



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 January 23, 2020

**SUBJECT:** Variance Application No. 4080

Allow the creation of a five-acre parcel and a 35-acre parcel (40-acre minimum required) from an existing 40-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on North Newmark Avenue, approximately three quarter-miles north of State Route 168 (11610 and 11614 North Newmark Avenue) (SUP. DIST. 5) (APN 150-031-21).

**OWNER**  
**APPLICANT:** Delma Joy Ventress  
Jay Ventress

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

**RECOMMENDATION:**

- Deny Variance No. 4080; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

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

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District	No change
Parcel Size	40.00 acres	5-acre parcel 35-acre parcel
Project Site	40.00-acre parcel improved with two single-family residences	See proposed Parcel Size above
Structural Improvements	The subject parcel is improved with a 1,440 square-foot mobile home and a 2,036 square-foot mobile home	Two existing dwellings, which were approved by DRA No. 3688, will remain on the proposed 5.00-acre parcel.
Nearest Residence	Approximately 220 feet north of the northern boundary of the subject property	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: *Review for Exemption* 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 11 property owners within 1,320 feet of the subject parcel, exceeding the 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 the Fresno County Zoning Ordinance, Section 877 are made by the Planning Commission.

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

**BACKGROUND INFORMATION:**

According to available records, the subject parcel has existed in its current configuration since at least 1976. Prior to that, the parcel was divided by deed from its original configuration as a portion of Section 12, Township 12 South, Range 22 East. The subject parcel was originally zoned A-1 General Agricultural and was rezoned to AL-40 with the approval of Amendment Application No. 3244, which was approved on May 4, 1982 along with the adoption of the Sierra North Regional Plan.

The current Variance request, submitted on August 1, 2019, proposes to allow the division of the subject 40.0-acre parcel into a 5.0-acre (homesite) parcel and a 35.0-acre remainder parcel. If this Variance is approved, it is the intention of the property owner to remain on the proposed 5.0-acre (homesite) parcel, containing two existing dwellings. The existing second dwelling unit was authorized by DRA No. 3688, approved in May 2005.

One (1) variance request has been processed within one half-mile of the subject property. That variance is detailed in the table below:

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 3990 (DRA No. 4454) – Allow the creation of three parcels from an existing 63.65-acre parcel and allow an existing residence to remain as a permanent second residence in the AE-40 Zone District.	Denial	PC Approved	October 20, 2016

**ANALYSIS/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 Configuration:</b>	<b>Is Standard Met (y/n):</b>
Setbacks	AL-40 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Proposed 5.0-acre parcel:</u> Front: 35 feet Side: 20 feet Rear: 20 feet  <u>Proposed 35.0-acre parcel:</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>5.00-acre parcel :</u> Yes  <u>35.00-acre parcel:</u> Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals, which must be located a minimum of 40 feet from any human-occupied building	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	N/A
Water Well Separation	Building sewer/ septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	There are currently two septic systems on the proposed 5.0-acre parcel to serve the two existing dwellings, there is also a domestic water well located on the proposed 5.00-acre parcel , and an agricultural well located on the proposed 35-acre parcel.  Any existing or proposed water wells will be required to meet minimum setbacks (separation) from existing or proposed septic systems.	Yes

## **Reviewing Agencies/Department Comments:**

Zoning and Permit Review Section of the Fresno County Department of Public Works and Planning: If this Variance is approved, a subsequent mapping procedure will be required. A special inspection to verify the removal of the mobile home will need to be obtained.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Newmark Avenue is County maintained and classified as a Local road with an existing 40-foot right-of-way, a paved width of 24.1 feet with dirt shoulders, an Average Daily Traffic (ADT) count of 200 vehicles per day, a pavement condition index of 47.1, and is in poor condition.

An encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work within the County right-of-way.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Newmark Avenue is classified as a Local road with a 40-foot right-of-way. Newmark Avenue ends at the southern property line of the subject parcel, per the Plat Book. This section of Newmark Avenue is not a County-maintained road.

Any access driveway should be set back a minimum of ten feet from the side property line. If not already present, ten-foot by ten-foot corner cutoffs shall be provided for sight distance purposes at any driveway accessing Newmark Avenue.

According to FEMA, FIRM Panel 1070H, portions of the subject parcel are located in Flood Zone A special flood hazard area, subject to flooding from the 100-year (one-percent-chance) storm event. According to U.S.G.S. Quad Maps, there are natural drainage channels adjacent to or traversing the subject parcel.

## **Analysis:**

In support of Finding 1, the Applicant's findings state that the subject property has been in the family for several generations and has been divided by deed over time to its current configuration, and that it is the Applicant's desire to preserve the original home site.

Regarding Finding 1, Based on the above analysis, staff is unable to identify any physical attributes, circumstances or conditions particular to the subject property that would warrant the granting of the Variance to rectify. According to the Applicant's findings, the majority of the property is vacant and suitable for grazing. Staff notes that the parcel is somewhat unusual in that it has no public road frontage and its only access point is from the terminus of Newmark Avenue at the southern property boundary. As part of the mapping process, should this Variance be approved, the Applicant will be required to record a 60-foot-wide easement, running north/south across the proposed 5-acre parcel, to provide access from Newmark Avenue to the proposed 35-acre parcel, in accordance with the Fresno County Ordinance Code, Title 17, Chapter 17.72 – Parcel Maps.

Staff also notes that the property contains a natural drainage channel which traverses the entire parcel from north to south along its eastern side, and that this fact creates a condition whereby the eastern third of the property may be inaccessible during seasonal and/or flood conditions. However, staff does not agree that this condition creates a restriction on the current residential use, or agricultural use of the property, or that the granting of the Variance to create two substandard size parcels would rectify that condition; therefore, staff is unable to make Finding 1.

In support of Finding 2, the Applicant's findings state that it is his desire to retain the original homesite on the proposed 5-acre parcel and reside there, and be able to convey the proposed 35-acre parcel as he wishes, without any restrictions; and that other property owners have been allowed to divide their property through other means such as a gift deed.

Regarding Finding 2, staff acknowledges that other property owners in the vicinity may have been allowed to divide their property through deed; however, the Applicant could also avail himself of that option, and although it carries certain restrictions upon the sale of the property, there is no deficit of a substantial property right at issue. Additionally, each Variance request must be considered on its own merits. In this case, staff is unable to make Finding 2.

General Plan Policy LU-A.7 provides that the County shall generally deny requests to create parcels less than the minimum size required per the acreage designation in areas designated Agriculture, based on concerns that these smaller parcels are less viable economic farming units, and that increased residential density would conflict with surrounding agricultural uses; moreover, Policy LU-A.7 states that "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". A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant could simply retain the property as it currently exists; however, that would not address the Applicant's concern that the size of the property creates a burden in that it must be maintained and/or utilized for agricultural purposes (grazing).

If this Variance is approved, allowing the creation of the two parcels, each of those resulting parcels could be developed with two residences, with the appropriate discretionary approval, which would increase residential density, thereby conflicting with General Plan Policy as previously discussed. See additional; discussion of General Plan Policy LU-A.7 under Finding 4 below.

Therefore, based on the preceding analysis, staff was unable to identify any exceptional or extraordinary circumstances, or conditions applicable to the subject property, nor the deficit of a substantial property right, warranting the granting of the Variance. Findings 1 and 2 cannot be made.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**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.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence*:
North	394.52 acres	Grazing	AE-20	N/A
South	2.50 acres	Vacant	AE-20	Approximately 490 feet

<b>Surrounding Parcels</b>				
	5.00 acres	Vacant		
East	62.61 acres	Grazing/Single-Family Residential	AE-20	Approximately 500 feet
	44.49 acres	Grazing/Single-Family Residential		N/A
West	156.35 acres	Grazing	AE-20	N/A

\*Measured from the existing property lines

**Reviewing Agencies/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: It is recommended that the Applicant consider having the existing septic tanks pumped and have the tank and leach lines 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. Contact the Building and Safety Section at (559) 600-4540 for more information.

If any underground storage tank(s) are found during this project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required).

Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Contact the Water Surveillance Program at (559) 600-3357 for more information.

Development Engineering Section of the Fresno County Department of Public Works and Planning: The subject parcel is located in a State Responsibility Area (SRA); accordingly, any future development shall comply with applicable SRA Fire Safe Regulations.

Any additional runoff generated by development of the subject parcel cannot be drained across property lines and must be retained on site or disposed of per County standards; on-site retention is required.

A grading permit or voucher is required for any grading work that has been done without a permit and any grading proposed with this application. Projects exceeding 1,000 cubic yards of material may require an engineered grading and drainage plan.

Fresno County Fire Protection District: This project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

Fresno County Fire Protection District: This project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

No other comments specific to Finding 3 were expressed by reviewing Agencies or Departments.

**Analysis:**

In support of Finding 3, the Applicant's Findings state that the previous use for the raising of livestock has ceased and that the current size of the property at 40-acres is burdensome to maintain. The granting of the Variance to divide the parcel into a 5-acre homesite and a 35-acre remainder would allow the 35-acre portion to be sold and would still be a viable size for continued agricultural operation. The division of the property will not adversely impact other properties in the vicinity because the division of the parcel is similar to other property divisions taking place in the area.

Concerning Finding 3, staff agrees that there would be no apparent adverse impacts upon surrounding property. The subject property is in an area of both residential and agricultural uses, primarily grazing, and parcel sizes range from more 5.0 acres to more than 300 acres. The creation of the 5.0-acre homesite would be consistent with other nearby residential development, and the property's designation as low-density residential in the County-Adopted Sierra North Regional Plan.

Staff believes that there will be no adverse impacts on neighboring properties; therefore, Finding 3 can be made.

**Recommended Conditions of Approval:**

*See recommended Conditions attached as Exhibit 1.*

**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: The County shall maintain twenty (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 twenty (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 40-acre minimum parcel size requirement and does not qualify under Policies LU-A.9, LU-A.10, and LU-A.11. See Analysis below.
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	The minimum parcel size for the subject parcel is 40 acres. The creation of two smaller parcels is inconsistent with this policy. See Analysis below.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>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>General Plan Policy LU-A.9: The County may allow the creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6 if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria:</p> <ul style="list-style-type: none"> <li>a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and</li> <li>b. One of the following conditions exists: <ul style="list-style-type: none"> <li>1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or</li> <li>2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, and there is only one (1) gift lot per twenty (20) acres; or</li> <li>3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.</li> </ul> </li> </ul> <p>Each homesite created pursuant to this policy shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</p>	<p>Policy LU-A.9 provides for an exception from the requirements of the minimum parcel size designation where those specific criteria are met. In the case of this application, the subject parcel does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard size lot or homesite parcel.</p>
<p>General Plan 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>	<p>This proposal was reviewed by the Water and Natural Resources Division, which did not express concerns related to water supply, as there is no</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>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 hydrologic 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 hydrologic investigation shall be required.</p> <p>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 hydrologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts would extend beyond the boundary of the 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>development proposed with this application. However, any subsequent development of either of the proposed parcels would require a well yield test in accordance with Title 15, California Building Standards Code.</p>

**Reviewing Agencies/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Low-Density Residential in the County-Adopted Sierra North Regional Plan. Policy LU-A.6 states that the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture. Additionally, General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size specified by the acreage designation in agricultural areas. Those policies are detailed in the table above. The subject parcel is not subject to a Williamson Act Contract.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The subject parcel is located in a water-short area; however, there is no development proposed. No further comments.

Fresno County Fire Protection District: This project and/or development will be subject to the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

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

**Analysis:**

In support of Finding 4, the Applicant states that if the subject parcel is divided, the larger proposed 35-acre parcel could be used for agricultural purposes by the owner or subsequent owner, and would therefore be consistent with the objectives of the General Plan. The subject property is designated as Low-Density Residential in the County-Adopted Sierra North Regional Plan and zoned AL-40 (Limited Agricultural, 40-acre minimum parcel size).

Per Section 817 of the Zoning Ordinance, the Limited Agricultural Zone District is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with or injurious to other less intensive agricultural operations. The AL Zone District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive uses which by their nature may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use.

Staff notes that General Plan Goal LU-A is “to promote the long-term conservation of productive and potentially-productive agricultural lands and to accommodate agricultural support services and agriculturally-related activities that support the viability of agriculture and further the County’s economic development goals.” The subject parcel is designated as Farmland of Statewide Importance, which is described as Farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture.

Staff does not concur with the Applicant’s statement that the project would not be contrary to the objectives of the General Plan. The General Plan contains certain policy provisions which allow for the creation of substandard-size lots for the creation of homesite parcels, subject to certain specific criteria. Specifically, Policy LU-A.9 provides for an exception from the requirements of the minimum parcel size designation where those specific criteria are met. The relevant policies and criteria are listed in the preceding table.

In the case of this application, the subject parcel does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard-size lot. Additionally, Policy LU-A.7 restricts the creation of parcels with less than the required acreage for the zone district. Specifically, the Policy states that evidence that the parcel is already not an economic farming unit is not a basis for granting an exception (see discussion under Finding 2). Lastly, the proposal to split the parcel is not consistent with General Plan Goal LU-A, as noted above.

Based on the above analysis, Finding 4 cannot be made.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 cannot be made.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Based on the factors cited in the analysis, staff does not believe Findings 1, 2, and 4, required for granting the Variance, can be made. Staff therefore recommends denial of Variance Application No. 4080.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4080; 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. 4080, subject to the Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1.

JS:ksn

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**Variance Application (VA) No. 4080  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Division of the property shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	A 60-foot wide easement providing access to the proposed 35-acre parcel, across the proposed 5-acre parcel, shall be recorded as part of the final parcel map. The easement shall comply with applicable standards of the Fresno County Parcel Map Ordinance (Ordinance Code) Title 17.72

Conditions of Approval reference recommended Conditions for the project.

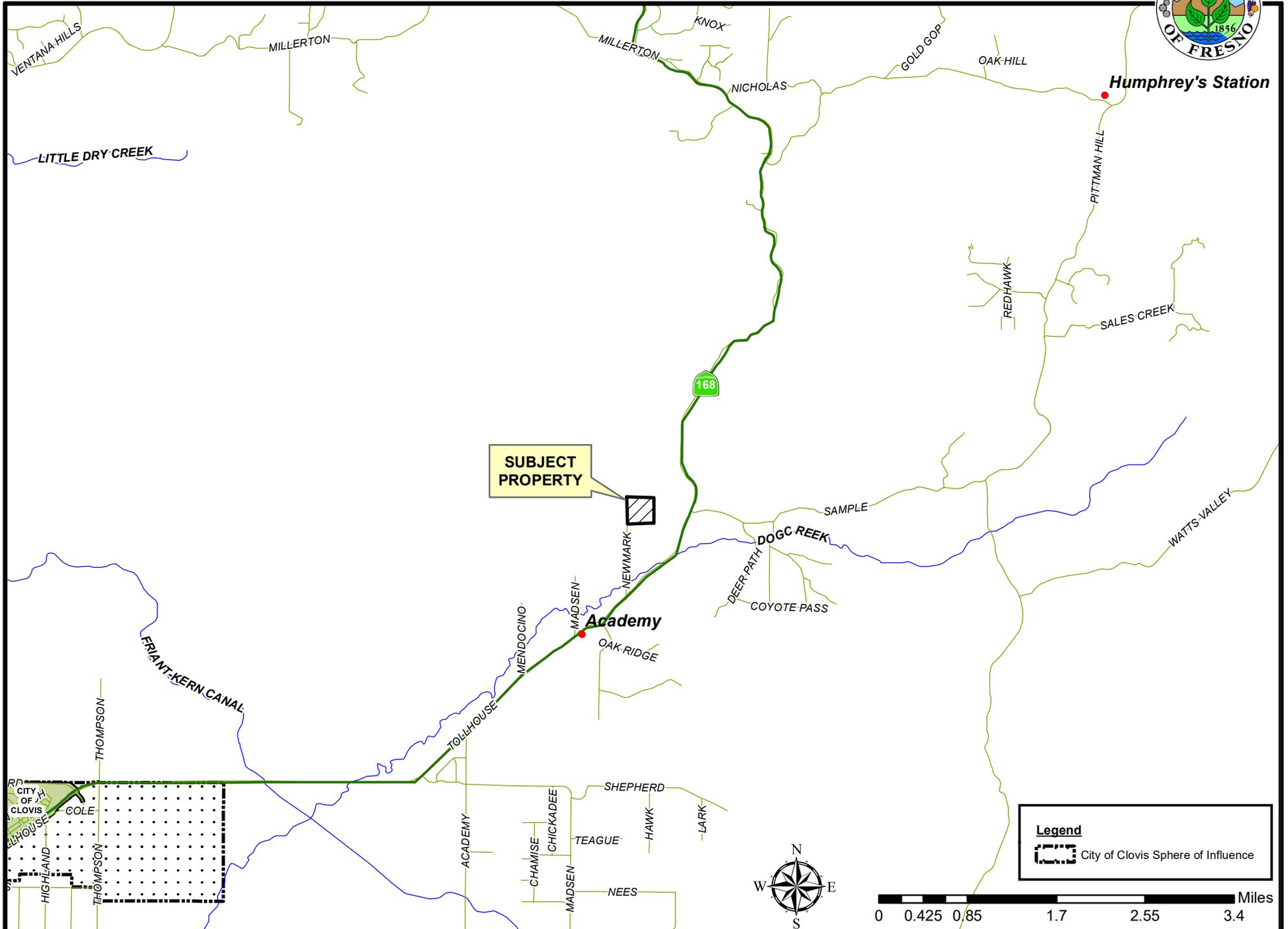
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	<p>Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72.</p> <p>The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that “Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance.” These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.</p>
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	All abandoned water wells and septic systems on the subject parcel or resultant parcels shall be properly destroyed by an appropriately-licensed contractor, subject to permits and inspections by the Fresno County Department of Public Works and Planning and the Fresno County Department of Public Health.
4.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state and local government requirements.
5.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

**Notes**

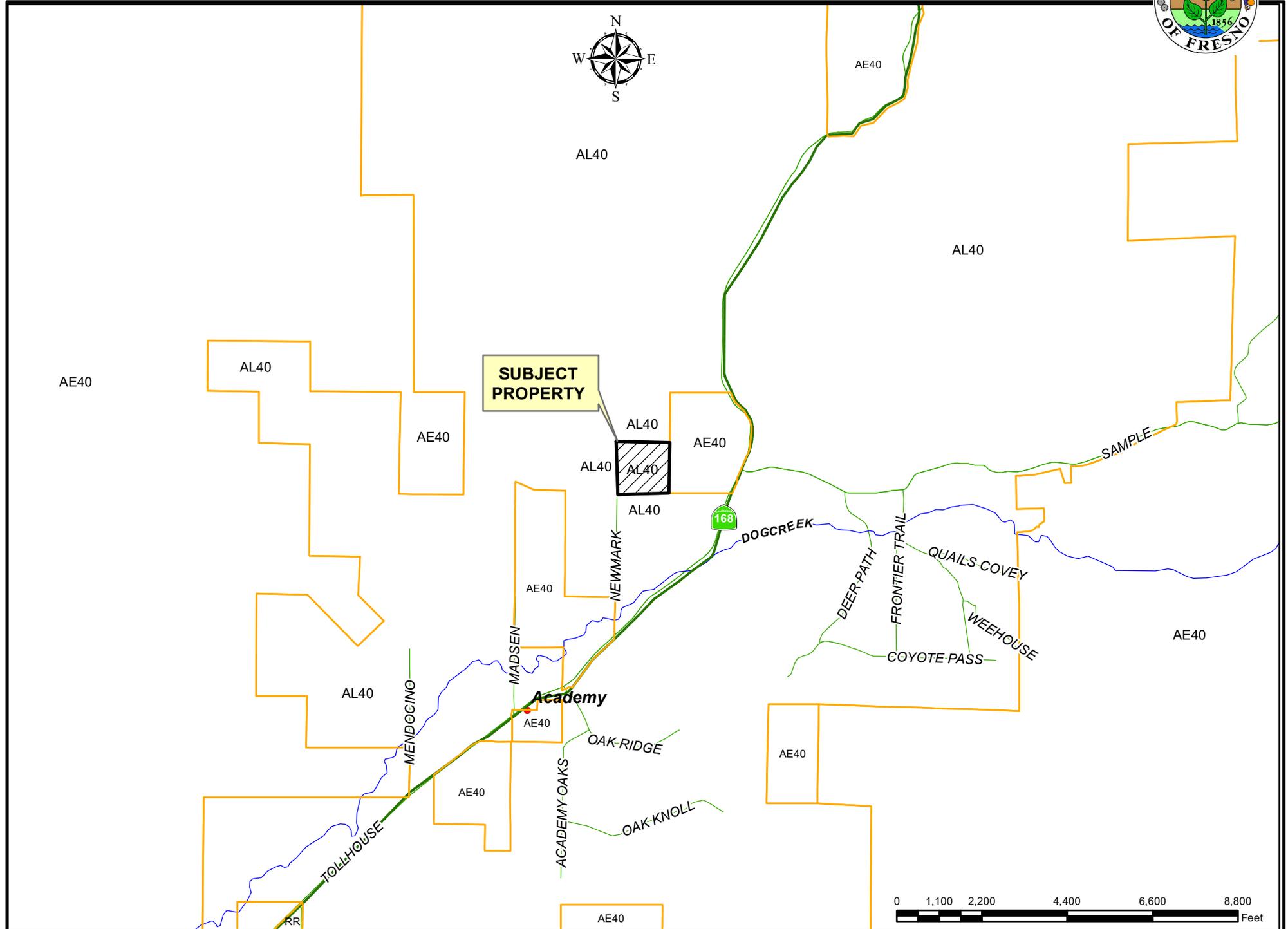
6.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).
7.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
8.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.

JS:  
G:\4360Devs&Pin\PROJSEC\PROJDOCS\VA\4000-4099\4080\SR\VA 4080 Conditions & PN (Ex 1).docx

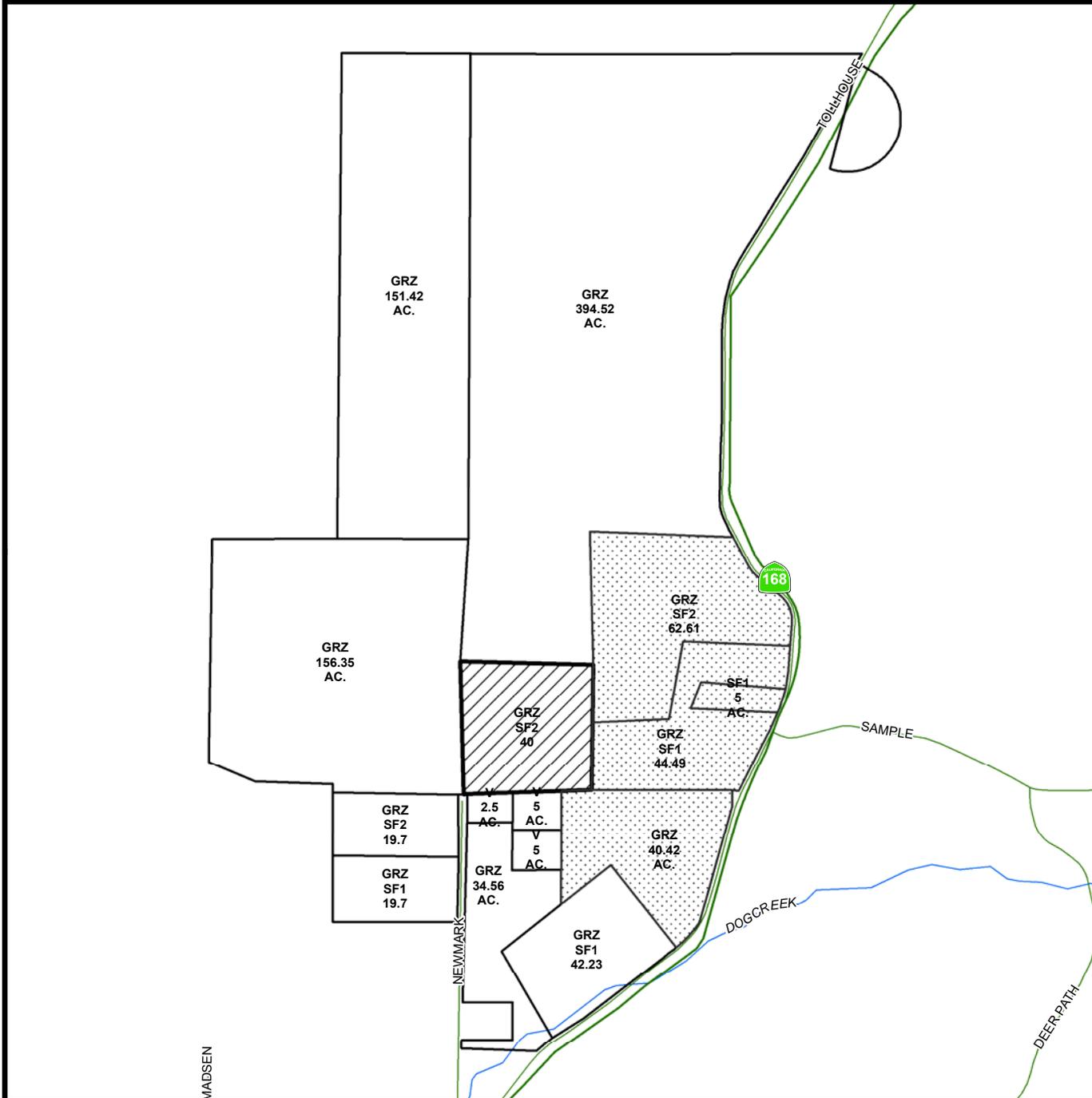
# LOCATION MAP



# EXISTING ZONING MAP



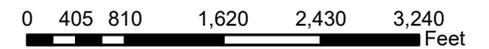
# EXISTING LAND USE MAP



LEGEND	
GRZ	- GRAZING
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

### LEGEND:

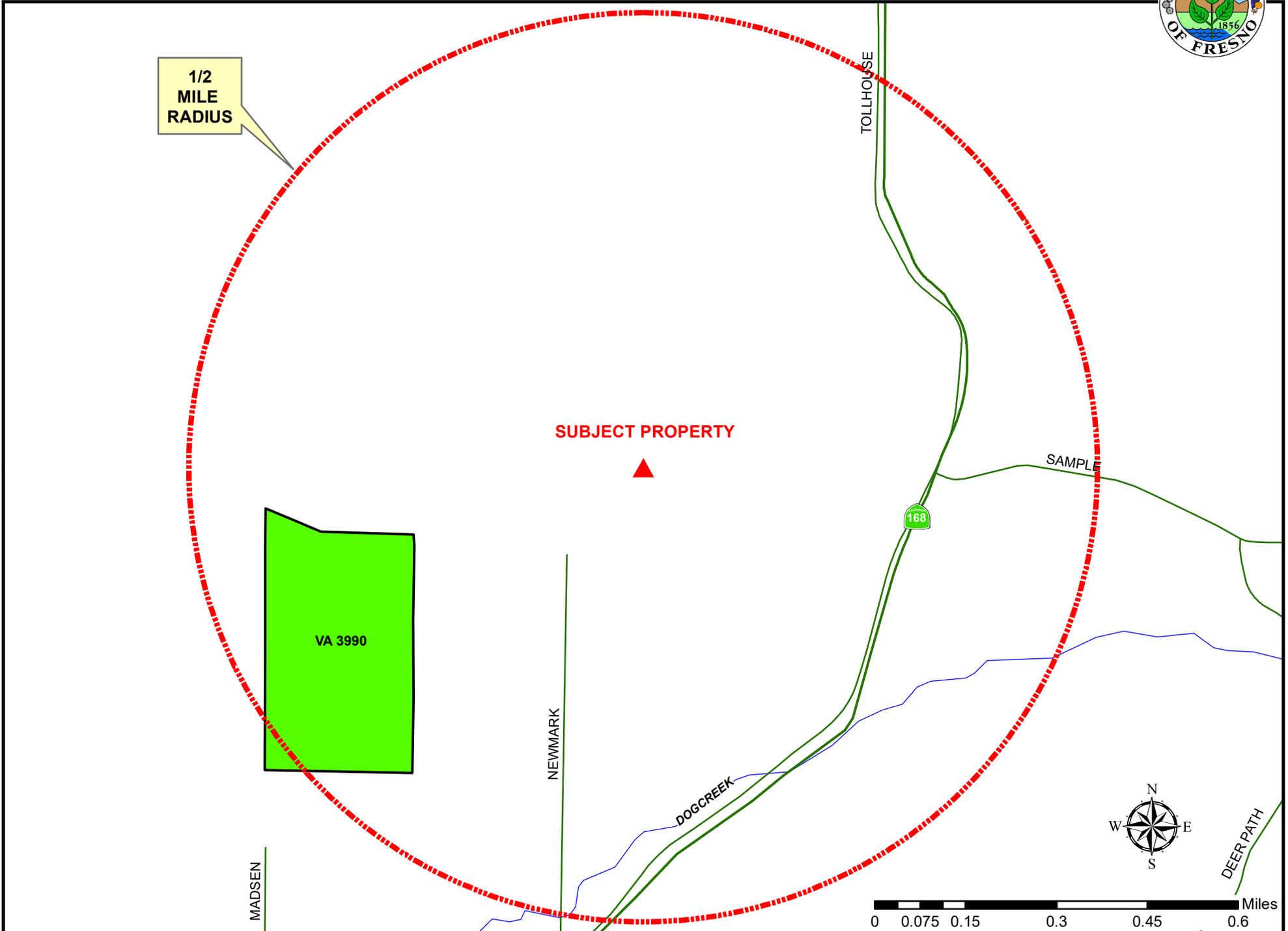
-  Subject Property
-  Ag Contract Land

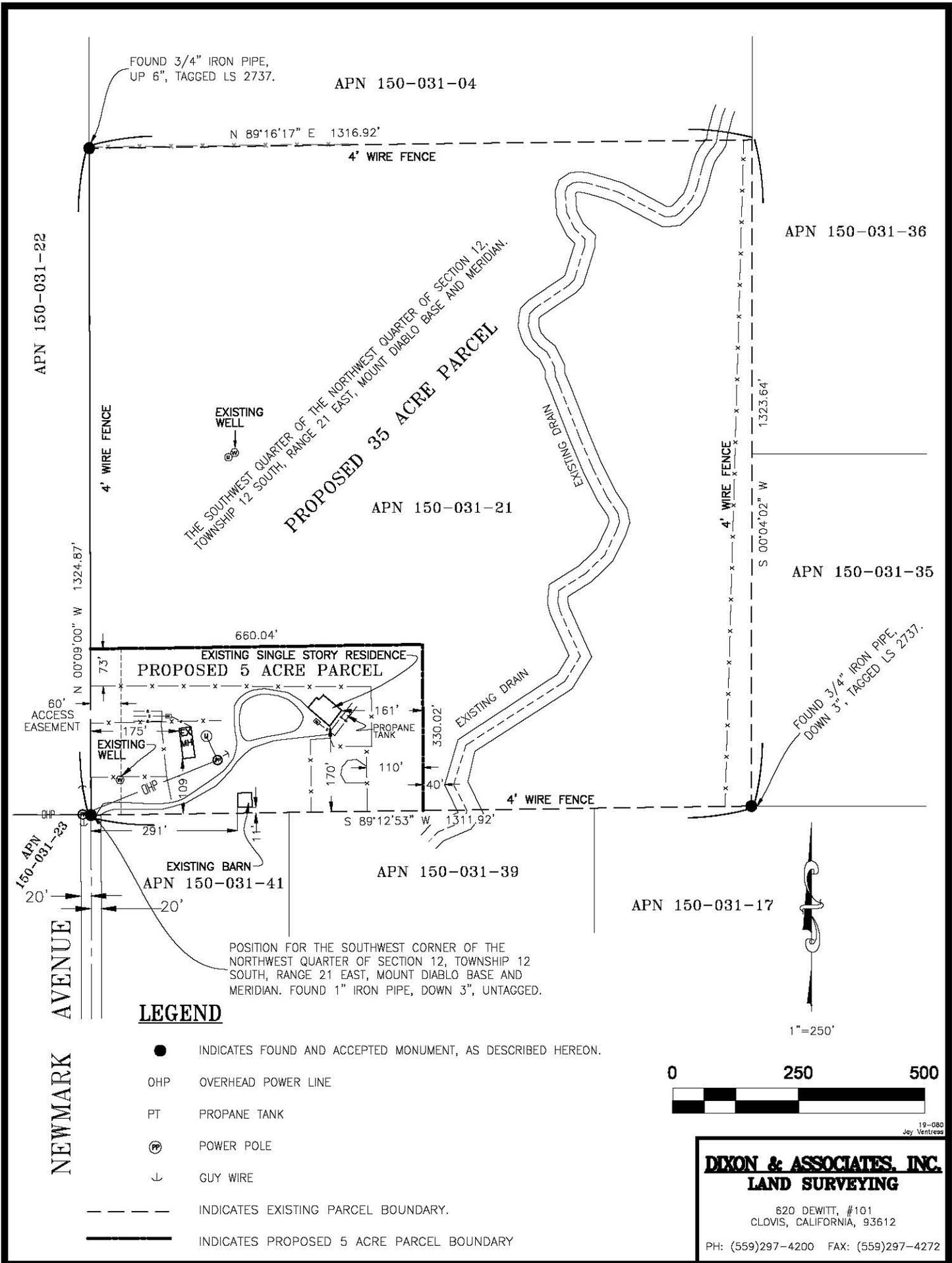


Department of Public Works and Planning  
Development Services Division

Map Prepared by KJ, G:\4360Devs&PIn\GIS\Maps\Landuse

# APPROVED VARIANCES WITHIN A HALF MILE RADIUS





**EXHIBIT 6**



1. The Property at 11610 and 11614 N. Newmark has been in the family for 4 generations. This 40 acre parcel represents the last piece from the original property which at one time included both sides of Newmark out to highway 168 and totaled a little over 200 acres.  
My wife's great grandparents began purchasing portions of this property in the early 1920's. At that time her great grandmother's parents owned nearly 1,000 acres off of Watts Valley road. That Kirch family homestead was sold out of the family a few years ago. This 40 acre parcel we live on is the last piece of property still owned by family that had an original home on it.
2. It is our hope to keep all or at the very least the original home site of my wife's great grandparents. The neighbors to the South who purchased the 60 acre property from my wife's grandmother has gifted his three children 5 acre's each. There are going to be four new homes on Newmark. This is not against the law and it is in accordance with county ordinances. We have been approached by three of our adjoining neighbors about selling the 40 acre's. We do not want to move. We could go the gifting route, but then we would have to wait 5 years before we could sell if necessary. We would like to keep 5 acre's and sell 35 which is why we are asking for the variance. The 5 acre parcel is where the original house was. The 5 acre parcel butts up against the 5 acre parcels the neighbor has gifted his children.
3. We were raising horses, buying and selling a few calves and goats. We are no longer doing that and the property is becoming more of a burden as we are both getting up in age. The neighbors who have inquired about the property are all in the agricultural business. The 35 acre parcel has a very good well and is very advantageous to the neighbors that run cattle.
4. The neighbors North and East are all old established families who still run cattle or horses thus meeting the objective of the Fresno County General Plan of keeping the land in agriculture would be preserved.