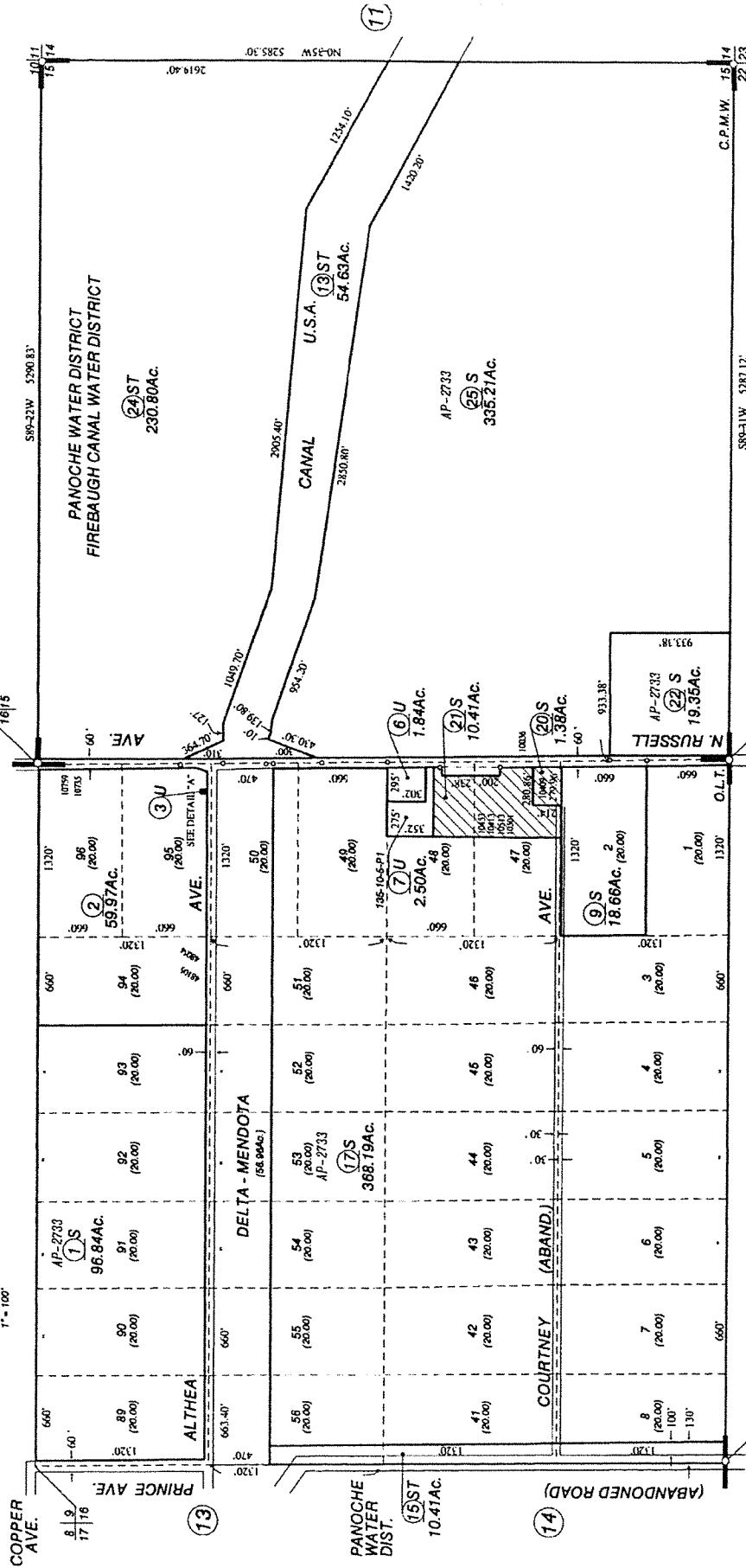
Tax Rate Area  
64-007  
64-018

004-12



1" = 800'

## EXHIBIT 5



Bk  
005

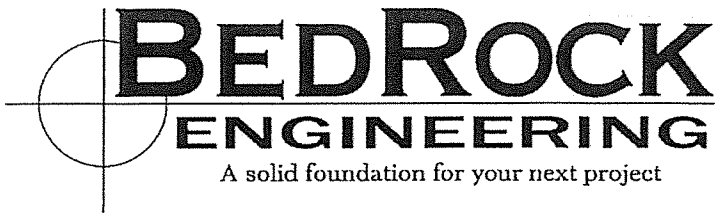
Agricultural Preserve  
Oro Loma Tract - Misc. Maps, Bk. 1, Pg. 42  
Certificate of Parcel Map Waiver No. 04-05, Doc. 253277, 10-26-05

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

8-27-2008

Assessor's Map Bk. 004 - Pg. 12  
County of Fresno, Calif.

EXHIBIT 6



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April 22, 2016

Fresno County Department of Public Works and Planning  
Development Services Division  
2220 Tulare St., 6th Floor  
Fresno, CA 93721

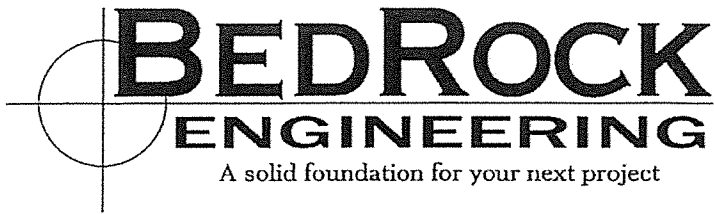
VA 3994  
RECEIVED  
COUNTY OF FRESNO  
APR 22 2016  
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

**Arguments for Findings of Facts**

This submittal is for a Variance Application regarding Pre-Application Review No. 38778, for Charles Ram.

The comments below are intended to support the Finding of Facts that this Variance Application should be approved:

1. Exceptional or extraordinary circumstances or conditions which do not apply generally to other property in the vicinity:  
This ±12.6 acre site has been home to Water Reclamation Equipment Inc. (WRE) and its owners for many years. This is a local company. Approximately 95% of its customers are within 15 miles of this location. Three generations of the Ram family have operated the company and two generations currently live on this land.
2. Preservation and enjoyment of a substantial property right possessed by others in the vicinity:  
The owner of these two existing parcels use the land for both their business, WRE, and for two family residences. The division of these properties into three parcels will create a parcel for each of the existing residences, and a parcel for the business's buildings and storage yard. Other parcels in this area that contain less acreage than the zoning requires are:
  - APN 005-070-13s - A commercial site of 9.25 acres used by R&N Packing Co. This property is used in a way very similar to the business operations of WRE. There are business buildings, a house type building, and a storage yard.
  - APN 005-150-67s - A commercial site of 3.23 acres used for a telecommunications tower and associated buildings.
  - APN 005-150-66s - A commercial site of 11.71 acres used for a warehouse;
  - APN 005-150-62s - An agricultural site of 11.98 acres which includes a storage canopy/barn;
  - APN 005-160-10s - A commercial site of 3.53 acres. This site includes buildings and a truck scale.



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3. Granting this Variance will not be materially detrimental to public welfare:  
This property division will not affect any property used by the public. All three property entrances that front on Russell Avenue will remain unchanged.
  
4. Variance will not be contrary to objectives of the General Plan:  
As stated in a Fresno County General Plan document found at [http://www2.co.fresno.ca.us/4510/4360/General\\_Plan/GP\\_Final\\_policy\\_doc/Introduction\\_rj.pdf](http://www2.co.fresno.ca.us/4510/4360/General_Plan/GP_Final_policy_doc/Introduction_rj.pdf)  
*"The Fresno County General Plan is a comprehensive, long-term framework for the protection of the county's agricultural, natural, and cultural resources and for development in the county."*  
Since this property is already being used for commercial and residential purposes, granting this Variance will not serve to protect any land being used for agricultural purposes.  
No natural or cultural resources will be affected by this property division.  
The proposed parcel map will not develop the property as a subdivision, nor will it provide for commercial development. The parcel that WRE will occupy will contain the business and its storage yard. Each of the existing residences will be located on individual parcels that include their corresponding yards.

There are numerous other properties in this area zoned AE-20 that are being used for purposes other than large scale agriculture. One could say they support agriculture and are therefore within the theme of the current zoning. Mr. Ram's property also supports the local agriculture by the nature of his business. WRE provides agricultural irrigation equipment to many of the surrounding farming operations.

Granting this Variance will not modify the current use of the property. The property is not in an area where commercial or residential development is likely to occur in the next few decades. Please consider approving this Variance application.

Thank you,

*Richard C. Shepard*

- Richard C. Shepard, Land Surveyor 6218, for Charles and Deborah Ram (Te)
- Bedrock Engineering, Inc.
- P.O. Box 25783, Fresno, CA 93729
- email: [richard@bedrockeng.com](mailto:richard@bedrockeng.com) • voice: (559) 645-4849 • fax: (559) 645-4869
- website: [www.bedrockeng.com](http://www.bedrockeng.com)



SCALE: 1" = 80'  
0 20 40 80

# EXHIBIT 7

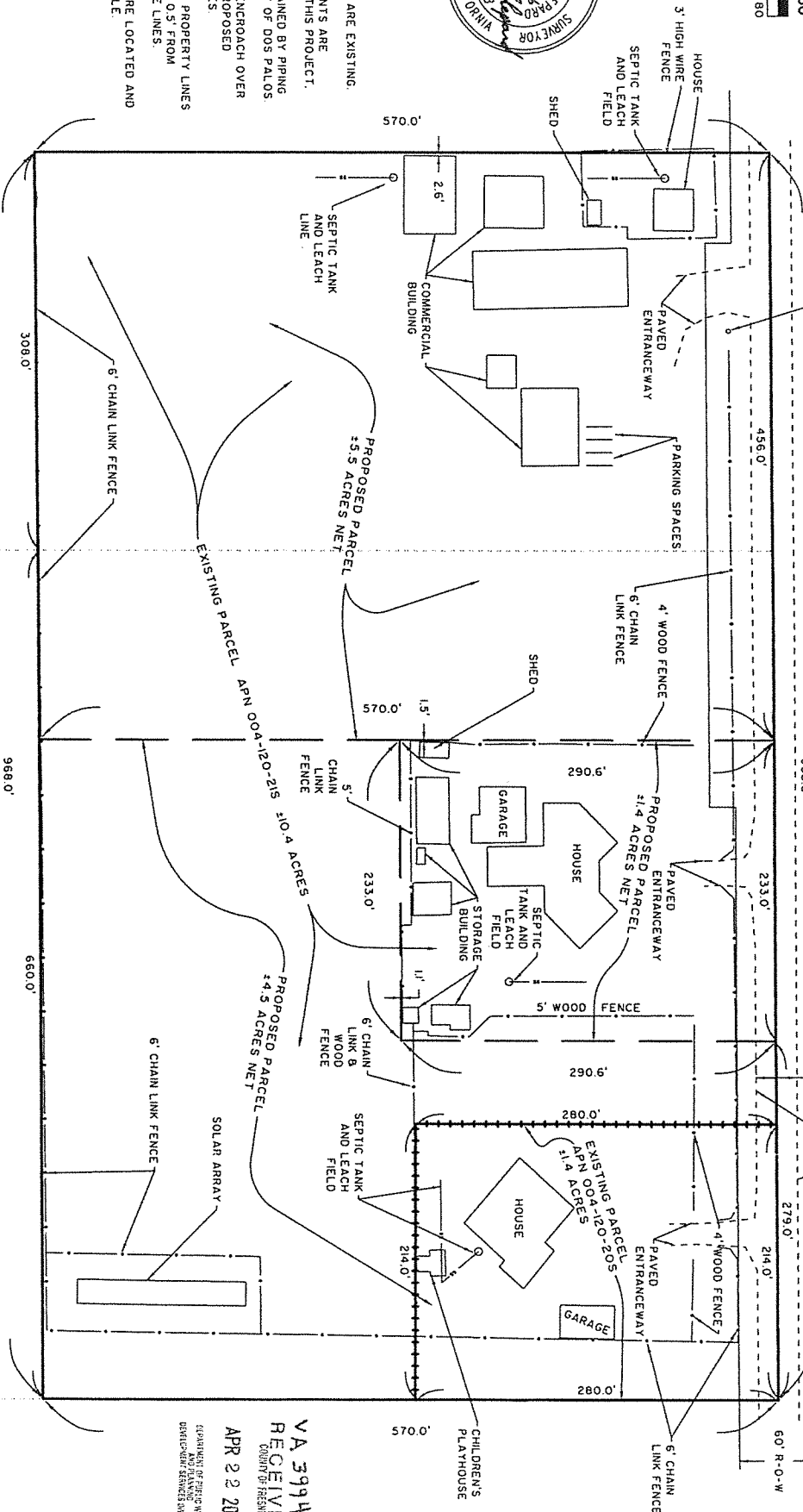


"10' HIGH BUSINESS SIGN FOR  
"WATER RECLAMATION EQUIPMENT"

NORTH RUSSELL AVENUE

PAVEMENT WIDTH 31.5'

EDGE OF ASPHALT PAVEMENT



- NOTES:
1. ALL BUILDINGS ARE EXISTING.
  2. NO IMPROVEMENTS ARE PLANNED FOR THIS PROJECT.
  3. WATER IS OBTAINED BY PIPING FROM THE CITY OF DOS PALOS.
  4. NO BUILDINGS ENCRUSH OVER PROPERTY LINES.
  5. ALL PROPOSED PROPERTY LINES ARE AT LEAST 0.5' FROM EXISTING FENCE LINES.
  6. STRUCTURES ARE LOCATED AND DRAWN TO SCALE.

### LEGEND:

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE TO BE REMOVED

## Variance Application Plot Plan

PREPARED FOR:  
10409 N. Russell Avenue  
Fireborough, CA 93622

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DATE: APRIL 21, 2016  
PROJECT: V.A. 3994  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN  
SHEET 1 OF 1

V.A. 3994  
RECEIVED  
COUNTY OF FRESNO  
APR 22 2016

DEPARTMENT OF PUBLIC WORKS  
LAND AND DEVELOPMENT SERVICES DIVISION

LOT 48 OF ORIO LOMA TRACT, PER MAP 080 LOMA TRACT PORTION OF TOWNSHIP 12 SOUTH, RANGE 12 EAST, M.D.B.M. RECORDED IN BOOK 1 PAGE 42, MISCELLANEOUS MAPS, FRESNO COUNTY RECORDS.

LOT 47 OF ORIO LOMA TRACT, PER MAP 080 LOMA TRACT PORTION OF TOWNSHIP 12 SOUTH, RANGE 12 EAST, M.D.B.M. RECORDED IN BOOK 1 PAGE 42, MISCELLANEOUS MAPS, FRESNO COUNTY RECORDS.

APN 004-120-203 and APN 004-120-215