



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 5 December 17, 2015

**SUBJECT:** Director Review and Approval Application No. 4412

Allow a mobile home as a permanent second residence on a 5.29-acre parcel in the RR5 (Rural Residential, five-acre minimum parcel size) Zone District.

**LOCATION:** The parcel is located on the west side of North Indianola Avenue, across from its intersection with East Browning Avenue, addressed as 5701 North Indianola, approximately 2.3 miles northeast of the nearest city limits of the City of Clovis (SUP. DIST. 5) (APN 308-200-25).

**OWNER/APPLICANT:** Nancy Smith

**STAFF CONTACT:** Christina Monfette, Planner  
(559) 600-4245

Eric VonBerg, Senior Planner  
(559) 600-4569

**RECOMMENDATION:**

- Deny the Appeal; and
- Uphold the Director's approval of Director Review and Approval Application No. 4412 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.
- The Commission's decision is final.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Photos
7. Public Correspondence: 4 letters in opposition
8. Letter of Appeal filed by the Sierra Ranchos Homeowner Association
9. Approved DRAs within 1 mile of subject application

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	NE Rural Residential	No change
Zoning	RR5 (Rural Residential, five-acre minimum parcel size)	No change
Parcel Size	5.29 acres	No change
Project Site	Residential	No change
Structural Improvements	Single-Family Residence with septic, two sheds, detached garage	Convert one shed to covered parking and add a mobile home with additional septic
Nearest Residence	Approximately 190 feet north of the existing primary residential unit	No change
Surrounding Development	The site is located in an established rural residential area. Surrounding parcels are similarly zoned for residential use.	No change
Operational Features	None	No change

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Employees	N/A	N/A
Customers/Suppliers	N/A	N/A
Traffic Trips	Residential Traffic	No change
Lighting	Residential Lighting	No change
Hours of Operation	N/A	No change

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

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 48 property owners within a 1320-foot radius of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

Pursuant to the Zoning Ordinance, Section 872.C, a Director Review and Approval (DRA) Application may be approved only if four Findings specified within the ordinance are made by the Planning Commission.

DRA Application No. 4412 was approved by the Director on October 30, 2015. The action approved a mobile home as a second residence on a 5.29-acre parcel in the RR-5 Zone District. Notice of said approval was sent to the Applicant and neighboring property owners.

On November 17, 2015, the Development Services Division received an Appeal of the Director's decision from Mark May, on behalf of the Sierra View Ranchos Homeowners Association. The Appellant cited concerns over the effect of the mobile home on the character of the neighborhood and violation of existing Covenants, Conditions, and Restrictions (CC&Rs). Staff subsequently scheduled this item for the December 17, 2015 Planning Commission hearing.

The decision of the Planning Commission on Director Review and Approval Application No. 4412 is final.

**BACKGROUND INFORMATION:**

The Applicant is requesting to allow a mobile home as a permanent second residence on the subject property.

**ANALYSIS/DISCUSSION:**

*Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division, to adjust said use with land and uses in the neighborhood.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet; Rear: 20 feet; Sides: 20 feet;	Front: Primary 915 feet, Secondary 392 feet; Rear: Primary 400+ feet, Secondary 330 feet; Side (northern property line): Primary 110 feet, Secondary 135 feet; Side (southern property line): Primary 100 feet, Secondary 140 feet	Yes
Parking	Two parking spaces, either covered or uncovered, shall be provided for each dwelling unit as shown in the approved site plan.	Additional parking spaces for second residence	Yes
Lot Coverage	N/A	N/A	N/A
Separation Between Buildings	N/A	N/A	N/A
Wall Requirements	N/A	N/A	Yes
Septic Replacement Area	100 percent for existing system	No change	Yes
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change	Yes

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

Department of Public Health, Environmental Health Division: In the case of this application, it appears the parcel can accommodate the sewage disposal systems and expansion areas meeting the mandatory setback requirements established in the California Plumbing Code and California Well Standards Ordinance.



Engineered sewage disposal systems are required in this area. Such a system requires an on-site investigation by a California Registered Geologist, Professional Engineer, or Registered Environmental Health Specialist with experience in sewage disposal systems. The sewage disposal system must be designed and installation certified by the California Registered Geologist, Professional Engineer, or Registered Environmental Health Specialist.

The Applicant’s Registered Geologist, Professional Geologist, Professional Engineer, or Registered Environmental Health Specialist shall contact the Environmental Health Division prior to initiating any work to discuss the scope of the work that will be required, including, but not limited to, the requirement for all test pits to be dug using a backhoe with Environmental Staff on site. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system.

Building permit records indicate the existing sewage disposal system was installed in 1979. It is recommended that the Applicant/owner consider having the septic tank for the primary residence pumped, and have the tank and leach fields evaluated by an appropriately-licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

Zoning Section of the Fresno County Department of Public Works and Planning: The mobile home, shed, and garage will require permitting or will need to be removed.

Fresno County Fire Protection District (FCFPD): A preliminary review of the project has not identified any significant concerns with the overall proposal.

**Analysis:**

With the adherence to the aforementioned requirements included as Conditions of Approval and mandatory Project Notes staff believes that the 5.29-acre parcel is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

*See Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 1 can be made.

Finding 2: *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	N. Indianola Avenue	No change

		Existing Conditions	Proposed Operation
Direct Access to Public Road	Yes	N. Indianola Avenue	No change
Road ADT		200	No change
Road Classification		N. Indianola Avenue (Local Road)	No change
Road Width		N. Indianola Avenue: 29.9 feet	No change
Road Surface		N. Indianola Avenue: Paved	No change
Traffic Trips		Residential	Additional Residential trips
Traffic Impact Analysis (TIA) Prepared	No	N/A	N/A
Road Improvements		None	None

**Reviewing Agencies/Department Comments:**

Road Maintenance and Operations Section of the Fresno County Department of Public Works and Planning: No comment. The project will have no impact on County roads.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Indianola Avenue is classified as a local road with an existing 30-foot right-of-way east of the center line along the parcel frontage, per Plat Book. The minimum width for a local road right-of-way east of the center line is 30 feet.

Indianola Avenue is a County-maintained road. Records indicate this section of Indianola Avenue from San Ramon Avenue to Browning Avenue has an ADT of 200, pavement width of 29.9 feet and a structural section of 0.20 feet AC/.050 feet AB and is in very good condition.

Any work done within the right-of-way will require an encroachment permit from the Road Maintenance and Operations Division. If not already present, 10-foot by 10-foot corner cutoffs are needed at Indianola Avenue for sight distance purposes.

According to FEMA, FIRM Panel 1605H, the parcel is not subject to flooding from the 1%-chance storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent or running through the parcel.

Typically, any runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. A grading permit or voucher is required for any grading proposed with this application.

**Analysis:**

North Indianola Avenue is a paved road that is currently in good condition.

Based on the above information, staff believes Indianola Avenue will remain adequate to accommodate the proposed use, and staff has not identified a basis for the Appellant’s concern with the road conditions from the addition of one residence.

**Recommended Conditions of Approval:**

None

**Conclusion:**

Finding 2 can be made.

*Finding 3: The proposed use will have no adverse impact on abutting property and surrounding neighborhood or the permitted use thereof.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North:	5.02 acres	Rural Residential	RR	Primary: 190 feet Secondary: 260 feet
East:	4.76 acres	Rural Residential	RR	Primary: 400+ Secondary: 400+
West:	5.11 acres 5.49 acres	Rural Residential Rural Residential	RR RR	Primary: 500+ Secondary: 500+
South:	5.09 acres	Rural Residential	RR	Primary: 240 feet Secondary: 330 feet

**Reviewing Agencies/Department Comments:**

Sierra Resource Conservation District: No comments received.

Current Planning Section of the Fresno County Department of Public Works and Planning: No comments on this application.

Zoning and Permit Review Section of the Fresno County Department of Public Works and Planning: A certificate acknowledging payment of development impact fees is required from the Caruthers Unified School District.

Building/Safety and Plan Check Section of the Fresno County Department of Public Works and Planning: No comments received.

## Analysis:

The nearest residence to the secondary residential unit is 260 feet to the northwest. There is an open space designated on the site plan as a 'roping arena' separating the proposed secondary residence from the neighbor's yard and as a result, the home may be highly visible. No screening currently exists between the proposed mobile home and the residence to the south. Therefore, visibility of the proposed second residence from the neighboring properties shall be screened from view by providing additional landscaping on the northern and southern sides of the mobile home. New development projects which require landscaping are subject to the State of California's Model Water Efficient Landscape Ordinance (MWELO) if the total area requiring landscaping is 500 square feet or more. The Applicant shall be required to comply with this ordinance if the total area landscaped meets or exceeds this threshold.

Staff has received correspondence from four property owners in the area. According to these correspondences, the community members object to the subject application on the following grounds: 1) an existing CC&R (Covenants, Conditions, and Restrictions) restricts mobile homes and secondary residences in the area; 2) the addition of a mobile home in this area may decrease property values; 3) adding this mobile home will set a precedent to double the density in the neighborhood; 4) a second residence on this parcel would go against the Zoning Ordinance and the General Plan; and 5) the water supply in the area would be impacted.

Staff has the following comments on these concerns:

- 1) Compliance with CC&Rs is a civil matter between the property owners. The County Ordinance allows a second residence through Director Review and Approval provided it can meet the Four Findings.
- 2) The DRA application process does not include assessing a project's effect on property values. No data was provided by the Appellant to justify this position.
- 3) Section 820.2.N of the Zoning Ordinance allows for a second residence on the property with the approval of a DRA (this application). The application was reviewed by Fresno County Zoning and Permit Review which did not express any concerns regarding conflicts with the Zoning Ordinance.
- 4) Discussion on General Plan Consistency follows this section. Staff has been able to conclude that the project is consistent with the General Plan.
- 5) A well yield test was performed and County Staff has no concerns that an additional residence would put undue pressure on water resources in the area.

The Appellant stated that the mobile home will be detrimental to the character of the neighborhood because the only other mobile home within the subdivision is located out of sight at the end of a cul-de-sac. Staff reviewed approved permits both within the subdivision itself and within a mile of the subject application (Exhibit 9) and found that two DRA applications for mobile homes as a permanent second residence had been approved within the subdivision, and five additional DRAs for mobile homes as permanent second residences had been approved within a mile of the application.

The location of the mobile home is behind the existing residential unit, which will provide screening from the road. As previously mentioned, landscaping along the north and south of the proposed secondary unit will be required to screen it from view of the neighboring parcels. Based on the factors cited above and the Condition for landscaping to screen the proposed residence, staff does not believe that the application will be detrimental to the character of the neighborhood.

**Recommended Conditions of Approval:**

*See Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

*Finding 4:* *The proposed development is consistent with the General Plan.*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Policy LU-H.4 – The County shall allow second dwellings, not to be sold as a separate unit, subject to a discretionary permit in areas designated for low, medium, and medium high density residential use, rural residential use, and agricultural or rangeland use. The second dwelling shall be clearly subordinate in size to the primary dwelling.</p>	<p>Both residential units are located on land that is designated Rural Residential in the Fresno County General Plan. The primary residence is 2,350 square feet and the secondary residence is 1,560 square feet, which is 790 square feet smaller than the primary residence.</p>
<p>Policy PF-C.17 – The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"><li>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</li><li>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the</li></ul>	<p>The subject property is in a low-water area and a well yield test was performed. The results of the test showed the well to be adequate to support both residences.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>property in question, those impacts shall be mitigated.</p> <p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</p>	
<p>Policy PF-D.6 – The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>The Environmental Health Division determined that the soils of the subject property were adequate to accommodate the sewage disposal systems currently installed. (See previous comments under “Reviewing Agencies and Department Comments Regarding Site Adequacy”.)</p>

**Reviewing Agencies/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is not subject to an Agricultural Land Conservation Contract.

**Analysis:**

Based on the discussion above, staff believes the proposed use is consistent with the Policies of the General Plan, and Finding 4 can be made.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

Four letters were received from the public objecting to the proposal; and after receiving notification of the approval of the subject application, Mark May filed an appeal on behalf of the Sierra View Ranchos Homeowners Association. Discussion specific to the contents of these letters can be found under the Analysis section regarding Finding 3. The letters of objection are included as Exhibit 7 and the letter of appeal is included as Exhibit 8.

## **CONCLUSION:**

Staff believes the required Findings for granting Director Review and Approval Application No. 4412 can be made based on the factors cited in the analysis, and the recommended Conditions of Approval and Project Notes. Staff therefore recommends approval of Director Review and Approval Application No. 4412, subject to the recommended Conditions of Approval.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Deny the appeal; and
- Uphold the Director's approval of Director Review and Approval Application No. 4412 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Director Review and Approval Application No. 4412; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1.

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**Conditions of Approval and Project Notes  
Director Review and Approval Application No. 4412**

<b>Conditions of Approval</b>	
1.	Development shall be in substantial compliance with the approved site plan.
2.	The Caruthers Unified School District in which the subject property is located is authorized by State Law to adopt a resolution requiring the payment of construction fees. The Department of Public Works and Planning, Development Services Division requires certifications from the school district that the fees have been paid. An official certification form will be provided by the County when an application is made for a building permit.
3.	The Applicant shall provide a complete site plan showing all structures and provide evidence that permits were obtained or clarify that plans and permits will be obtained for the structures concurrently with the proposed second residence. The following structures require permits or proof that permits were obtained: the shed near the southern property lines and the garage near the southern property line.
4.	A total of 450 square feet of landscaping, including drought-tolerant trees and shrubs, shall be provided on the north and south sides of the secondary residence to better screen the dwelling from adjoining properties to the north and south. A landscaping plan shall be submitted to the Department of Public Works and Planning for approval prior to the issuance of building permits. The landscaping shall be completed prior to occupancy. If the total area of landscaping proposed is equal to or greater than 500 square feet, the Applicant shall comply with California Code of Regulations, Title 23, Chapter 2.7 Model Water Efficient Landscape Ordinance, Appendix D – Prescriptive Compliance Option.
Conditions of Approval reference recommended Conditions for the project.	
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Two parking spaces, either covered or uncovered, shall be provided for each dwelling unit as shown on the approved site plan. Each parking space shall have a minimum size of 8-1/2 feet by 20 feet. The parking spaces and the driveway providing access to said parking spaces shall be improved.
2.	Prior to issuance of a building permit, a covenant running with the land between the County and the owner shall be recorded with the County Recorder requiring that one of the dwelling units shall be occupied by an owner of record.  Note: Our department will prepare the Covenant upon receipt of the standard processing fee which is currently \$243.50.
3.	The second dwelling unit shall not exceed 2,000 square feet in size.
4.	This permit shall become void unless there has been substantial development within two years of the effective date of this approval.
5.	This approval shall become void if there has been a cessation of the use for a period in excess of two years.



**Notes**

6.	If any additional improvements are constructed within the County right-of-way for the second residence, an encroachment permit is required from the Road Maintenance and Operations Division.
7.	If not already present, 10-foot by 10-foot corner cutoffs are needed at Indianola Avenue for sight distance purposes.
8.	Any runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
9.	A grading permit or voucher is required for any grading proposed with this application.
10.	Plans, permits and inspections are required, including site development, based upon the California Codes in effect at the time of plan check submittal.
11.	The Applicant's Registered Geologist, Professional Geologist, Professional Engineer, or Registered Environmental Health Specialist shall contact the Environmental Health Division prior to initiating any work to discuss the scope of the work that will be required, including, but not limited to, the requirement for all test pits to be dug using a backhoe with Environmental Staff on site. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system. The Applicant's consultant shall contact Janet Gardner or Glenn Allen at (559) 600-6271 for more information.
12.	It is recommended that the Applicant/owner consider having the existing septic tank for the primary residence pumped, and have the tank and leach field evaluated by an appropriately-licensed contractor if it has not been serviced and/or maintained within the last five years.

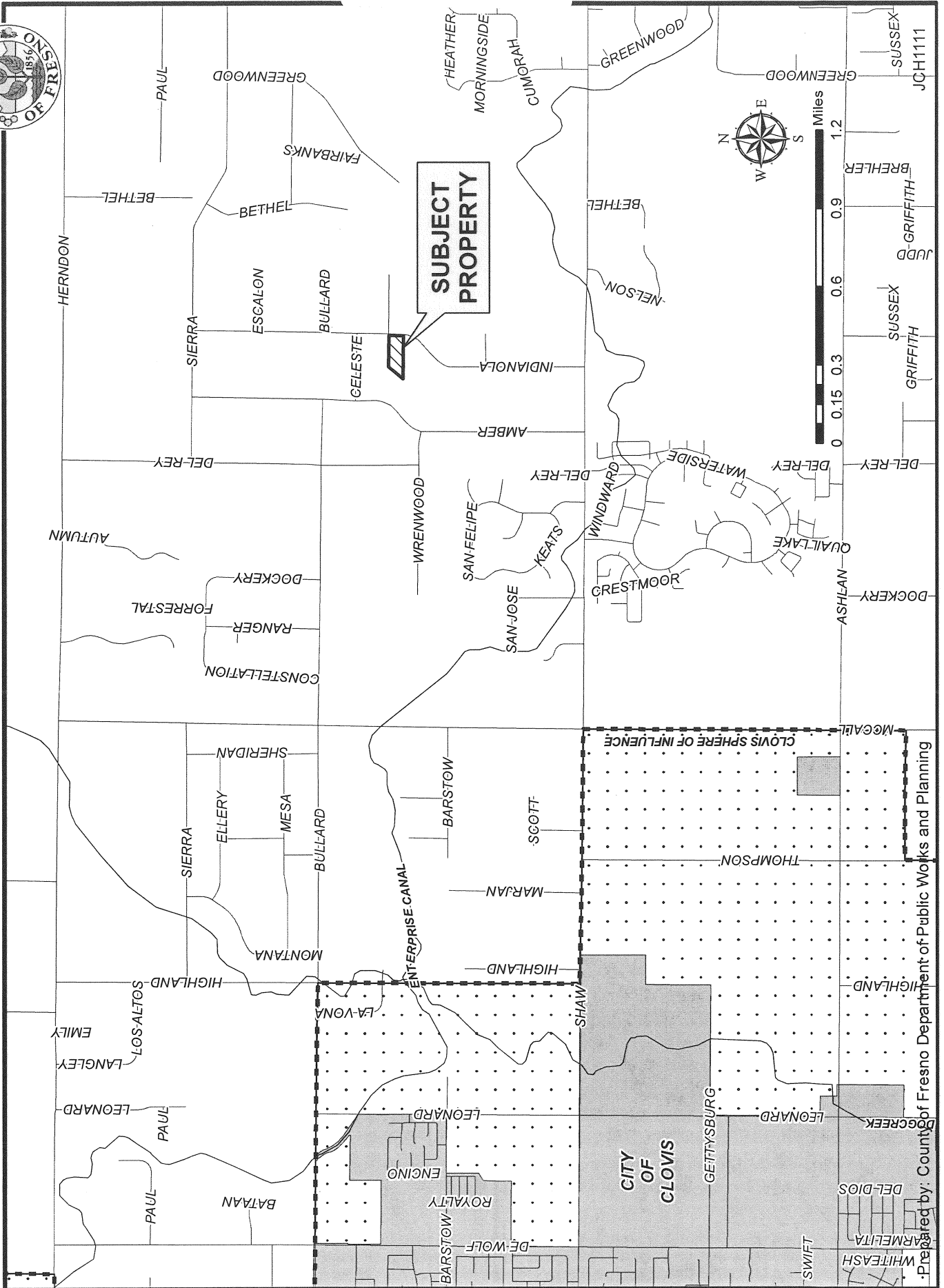
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EXHIBIT 2



LOCATION MAP

DRA 4412



DRA 4412  
STR 9 - 13/22

# EXISTING ZONING MAP

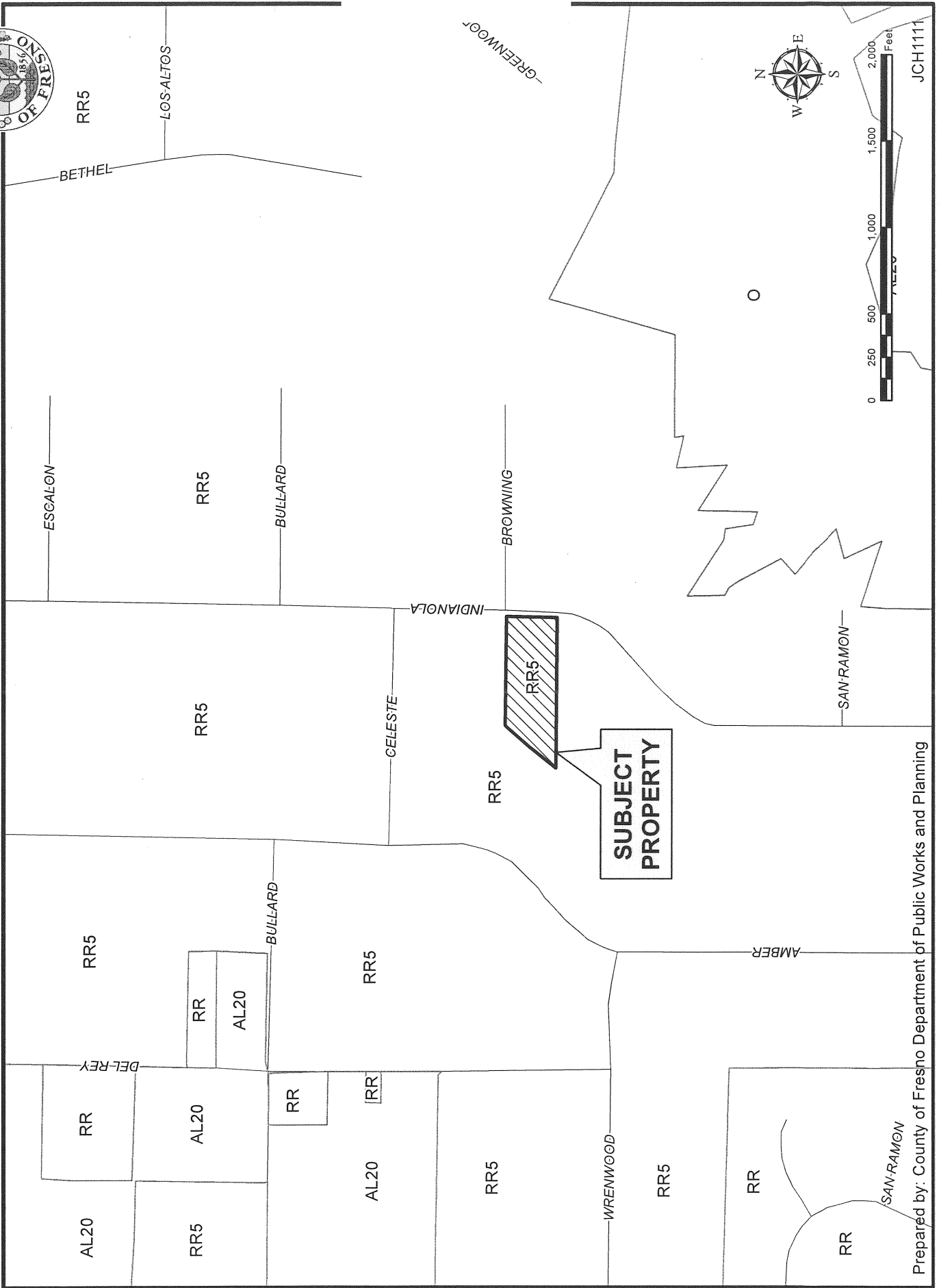


EXHIBIT 3



# EXISTING LAND USE MAP

DRA 4412

## EXHIBIT 4

### LEGEND

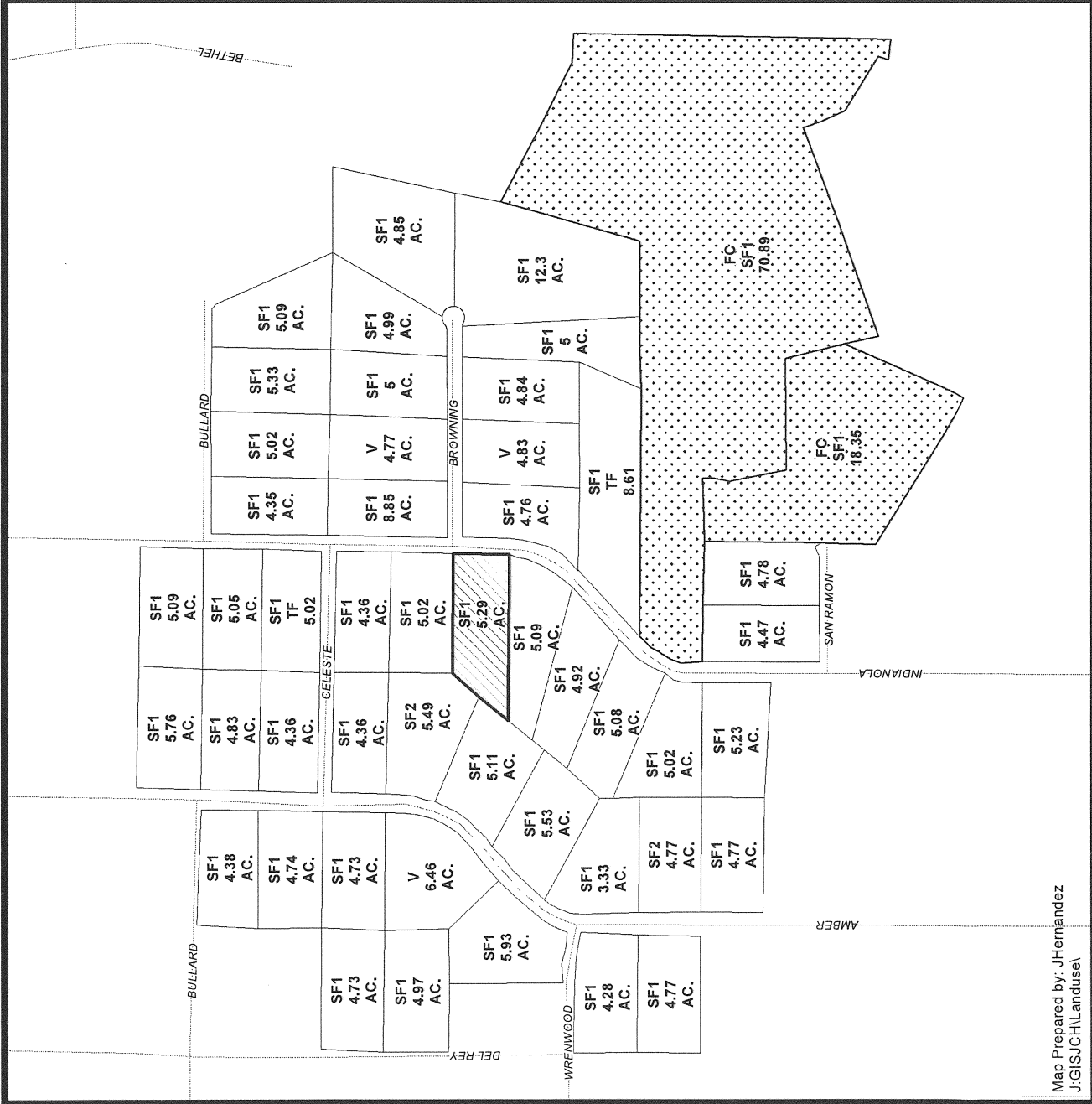
- FC - FIELD CROP
- SF# - SINGLE FAMILY RESIDENCE
- V - VACANT
- TF - TREE FARM

### LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division



Map Prepared by: JHernandez  
J:GIS/JCH(Landuse)

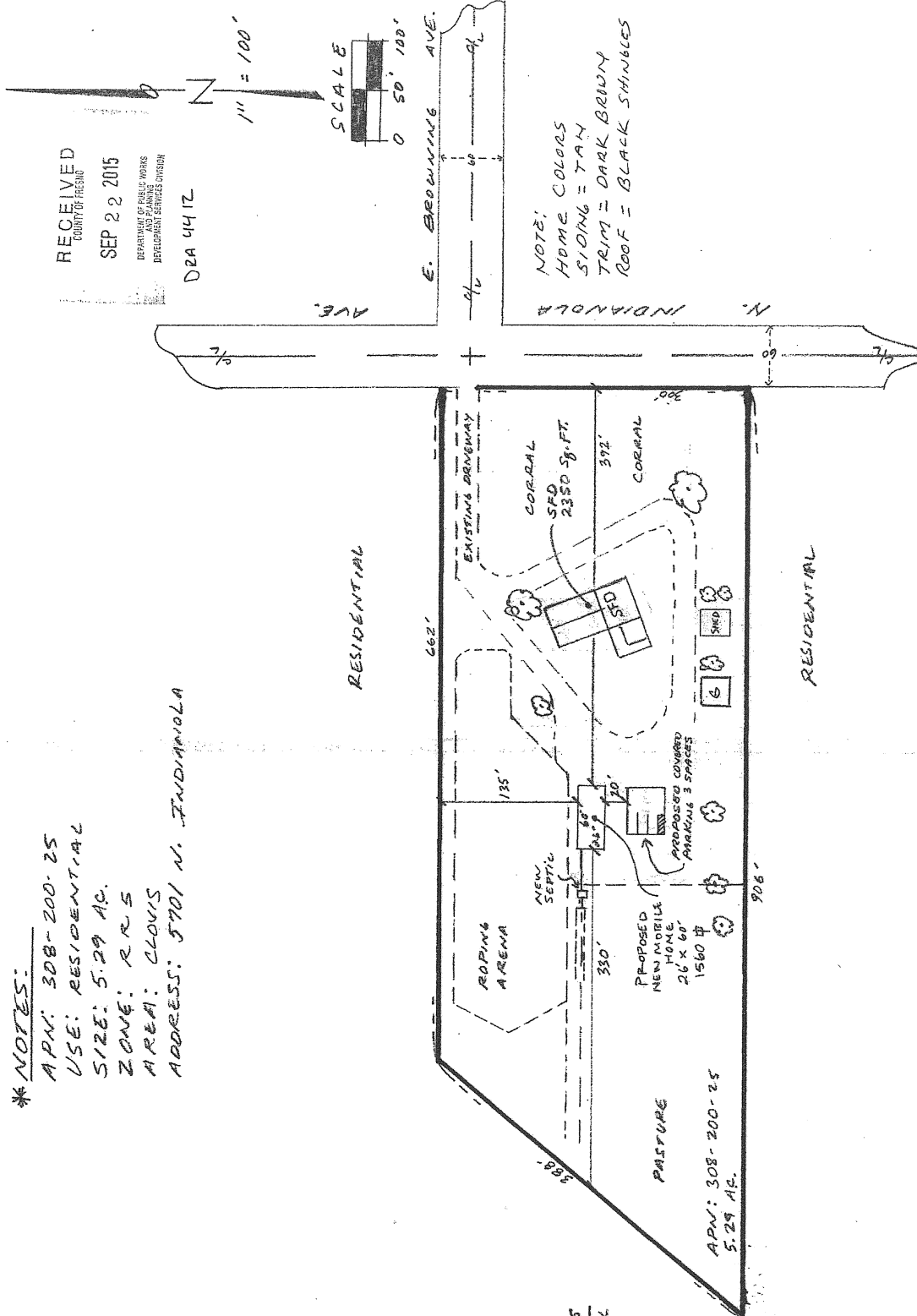
EXHIBIT 5

RECEIVED  
COUNTY OF FRESNO  
SEP 22 2015  
DEPARTMENT OF PUBLIC WORKS  
DEVELOPMENT SERVICES DIVISION

D2A 441Z

\*NOTES:

APN: 308-200-25  
USE: RESIDENTIAL  
SIZE: 5.29 AC.  
ZONE: R R 5  
AREA: CLOVIS  
ADDRESS: 5701 N. INDIANOLA



NOTE:  
HOME COLORS  
SIDING = TAN  
TRIM = DARK BROWN  
ROOF = BLACK SHINGLES

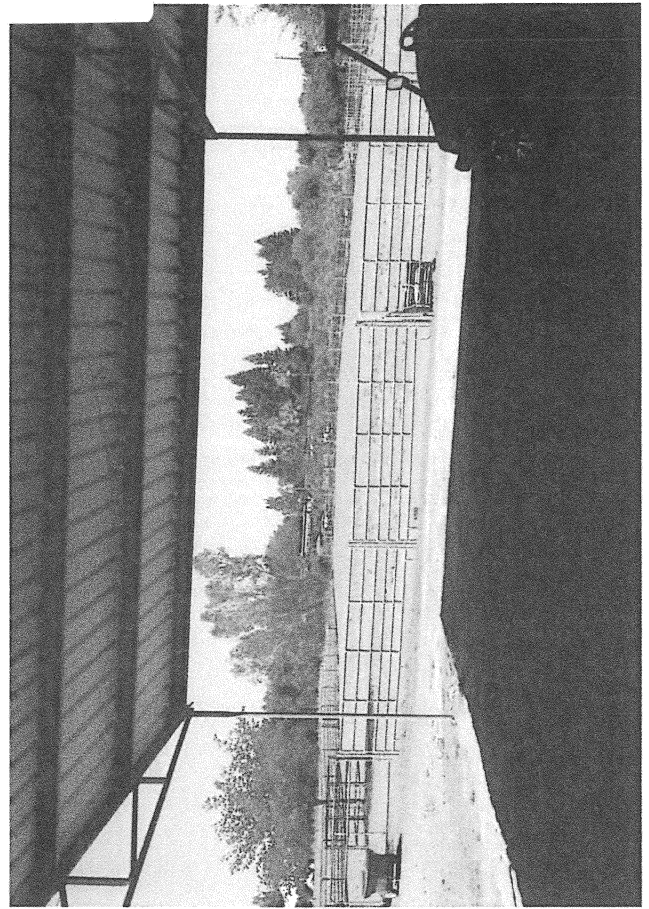
OWNER:  
RONALD P. SMITH  
5701 N. INDIANOLA AVE  
CLOVIS, CA 93619

FRESNO COUNTY SITE PLAN  
CLOVIS AREA SCALE: 1" = 100'

ROW CROPS  
RESIDENTIAL

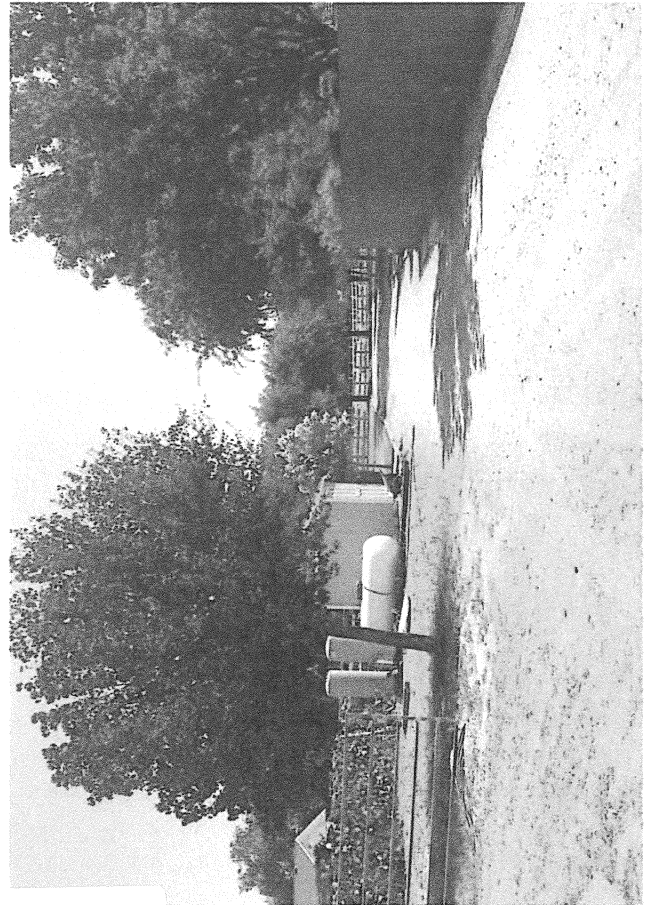
EXHIBIT 6

LOOKING NORTH ACROSS CORRALS



LOOKING WEST ACROSS SITE

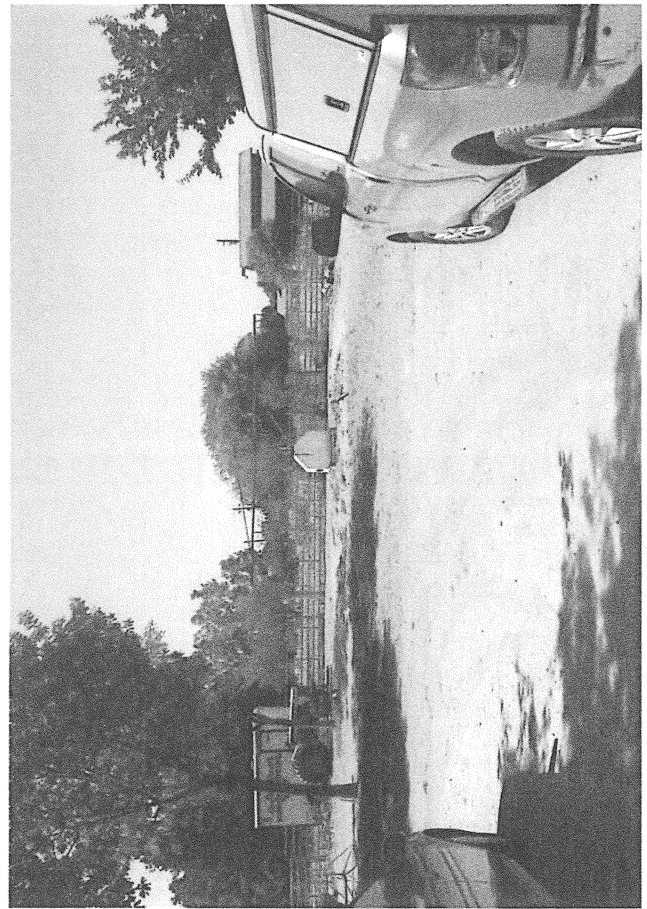
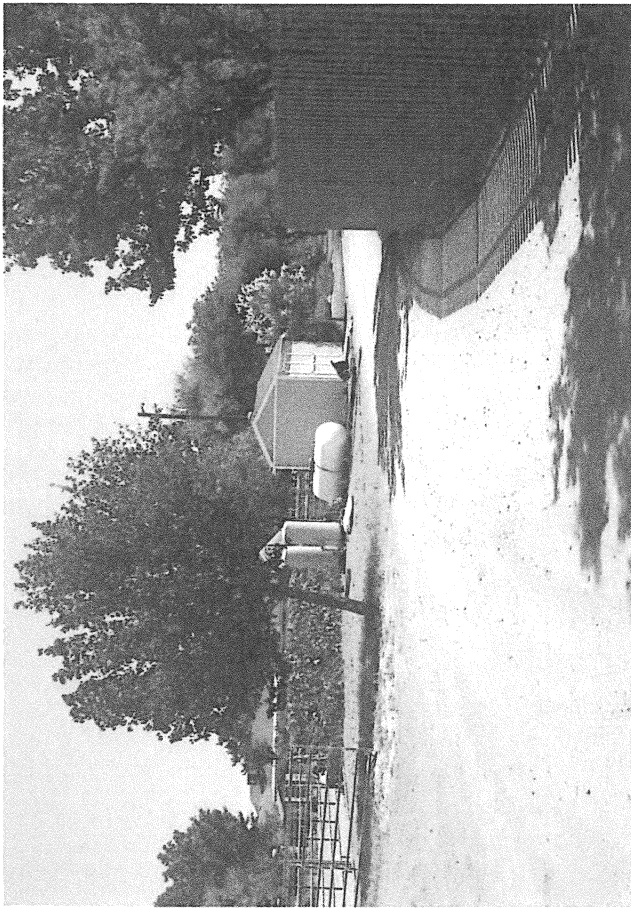
LOOKING SOUTH ACROSS SITE



LOOKING EAST DOWN DRIVE WAY

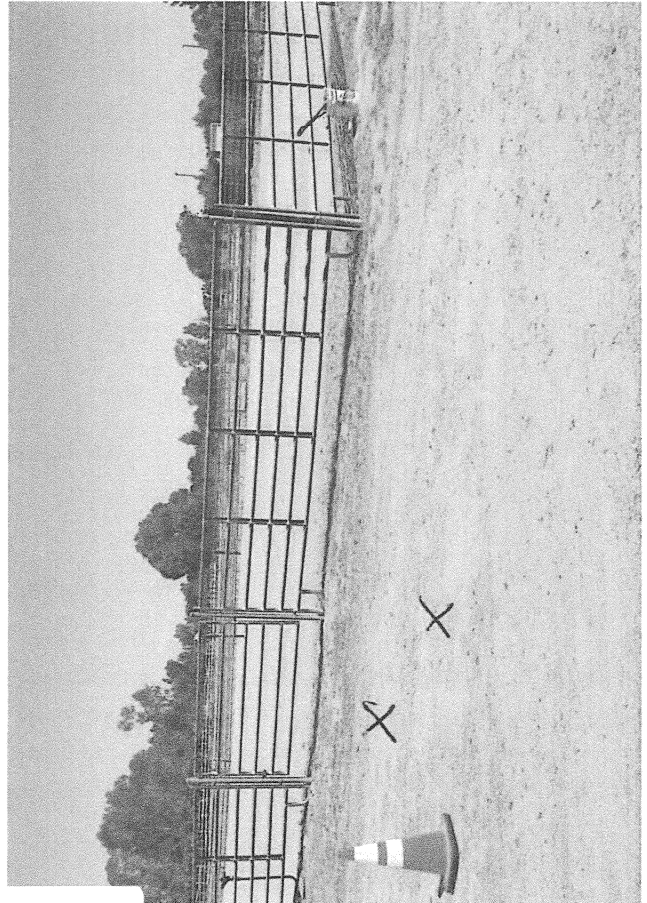
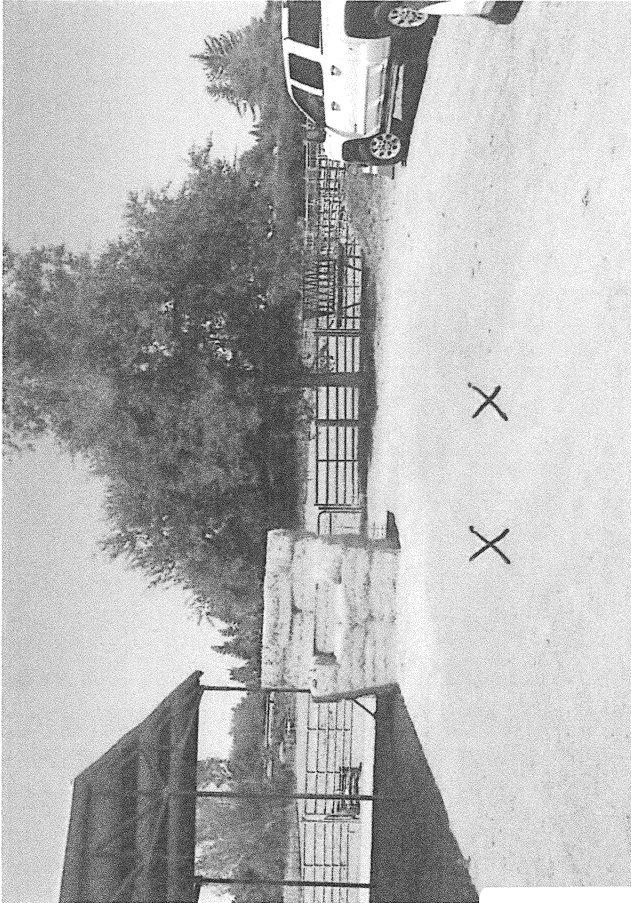


LOOKING NORTH-EAST DOWN ENTRANCE



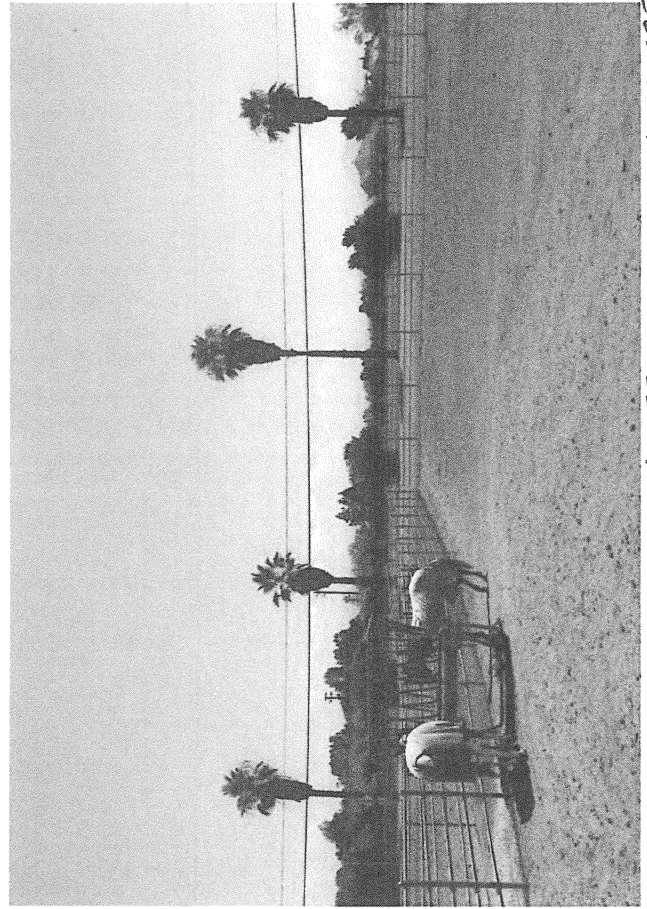
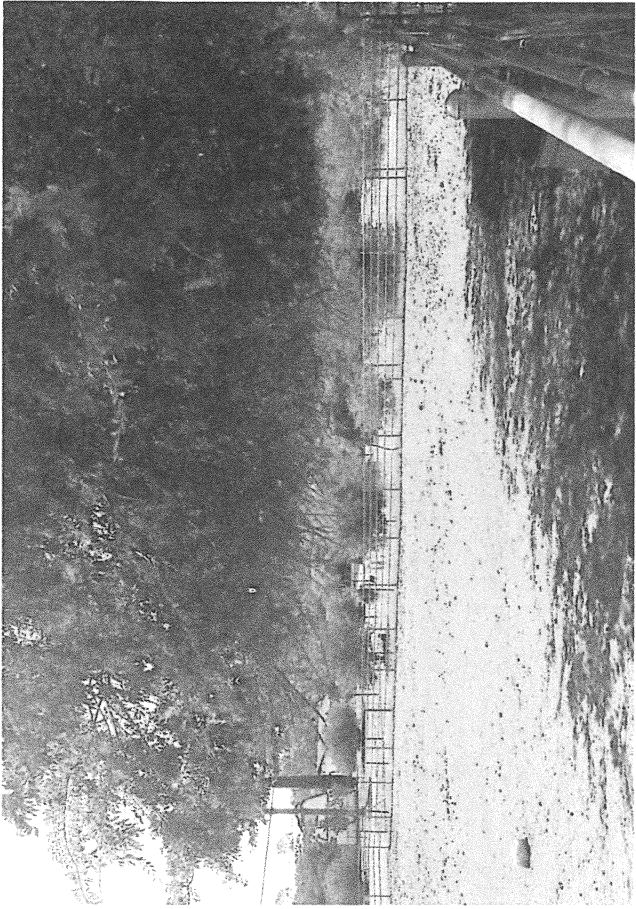
LOOKING WEST ACROSS DRIVEWAY

LOOKING AT UNIT LOCATION X



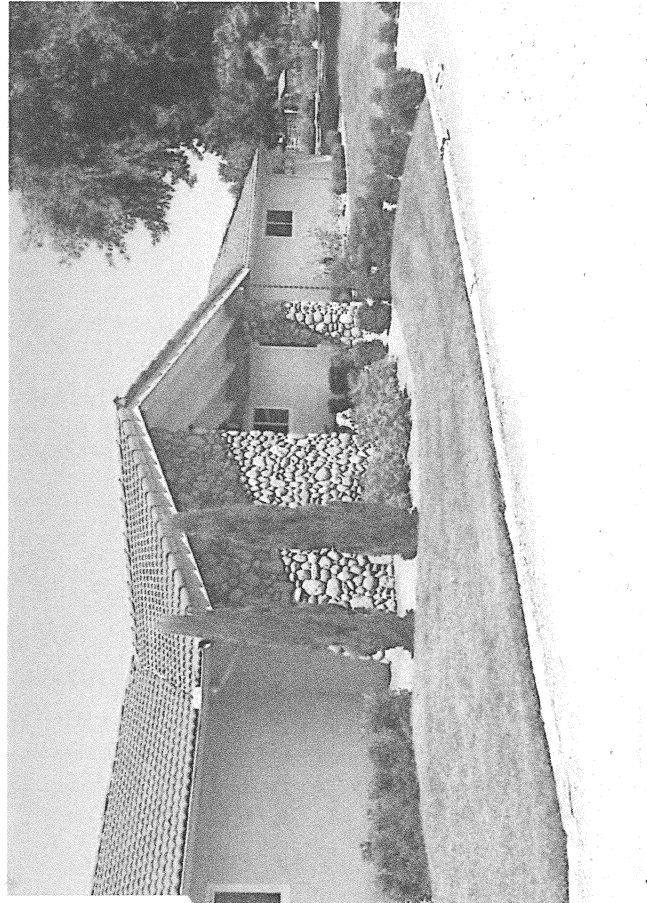
LOOKING AT UNIT LOCATION

LOOKING SOUTH ACROSS FRONT CORRAL



LOOKING EAST IN FRONT EXISTING HOUSE

LOOKING NORTH



LOOKING AT FRONT OF EXISTING HOUSE



**EXHIBIT 7**

**RECEIVED**  
COUNTY OF FRESNO

**AUG 28 2015**

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

**JANIE J. DOAK**  
11627 E. Browning Ave.

Clovis, CA 93619

Phone: 559-297-0718

FAX: 559-297-0726 \* Cell: 559-260-2721

Email: [jurkdoak@unwiredbb.com](mailto:jurkdoak@unwiredbb.com)

**FAX TRANSMITTAL**

DATE: 8-28-15

TO: COUNTY OF FRESNO DEV. SERVICE DIV. FAX: 600-4200

SUBJECT: NOTICE OF APPLICATION NO. 4412

RE: ADDRESS - 5701 N. INDIANOLA AVE, CLOVIS 93619

ATTN: CHRISTINA MONFETTE

FROM: Janie Doak FAX: 297-0726

PLEASE SEE LETTER ON NEXT PAGE. CONTACT ME ON MY CELL IF YOU HAVE QUESTIONS. THANK YOU.

JANIE J. DOAK  
11627 E. Browning Ave.  
Clovis, CA 93619  
Phone: 260-2721  
Email: [jurkdoak@unwiredbb.com](mailto:jurkdoak@unwiredbb.com)

August 28, 2015

County of Fresno  
Department of Public Works and Planning  
Development Services Division  
2220 Tulare Street, Sixth Floor  
Fresno, Ca 93721

Subject: Notice of Application; Director Review and Approval Application No. 4412

Attn: Christina Monfette, Planner

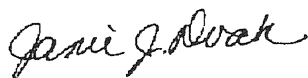
Dear Ms. Monfette,

I respectfully request that this request be denied. Allowing a mobile home in our serene, low density neighborhood would negate the intent for which the area was originally developed. The five-acre parcels do not allow second homes except for staff and specifically forbid mobile homes. Most of the families who moved to this area did so intentionally to avoid overcrowding and "junk" everywhere. One way to maintain the look and feel of a neighborhood is through the use of CCRs. These CCRs are public records and are readily available to anyone wishing to purchase a lot or home in our area. Owners are expected to comply with these rules. Land costs more in a nice area. The only way to protect our investment is to keep to these high standards.

For example, if I wanted to purchase a less expensive plot of land some 8 years ago, I could have easily found a less expensive parcel. However, it would not have strict CCRs. I would have been next to junk cars, multiple mobile homes and other items of disrepair. I did not wish this for my expensive dream home. Therefore, I paid the higher price of a nicer neighborhood.

I realize the County wants to make money off the permits of allowing mobile homes and second homes on our parcels, but the intent of the homeowners **MUST BE CONSIDERED!** Please do **NOT** allow this mobile home in our neighborhood.

Sincerely,



JANIE J. DOAK  
Homeowner

**Charles and Nancy Hoyt**

5637 N. Indianola Ave.  
Clovis, CA 93619  
choyt@hoytco.com

August 31, 2015

Department of Public Works and Planning  
Development Services Division  
County of Fresno  
2220 Tulare Street, Sixth Floor  
Fresno, CA 73721

RECEIVED  
COUNTY OF FRESNO

SEP 01 2015

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Re: Director Review and Approval Application No. 4412

This is a letter of opposition to Application No 4412 under review by the Director of the Department of Public Works and Planning.

We are the next door neighbors to the property subject to the Application and have lived here for 38 years. We moved here specifically because it was a residential development of five (5) acre lots which was prohibited to be split into smaller lots or second residences by both specific deed restrictions placed on the development by the developers as well as the Fresno County five (5) acre minimum zoning restriction.

Application No. 4412 proposes to place a mobile home as a permanent second residence behind the existing primary residence.

The approval of the application would be an exception to neighborhood standards, an exception to zoning regulations (the application falls under the exception clause of 820.5), against the intention of the General Plan and therefore we oppose Application 4412 and in the attached document we provide the details that support our opposition. Our opposition is based on:

- 1.) The subject property of the Application as well as our own property is subject to the Declaration of Restrictions, filed September 25, 1970, Book 5823, Page 176, Document 67956 which specifically prohibits not only the placement of a mobile home on the property but more generally a second residence. This is a 5 acre Rural Residential development whose deed restrictions and zoning have been relied on by the property owners to maintain a single residence rural environment for 45 years.
- 2.) It appears that the Application may be based on the Fresno County Zoning Ordinance Code Section 820.2. As shown in the attached document, this code Section is subject to circular references that brings the subjectivity back onto itself which leaves the only definitive applicable code Section being 820.5 C. that states only one single family dwelling or one mobile home is permitted on any one lot. This would prohibit the placement of a mobile home on the subject property.

August 31, 2015

Page 2

3.) The Application is subject to code Section 872 which requires the Director of the Public Works and Planning to find that the Application will not be detrimental to the character of the development in the immediate neighborhood. The Declaration of Restrictions that the Applicants agreed to when the property was acquired by the applicants clearly defines the character of the neighborhood and whose character has been maintained since the development was created in 1970. There are no mobile homes in the neighborhood and the Directors approval would create the 1st mobilehome which would most certainly change the character of the neighborhood, set an entirely undesirable precedent and lower property values. The Deed Restrictions not only prohibit a mobilehome but second residences and goes further among other restrictions in even providing architectural review standards, all in order to maintain the character of a single residence, non mobile home rural residential neighborhood. This most certainly should give the Director overwhelming evidence to find the Application will in fact be detrimental to the character of the immediate neighborhood.

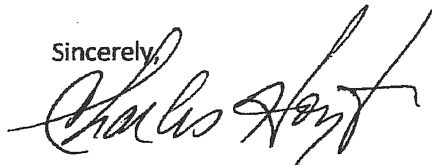
4.) The property subject to the Application is in what the Fresno County Department of Public Works and Planning has deemed a water short area. The only water source for the subject property as well as the entire neighborhood is private domestic wells. Approving a second residence will add to the density of the area which will put unnecessary increasing pressure on the underground water supply of the area during a critically dry drought at a time we are all on pins and needles about our water supply. This is further evidence that the Application will be detrimental to the character of the development in the immediate neighborhood.

5.) Under code Section 872 referenced above, the Director must also find that the Application is consistent with the General Plan of Fresno County. The General Plan calls for the RR zone district specifically to be one Dwelling Unit per Lot. Application 4412 would be in direct conflict with the not only the specific language of the General Plan but most certainly the density intention of the General Plan.

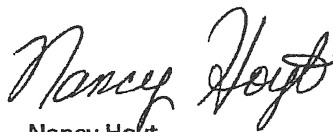
We respectfully urge you to decline Application 4412.

Thank you for the opportunity to provide our comments.

Sincerely,



Charles Hoyt



Nancy Hoyt

Attachments:

Arguments against Director Review and Approval Application 4412

Declaration of Restriction

Page 1-19, Table 1-7, Fresno County General Plan

August 31, 2015

**Arguments against Director Review and Approval Application 4412**

**Pertinent Sections of the General Provisions of The Ordinance Code of the County of Fresno**

**Section 820 "R-R" - RURAL RESIDENTIAL DISTRICT**

**Section 820.1 - USES PERMITTED (subject to property development standards in Section 820.5)**

A. One family dwelling units, not more than one (1) dwelling per lot.

G. Mobilehome occupancy, not more than one (1) mobilehome per lot, subject to provisions of Section 856

Section 856-A. 1. a. 9 R-R District

The property development standards of the District apply (Author's note-This refers to Section 820.5)

**Section 820.5 - PROPERTY DEVELOPMENT STANDARDS**

C. Population Density

Not more than one single family dwelling unit or one mobilehome shall be permitted on any lot in the "R-R" District, except that one of the following may be permitted:

1. A temporary mobilehome subject to the provisions of Section 820.2
2. A second dwelling unit subject to the provisions of Section 820.2
3. Residential uses subject to the provisions of Section 867-A.2 (Author's note-This does not seem to apply)

**820.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL**

**820.2 (M). Temporary mobilehome occupancy subject to the provisions of Section 856-A.1.b**

Section 856-A.1.b

(1). (b) Occupancy shall be permitted subject to review and approval as provided for in Section 872 and further subject to the special limitations in Subsection (2).

Special limitations subsection 2 (c):

Except as noted, the property development standards of the district shall apply (authors note-See above, Section 820.5 is the Property Development Standards of the District)

Section 872 C.3

That the proposed use will not be detrimental to the character of the development in the immediate neighborhood or the public health ....

**820.2 (N) Second dwelling units, subject to the provisions of Section 855-N**

Section 855-N

25. (3) All property development standards of the zone district in which the property is located shall apply, ...(authors note-except some parking space language), (Author's note-this refers again to 820.5 above).

25. (4) A mobilehome as a second dwelling unit may be permitted only in districts where permitted as a primary dwelling unit. The provisions of Section 856 shall apply.

Section 856 A.1.a.9 R-R District-The property development standards of the District apply.

Section 856 A.1.b.2.c. Except as noted, the property development standards of the district shall apply.

25. (6). b. The applicant shall submit sufficient information to enable the Director to determine the impact to the neighborhood.

**Conclusions:**

**Conclusion #1**

Since all applicable code section seems to end up being subject to the Property Development Standards of the District as defined in Section 820.5 which under subsection (C), Population Density, as stated above, that "Not more than one single family dwelling unit or one mobilehome shall be permitted on any lot in the R-R District, except that one of the following be permitted:..." (Author's note-Exceptions are temporary mobilehome subject to Section 820.2 and a second Dwelling subject to 820.2, see above reference). This becomes a circular reference as the exceptions to 820.5 are subject to 820.2 which are subject to Section 856 and to Section 855-N which are subject to the Property Development Standards which is Section 820.5 which is subject to 820.2 and so on. Therefore because of the inconclusive nature of the circular reference, it is the argument that the only clearly definitive statement that can be relied

on is that portion of 820.5 (C). "Not more than one single family dwelling unit or one mobilehome shall be permitted on any lot in the R-R District". Therefore, since the property underlying the proposed mobilehome already has a family dwelling on the property, another dwelling whether it be a mobilehome or not should not be allowed.

## **Conclusion #2**

All applicable section code seems to also end up being subject to Section 872. Beginning with Section 820.2, this Section allows Temporary mobilehome occupancy subject to Section 856-A.1.b which states in A.1.b..1.b that Occupancy shall be permitted subject to review and approval as provided for in Section 872 which in turn states in 872-C.3, that the Director must find that "the proposed use will not be detrimental to the character of the development in the immediate neighborhood..."

Section 820.2 also allows Second dwelling units, subject to Section 855-N which in 855-N 25.4. states that a mobilehome as a second dwelling unit is subject to the provisions of Section 856 which as stated above is subject to Section 872 which directs the Director to find that the proposed use is not detrimental to the character of the development in the immediate neighborhood...

In order for the Director to determine if the proposed use is detrimental to the character of the development in the immediate neighborhood please refer to the attached Declaration of Restrictions that were recorded on September 25, 1970 recorded in Book 5823 Page 176 Doc # 67956 in the County of Fresno and apply to the property that underlies the proposed mobilehome in application 4412. These Restrictions were placed on the property by the original developer of the Tract and have been relied upon by the subsequent purchasers of the lots covered by the Restrictions ever since to protect the character and integrity of the neighborhood. It is specifically brought to the Directors attention, paragraphs #2, 4, 13 and 16 where in it is clear that not only is a mobilehome not allowed, but a second residence is not allowed.

To paraphrase, Paragraph 2 discusses that each "Plot" or lot refers to the individual site for a residence and that no structure be erected on any plot having less than 5 acres. Paragraph 4 of the Restrictions states that no building other than a single family residence shall be built on any lot, Paragraph 13 states that no buildings or any portion thereof shall be moved from other places to said premises, Paragraph 16 states that no trailer or other outbuilding shall be used as a residence or a structure of a temporary character cannot be used as a residence.

These Restrictions were designed by the original developer of the subdivision to maintain a certain quality and character of the neighborhood. They are recorded deed restrictions so that the property owners in the subdivision have relied on the certainty that the particular quality and character of the neighborhood when they purchased the property will be maintained in the future. Therefore the Restrictions do not allow second residences as well as mobile homes, this certainly should serve as a clear definition that the Director can use to determine that the placement of a mobilehome as contemplated in Application 4412 should be seen as a detriment to the character of the development in the immediate neighborhood.

**Conclusion #3**

As explained in Conclusion #2, all applicable section code seems to also end up being subject to Section 872. In addition to Section 872 C.3 discussed above, Section 872 C.4 states the Director must find that "the proposed development be consistent with the General Plan". Attached is 1-19 of the Fresno County General Plan that shows that the Dwelling Units Permitted Per Lot for the "R-R" or Rural Residential Zone District. This indicates that only one Dwelling Unit is permitted per lot in the RR Zone District. Although the Zoning Ordinance section discussed above contains more detailed information, this indicates that the Application 4412 for a mobilehome placed on a RR zoned lot that has an existing residence is not consistent with the General Plan.

**Conclusion #4**

The Fresno County Department of Public Works and Planning has determined that the property subject to the Application is in a water short area. Additionally the area of the subject property is experiencing a critically dry year in a multi-year drought that extends County and State wide. Approval of the Application will increase the residence density on the subject property and set a precedence in the neighborhood which puts added pressure on the water supply in an admittedly short water area. Any approval of the application would need to be done under an exception to the Population Density intentions of the Code Ordinance and in difference with the General Plan density intentions which under consideration of the water short nature of the area of the subject property, appear incompatible.



DECLARATION OF RESTRICTIONS  
TRACT NO. 2150  
SIERRA VIEW RANCHOS

Recorded in Book 5823 Page 176  
September 25, 1970  
Fresno County, California

The undersigned hereby represents that they are the owners of that certain real property situated in the County of Fresno, State of California, described as follows, to-wit:

Lots 1 to 138 inclusive of Tract No. 2150, SIERRA VIEW RANCHOS, according to the map recorded September 11, 1970 in Book 25, Pages 53 to 58 inclusive, records of said County.

All deeds, conveyances, encumbrances and written instruments of whatsoever kind and character, all and singular, hereinafter made or executed and affecting title to said real property, or any part thereof, in any manner whatever, and said land and premises shall be subject to the following limitations and restrictions and shall be and remain in full force and effect for the period of 25 years from and after September 11, 1970, except as hereinafter provided:

1. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from and after the date hereof, at which time said covenants shall be automatically extended for successive periods of 10 years unless by a vote of the majority of the then owners of the lots it is agreed to change the said covenants in whole or in part.
2. The word "plot" as herein used refers to the individual site for a residence together with the grounds in connection therewith, whether composed of one or more lots or portions or combinations thereof of said lots. No structure shall be erected on any plot having less than five (5) acres of area and no splitting of lots shall be permitted unless the lot split is to make larger parcels that the five (5) acres above described. However, any lot of record platted on the recorded map can be used as a residential building plot. Prior to any lot split it will be necessary to have the approval in writing of the Acting Architectural Control Committee.
3. All land uses shall be in accordance with the Fresno County requirement for AE-5 zoning.
4. That during said period no building other than a single family residence, not more than 2 stories in height and its appurtenant garage or garages and other necessary and usual outbuildings incidental to the residential use of the property and buildings to be occupied by domestic servants employed on the premises, shall be erected or permitted to remain on any building plot in said tract. That all outbuildings for the shelter of animals shall not exceed 1 story in height; except as approved by the Architectural Control Committee.
5. That the ground floor area of any single family residence, exclusive of open porches, terraces, attached or detached garages or any other appurtenances thereto, shall not be less than 1500 square feet, unless otherwise agreed by the Architectural Board.
6. No building, nor a portion of any building, shall be erected or permitted to remain on any building plot nearer than 30 feet to a side lot line. No building, nor a portion of any building shall be erected or permitted to remain nearer than 60 feet from the front property line nor nearer than 60 feet from the side street line on corner lots.
7. The Architectural Control Committee, limited to 3 members, and shall be composed of Fred Stymans, Charles B. Bingham and one other person to be selected by the other two, from one of the first 10 lot owners of Lots in said Subdivision; a majority of this Committee may designate a representative to act for it. In the event of the death or resignation of any member of the Committee, the record owners shall have full authority to elect a successor. Neither the members of the Committee nor its designated representatives, shall be entitled to any compensation for services performed pursuant to this covenants. At any time, the then record owners of a majority of the lots shall have the power to change the membership of the Committee or to withdraw from the Committee or restore to it any of its powers and duties. Owners of each Lot, as shown on the tract map recorded September 11, 1970 is entitled to vote. All decisions of the Architectural Committee are binding by a majority vote of said Committee.
8. No building shall be erected, altered, placed or be permitted to remain on any building plot in this tract until the external design, location thereof, and building materials suppliers have been approved in writing by the Architectural Control Committee. The Committee shall require plans showing external design and location of buildings to be submitted to it before acting on the same. Decision of a majority of the Committee shall be final and conclusive. No notice of time and place of meetings need be given. In the event the Committee fails to approve or disapprove such design or location within 30 days after such plans have been submitted to it as above required, then such approval shall be waived.
9. The parties hereto for themselves or any of them, their heirs, executors, and assigns, covenants and agree to pay as required their pro-rata share of the cost to maintain the roadways and streets. The assessment shall be paid promptly on written demand of the Architectural Control Committee and in the event of any party's failure to pay same when demand is made shall constitute a lien upon the described premises and the same may be enforced in equity as in the case of any lien foreclosure together with interest at the maximum legal rate, attorney's fees and court costs. Such assessment may not exceed \$25.00 in any one calendar year, unless such assessment is certified by the Architectural Committee to be for necessary major repairs to said roadways and streets. The assessment shall accrue to the benefit of and may be enforced jointly and severally by the other property owners in the Sierra View Ranchos Subdivision, the Architectural Committee, or an association of property owners in Sierra View Ranchos Subdivision, if one shall be formed. At such time as any public body shall undertake to maintain the roadways and streets this covenant shall cease, terminate and be held for naught.
10. That during said period the exterior woodwork on all buildings constructed on said premises must be painted or stained, and where exterior is stucco it must be painted or be color impregnated as soon as erected except as permitted by the Architectural Control Committee.
11. Usual common pets such as birds, cats and dogs in reasonable numbers are permitted to be kept or bred upon any property subject to these covenants. Poultry is permitted in reasonable numbers for domestic use, provided any pen or coop therefor be at least 100 feet from any window or door of any residence, dwelling or other building used for human habitation. Bovine animals, horses and sheep may be raised or bred on said property. Commercial poultry production, swine production, commercial rabbit production and commercial milk production are specifically prohibited.
12. Any animals kept on any property as hereinabove provided shall be confined to said property by adequate fences. Said fences shall be constructed of any commonly accepted fencing material.
13. That during said period no buildings, or any portion thereof, shall be moved from other places to said premises for any purpose whatsoever.
14. No outside toilet or toilets shall at any time be erected, maintained, or tolerated upon said premises, and all sewage disposal systems shall be approved by the Fresno County Department of Health.
15. No commercial manufacturing enterprise or mechanical business, such as auto repairing, shall be carried on upon any plot, nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood.
16. No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.
17. No lot shall be used or maintained as a dumping ground. Rubbish, trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary conditions.
18. If the parties hereto, or any of them, or their heirs, successors or assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision and such person or persons shall have the right to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either prevent him or them from so doing or to recover damage or other dues for such violation.
19. No commercial type trucks, trailers, campers, or boats and trailers, or any other habitable motor vehicle of any nature shall be kept on or stored on any part of the property except behind a screen or other architecturally designed barricade so that the vehicle cannot be seen from the access roadways.
20. Invalidation of any one of these covenants by judgment or court order shall in no ways affect any of the other provisions which shall remain in full force and effect.
21. The breach of the foregoing limitations, conditions and restrictions or any reason of such breach, shall not defeat or render invalid the line of any Deed of Trust or Mortgage on said premises made in good faith, but in case of foreclosure and sale thereunder, the purchaser shall take title subject to all of said limitations, conditions and restrictions.

**TABLE 1-7**  
**ZONING CLASSIFICATIONS, MINIMUM PARCEL SIZE**  
**AND ACRES ZONED**  
 Fresno County  
 1997

Zone District	Map Code	Purpose of District	Characteristic Uses Permitted in District	Dwelling Units Permitted Per Lot	Minimum Parcel Size	Acres Zoned
1 Rural Residential	R-R	Provide for rural residential and limited agricultural activity	Homes, crops and certain farm animals	One	2 acres	31,832
2 Single Family Residential Agricultural	R-A	Provide for single family residential homes in a semi-rural environment	Homes, Farming, cows, home, goats, sheep, poultry and rabbits, schools, churches, kennels	One	36,000 sq. ft.	1,020
3 Single Family Residential	R-1-A (F)	Provide for single family residential homes on large suburban lots	Homes, crops, schools, churches, horses included in R-1-AH	One	20,000 sq. ft.	261
4 Single Family Residential Estate	R-1-E+ R-1-EH	Provide for single family homes at a semi-rural density	Homes, crops, schools, churches, horses included in R-1-GH	One	37,500 sq. ft.	241
5 Single Family Residential	R-1-B	Provide for single family homes in a suburban setting	Homes, home occupations, schools, churches, parks	One	12,500 sq. ft.	8,553
6 Single Family Residential	R-1-C	Provide for single family homes in a non-intensive environment	Homes, home occupations, schools, churches	One	9,000 sq. ft.	809
7 Single Family Residential	R-1	Provide for single family homes on small urban lots	Homes, home occupations, schools, churches, parks	One	6,000 sq. ft.	1,922
8 Low Density Multiple Family Residential	R-2+ R-2-A	Provide for multiple family residences, 1 story in height limitation in R-2A	Homes, duplexes, triplexes, etc. day nursery (limit 12 children), sanitariums, hospitals	1 du/ 2,400 sq. ft.	6,600 sq. ft.	205
9 Medium Density Multiple Family Residential	R-3 R-3-A	Provide for multiple family residences, 1 story in height limitation in R-3-A	Homes, multi-dwellings, fraternities, clubs, nursery schools, rest homes, hospitals	1 du/1,500 sq. ft.	7,500 sq. ft.	0
10 High Density Multi-Family Residential	R-4	Provide for multiple family residences	Homes, multi-dwellings, fraternities, clubs, nursery schools, rest homes (limit 24 patients), hospitals, lodges	1 du/1,000 sq. ft.	10,000 sq. ft.	0

August 31, 2015

Christina Monfette, Planner  
Development Services Division  
2220 Tulare Street; Sixth Floor  
Fresno, California 93721

RECEIVED  
COUNTY OF FRESNO

SEP 01 2015

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Re: DRA Application No. 4412; APN 308-200-25

Dear Ms. Monfette,

We have received the notice of application from Nancy Smith to allow a mobile home as a permanent second residence on the RR-5 Zone District lot at 5701 N. Indianola Avenue, Clovis CA 93619. We, as neighbors, are opposed to the granting of this request.

Sierra View Ranchos, our subdivision, dates back to 1970. By far, most of the homeowners who established here bought specifically because it was a 5 acre subdivision, offering less density of housing and quieter surroundings, and most invested heavily in their properties on that basis.

Allowing two residences on a property will have the effect of seeming to set a precedent, with the potential outcome of an eventual almost doubling of density within the subdivision.

One way to maintain the look and feel of a neighborhood is through the use of CCRs. These CCRs are public records and are readily available to anyone wishing to purchase a lot or home in our area. Owners are expected to comply with these rules. The only way to protect our investment is to keep to these high standards.

I respectfully ask that the application to add a second residence to said property be denied.

Thank you for your consideration.



Craig and Marlene Hicks, property owners  
5656 N. Indianola Ave.  
Clovis, CA

(559) 905-2188

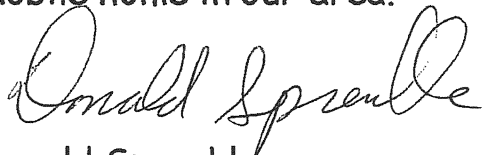
RECEIVED  
AUG 27 2015

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

Date: August 23, 2015

Re: Notice of Application - No. 4412

It is my understanding of the Sierra View Ranchos Restrictions -  
Tract No. 2150 that trailers(mobile home) are not allowed. If  
this has changed, please advise. If not, I would be against a  
mobile home in our area.



Donald Sprengle

5806 Amber Avenue

Clovis, CA 93619

559-297-7113

## EXHIBIT 8

### Sierra View Ranchos Tract No. 2150 Homeowners Association

November 16, 2015

Department of Public Works and Planning  
County of Fresno  
Fresno, CA 93721

Re: Director Review and Approval Application No. 4412

Application 4412 has been approved by the Director for the placement of a Mobile Home on a lot within Sierra View Ranchos Tract 2150. The approval is subject to a fifteen day appeal period deadline of November 17, 2015. The Homeowners Association for the homeowners within the Tract respectfully file a request for appeal of the approval of Application 4412.

Our request for appeal is based on the fact that a Mobile Home will in fact be detrimental to the character of our neighborhood whose character is defined in the Declaration of Restrictions which have been agreed to and accepted by all of the homeowners in the neighborhood.

The Declaration of Restrictions were filed September 25, 1970, Document 67956 recorded in Book 5823, page 176, and contain certain restrictions placed on all of the lots within Tract 2150 which specifically prohibit Mobile Homes from being placed on any of the lots. The lot that is the subject of Application 4412 lies within that tract.

The Declaration of Restrictions were placed on the lots with the specific intention of insuring and maintaining the specific and unique character of the neighborhood.

In approving the Application, the Director is required to find that the Application will "not be detrimental to the character of the development in the immediate neighborhood".

When observing the neighborhood, it becomes clear that Mobile Homes are certainly not a part of the neighborhood.

November 16, 2015

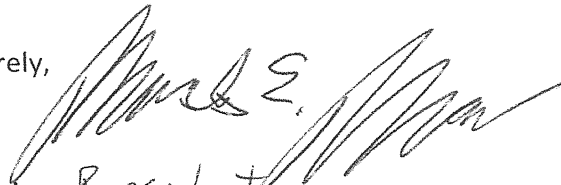
County of Fresno  
Department of Public Works and Planning

It is our understanding that the Director used three existing mobile homes in the area to find that the Mobile Home proposed by the application would not be detrimental to the immediate neighborhood. Upon our investigation, two of those existing mobile homes are actually not in Sierra View Ranchos Tract 2150 and should not apply to our neighborhood and the one that is in the neighborhood is hidden from street view at the end of a cul-de-sac in a geographically lower elevation making its presence difficult to detect. It was in fact previously unknown to the Homeowners Association.

We therefore request an appeal of the Directors decision to approve Application 4412.

Thank you for providing the process of appeal and your consideration in this matter.

Sincerely,



Mark May - President  
Sierra View Ranchos Tract 2150  
Homeowners Association

County of Fresno  
 REG-RECEIPT: 6270-75666  
 CASHIER ID: CIB1113      Nov 17, 2015  
 Date Printed: Nov 17, 2015 9:26 AM

**Invoice**  
 County of Fresno  
 Department of Public Works & Planning  
 Mailing Address: 2220 Tulare Street, 6th Floor Fresno, CA 93271  
 24-HR REQUEST LINE: 600-4131 LOCAL: 600-4560  
 TOLL FREE: 800742-1011 FAX: 600-4201



INVOICE TO:

15104816 LU      \$508.00  
 -----  
 SubTotal      \$508.00  
     GST      \$0.00  
     PST      \$0.00  
 TOTAL DUE      \$508.00  
 -----

INVOICE NO: 80994  
 INVOICE DATE: November 17, 2015  
 PERMIT #: Folder 15 104816 000 00 LU  
 REFERENCE #: DRA 4412

PROJECT LOCATION: 5701 INDIANOLA CLOVIS CA

RECEIVED FROM:  
 MAY & COMPANY CONSTRUCTION  
 CHECK      \$508.00  
 -----  
 TOTAL TENDERED      \$508.00  
 -----  
 CHANGE DUE      \$0.00  
 -----

PROJECT DESCRIPTION: ALLOW A MOBILE HOME TO REMAIN  
 AS A PERMANANT SECOND RESIDENCE ON A 5.29-ACRE  
 PARCEL IN THE RR-5 ZONE DISTRICT.

FEE DESCRIPTION	AMOUNT	COMMENT
Appeal of Decision	\$508.00	
	<u>TOTAL</u>	
	<b>\$508.00</b>	
<b>SUMMARY</b>		
OTHER	\$508.00	
	<u>TOTAL</u>	
	<b>\$508.00</b>	
Total Billed:	\$508.00	
Payment Recieved:	\$0.00	
<u>Balance Due:</u>	<b>\$508.00</b>	



When recorded mail to:

Name: Richard Bonner

Address: 11628 E. Browning

City State Zip Code: Clavis, CA 93619

FRESNO County Recorder  
Robert C. Werner

DOC- 2009-0148552

Tuesday, OCT 27, 2009 14:13:21

Ttl Pd \$18.00

Nbr-0003097720

RGR/R4/1-3

Second Amendment to Declaration of Restrictions

(DOCUMENT TITLE) Tract 2150 Sierra View Ranches



SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS  
TRACT 2150  
SIERRA VIEW RANCHOS

The undersigned, Richard R. Bonner, hereby represents that they are a Lot owner and a Member of the Architectural Control Committee of the real property situated in the County of Fresno, State of California, described as follows, to wit:

Lots 1 to 138 inclusive of Tract No. 2150, SIERRA VIEW RANCHOS, according to the Deed recorded September 11, 1970, in Book 25 Pages 53 to 58 inclusive of Plats.

EXCEPTING from said Lots 40 to 54 inclusive and Lots 89 to 102 inclusive and Lots 104 and 105 an undivided one-half interest in all oil, gas and mineral rights therein and thereunder, as excepted and reserved by Millie Sorensen in Deed recorded February 10, 1950, in Book 2822, Page 383 of Official Records.

The said undersigned, as representative of a majority of the Lot Owners, who voted personally by ballot at a Homeowner's meeting held 03-21-2007, and, if not in attendance then by mail ballot subsequently, does hereby amend that certain Declaration of Restrictions recorded September 25, 1970, in Book 5823, Page 176 of Official Records, as follows:

Paragraph 4 of said Declaration of Restrictions is amended to delete the wording ..."buildings to be occupied by domestic servants employed on the premises"...

Paragraph 16 of said Declaration of Restrictions is amended to add the wording at the beginning of the paragraph "No mobile home, affixed or unaffixed to the land,"...

  
Richard R. Bonner  
Member, Architectural Control Committee

**ACKNOWLEDGMENT**

State of California  
County of FRESNO )

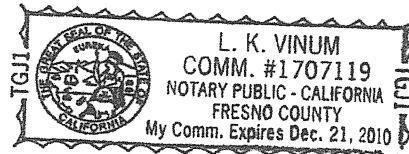
On OCTOBER 27, 2009 before me, L. K. VINUM, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared RICHARD R. BONNER  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature L. K. Vinum (Seal)



FRESNO COUNTY RECORDERS OFFICE

TRANSAMERICA TITLE COMPANY

76551

BOOK 5832 PAGE 646  
RECORDED AT REQUEST OF  
TRANSAMERICA TITLE INSURANCE CO.  
AT 15 MIN. PAST 3 P.M.

OCT 30 1970

BOOK 5832 PAGE 646  
FRESNO COUNTY, CALIFORNIA  
L. BROWN, COUNTY RECORDER

*L. Brown*  
COUNTY RECORDER

AMENDMENT TO DECLARATION OF RESTRICTIONS

TRACT NO. 2150

SIERRA VIEW RANCHOS

The undersigned, B.A.J., INC., a corporation, hereby represents that it is the owner of the real property situated in the County of Fresno, State of California, described as:

Lots 1 to 138 inclusive of Tract No. 2150, SIERRA VIEW RANCHOS, according to the Deed recorded September 11, 1970, in Book 25 Pages 53 to 58 inclusive of Plats.

EXCEPTING from said Lots 40 to 54 inclusive and Lots 89 to 102 inclusive and Lots 104 and 105 an undivided one-half interest in all oil, gas and mineral rights therein and thereunder, as excepted and reserved by Millie Sorensen in Deed recorded February 10, 1950, in Book 2822, Page 383 of Official Records.

The said undersigned do hereby amend that certain Declaration of Restrictions recorded September 25, 1970, in Book 5823, Page 176 of Official Records, as follows:

Paragraph 9 of said Declaration of Restrictions is hereby stricken and eliminated from said Restrictions, and in lieu thereof there shall be substituted the following paragraph to all intents and purposes as if originally included in said Declaration of Restrictions.

9. The parties hereto for themselves or any of them, their heirs, executors, and assigns, covenant and agree to pay as required their pro-rata share of the cost to maintain the roadways and streets. The cost shall be paid promptly on written demand of the Architectural Control Committee. Such cost may not exceed \$25.00 in any one calendar year, unless such cost is certified by the Architectural Committee to be for necessary major repairs to said roadways and streets. The cost shall accrue to the benefit of and may be enforced jointly and severally by the other property owners in the Sierra View Ranchos Subdivision and the Architectural Committee. At such time as any public body shall undertake to maintain the roadways and streets this covenant shall cease, terminate and be held for naught.

Dated: October 29, 1970.

B.A.J., INC.

By *Charles B. Bingham*  
Charles B. Bingham, President

FRESNO COUNTY RECORDERS OFFICE

STATE OF CALIFORNIA  
COUNTY OF Fresno

BOOK 5832 PAGE 647

} ss ON October 29, 1970, before me, the  
undersigned, a Notary Public in and for said County and State, personally appeared  
Charles B. Bingham



known to me to be the person who executed the within instrument on behalf of the  
Corporation therein named, and acknowledged to me that such Corporation exe-  
cuted the within instrument pursuant to its By-laws or a Resolution of its Board of  
Directors.

CORPORATION ACKNOWLEDGMENT  
Manager or Officer  
Form No. 14

Notary's Signature Alma L. Taves  
Type or Print Notary's Name

2-35-040  
2-35-040

FRESNO COUNTY RECORDERS OFFICE

67956

RECORDING REQUESTED BY BOOK 5823 PAGE 176  
 TRANSAMERICA TITLE INSURANCE CO.  
 RECORDED IN OFFICIAL RECORDS OF  
 FRESNO COUNTY, CALIFORNIA  
 AT 8:00 MIN. PAST 8:00 M  
 SEP 25 1970  
 J. L. BROWN, County Recorder

DECLARATION OF RESTRICTIONS  
 TRACT NO. 2150 - SIERRA VIEW RANCHOS

The undersigned hereby represents that they are the owners of that certain real property situated in the County of Fresno, State of California, described as follows, to-wit:

Lots 1 to 138 inclusive of Tract No. 2150, SIERRA VIEW RANCHOS, according to the map recorded September 11, 1970 in Book 25, Pages 53 to 58 inclusive, records of said County.

All deeds, conveyances, encumbrances and written instruments of whatsoever kind and character, all and singular, hereinafter made or executed and affecting title to said real property, or any part thereof, in any manner whatever, and said land and premises shall be subject to the following limitations and restrictions and shall be and remain in full force and effect for the period of 25 years from and after September 11, 1970, except as hereinafter provided:

1. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from and after the date hereof, at which time said covenants shall be automatically extended for successive periods of 10 years unless by a vote of the majority of the then owners of the lots it is agreed to change the said covenants in whole or in part.
2. The word "plot" as herein used refers to the individual site for a residence together with the grounds in connection therewith, whether composed of one or more lots or portions or combinations thereof of said lots. No structure shall be erected on any plot having less than five (5) acres of area and no splitting of lots shall be permitted unless the lot split is to make larger parcels than the five (5) acres above described. However, any lot of record platted on the recorded map can be used as a residential building plot. Prior to any lot split it will be necessary to have the approval in writing of the Acting Architectural Control Committee.
3. All land uses shall be in accordance with the Fresno County requirement for AE-5 zoning.
4. That during said period no building other than a single family residence, not more than 2 stories in height and its appurtenant garage or garages and other necessary and usual outbuildings incidental to the residential use of the property and buildings to be occupied by domestic servants employed on the premises, shall be erected or permitted to remain on any building plot in said tract. That all outbuildings for the shelter of animals shall not exceed 1 story in height; except as approved by the Architectural Control Committee.

SIERRA VIEW RANCHOS  
Tract No. 2150  
Restrictions Continued

Page 2

5. That the ground floor area of any single family residence, exclusive of open porches, terraces, attached or detached garages or any other appurtenances thereto, shall not be less than 1500 square feet, unless otherwise agreed by the Architectural Board.
6. No building, nor a portion of any building, shall be erected or permitted to remain on any building plot nearer than 30 feet to a side lot line. No building, nor a portion of any building shall be erected or permitted to remain nearer than 60 feet from the front property line nor nearer than 60 feet from the side street line on corner lots.
7. The Architectural Control Committee, limited to 3 members, and shall be composed of Fred Stymans, Charles B. Bingham and one other person to be selected by the other two, from one of the first 10 lot owners of Lots in said Subdivision; a majority of this Committee may designate a representative to act for it. In the event of the death or resignation of any member of the Committee, the record owners shall have full authority to elect a successor. Neither the members of the Committee nor its designated representatives, shall be entitled to any compensation for services performed pursuant to this covenants. At any time, the then record owners of a majority of the lots shall have the power to change the membership of the Committee or to withdraw from the Committee or restore to it any of its powers and duties. Owners of each Lot, as shown on the tract map recorded September 11, 1970 is entitled to one vote. All decisions of the Architectural Committee are binding by a majority vote of said Committee.
8. No building shall be erected, altered, placed or be permitted to remain on any building plot in this tract until the external design, location thereof, and building materials suppliers have been approved in writing by the Architectural Control Committee. The Committee shall require plans showing external design and location of buildings to be submitted to it before acting on the same. Decision of a majority of the Committee shall be final and conclusive. No notice of time and place of meetings need be given. In the event the Committee fails to approve or disapprove such design or location within 30 days after such plans have been submitted to it as above required, then such approval shall be waived.

SIERRA VIEW RANCHOS  
Tract No. 2150  
Restrictions Continued

9. The parties hereto for themselves or any of them, their heirs, executors, and assigns, covenants and agree to pay as required their pro-rata share of the cost to maintain the roadways and streets. The assessment shall be paid promptly on written demand of the Architectural Control Committee and in the event of any party's failure to pay same when demand is made shall constitute a lien upon the described premises and the same may be enforced in equity as in the case of any lien foreclosure together with interest at the maximum legal rate, attorney's fees and court costs. Such assessment may not exceed \$25.00 in any one calendar year, unless such assessment is certified by the Architectural Committee to be for necessary major repairs to said roadways and streets. The assessment shall accrue to the benefit of and may be enforced jointly and severally by the other property owners in the Sierra View Ranchos Subdivision, the Architectural Committee, or an association of property owners in Sierra View Ranchos Subdivision, if one shall be formed. At such time as any public body shall undertake to maintain the roadways and streets this covenant shall cease, terminate and be held for naught.
10. That during said period the exterior woodwork on all buildings constructed on said premises must be painted or stained, and where exterior is stucco it must be painted or be color impregnated as soon as erected except as permitted by the Architectural Control Committee.
11. Usual common pets such as birds, cats and dogs in reasonable numbers are permitted to be kept or bred upon any property subject to these covenants. Poultry is permitted in reasonable numbers for domestic use, provided any pen or coop therefor be at least 100 feet from any window or door of any residence, dwelling or other building used for human habitation. Bovine animals, horses and sheep may be raised or bred on said property. Commercial poultry production, swine production, commercial rabbit production and commercial milk production are specifically prohibited.
12. Any animals kept on any property as hereinabove provided shall be confined to said property by adequate fences. Said fences shall be constructed of any commonly accepted fencing material.
13. That during said period no buildings, or any portion thereof, shall be moved from other places to said premises for any purpose whatsoever.
14. No outside toilet or toilets shall at any time be erected, maintained, or tolerated upon said premises, and all sewage disposal systems shall be approved by the Fresno County Department of Health.
15. No commercial manufacturing enterprise or mechanical business, such as auto repairing, shall be carried on upon any plot, nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood.

SIERRA VIEW RANCHOS  
Tract No. 2150  
Restrictions Continued

Page 4

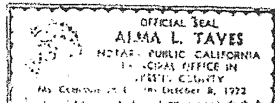
- 16. No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.
- 17. No lot shall be used or maintained as a dumping ground. Rubbish, trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary conditions.
- 18. If the parties hereto, or any of them, or their heirs, successors or assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision and such person or persons shall have the right to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either prevent him or them from so doing or to recover damage or other dues for such violation.
- 19. No commercial type trucks, trailers, campers, or boats and trailers, or any other habitable motor vehicle of any nature shall be kept on or stored on any part of the property except behind a screen or other architecturally designed barricade so that the vehicle cannot be seen from the access roadways.
- 20. Invalidation of any one of these covenants by judgment or court order shall in no ways affect any of the other provisions which shall remain in full force and effect.
- 21. The breach of the foregoing limitations, conditions and restrictions or any reason of such breach, shall not defeat or render invalid the line of any Deed of Trust or Mortgage on said premises made in good faith, but in case of foreclosure and sale thereunder, the purchaser shall take title subject to all of said limitations, conditions and restrictions.

B. A. J., Inc.  
a California corporation  
*Charles B. Bingham*  
Charles B. Bingham,  
President

STATE OF CALIFORNIA  
COUNTY OF Fresno

} ss

ON September 25, 1970, before me, the undersigned, a Notary Public in and for said County and State, personally appeared  
Charles B. Bingham



known to me to be the person who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its By-laws or a Resolution of its Board of Directors.

CORPORATION ACKNOWLEDGMENT  
Manager or Officer  
Form No. 16

Notary's Signature *Alma L. Taves*  
Type or Print Notary's Name \_\_\_\_\_



## EXHIBIT 9

### APPROVED DRAs WITHIN 1 MILE OF 5701 N. INDIANOLA AVENUE

DRA	DESCRIPTION	DATE	LOT #	MH?	ACTION
2341	Class II Home occupation	11/10/1987	38	-	PC Approved
2994	2nd Res	3/23/1995	33	N	Director Appr
3036	2nd Res	2/16/1996	60	N	Director Appr
3045	2nd Res	3/18/1996	10	N	Director Appr
3134	2nd Res	11/24/1997	2	N	Director Appr
3293	2nd Res	1/26/2000	24	N	Director Appr
3300	2nd Res	12/14/1999	63	N	Director Appr
3507	2nd Res	6/11/2003	122	N	Director Appr
3733	2nd Res	1/17/2006	4	N	Director Appr
3783	2nd Res	5/11/2006	3	Y	PC Approved
3863	Home occupancy (pool table repair)	8/17/2006	46	-	Director Appr
3892	2nd Res	3/29/2007	120	N	PC Approved
4277	Allow Accessory Structure within a required yard	7/12/2012	100	-	Director Appr
4342	2nd Res	6/16/2014	99	N	Director Appr
4368	2nd Res	12/2/2014	130	Y	Director Appr
1827	Temp. Mobile Home (Dependent)	9/2/1983		Y	Director Appr
2036	10-foot fence and lights for Tennis Court	5/15/1985			Director Appr
2094	Large Day Nursery	9/11/1985			Director Appr
2099	Temp. Mobile Home (Dependent)	8/14/1985		Y	Director Appr
2120	2nd Res	1/8/1985		Y	Director Appr
2251	Temp. Mobile Home (Dependent)	10/10/1986		Y	Director Appr
2276	Temp. Mobile Home (Dependent)	1/2/1987		Y	Director Appr
2455	Temp. Mobile Home (Dependent)	12/9/1988		Y	Director Appr
2484	8-foot fence and lights for Tennis Court	5/8/1989			Director Appr
2493	Temp. Mobile Home (Dependent)	7/17/1989		Y	Director Appr
2756	Temp. Mobile Home (Dependent)	10/19/1992		Y	Director Appr
2816	Temp. Mobile Home (Dependent)	3/16/1993		Y	Director Appr
2885	Temp. Mobile Home (Dependent)	12/8/1993		Y	Director Appr
2913	Temp. Mobile Home (Dependent)	5/5/1994		Y	Director Appr
2963	14-foot fence around private batting cage	12/12/1994			Director Appr
2984	2nd Res	4/7/1995		N	Director Appr
2985	2nd Res	4/21/1995		Y	Director Appr
3005	2nd Res	7/18/1995		N	Director Appr
3111	2nd Res	3/25/1997		N	Director Appr
3190	2nd Res	5/11/1998		N	Director Appr
3219	2nd Res	12/2/1998		Y	Director Appr
3248	2nd Res	3/25/1999		N	Director Appr
3329	2nd Res	6/5/2000		Y	Director Appr
3420	2nd Res	3/25/2005		Y	Director Appr
3483	2nd Res	12/10/2002		N	Director Appr
3486	2nd Res	12/13/2002		N	Director Appr
4276	2nd Res	9/24/2012		N	Director Appr