



Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: February 2, 2016

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: 559-624-7010

SUBJECT: Zone Change Amendment No. PZ 15-020, an amendment to Tulare County, Zoning Ordinance No. 352 and Williamson Act Cancellation No. PAC 15-002

REQUEST(S):

Request that the Board of Supervisors:

On February 2, 2016:

1. Introduce and waive the first reading of an Amendment to Ordinance No. 352, the Tulare County Zoning Ordinance for Change of Zone No. PZ 15-020, from AE-20 (Exclusive Agriculture-20 Acre Minimum) zone to C-2 (General Commercial) zone on approximately a 1.39 acres portion of Assessor Parcel Number (APN) 300-310-005, located near the intersection of State Route 190 and Road 192 within the community of Poplar-Cotton Center.
2. Set the Public Hearing for February 23, 2016 at 9:30 a.m., or as shortly thereafter as can be heard.

And On February 23, 2016:

1. Hold a Public Hearing at 9:30 a.m. or shortly thereafter.
2. Certify that the Board has reviewed and considered the information contained in the Categorical Exemption pursuant to 14 California Code

SUBJECT: Zone Change Amendment No. PZ 15-020, an amendment to Tulare County, Zoning Ordinance No. 352 and Williamson Act Cancellation No. PAC 15-002

DATE: February 2, 2016

Regulations, Section 15303 (c) (Small Structures) Exemption prepared for the project is applicable to the Change of Zone and Williamson Act Cancellation, as being in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

3. Determined that there is no substantial evidence that said Zone Amendment, and Williamson Act Cancellation will have a significant effect on the environment and determine that the Exemption pursuant to 14 California Code Regulations, prepared for the project reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act of 1970.
4. Direct the Environmental Assessment Officer of the Tulare Resource Management Agency to file a Notice of Exemption with the Tulare County Clerk.
5. Determine that the cancellation is consistent with the purposes of the Williamson Act.
6. Determine and certify to the County Auditor the cancellation fee amount shall be \$46,625. The fee amount will be equal to 12.5% of the Current Fair Market Value of \$373,000.
7. Adopt the conditions of approval for tentative cancellation of PAC 15-002.
8. Direct the Clerk of the Board to record a Certificate of Tentative Cancellation in the Office of the County Recorder.
9. Authorize the Clerk of the Board of Supervisors to execute the Final Certificate of Cancellation of Land Conservation Contract No. 4119 upon which time the conditions and contingencies have been satisfied and enumerated in the Certificate of Tentative Cancellation.
10. Direct the Clerk of the Board of Supervisors to record the executed Certificate of Final Cancellation in the office of the Tulare County Recorder.
11. Adopt the findings of approval for the Change of Zone as set forth in the Planning Commission Resolution 9156.
12. Waive the final reading and adopt the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance.
13. Direct the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.

SUBJECT: Zone Change Amendment No. PZ 15-020, an amendment to Tulare County, Zoning Ordinance No. 352 and Williamson Act Cancellation No. PAC 15-002

DATE: February 2, 2016

SUMMARY:

The Tulare County Resource Management Agency has received an application for a Zone Amendment No. PZ 15-020 (Embree Asset Group/Poplar-Cotton Center). The site is located within the Poplar-Cotton Center UDB designated for urban use and is located near the southwest corner of Avenue 144 (SR 190) and Road 192. At this location the development of commercial uses may provide an economic benefit to the Community of Poplar-Cotton Center.

The application is to change the zone on approximately 1.39 acres of a 47-acre Assessors Parcel Number (APN) 300-310-005. The zoning designation would be changed from Exclusive Agriculture 20 - Acre Minimum (AE-20) to General Commercial (C-2). See Attachment 1 - Draft Ordinance and Map.

The Planning Commission recommended approval of the Zone Change on December 9, 2015 by Resolution 9156. See Attachment 2 - Planning Commission Resolution.

The Poplar Cotton Center Community Plan designates the entire site as Commercial Reserve. The construction of a commercial business in the AE-20 would require a zone change to C-2. No General Plan Amendment is required according to policy 5.1. The Reserve designation is removed automatically with the approval of a zone change, if it meets the following criteria:

1. The property is not subject to an agricultural preserve contract; and
2. Full urban services, schools and infrastructure sufficient to serve urban development either are available or can be made available; and
3. The property is contiguous on at least one side to existing urban development.

The site is currently within the Williamson Act; however, the applicant has applied for a Williamson Act Non-Renewal and Williamson Act Cancellation. The Williamson Act Cancellation is required to be approved prior to adoption of this zone amendment to comply with above criteria No. 1.

The project can be served by urban public services, a will serve letter was received from the Poplar Community Service District on July 2, 2015. The proposed project will also provide curb, gutter and sidewalk, thus complying with criteria No. 2 above.

The project site is currently contiguous on two sides to existing urban development, thus meeting the above criteria No. 3.

The applicant has submitted a site plan consisting of approximately 9,000 square feet of commercial building space and parking for approximately 36 spaces. The applicant has applied for a parcel map (PPM No. 15-034) to divide the 47 acre parcel into two lots, one of 1.39 acres and the remainder. The parcel map request will be heard by

SUBJECT: Zone Change Amendment No. PZ 15-020, an amendment to Tulare County, Zoning Ordinance No. 352 and Williamson Act Cancellation No. PAC 15-002
DATE: February 2, 2016

the Planning Commission on January 13, 2016. The rezone and Williamson Act cancellation pertains specifically to the 1.39 acre lot.

Caltrans has submitted a comment letter for the proposed project. The proposed project will require no direct access to SR 190, require a 30' offer of dedication (which is shown on the site plan) and requires that the proposed driveway on Road 192 meet sight distance requirements. The letter also recommends frontage improvements, such as curb, gutter and sidewalk with any sidewalk and landscaping maintained per a "District 6" approved maintenance agreement. Encroachment permits must be obtained for all activities with, under or over the State right-of-way. This comment is to be added as a condition of approval to the Parcel Map Number (PPM No. 15-034).

AGRICULTURAL PRESERVES AND WILLIAMSON ACT CONTRACTS

The project site is located within an Agricultural Preserve No. 0141 and under Williamson Act Contract No. 4119. Commercial uses are not allowed on Williamson Act contracted lands. The project proponent has filed for a Partial Nonrenewal (PNR 15-020) of the Williamson Act Contract in 2015. PNR 15-020 was approved by the Board of Supervisors on December 8, 2015 (See Attachment 3 – PNR 15-020 Board Resolution). The project will need an approved Williamson Act Cancellation (PAC 15-020) prior to proceeding with the Zone change. See Attachment 4 - Certificate of Tentative Cancellation.

Government Code Section 51282(a) addresses the required findings for cancellation of a Williamson Act contract. The landowner petitions the Board for cancellation, and the Board may grant tentative approval for cancellation of a contract only if it makes required findings. Findings have been established that the cancellation is in the public interest and meets Government Code Section 51282. Please see Attachment 5 – Department of Conservation Letter of December 23, 2015 and the Mandatory Findings for Williamson Act Cancellation.

The Department of Conservation, in a letter dated December 23, 2015, agreed with the written findings prepared by the County. The DOC did require notification of the Non-Renewal No. PNR 15-020 in which the County sent the document on December 26, 2015, thus meeting the requirement. Please see Attachment 5 – Department of Conservation Letter of December 23, 2015 and the Mandatory Findings for Williamson Act Cancellation.

ENVIRONMENTAL SUMMARY:

A Categorical Exemption was prepared by the Tulare County Environmental Planning Division and approved by the Environmental Assessment Officer. The proposed construction of the commercial building is less than 10,000 square feet and would be considered exempt per the California Environmental Quality Act Section 15303 (c). See Attachment 6 - Planning Commission Report for a complete description of CEQA

SUBJECT: Zone Change Amendment No. PZ 15-020, an amendment to Tulare County, Zoning Ordinance No. 352 and Williamson Act Cancellation No. PAC 15-002
DATE: February 2, 2016

compliance.

GENERAL PLAN CONSISTENCY:

The County's General Plan Amendment Policy provides that the Board shall, among other considerations give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, policies and the general plan and not obstruct their attainment (Policies and Procedures 391).

The site is located inside the Urban Development Boundary (UDB) for the Community of Poplar-Cotton Center and is designated Commercial Reserve. The General Plan Update 2030 and the Poplar-Cotton Center Community Plan provides the framework for development. The Goals and Policies Report reinforce, amend and expand policies with respect to development in the unincorporated area. The General Plan 2030 Update provides guidance to development within the community:

General Plan 2030 Update Policies:

PF-1.2 Location of Urban Development

The County shall ensure that urban development only takes place in the following areas:

1. Within incorporated cities and CACUDBs;
2. Within the UDBs of adjacent cities in other counties, unincorporated communities, planned community areas, and HDBs of hamlets;
3. Within foothill development corridors as determined by procedures set forth in Foothill Growth Management Plan;
4. Within areas set aside for urban use in the Mountain Framework Plan and the mountain sub-area plans; and
5. Within other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan.

Poplar Cotton Center Policy 5.1

Land within the UDB of Poplar-Cotton Center, which is designated as residential, commercial, or industrial reserve shall be retained in agricultural use, until such time as conversion to urban use (as defined in the Tulare county General Plan) is appropriate. When a rezoning occurs without a General Plan Amendment the reserve designations shall be removed from the parcel.

The following criteria shall be used to determine when conversation to urban use is appropriate:

SUBJECT: Zone Change Amendment No. PZ 15-020, an amendment to Tulare County, Zoning Ordinance No. 352 and Williamson Act Cancellation No. PAC 15-002

DATE: February 2, 2016

1. The property is not subject to an agricultural preserve contract;
2. Full urban services, schools and infrastructure sufficient to serve urban development either are available or can be made available; and
3. The property is contiguous on at least one side to existing urban development.

The proposed change in zone designation from AE-20 to C-2 is consistent with General Plan 2030 Update policy. This development would bring commercial services to an area that is already designated for urban development.

FISCAL IMPACT/FINANCING:

The applicant cost for a Zone Change is an initial deposit of \$6,451 to the Tulare County Resource Management Agency. Additional fees of \$100 per hour may be charged, if actual cost of processing the Zone Change Initiation application exceeds the deposits. CEQA documentation and compliance for the project is also charged at a full cost recovery basis.

Once the change of zone, staff report, and the environmental documentation are substantially complete and before submittal to the Planning Commission and Board of Supervisors for action, the Department will bill the applicant for the actual cost of processing, plus an additional estimated amount for taking the application through the hearing process and for final filing and recording. Payment will be required prior to setting the public hearing dates. If final actual cost is less than the deposit, because the application is not approved or some other reason, then the difference will be refunded.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

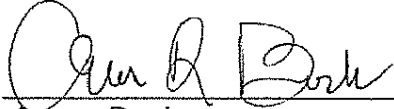
The County's five-year strategic plan includes the "Economic Well Being Initiative - to promote economic development opportunities, effective growth management and a quality standard of living". The authorization to initiate the requested general plan amendment application helps fulfill this initiative by:

- Providing economic development during the construction phase as well as job creation in the commercial areas developed as part of this project;
- Providing effective growth management by allowing urban uses that are consistent and harmonious with the existing zoning of the City of Tulare's Zoning Map; and
- Providing a higher quality of life by providing jobs and services to the establishments of the County.


SUBJECT: Zone Change Amendment No. PZ 15-020, an amendment to Tulare County, Zoning Ordinance No. 352 and Williamson Act Cancellation No. PAC 15-002

DATE: February 2, 2016

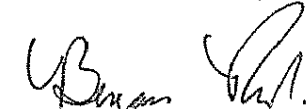
ADMINISTRATIVE SIGN-OFF:



Aaron Bock
Chief Planner, Projects Processing Division



Michael Washam
Assistant Director, Economic Development and Planning Division



Benjamin Ruiz, Jr.
Interim Director

cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment 1 – Draft Ordinance and Map
Attachment 2 – Planning Commission Resolution
Attachment 3 – PNR 15-020 Board Resolution
Attachment 4 – Certificate of Tentative Cancellation
Attachment 5 – Department of Conservation Letter of December 23, 2015 and the Mandatory Findings for Williamson Act Cancellation
Attachment 6 – Planning Commission Report

IN THE MATTER OF ZONE CHANGE)
AMENDMENT No. PZ 15-020 AN AMENDMENT) Resolution No. _____
TO TULARE COUNTY ZONING ORDINANCE)
NO. 352)

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF ZONE CHANGE)
AMENDMENT No. PZ 15-020 AN AMENDMENT) Resolution No. _____
TO TULARE COUNTY ZONING ORDINANCE)
NO. 352 AND WILLIAMSON ACT)
CANCELANON No. PAC 15-002)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD FEBRUARY 23, 2016 BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

That the Board of Supervisors:

1. Held a Public Hearing at 9:30 a.m. or shortly thereafter.
2. Certified that the Board has reviewed and considered the information contained in the Categorical Exemption pursuant to 14 California Code Regulations, Section 15303 (c) (Small Structures) Exemption prepared for the project is applicable to the Change of Zone and Williamson Act Cancellation, as being in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.
3. Determined that there is no substantial evidence that said Zone Amendment, and Williamson Act Cancellation will have a significant effect on the environment and determine that the Exemption pursuant to 14 California Code Regulations, prepared for the project reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act of 1970.
4. Directed the Environmental Assessment Officer of the Tulare Resource Management Agency to file a Notice of Exemption with the Tulare County Clerk.
5. Determined that the cancellation is consistent with the purposes of the Williamson Act.

6. Determined and certify to the County Auditor the cancellation fee amount shall be \$46,625. The fee amount will be equal to 12.5% of the Current Fair Market Value of \$373,000.
7. Adopted the conditions of approval for tentative cancellation of PAC 15-002.
8. Directed the Clerk of the Board to record a Certificate of Tentative Cancellation in the Office of the County Recorder.
9. Authorized the Clerk of the Board of Supervisors to execute the Final Certificate of Cancellation of Land Conservation Contract No. 4119 upon which time the conditions and contingencies have been satisfied and enumerated in the Certificate of Tentative Cancellation.
10. Directed the Clerk of the Board of Supervisors to record the executed Certificate of Final Cancellation in the office of the Tulare County Recorder.
11. Adopted the findings of approval for the Change of Zone as set forth in the Planning Commission Resolution 9156.
12. Waived the final reading and adopt the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance.
13. Directed the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.

Attachment No. 1
Draft Ordinance and Map

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AYES:

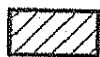
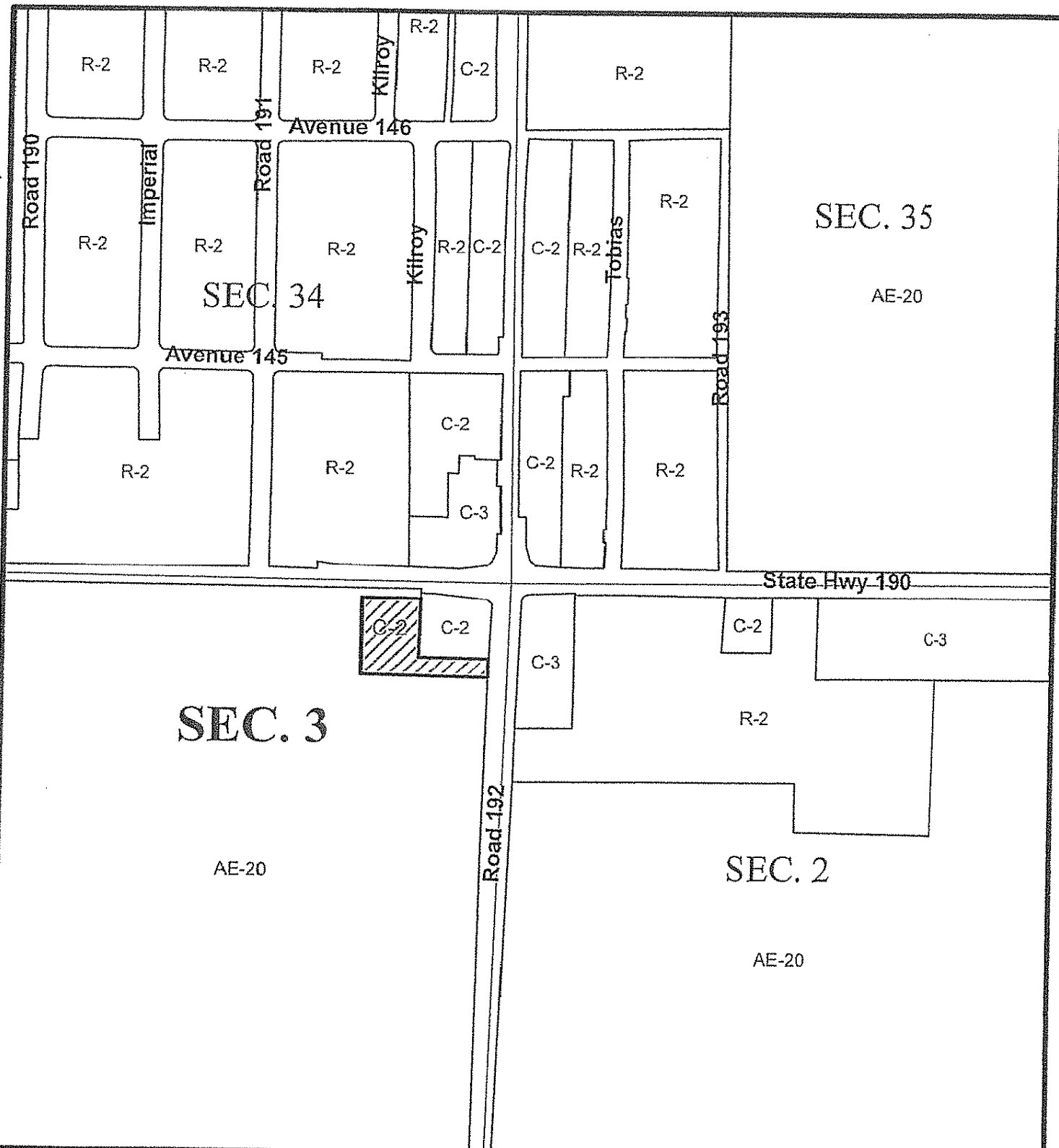
NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST: Michael C. Spata
County Administrative Officer/Clerk
Board of Supervisors

By: _____
Deputy



APN: 300-310-019 (Portion of)
Zone Change from A-20 to C-2
(PZ 15-020)

0 200 400 600 Feet



ORDINANCE NO.
AMENDING A PORTION OF PART 277
SW 1/4 OF SEC. 17, T21S, R26E, M.D.B. & M.
OF

OFFICIAL ZONING MAP
COUNTY OF TULARE, CA.

TULARE COUNTY BOARD OF SUPERVISORS
ADOPTED:

Attachment No. 2
Planning Commission Resolution

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE)
ZONING REGULATIONS, CASE NO. PZ 15-020) RESOLUTION NO. 9156
DOLLAR GENERAL COMMERCIAL BUSINESS)
POPLAR-COTTON CENTER)

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve a petition by Aaron Ramierz of the Embree Asset Group, 4747 Williams Drive, Georgetown, TX 78633 (Owner: Kulwant and Kulwinder Gadri, 3201 W. Ceres Ct, Visalia, Ca 93291), for a requested change of zone from the AE-20 (Exclusive Agriculture 20-Acre Minimum) to the C-2 (General Commercial) Zone on a 1.39 acre parcel, located on the south side of Avenue 144 (SR 190, and west of Road 192, in the community of Poplar -Cotton Center.

WHEREAS, a petition has been filed pursuant to the regulations contained in Section 17 of Ordinance No. 352, the Zoning Ordinance, and

WHEREAS, the Planning Commission has given notice of the Ordinance amendment as provided in Section 18 of said Ordinance No. 352 and Section 65854 of the Government Code of the State of California, and

WHEREAS, staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this Ordinance Amendment, and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on December 9, 2015, and

WHEREAS, at that meeting of the Planning Commission public testimony was received and recorded.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Categorical Exemption that was prepared for the project and is applicable to the project site and the Change of Zone, together with any comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the Change of Zone.

B. This Planning Commission hereby determines the following findings were relevant in evaluating this application:

1. The applicant has requested a Change of Zone No. PZ 15-020 to reclassify a 1.39 acre site located on the south side of Avenue 144 (SR 190), and west of Road 192, in the Community of Poplar -Cotton Center, from the AE-20 to the C-2 Zone.

2. Subject parcel 300-310-005 is presently zoned AE-20 and is currently vacant. Surrounding properties are zoned R-2, C-3, C-2 and AE-20 and contain agricultural, commercial and residential uses.
3. The purpose of this application is to obtain the appropriate zoning consistent with the General Plan 2030 Update and to allow the construction of a commercial building.
4. The site is located inside the Urban Development Boundary (UDB) for the Community of Poplar Cotton Center and designated Commercial Reserve.
5. No General Plan Amendment is required, as according to policy 5.1 the Reserve designation is removed automatically with the approval of a zone change, if it meets the criteria of 5.1:
 1. The property is not subject to an agricultural preserve contract;
 2. Full urban services, schools and infrastructure sufficient to serve urban development either are available or can be made available; and
 3. The property is contiguous on at least one side to existing urban development.

Thus, upon approval of the zone change, the Commercial designation allows commercial uses, including those uses allowed in the C-2 Zone.

6. The site is currently within the Williamson Act; however, the applicant has applied for a Williamson Act Non-Renewal and Williamson Act Cancellation. Approval of the Zone Change is subject to approval of the Williamson Act Cancellation. IF the Williamson Act Contract is not approved, the General Plan Land Use would remain Commercial Reserve and would require a General Plan Amendment once the Contract is canceled or non-renewed.
7. The project can be served by urban services, a will serve letter was received from the Poplar Community Service District on July 2, 2015, and the project is contiguous on at least two sides to existing urban development, thus meeting the above criteria.
8. The change in zone designation from AE-20 to C-2 is consistent with General Plan policy upon approval of the Williamson Act Cancellation. This zone change would bring commercial uses to an area that is currently deficient and in need of economic development.
9. Avenue 144 (State Route 190) and Road 192 are classified as "Minor Arterial" roads in the Poplar-Cotton Center Community Plan. Minor Arterial roads provide for mobility within the County and its cities, carrying through-traffic on continuous

routes and joining major traffic generators, freeways, and other arterials. Access to abutting private property and intersecting local streets shall be generally restricted.

The General Plan does not list Avenue 144 or Road 192 as being deficient in level of service (LOS). According to the General Plan Update, Avenue 144 (State Route 190) currently operates at a LOS of "C" and Road 192 operates at a LOS of "B". The proposal's approximate Annual Average Daily Traffic would have a less than significant impact to the LOS as the LOS will be maintained at LOS "D" or better as per General Plan Policy TC 1.16.

10. Development within the UDB requires urban services including water, sewer, curb, gutter and sidewalk, unless shown to be infeasible.
11. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution No. 2010-2927, a Notice of Intent to Collect Tulare County Public Facilities Fees, also known as Developer Impact Fees; therefore, new development may be subject to County Development Impact Fees.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the proposed Ordinance amendment to be consistent with the purpose of Ordinance No. 352 and further finds the petition is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

A. This Commission hereby recommends that the Board of Supervisors find there is no substantial evidence that said Change of Zone will have significant effect on the environment and determine that the proposed construction of the general commercial store is less than 10,000 square feet and would be considered exempt per the California Environmental Quality Act Section 15303 (c). That the Categorical Exemption that was prepared for the current Change of Zone request reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act.

B. This Commission hereby recommends that the Board of Supervisors approve the Amendment to the Zoning Regulations Case No. PZ 15-020 as petitioned.

The foregoing resolution was adopted upon motion of Commissioner Dias, seconded by Commissioner Pitigliano, at a regular meeting of the Planning Commission on December 9, 2015, by the following roll call vote:

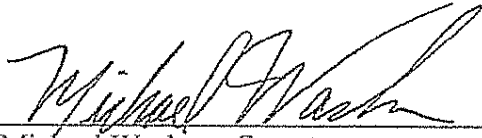
AYES: Aguilar, Dias, Elliot, Gong, Pitigliano

NOES:

ABSTAIN: Millies, Whitlatch

ABSENT:

TULARE COUNTY PLANNING COMMISSION



Michael Washam, Secretary

Attachment No. 3
PNR 15-020 Board Resolution

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF PARTIAL NON-
RENEWAL OF AGRICULTURAL PRESERVE
CONTRACT AND LAND CONSERVATION
CONTRACT AMENDMENT

)
) Resolution No. 2015-1015
)
)

UPON MOTION OF SUPERVISOR COX, SECONDED BY SUPERVISOR VANDER POEL, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD DECEMBER 8, 2015, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: Amelia A. Barra
Deputy Clerk

1. Authorized the filing of a Notice of Partial Non-Renewal for the following Land Conservation Contract as provided in the Williamson Act. The request is applicant initialed:

PNR 15-020 – Williamson Act Contract No. 4119, Ag Preserve No. 0141, located on the southwest corner of State Highway 190 and Road 192, south of Poplar (Kulwant Gadri and Kulwinder K. Gadri) (1.39 acre to be non-renewed and 128.13 acres subject to contract amendment).

2. Approved the execution of an amendment to the Land Conservation Contract as a condition of approval for the aforementioned partial non-renewal; and
3. Authorized the Chairman to sign the amendment to the Williamson Act Contract.

RMA

DAY
12/9/15



Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: December 8, 2015

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: 559-624-7010

SUBJECT: Partial Non-Renewal of Agricultural Preserve Contract and Land Conservation Contract Amendment

REQUEST(S):

Request that the Board of Supervisors:

1. Authorize the filing of a Notice of Partial Non-Renewal for the following Land Conservation Contract as provided in the Williamson Act. The request is applicant initialed:

PNR 15-020 – Williamson Act Contract No. 4119, Ag Preserve No. 0141, located on the southwest corner of State Highway 190 and Road 192, south of Poplar (Kulwant Gadri and Kulwinder K. Gadri) (1.39 acre to be non-renewed and 128.13 acres subject to contract amendment).

2. Approve the execution of an amendment to the Land Conservation Contract as a condition of approval for the aforementioned partial non-renewal; and
3. Authorize the Chairman to sign the amendment to the Williamson Act Contract.

SUMMARY:

One Notice of Partial Non-Renewal for a Williamson Act Contract has been received pursuant to Government Code Section 51245 (Williamson Act). The notice is filed as an applicant initiated request. The notice will affect 1.39 acre. One additional Land Conservation Contract will also be amended, in order to fulfill the requirement for the area to remaining in contract. The amended Land Conservation Contract will affect a total of 128.13 acres.

SUBJECT: Partial Non-Renewal of Agricultural Preserve Contract and Land Conservation Contract Amendment
DATE: December 8, 2015

On February 10, 2009, the Board adopted policy (Resolution No. 2009-0091) applicable to actions involving Williamson Act Contract occurring after July 22, 2008, including Partial Non-Renewal that require that, when taking the above actions, the Williamson Act contract will be amended to include language giving the Board authority to unilaterally declare the contract terminated as null and void should the State of California fail to pay subvention funds off-setting property tax loss as required by the Open Space Subvention Act and language suggested from the County of Humboldt vs. McKee case (165 Cal. App. 4th 1476 (CA 1st Dist. 2008)) requiring compliance with new land use regulations and policies upon the annual renewal of existing contract. Your Board required the new provision for termination to be implemented for alterations to Land Conservation Contracts, including Partial Non-Renewal applications, submitted after July 22, 2008.

The above-referenced Notice of Partial Non-Renewal was submitted after July 22, 2008, and is subject to the requirements for an amended contract.

FISCAL IMPACT/FINANCING:

In 2011 approval of Senate Bill 80 (Chapter 11, Statutes of 2011) eliminated all state subvention payments to eligible counties and cities. Therefore, the current impact to the General Fund will be a decrease of \$0 in annual State subvention revenue from the removal of 1.39 acres of Williamson Act contracted lands. However, increased property taxes on contracts in Non-Renewal will increase revenue to the County.

The Non-Renewal process typically takes ten years for the Land Conservation Contract to end. Property assessments and tax revenue increase incrementally during Non-Renewal and reach full market value when the property completes Non-Renewal. The County General Fund receives only sixteen percent (16%) of total property tax revenue charged to a property.

With the passage of AB 1265 in 2011, if counties receive less than one-half of their foregone General Fund property tax revenue from the State Open Space Subvention Program, they are authorized to implement a new provision of the Williamson Act to allow contracts to be shortened from ten years to nine years. The policies of AB 1265 were implemented by the Tulare County Board of Supervisors Res. No. 2010-0926.

In addition, the County will be authorized to recapture 10% of the participating landowners' property tax savings. This legislation is authorized from January 1, 2011 through January 1, 2016 (Government Code Section 51244). The applicant pays the filing fees to process the partial non-renewal application. The application for a Partial Non-Renewal has a flat filing fee of \$403 each.

SUBJECT: Partial Non-Renewal of Agricultural Preserve Contract and Land
Conservation Contract Amendment
DATE: December 8, 2015

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the economic well being initiative to promote economic development opportunities and effective growth management. The approval of the partial non-renewals would allow for the reorganization and separation of home sites from agricultural portions of the identified parcels.

ADMINISTRATIVE SIGN-OFF:



Michael Washam
Assistant Director-Economic Development & Planning

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s) Related Document and Amended Contract for the following:
1. PNR 15-020 (Kulwant Singh Gadri and Kulwinder K. Gadri)

Attachments for PNR 15-020 (Owner: Gadri)

- Partial Non-Renewal Application
 - Exhibit A Subject Parcel Legal Description
 - Exhibit B Agricultural Preserve Map
- Amended Contract 4119A:
 - Exhibit A Contract Land Legal Description
 - Exhibit B Map of Land in Amended Contract

PNR 15-020

RECORDING REQUESTED BY and
WHEN RECORDED RETURN TO:

Clerk, Board of Supervisors
2800 West Burrel Avenue
Visalia, CA 93291-4582

(No Recording Fee, Per Govt. Code Section 8103)

SPACE ABOVE FOR RECORDER'S USE ONLY

NOTICE OF PARTIAL NON-RENEWAL OF LAND CONSERVATION CONTRACT

[DIRECTIONS: Provide the information requested on Page 1, with all property owners' signatures Notarized; include the legal description of the subject contracted parcel(s) under "Exhibit A" on Page 3; and attach a copy of the most recent Deed for the parcel(s). Return the completed application form and deed to the Tulare County Resource Management Agency (RMA), Permit Center, 5961 S. Mooney Blvd, Visalia, CA 93277, along with the current Filing Fee.]

This is to notify the County of Tulare that a portion of the (Williamson Act Agricultural Preserve) Land Conservation Contract on the property herein described will not be renewed as of January 1, 2016. The legal description of the portion for which the Land Conservation Contract will not be renewed is included as "Exhibit A". I/we understand that this notice of partial nonrenewal cannot become effective unless and until the Board of Supervisors authorizes its service under California Government Code Section 51245.

Assessor's Parcel No(s). 300-310-003 & 300-310-005 AS SHOWN EXHIBIT "B" (Portion)
Acreage Size: 1.39 if applicable; Condition of Approval of Planning Project No. _____

By execution hereof, the undersigned parties declare under penalty of perjury that he/she/they constitute and are all of the fee title owners of the property described herein, and are, or are the successors-in-interest of, the owners of such property who entered into the Land Conservation Contract.

Name, mailing address, and phone number of each current owner of subject property: (please type or print)

Kulwant Gadri

Kulwinder Gadri

3201 W. Ceres CT, CA 93291

3201 W. Ceres CT, CA 93291

Signature of each current owner: (witnessed by below-named Notary Public)

X Kulwant Gadri

X Kulwinder Gadri

STATE OF CALIFORNIA, COUNTY OF _____ } S. S.

On _____ before me, _____ a Notary Public in and
for said County and State, personally appeared (printed names):

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

see attached

raj

Signature _____

Page 3 of 5

Partial Non-Renewal April 2013

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

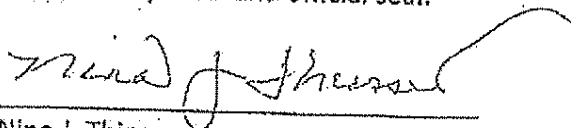
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

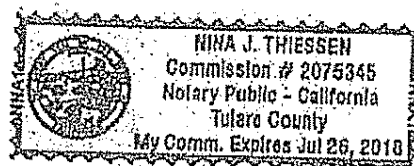
State of California
County of Tulare

On August 14, 2015 before me, Nina J. Thiessen Notary Public personally appeared Kulwant S. Gadri and Kulwinder K. Gardi 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.


Nina J. Thiessen,
Notary Public, Tulare County
5020 W. Mineral King Avenue
Visalia, California 93291
(559) 734-1700
Commission #: 2075345
My Commission Expires: July 26, 2018



NOTE to Applicants: This form can be used to Nonrenew only one Land Conservation Contract. If your application involves more than one Assessor's Parcel Number (APN) and said APNs are under different contracts (or are under different vestings/ownerships), then you must file separate Nonrenewal applications for each contract or vesting. Please contact RMA staff at 559-624-7000 for verification if more than one APN is applied for.

(Below For Official Use Only)

The County of Tulare RMA, Countywide Planning Division, has advised the Clerk of the Board of Supervisors that the foregoing Notice of Non-Renewal applies to a portion of property as described by "Exhibit A" under the following Land Conservation Contract:

Agricultural Preserve No. 0141
Land Conservation Contract No. 4119
Recorded on (Date) JANUARY 12, 1971 as Document No. 1181
Name(s) of Original/Contract Owner(s) CHARLES H. CALLISON, LOUIS H. CALLISON
DONALD R. CALLISON

The Tulare County Board of Supervisors authorized and accepted service of the foregoing Notice of Partial Nonrenewal on December 8, 2015 by Resolution No. 2015-1015

Dated: 12-8-15

Denise A. Ybarra
Deputy Clerk of the Board of Supervisors of the County of Tulare

"A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

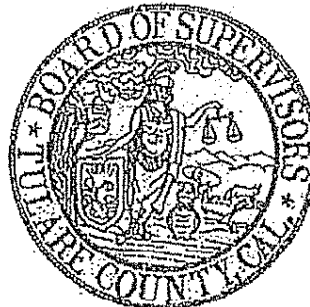
STATE OF CALIFORNIA)
COUNTY OF TULARE)

On 12-9-15 before me, ^{Chief} Deputy Clerk Michelle Baldwin of the Board of Supervisors of the County of Tulare, personally appeared Denise A. Ybarra who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person 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 by hand and official seal.
Clerk of the Board of Supervisors
County of Tulare, pursuant to the
Authority of Civil Code
Sections 1181 and 1184.

Signature Michelle Baldwin
Chief Deputy Clerk



COPIES SENT TO:

RMA, Countywide Planning Division
County Assessor - 2
State Dept. of Conservation

DATE: _____

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY SUBJECT TO NON-RENEWAL OF
CONSERVATION CONTRACT PROPERTY

Portion to be Non-Renewed:

That portion of the North half of the Northeast quarter of Section 3, Township 22 South, Range 26 East, Mount Diablo Base and Meridian, in the unincorporated area of the County of Tulare, State of California according to the Official Plat thereof, described as follows:

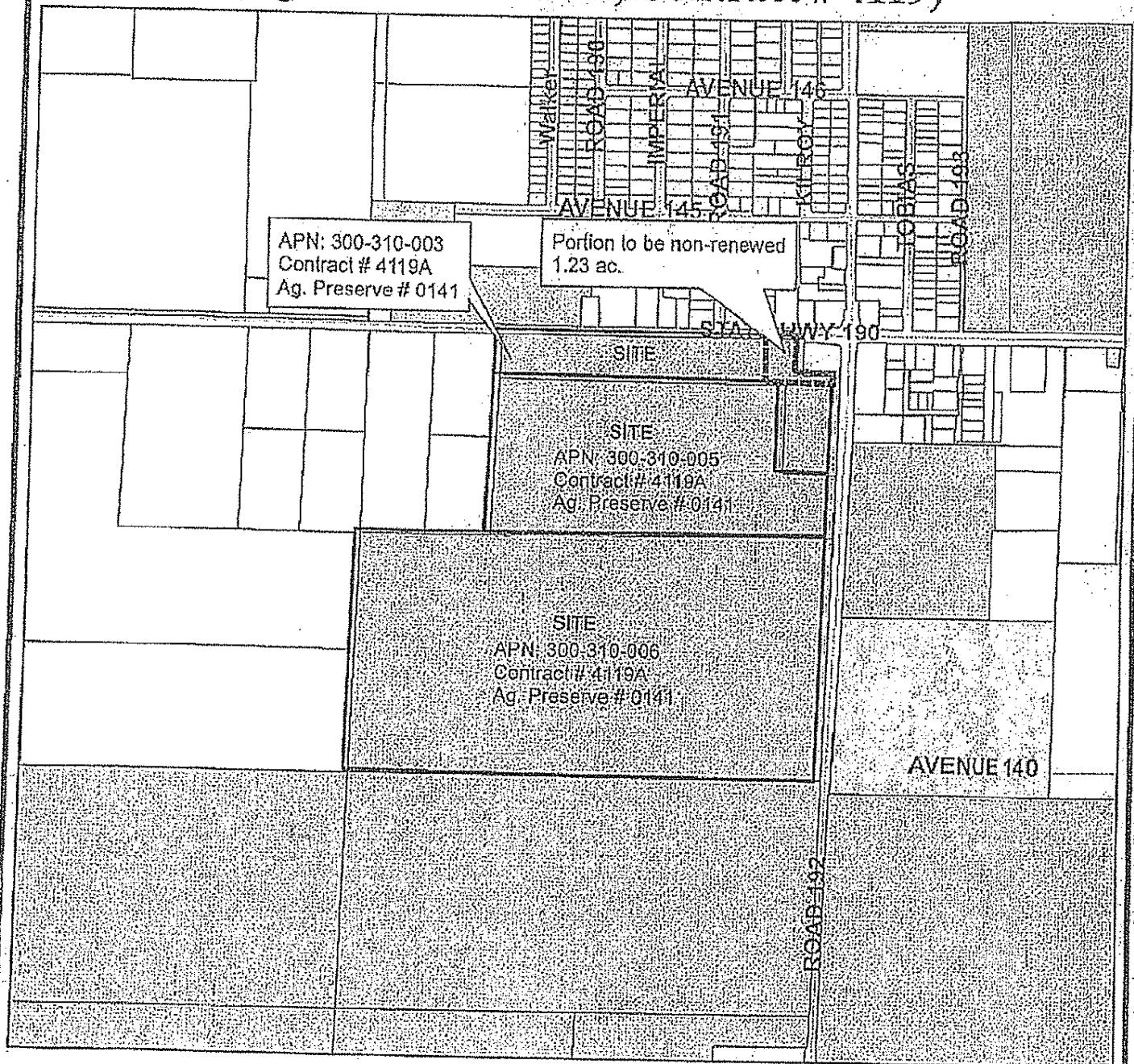
Beginning, at a point on the North line of said Section 3, which is 233.71 feet West of the Northeast corner of said Section 3; thence, South and parallel to the East line of said Section 3, 258.71 feet; thence, East and parallel to the North line of said Section 3, 233.71 feet; thence, South along the East line of said Section 3, 65.01 feet; thence, leaving said East line, West and parallel to the North line of said Section 3, 404.60 feet; thence, North perpendicular to the North line of Section 3, 323.67 feet; thence, along the North line of Section 3, 176.48 feet to the Point of Beginning.

Excepting Therefrom, the interest in the East 25 feet thereof conveyed to the County of Tulare in the deed recorded in book 1, page 579 of rights of way.

Also Excepting Therefrom, that portion conveyed to the State of California in deed recorded February 9, 2007 as Instrument No. 14292 of the official records.



Ag. Preserve Map
For
PNR 15-020
(Ag. Preserve # 0141, Contract # 4119)

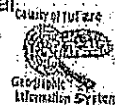


Owner: Kulwant Singh Gadri
Address: 3201 W. Ceres Ct.,
City, State, ZIP: Visalia, CA 93291
Applicant: Embree Assest Group
Agent: Embree Assest Group - Adam Ramirez
Supervisorial District: 5
Assessors Parcel: 300-310-003, 005 and 006

0 400 800 1,200 1,600 2,000 Feet

Ag. Preserves

- Williamson Act Preserves
- Williamson Act Preserves - Non Renewal
- Farmland Security Zone Contracts



1	RECORDING REQUESTED BY and	
2	WHEN RECORDED RETURN TO:	
3		
4	Clerk, Board of Supervisors	
5	2800 West Burrel Avenue	
6	Visalia, CA 93291-4582	
7	(No Recording Fee, Per Govt	
8	Code Section 6103)	
9		
10		
11	AG PRESERVE NO. <u>141</u>	
12	RESOLUTION NO. <u>1968-508</u>	<i>Area for Recorder's Use Only</i>
13		
14	AMENDMENT	
15	TO	
16	LAND CONSERVATION CONTRACT NO. <u>4119</u>	
17	RECORDED ON <u>JANUARY 12, 1971</u> AS DOCUMENT NO. <u>1181</u>	
18		
19		
20	THIS AMENDMENT TO LAND CONSERVATION CONTRACT HEREBY	
21	REFERRED TO AS AGREEMENT NO. <u>4119A</u> , RESOLUTION NO. <u>2015-1015</u>	
22	is made and entered into as a result of the <u>applicant's (Embree Assest Group) initiated</u>	
23	<u>Application</u> for APN No(s). <u>300-310-003, 300-310-005 and 300-310-006</u> , as of this	
24	<u>8th</u> day of <u>December</u> , 20 <u>15</u> , by and between <u>Kulwant</u>	
25	<u>Singh Gadri and Kulwinder K. Gadri</u> hereinafter referred to as the "Owners", and the	
26	COUNTY of TULARE, hereinafter referred to as the "County";	
27		
28	<u>WITNESSETH</u>	
29		
30	WHEREAS, the Owner owns real property in the County of Tulare, State of	
31	California, under Land Conservation Contract No. <u>4119</u> hereinafter referred to as	
32	"Subject Property", which is described for A.P.N. No(s). <u>300-310-003, 300-310-005 and</u>	
33	<u>300-310-006</u> with legal description as described in Exhibit A and illustrated in Exhibit B.	
34	WHEREAS this contract amendment applies only to the owner(s) of the Subject	
35	Property: A.P.N. No(s). <u>300-310-003, 300-310-005 and 300-310-006;</u>	

1 WHEREAS, the original Land Conservation Contract was entered into pursuant
2 to the Williamson Act (Government Code, Section 51200, et seq.) and constitutes an
3 enforceable restriction under the provisions of Section 421 et seq. of the State Revenue
4 and Taxation Code;

5 WHEREAS, the Owner has applied for a Parcel Non-Renewal of said Land
6 Conservation Contract Number 4119 in regards to all or a portion of the Subject Property
7 APN(s) 300-310-003, 300-310-005 and 300-310-006 .

8 WHEREAS, the County in consideration for granting the Parcel Non-Renewal,
9 desires to amend Land Conservation Contract Number 4119 in regards to the land owned
10 by Owner to include a provision which states that the original contract and that portion
11 subject to the project, will continue to be in full force and effect, subject to the express
12 condition that funds be annually appropriated by the State of California, and that annual
13 payments continue to be made to the County by the State Controller, under the provisions
14 of the Open Space Subvention Act (California Government Code section 16140, et. seq.),
15 and that if said funds are not appropriated or dispersed the County may terminate the
16 Contract in regards to the land owned by Owner and declare it null and void.

17 WHEREAS, this amendment does not change any of the terms and conditions of
18 the original Land Conservation Contract other than those stated herein.

1 NOW, THEREFORE, IT IS AGREED as follows:

2 1. This Amendment to Land Conservation Contract Number 4119A is
3 entered into pursuant to the Williamson Act and all of the provisions of said Act,
4 including any amendments hereafter enacted, are hereby incorporated by reference and
5 made a part of this Contract as if fully set forth herein.

6 2. The Board of Supervisors of the County may from time to time during the
7 term of the Contract and any renewals thereof, by resolution or ordinance, add to the
8 permissible uses of the Subject Property listed in the Resolution establishing the
9 Preserve. However, the Board of Supervisors may not during the terms of the Contract
10 and any renewals thereof eliminate any of the permitted uses for the Subject Property, as
11 set forth in said Resolution or Ordinance, without the prior written consent of the Owner.

12 3. Nothing in this Contract shall limit or supersede the planning, zoning, and
13 other police powers of the County, and the right of the County to exercise such powers
14 with regard to the Subject Property. All uses of and actions regarding the Subject
15 Property shall comply with all applicable local ordinances, regulations, resolutions and
16 state laws, as adopted or amended from time to time.

17 4. This Land Conservation Contract is made expressly conditioned upon the
18 State's continued compliance with the provisions of the Open Space Subvention Act. If
19 in any year the State fails to make any of the subvention payments to the County required
20 under the provision of the Open Space Subvention Act, then this Contract, at the option
21 of, and in the sole and absolute discretion of the County, may be terminated by the
22 County and declared null and void. The State's failure to make such payments may be
23 due to non-appropriation of funds by the Legislature, failure to disburse appropriated

1 funds, amendment or repeal of the applicable provisions of the Open Space Subvention
2 Act, or by any other cause whatsoever. The County may exercise its option to declare the
3 Contract null and void by delivering notice to the Department of Conservation, Division
4 of Land Resource Protection, Owner or successors or assigns, and by recording such
5 notice in the Official Records of Tulare County. This Amended Land Conservation
6 Contract No. 4119A, regarding land owned by Owner, shall terminate with no continuing
7 contractual rights of any kind; provided, however, that the owner may apply for a new
8 Land Conservation Contract or Farmland Security Zone Contract as otherwise may be
9 provided by law.

10 5. Any notices required to be given to the County under this Amendment to
11 Land Conservation Contract shall be delivered to the Clerk of the Board of Supervisors of
12 the County, and any notices to be given to the Owner shall be mailed to the following
13 name(s) and address(es):

14 Name, mailing address, and phone number of each current owner(s) of subject property:
15 (please type or print)

16
17 Kulwant Singh Gadri, 3201 W. Ceres Ct., Visalia, CA 93291, Phone No. (559)972-7785.

18 Kulwinder K. Gadri, 3201 W. Ceres Ct., Visalia, CA 93291, Phone No. (559)972-7785.

19
20 * * *

21
22 By execution hereof, the undersigned parties declare under penalty of perjury that
23 he/she/they constitute and are all of the fee title owners of the Subject Property
24 described herein, and are, or are the successors-in-interest of, the owners of such
25 property who entered into the Land Conservation Contract.

1 IN WITNESS WHEREOF, the parties have executed this Contract (signature of
2 each current owner, witnessed by below-named Notary Public):
3

4 OWNER(S)

5 Kulwant Singh Gadri

6 (Print Name)

7 Kulwinder K. Gadri

8 (Signature)

9
10
11
12
13
14
15 "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the
16 document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document"

17
18 **ACKNOWLEDGMENT**

19
20 STATE OF CALIFORNIA

21 COUNTY OF Tulare), s. s.

22
23 On November 17, 2015 before me,

24 RODNEY BRUCE FOLENDORF
25 NOTARY PUBLIC

a Notary Public

26 in and for said County and State, personally appeared (printed names) :

27
28 Kulwant Singh Gadri and Kulwinder Kaur Gadri

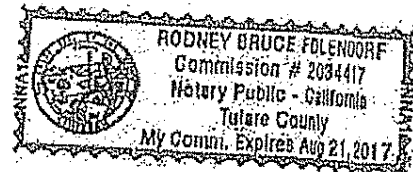
29
30 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
31 ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/she/they
32 executed the same in his/her/their authorized capacity(ies), and that by his/her/their
33 signature(s) on the instrument the person(s), or the entity upon behalf of which the
34 person(s) acted, executed the instrument.

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

37
38 WITNESS my hand and official seal

39
40 Signature

Rodney Bruce Folendorf
RODNEY BRUCE FOLENDORF
NOTARY PUBLIC





COUNTY OF TULARE

BY: J. Steven Worshley
Chairman, Board of Supervisors

ATTEST: County Administrative Officer
Clerk, Board of Supervisors

BY: Candice M. Ruby
Deputy Clerk

* AREA TO BE COMPLETED BY BOARD'S NOTARY *

"A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF TULARE)

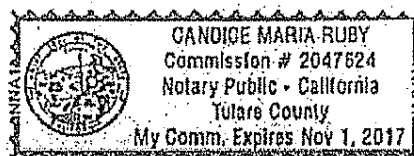
On December 8, 2015 before me, Candice M. Ruby, Notary Public of Tulare County
Notary Public, and Deputy Clerk of the Board of Supervisors of the County of Tulare,

personally appeared J. Steven Worshley, who proved to me
on the basis of satisfactory evidence to be the person whose name is subscribed to the
within instrument and acknowledged to me that he/she executed the same in his/her
authorized capacity, and that by his/her signature on the instrument the person, or the
entity upon behalf of which the person 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.

Candice M. Ruby
Signature of Notary Public County and State



Attachment

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY SUBJECT TO NON-RENEWAL OF
CONSERVATION CONTRACT PROPERTY

Portion to be Non-Renewed:

That portion of the North half of the Northeast quarter of Section 3, Township 22 South, Range 26 East, Mount Diablo Base and Meridian, in the unincorporated area of the County of Tulare, State of California according to the Official Plat thereof, described as follows:

Beginning, at a point on the North line of said Section 3, which is 233.71 feet West of the Northeast corner of said Section 3; thence, South and parallel to the East line of said Section 3, 258.71 feet; thence, East and parallel to the North line of said Section 3, 233.71 feet; thence, South along the East line of said Section 3, 65.01 feet; thence, leaving said East line, West and parallel to the North line of said Section 3, 404.60 feet; thence, North perpendicular to the North line of Section 3, 323.67 feet; thence, along the North line of Section 3, 176.48 feet to the Point of Beginning.

Excepting Therefrom, the interest in the East 25 feet thereof conveyed to the County of Tulare in the deed recorded in book 1, page 579 of rights of way.

Also Excepting Therefrom, that portion conveyed to the State of California in deed recorded February 9, 2007 as Instrument No. 14292 of the official records.

Portion to be Amended:

That portion of the North half of the Northeast quarter of Section 3, Township 22 South, Range 26 East, Mount Diablo Base and Meridian, in the unincorporated area of the County of Tulare, State of California according to the Official Plat thereof, described as follows:

Beginning, at a point on the North line of said Section 3, which is 233.71 feet West of the Northeast corner of said Section 3; thence, South and parallel to the East line of said Section 3, 258.71 feet; thence, East and parallel to the North line of said Section 3, 233.71 feet; thence, South along the South line of said Section 3, 933.22 feet to the Southeast corner of the fractional North half of the Northeast quarter of said Section 3; thence, West along the South line of said North half of the Northeast quarter 1,922.79 feet East of the Southwest corner of said North half of the Northeast quarter, as measured along said south line; thence, North and parallel to the West line of said West half of the Northeast quarter 1,206.33 feet to a point on the North line of said Section 3; thence, East along the North line of said Section 3, 1,685.15 feet to the Point of Beginning.

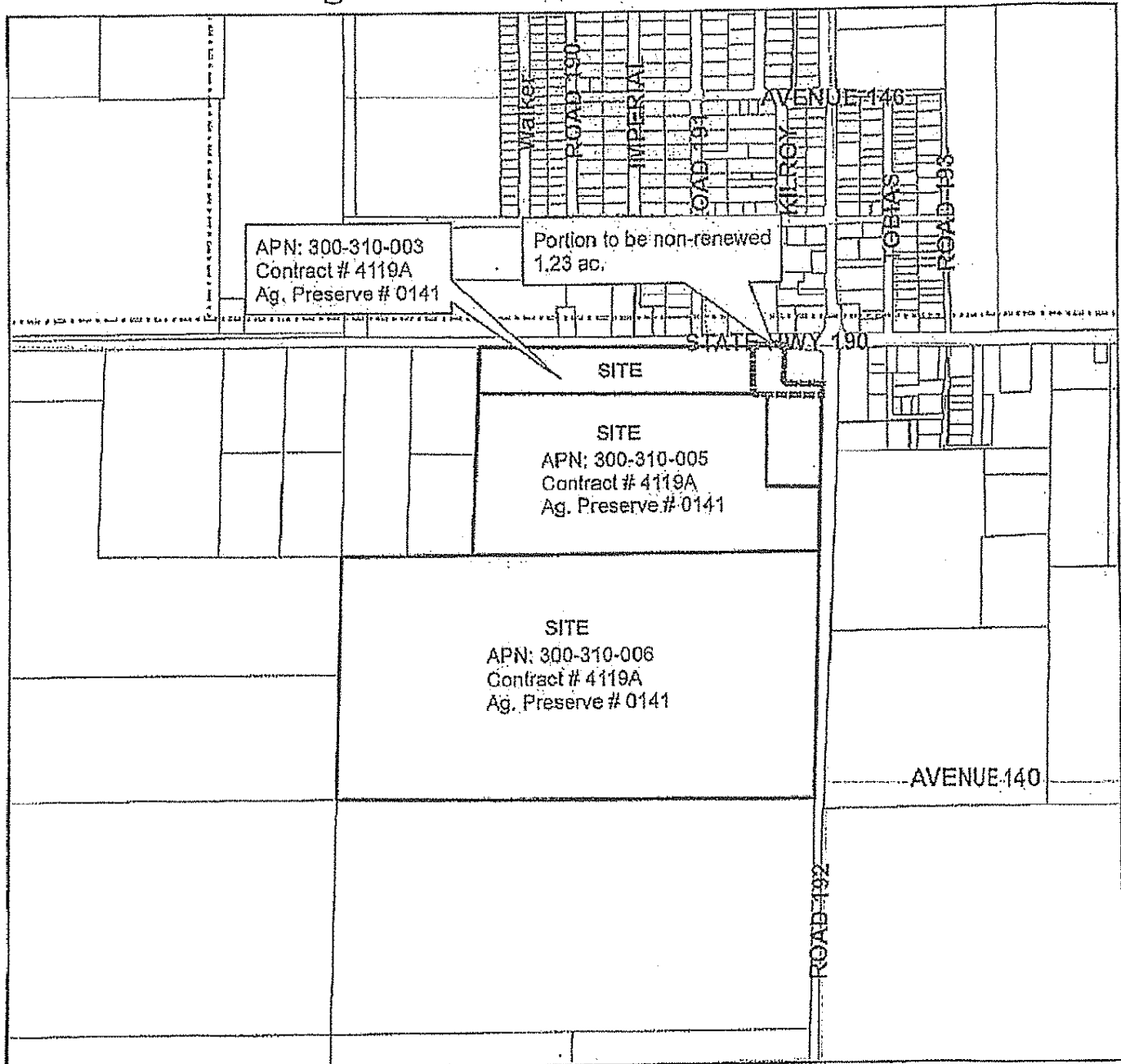
Excepting Therefrom, the above described portion to be non-renewed.

1 Also Excepting Therefrom, the interest in the East 25 feet thereof conveyed to the County
2 of Tulare in the deed recorded in book 1, page 579 of rights of way.
3
4 Also Excepting Therefrom, that portion conveyed to the State of California in deed
5 recorded February 9, 2007 as Instrument No. 14292 of the official records.
6
7 **Portion not changed:**
8 The South half of the Northeast quarter of Section 3, Township 22 South, Range 26 East,
9 Mount Diablo Base and Meridian, in the County of Tulare, State of California, containing
10 80 acres more or less.



Exhibit "B" for
PNR 15-020

Land in Amended Contract # 4119A
Agricultural Preserve # 0141



Owner: Kulwant Singh Gadri
Address: 3201 W. Ceres Ct.,
City, State, ZIP: Visalia, CA 93291
Applicant: Embree Assest Group
Agent: Embree Assest Group - Adam Ramirez
Supervisory District: 5
Assessors Parcel: 300-310-003, 005 and 006

0 400 800 1,200 1,600 2,000
Feet

N



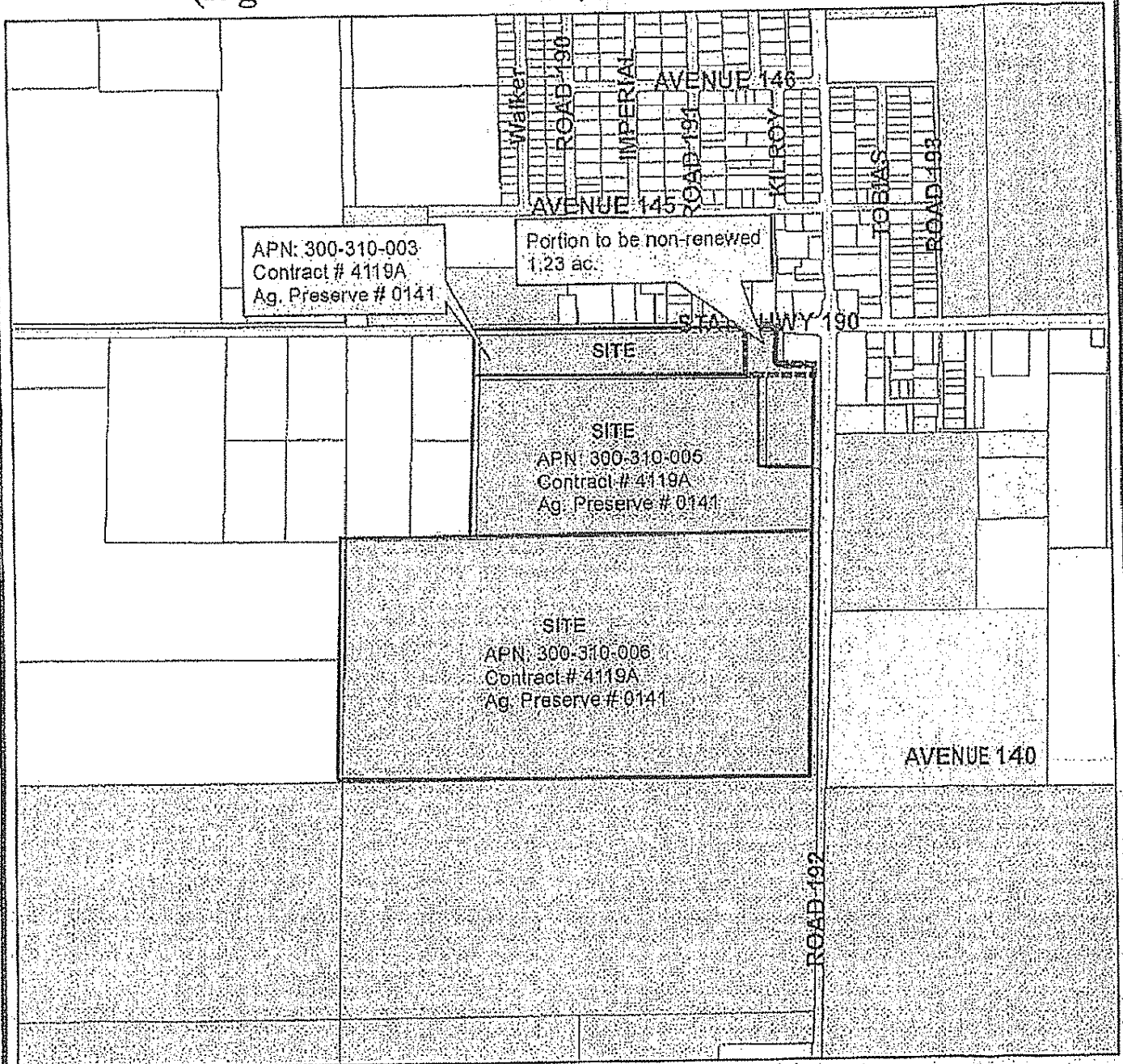


Ag. Preserve Map

For

PNR 15-020

(Ag. Preserve # 0141, Contract # 4119)



Owner: Kulwant Singh Gadri
Address: 3201 W. Ceres Ct.,
City, State, ZIP: Visalia, CA 93291
Applicant: Embree Assest Group
Agent: Embree Assest Group -- Adam Ramirez
Supervisory District: 5
Assessors Parcel: 300-310-003, 005 and 006

Ag. Preserves

- Williamson Act Preserves
- Williamson Act Preserves - Non Renewal
- Farmland Security Zone Contracts



Attachment No. 4
Certificate of Tentative Cancellation

Recording Requested by and Mail to:

Tulare County Resource Management Agency
Planning Branch – Countywide Planning Division
5961 S. Mooney Boulevard
Visalia, CA 93277-9394

**CERTIFICATE OF PARTIAL TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACT**

(Case No. PAC 15-002, Kulwant and Kulwnder Gadri)

The Clerk of the Board of Supervisors of the County of Tulare does hereby certify that a Certificate of Cancellation of Land Conservation Contract No. 4119 will be issued and recorded pursuant to the Williamson Act (California Code Section 51200 et seq) at such time as the specified conditions and contingencies set forth in this certificate are satisfied.

Kulwant and Kulwnder Gadri, being the owners of the real property described as the southern portion of Tulare County Assessor's Parcel Number 300-310-019 (14 acres), have requested that the Board of Supervisors of the County of Tulare approve a partial cancellation of a 1.39 acre portion of Land Conservation Contract No. 4119, which was recorded in the official records of the Tulare County Recorder on January 12, 1971 as Document No. 1971-1181. The portion to be cancelled consists of the northeastern 1.39 acres of APN 300-310-019, as described in "Exhibit A."

The Board of Supervisors of the County of Tulare has determined and agreed that a Certificate of Cancellation of the above contract as requested will be issued and recorded at such time as the following conditions and contingencies have been satisfied:

1. Payment in full to the County Treasurer for the amount of the cancellation fee, which is \$54,250, computed pursuant to the provisions of the California Government Code (GC) Section 51283, with such notices and statements as are required to be included by the provisions of California GC Section 51283.4. If the cancellation fee is not paid, or a certificate of cancellation of contract is not issued within one (1) year of the date of the recording of the certificate of tentative cancellation, such fee shall be recomputed as of the date of notice described in GC Section 51283.4(c).
2. Filing an application and paying fees for the diminishment of the Agricultural Preserve (No. 0141) for the subject property.
3. Securing all applicable County permits necessary for the alternative use.

4. Payment in full to the County Resource Management Agency of any outstanding balance due for the cancellation application processing and report preparation costs.

The landowners shall notify the Board of Supervisors when they have satisfied the conditions and contingencies enumerated above. Within 30 days of receipt of such notice, and upon a determination that the conditions and contingencies have been satisfied, the Chairman of the Board of Supervisors shall execute a Certificate of Cancellation and cause the same to be recorded, so that the real property described in attached "Exhibit A" shall be free from the Land Conservation contractual restrictions.

If the landowners have been unable to satisfy the conditions and contingencies enumerated hereinabove, the landowners shall notify the Board of Supervisors of the particular conditions or contingencies they are unable to satisfy. Within 30 days of receipt of said notice, and upon a determination that the landowners are unable to satisfy the conditions and contingencies listed, the Board of Supervisors shall execute a certificate of withdrawal of tentative approval of cancellation of contract and cause the same to be recorded.

I certify the foregoing approval and the issuance of this Certificate of Tentative Cancellation were authorized by action duly taken by the Tulare County Board of Supervisors in regular session held on February 23, 2016.

By order of the Tulare County Board of Supervisors

By: _____
Chairman, Board of Supervisors

"A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

ACKNOWLEDGMENT

State of California

County of Tulare

On _____ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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 _____ (Seal)

LEGAL DESCRIPTION

EXHIBIT A

Portion to be Canceled:

That portion of the North half of the Northeast quarter of Section 3, Township 22 South, Range 26 East, Mount Diablo Base Meridian, in the unincorporated area of the County of Tulare, State of California according to the Official Plat thereof, described as follows:

Beginning, at the point on the North line of said Section 3, which is 233.71 feet West of the Northeast corner of said Section 3; thence, South and parallel to the East line of said Section 3, 258.71 feet; thence, East and parallel to the North line of said Section 3, 233.71 feet; thence, south along the East line of said Section 3, 65.01 feet; thence, leaving said East line, West and parallel to the North line of said Section 3, 404.60 feet; thence North perpendicular to the North line of Section 3, 323.67 feet; thence, along with the North line of Section 3, 176.48 feet to the Point of Beginning.

Exception Therefrom, the interest in the East 25 feet thereof conveyed to the County of Tulare in the deed recorded in book 1, page 579 of rights of way.

Also Excepting Therefrom, that portion conveyed to the State of California in deed recorded February 9, 2007 as Instrument No. 14292 of the official records.

Attachment No. 5

Department of Conservation Letter of December 23, 2015
and the Mandatory Findings for Williamson Act Cancellation.



State of California • Natural Resources Agency
Department of Conservation
Division of Land Resource Protection
801 K Street • MS 18-01
Sacramento, CA 95814
(916) 324-0850 • FAX (916) 327-3430

Edmund G. Brown Jr., Governor
John M. Lowrie, Assistant Director

December 23, 2015

VIA EMAIL: CPRZYBYL@CO.TULARE.CA.US

Mr. Chuck Przybylski, Project Planner
Tulare County Economic Development and Planning
5961 South Mooney Blvd
Visalia, CA 93277

Dear Mr. Przybylski:

EMBREE GROUP/POPLAR-COTTON CENTER; PARTIAL CANCELLATION OF LAND CONSERVATION
CONTRACT No. 4119, CASE No. PAC 15-002

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation Act. The Department assumes that the County of Tulare has deemed the petition data and findings to be acceptable, and that the information provided reflects the views of the County as the lead agency.

PROJECT DESCRIPTION

The partial cancellation proposes the removal of a 1.39 acre portion of a 14.48 acre contracted area for the development of a commercial retail store. Based on information provided in the petition the site is currently planted in orchards. The entire contracted area is classified Prime Farmland per the California Important Farmland Finder¹. Land to the north and east is in the unincorporated town of Poplar-Cotton Center and is classified as Urban and Built-Up Land. Land immediately to the east is owned by the town of Poplar-Cotton Center and is the site of the town's well, but due to its small size, is still classified as Prime Farmland. Land further to the east is also classified as Urban and Built-Up Land. Land to the south is classified Prime Farmland and land to the west is classified as Farmland of Local Importance and Rural Residential.

The proposal also includes a zone change from Exclusive Agriculture – 20 Acre Minimum (AE-20) to General Commercial (C-2) on the 1.39 acre portion of the contracted site once the cancellation is completed. The remaining 13.09 acres will remain as an orchard under contract.

REQUIRED CANCELLATION FINDINGS

The requirements necessary for cancellation of land conservation contracts are outlined in Government Code Section 51282. The County must document the justification for the cancellation through a set of findings. Based on the County's request, the project is being processed under the Consistency with the Williamson Act findings outlined below in the Department's comments:

¹ California Important Farmland Finder. California Department of Conservation.
<http://maps.conservation.ca.gov/ciff/ciff.html>. Accessed 12/18/2015.

(1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

The petition states that the notice of nonrenewal was served to the County on August 31, 2015. Pursuant to Government Code section 51245, the notice of nonrenewal is required to be recorded within 20 days after the County receives it, and a copy of the recorded notice is required to be sent to the Director of Conservation within 30 days of the County receiving it. Although the petition states that the notice was served, the Department has not yet received a copy of the notice of nonrenewal. Therefore, the Department cannot verify that this finding has been met.

(2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

The cancellation site is adjacent to existing urban uses and located along State Route 190 to the north. Land to the north and east are developed with commercial and residential uses as a part of the town of Poplar-Cotton Center. The site that was chosen is surrounded on two sides by existing urban development. In addition, the site is located within the Urban Development Boundary of the Poplar-Cotton Center Community Plan. Therefore the cancellation would not be the cause of future removal of agricultural lands, since it has already been determined that future growth would take place within the area.

(3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

The proposed use of commercial retail store is consistent with the Tulare County General Land Use Plan for the Community of Poplar-Cotton Center, which designates the site as Reserve-Commercial. Therefore, the cancellation would be for an alternative use which is consistent with the applicable provisions of the County General Plan.

(4) That cancellation will not result in discontinuous patterns of urban development.

The proposed cancellation site is adjacent to existing urban uses to the north and east. It is also a few hundred feet from the intersection of State Route 190 and Road 192, which runs through the town. Therefore, the cancellation is not expected to result in discontinuous patterns of urban development.

(5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Based on the location of the proposed cancellation and its proximity to existing urban uses, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

CANCELLATION FINDINGS CONCLUSIONS

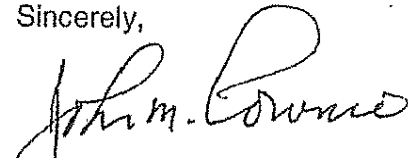
Thank you for the opportunity to provide comments on the proposed partial cancellation. Please be sure to send a copy of the recorded notice of nonrenewal. In addition, please provide our office with a copy of the public notice for the tentative cancellation, ten working days before the hearing,

Chuck Przybylski, Project Planner
December 23, 2015
Page 3

and a copy of the *recorded* tentative cancellation resolution within 30 days after approval of the tentative cancellation pursuant to Government Code § 51284.

Within 30 days of the landowner, satisfying the conditions and contingencies required in a Tentative Cancellation Resolution, and payment of the required fee, the Board will record a Certificate of Cancellation for the contract. The County Treasurer is required to send the cancellation fee² to State Controller within 30 days of recordation of the Certificate of Cancellation and a copy of the recorded Certificate of Cancellation to the Department of Conservation³. If you have any questions concerning our comments, please contact Meri Meraz, Associate Environmental Planner at (916) 445-9411 or at mmeraz@conservation.ca.gov.

Sincerely,



John M. Lowrie
Assistant Director
Division of Land Resource Protection

² Please include some type of information identifying the cancellation on the check: APN(s), project name or number, landowner, applicant, etc.

³ When sending information to the Department of Conservation, please also confirm the date the cancellation payment was made to the State Controller.

CASE NO. PAC 15-002:
WILLIAMSON ACT CANCELLATION REQUIREMENTS

Section 51282 of the California Government Code states that the landowner may petition the Board of Supervisors for cancellation of any contract as to all or any part of the subject land. The Board of Supervisors may approve the cancellation of the contract only if they find:

- a. That the cancellation is consistent with the purposes of the Williamson Act; or
- b. That the cancellation is in the public interest.

In order to assist the Board in making these findings, a list of five mandatory findings that must be made to satisfy a. above.

- 1) Is the cancellation for land on which a Notice of Non renewal has been served pursuant to section 51245 of the Act?

The proposed project is for a parcel map of 1.39 acres and partial non-renewal of the 1.39 acre lot. The Partial Nonrenewal of the Williamson Act was filed for the property on August 31st and anticipated to be approved January 2016.

- 2) Is the cancellation likely to result in the removal of adjacent lands from agricultural use? Explain.

The surrounding property includes State Route 190 to the north. Land to the north and east is developed with commercial and residential uses as a part of the Community of Poplar-Cotton Center. Properties to the south and west contain agriculture uses and rural residences. The only agricultural land that could be considered for possible removal is the parcel to the east and south. The agricultural lands adjacent to the property is not anticipated to be developed, however, the adjacent land to the east and south are within the Urban Development boundary for Poplar-cotton Center and designated as Commercial Reserve, and thus are planned for urban development.

- 3) Is the cancellation for an alternative use which is consistent with the applicable provisions of the General Plan? Explain:

The General Plan 2030 Update shows the subject site to be within the Urban Development Boundary (UDB) of the community of Poplar/Cotton Center. The Poplar Community Plan designates the site as commercial reserve. According to the Tulare County General Plan Update (GPU) Policy PF 1.2, urban development is intended for those areas within a UDB. It is recognized that these boundaries provide an official definition of the interface between urban and agricultural land uses.

The UDB lines established a twenty-year growth boundary for unincorporated communities for which services will likely be extended to allow new urban growth. The County used population, existing County policies, and a development suitability analysis to determine the location and size of the community UDBs.

For unincorporated communities, the UDB is a County adopted line dividing land to be developed from land to be protected for agricultural, natural, open space, or rural uses. It serves as the official planning area for communities over a 20 year period. Land within an unincorporated UDB is assumed appropriate for development and is not subject to the Rural Valley Lands Plan or Foothill Growth Management Plan [RVLP Policy 1-1].

General Plan 2030 Update Policies:

PF-1.2 Location of Urban Development

The County shall ensure that urban development only takes place in the following areas:

- 1. Within incorporated cities and CACUDBs;*
- 2. Within the UDBs of adjacent cities in other counties, unincorporated communities, planned community areas, and HDBs of hamlets;*
- 3. Within foothill development corridors as determined by procedures set forth in Foothill Growth Management Plan;*
- 4. Within areas set aside for urban use in the Mountain Framework Plan and the mountain sub-area plans; and*
- 5. Within other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan.*

Poplar Cotton Center Policy 5.1

Land within UDB's of Poplar/Cotton Center, which is designated as residential, commercial, or industrial reserve shall be retained in agricultural use until such time as conversion to urban use (as defined in the Tulare county General Plan) is appropriate. When a rezoning occurs without a general Plan amendment the reserve designations shall be removed from the parcel.

The following criteria shall be used to determine when conversion to urban use is appropriate:

- 1. The property is not subject to an agricultural preserve contract;*
- 2. Full urban services, schools and infrastructure sufficient to serve urban development either are available or can be made available; and*
- 3. The property is contiguous on at least one side to existing urban development.*

The proposed use is for a Dollar General Commercial Store. This designation establishes areas for service commercial uses in urbanizing areas. This designation is found primarily within UDB's. A C-2 (General Commercial) Zone would be appropriate under this designation.

4) Will cancellation result in discontinuous patterns of urban development? Explain:

The proposed Project is adjacent to the existing urban uses to the north and east. State Route 190 and the community of Poplar are directly to the North. The site is within the UDB of Poplar Cotton Center, thereby concentrating urban development within these boundaries. The development of the site would not be considered discontinuous development. See No. 3 above.

5) Is there any proximate non contracted land which is both available and suitable for the use to which it is proposed.....?

The General Plan 2030 Update shows the subject site to be within the UDB of Poplar-Cotton Center. According to the Tulare County General Plan Update (GPU) Policy PF 1.2, urban development is intended for those areas within a UDB. Please see 3) above.

This site is located adjacent to the commercial business, contiguous to existing development, within the SOI of the City and anticipated for Urban Development.

Attachment 6
Planning Commission Report



**RESOURCE MANAGEMENT
AGENCY
COUNTY OF TULARE
PLANNING COMMISSION
SUMMARY**

5961 S. Mooney
Blvd
Visalia, CA 93277
624-7000 Phone
730-2653 Fax

PLANNING COMMISSION

CHAIRMAN: Melvin Gong
VICE-CHAIR: Nancy Pittigliano

COMMISSIONERS:

Gil Aguilar
Ed Dias
John Elliott
Wayne Millies
Bill Whitlatch

**AIRPORT LAND USE COMMISSIONERS
(ALUC)**

Doug Silveria
Vacancy

Project Number: Zone Change No. PZ 15-020	Agenda Date:	12/9/2015
Applicant: Embree Asset Group, Inc.	Agenda Item Number:	
Agent: Embree Asset Group, Inc. Aaron Ramirez	AGENDA ITEM TYPE	
Subject: Petition for a change of zone on approximately 1.39 acre portion of 47 acre Assessor's Parcel Number's 300-310-005; changing the zoning designation from Exclusive Agriculture 20 acre minimum(AE-20) to General Commercial (C-2), within the Community of Poplar Cotton Center. Exceptions: N/A Waiver: N/A Environmental Review: A Categorical Exemption per 14 CCR Section 15303 (c) (small structures). Motion(s): One Motion Contact Person: Chuck Przybylski	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
ACTION REQUESTED		
Resolution – Board of Supervisors		
Resolution – Planning Commission		X
Decision - Director		

RECOMMENDATIONS:

That the Planning Commission:

1. Recommend that the Board of Supervisors approve a Categorical Exemption consistent with the California Environmental Quality Act (CEQA), pursuant to Title 14 California Code Regulations, Section 15303 (c) pertaining to structures under 10,000 sq. ft.; and recommend that the Board of Supervisors approve Change of Zone No. PZ 15-020.

PLANNING COMMISSION ALTERNATIVES:

Alternative No. 1: Move to recommend approval, subject to modifications as discussed by the Planning Commission

Alternative No. 2: Move to recommend denial

Alternative No. 3: Refer back to Staff for further study and report

PROJECT SUMMARY:

The Tulare County Resource Management Agency, Project Processing Division, has received an application for a Zone Amendment No. PZ 15-020 (Embree Asset Group/Poplar-Cotton Center). The application is to change the zone on approximately 1.39 acres of a 47-acre Assessor's Parcel Number (APN) 300-310-005. The zoning designation would be changed from Exclusive Agriculture 20-Acre Minimum (AE-20) to General Commercial (C-2-54-) site is located within the Poplar-Cotton Center

SUBJECT: PZ 15-020 Embree Asset Group/Poplar-Cotton Center
DATE: December 9, 2015

Urban Development Boundary, designated for urban use and located near the southwest corner of Avenue 144 (SR 190) and Road 192.

The Poplar Cotton Center Community Plan designates the entire site as Commercial Reserve. The construction of a commercial business in the AE-20 would require a zone change to C-2. No General Plan Amendment is required, as according to policy 5.1 the Reserve designation is removed automatically with the approval of a zone change, if it meets the following criteria:

1. The property is not subject to an agricultural preserve contract; and
2. Full urban services, schools and infrastructure sufficient to serve urban development either a re available or can be made available; and
3. The property is contiguous on at least one side to existing urban development.

The site is currently within the Williamson Act; however, the applicant has applied for a Williamson Act Non-Renewal and Williamson Act Cancellation. The Williamson Act Cancellation is required to be approved prior to adoption of this zone amendment.

The project can be served by urban services, a will serve letter was received from the Poplar Community Service District on July 2, 2015, and the project site is currently contiguous on two sides to existing urban development, thus meeting the above criteria.

The applicant has submitted a site plan consisting of approximately 9,000 square feet of commercial building space and parking for approximately 36 spaces. The applicant has applied for a parcel map to divide the 47 acre parcel into two lots, one of 1.39 acres and the remainder. The rezone and Williamson Act cancelation is for the 1.39 acre lot only.

The location of the site is on the corner of Road 192 and State Route 190 (Avenue 144). At this location the development of commercial uses may provide an economic benefit to the Community of Poplar.

Water and wastewater services will be provided by the Poplar Community Service District. The proposed project will also provide curb, gutter and sidewalk.

AGRICULTURAL PRESERVES AND WILLIAMSON ACT CONTRACTS

The project site is located within an Agricultural Preserve No. 0141 and under Williamson Act Contract No. 4119. Commercial uses are not an allowed use on Williamson Act contracted lands. The property has filed for a Partial Nonrenewal (PNR 15-020) of the Williamson Act Contract in 2015. The project will need an approved Williamson Act Cancellation (PAC 15-020) prior to proceeding with the Zone change. A decision regarding a Williamson Act Cancellation will be provided to the Board of Supervisors; no recommendation from the Planning Commission is required. See Attachment No 6 for the Williamson Act Consistency Report.

At this time, there are no comments from the California Department of Conservation.

SUBJECT: PZ 15-020 Embree Asset Group/Poplar-Cotton Center
DATE: December 9, 2015

ENVIRONMENTAL SUMMARY:

A Categorical Exemption was prepared by the Tulare County Environmental Planning Division and approved by the Environmental Assessment Officer. The proposed construction of the commercial building is less than 10,000 square feet and would be considered exempt per the California Environmental Quality Act Section 15303 (c). See Attachment 4 (CEQA Exemption) for a complete description of CEQA compliance.

Tulare County screened the project site to determine if further study for cultural resources will be required. This initial review was based on parcel size, proximity to sensitive geographical locations, and proximity to documented historic or cultural resources. The following tiered review was undertaken:

- Parcel size or project size of over 5 (home site) acres (or equivalent area of ground disturbance)
- Sensitive Physical Location (e.g., near water body, hilltop, undisturbed land)
- Documented cultural resource sites nearby (RMA preliminary review of Tulare County records and/or map of known sites)

The project site is approximately 1.39 acres in size, which is less than 5 acres. The Tule River is located approximately one mile south of the project site. The site has been used in the past as an agricultural use; however, it was approved for future commercial use with the adopted Poplar Cotton Center Community Plan. Thus using the above protocol no further cultural resource study will be required.

ENTITLEMENT(S):

The existing zoning for APN 300-310-005 is AE-20 and is intended for Agriculture uses.

The requested C-2 zoning allows a variety of commercial uses including shops, restaurants, service stations and other uses. (Tulare County Zoning Ordinance Section 12.1 pages 1-5).

The Tulare County Building Line Setback Ordinance requires that all above and below ground facilities be constructed at least 60 feet from the centerline of the right-of-way of SR 190.

GENERAL PLAN CONSISTENCY:

The County's General Plan Amendment Policy provides that *the Board shall, among other considerations give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, policies and the general plan and not obstruct their attainment* (Policies and Procedures 391).

The site is located inside the Urban Development Boundary (UDB) for the Community of Poplar-Cotton Center and designated Commercial Reserve. The General Plan Update 2030 update and the Poplar-Cotton Center Community Plan provides the framework for development. The Goals and Policies Report reinforce, amend and expand policies with respect to development in the unincorporated area. The General Plan 2030 Update provides guidance to development within the community:

SUBJECT: PZ 15-020 Embree Asset Group/Poplar-Cotton Center
DATE: December 9, 2015

General Plan 2030 Update Policies:

PF-1.2 Location of Urban Development

The County shall ensure that urban development only takes place in the following areas:

- 1. Within incorporated cities and CACUDBs;*
- 2. Within the UDBs of adjacent cities in other counties, unincorporated communities, planned community areas, and HDBs of hamlets;*
- 3. Within foothill development corridors as determined by procedures set forth in Foothill Growth Management Plan;*
- 4. Within areas set aside for urban use in the Mountain Framework Plan and the mountain sub-area plans; and*
- 5. Within other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan.*

Poplar Cotton Center Policy 5.1

Land within UDB's of Poplar/Cotton Center, which is designated as residential, commercial, or industrial reserve shall be retained in agricultural use until such time as conversion to urban use (as defined in the Tulare county General Plan) is appropriate. When a rezoning occurs without a general Plan amendment the reserve designations shall be removed from the parcel.

The following criteria shall be used to determine when conversion to urban use is appropriate:

- 1. The property is not subject to an agricultural preserve contract;*
- 2. Full urban services, schools and infrastructure sufficient to serve urban development either are available or can be made available; and*
- 3. The property is contiguous on at least one side to existing urban development.*

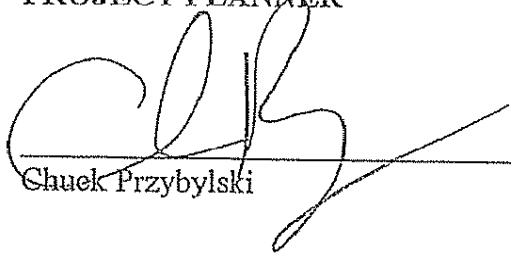
The proposed change in zone designation from AE-20 to C-2 is consistent with General Plan 2030 Update policy. This development would bring commercial services to an area that is already designated for urban development.

PUBLIC NOTICE:

Government Code §65009(b) requires the County to include in any public notice pursuant to Government Code, Title 7, Planning and Land Use, a notice substantially stating all of the following: "If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of Tulare at, or prior to, the public hearing."

SUBJECT: PZ 15-020 Embree Asset Group/Poplar-Cotton Center
DATE: December 9, 2015

PROJECT PLANNER

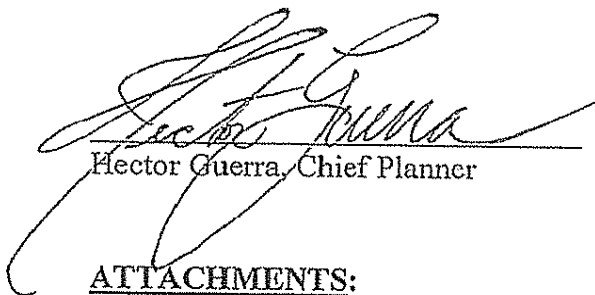
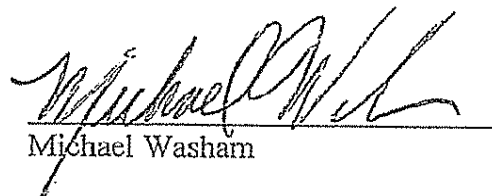

Chuek Przybylski

PROJECT PROCESSING DIVISION


Aaron Bock, Chief Planner

ENVIRONMENTAL PLANNING DIVISION

ASSOCIATE DIRECTOR


Hector Guerra, Chief Planner
Michael Washam

ATTACHMENTS:

- Attachment No. 1 – Resolution Recommending Approval of PZ 15-001
 - Exhibit “A” – Draft Ordinance
 - Exhibit “B” – Official Zoning Map
 - Exhibit “C” – Site Plan
- Attachment No. 2 – Staff Report
- Attachment No. 3 – Graphics
- Attachment No. 4 – CEQA Exemption
- Attachment No. 5 – Consulting Agency List and Correspondence
- Attachment No. 6 – Williamson Act Consistency Report
- Attachment No. 7 – Location and Property Ownership Map for Hearing Notification
- Attachment No. 8 – Public Hearing Notice

Attachment No. 1
Resolution Recommending Approval of PZ 15-020

BEFORE THE PLANNING COMMISSION
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE)	
ZONING REGULATIONS, CASE NO. PZ 15-020)	RESOLUTION NO. (DRAFT)
DOLLAR GENERAL COMMERCIAL BUSINESS)	
POPLAR-COTTON CENTER)	

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve a petition by Aaron Ramierz of the Embree Asset Group, 4747 Williams Drive, Georgetown, TX 78633 (Owner: Kulwant and Kulwinder Gadri, 3201 W. Ceres Ct, Visalia, Ca 93291), for a requested change of zone from the AE-20 (Exclusive Agriculture 20-Acre Minimum) to the C-2 (General Commercial) Zone on a 1.39 acre parcel, located on the south side of Avenue 144 (SR 190, and west of Road 192, in the community of Poplar -Cotton Center.

WHEREAS, a petition has been filed pursuant to the regulations contained in Section 17 of Ordinance No. 352, the Zoning Ordinance, and

WHEREAS, the Planning Commission has given notice of the Ordinance amendment as provided in Section 18 of said Ordinance No. 352 and Section 65854 of the Government Code of the State of California, and

WHEREAS, staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this Ordinance Amendment, and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on December 9, 2015, and

WHEREAS, at that meeting of the Planning Commission public testimony was received and recorded.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Categorical Exemption that was prepared for the project and is applicable to the project site and the Change of Zone, together with any comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the Change of Zone.

B. This Planning Commission hereby determines the following findings were relevant in evaluating this application:

1. The applicant has requested a Change of Zone No. PZ 15-020 to reclassify a 1.39 acre site located on the south side of Avenue 144 (SR 190), and west of Road 192, in the Community of Poplar -Cotton Center, from the AE-20 to the C-2 Zone.

2. Subject parcel 300-310-005 is presently zoned AE-20 and is currently vacant. Surrounding properties are zoned R-2, C-3, C-2 and AE-20 and contain agricultural, commercial and residential uses.
3. The purpose of this application is to obtain the appropriate zoning consistent with the General Plan 2030 Update and to allow the construction of a commercial building.
4. The site is located inside the Urban Development Boundary (UDB) for the Community of Poplar Cotton Center and designated Commercial Reserve.
5. No General Plan Amendment is required, as according to policy 5.1 the Reserve designation is removed automatically with the approval of a zone change, if it meets the criteria of 5.1:
 1. The property is not subject to an agricultural preserve contract;
 2. Full urban services, schools and infrastructure sufficient to serve urban development either are available or can be made available; and
 3. The property is contiguous on at least one side to existing urban development.Thus, upon approval of the zone change, the Commercial designation allows commercial uses, including those uses allowed in the C-2 Zone.
6. The site is currently within the Williamson Act; however, the applicant has applied for a Williamson Act Non-Renewal and Williamson Act Cancellation. Approval of the Zone Change is subject to approval of the Williamson Act Cancellation. IF the Williamson Act Contract is not approved, the General Plan Land Use would remain Commercial Reserve and would require a General Plan Amendment once the Contract is canceled or non-renewed.
7. The project can be served by urban services, a will serve letter was received from the Poplar Community Service District on July 2, 2015, and the project is contiguous on at least two sides to existing urban development, thus meeting the above criteria.
8. The change in zone designation from AE-20 to C-2 is consistent with General Plan policy upon approval of the Williamson Act Cancellation. This zone change would bring commercial uses to an area that is currently deficient and in need of economic development.
9. Avenue 144 (State Route 190) and Road 192 are classified as "Minor Arterial" roads in the Poplar-Cotton Center Community Plan. Minor Arterial roads provide for mobility within the County and its cities, carrying through-traffic on continuous

routes and joining major traffic generators, freeways, and other arterials. Access to abutting private property and intersecting local streets shall be generally restricted.

The General Plan does not list Avenue 144 or Road 192 as being deficient in level of service (LOS). According to the General Plan Update, Avenue 144 (State Route 190) currently operates at a LOS of "C" and Road 192 operates at a LOS of "B". The proposal's approximate Annual Average Daily Traffic would have a less than significant impact to the LOS as the LOS will be maintained at LOS "D" or better as per General Plan Policy TC 1.16.

10. Development within the UDB requires urban services including water, sewer, curb, gutter and sidewalk, unless shown to be infeasible.
11. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution No. 2010-2927, a Notice of Intent to Collect Tulare County Public Facilities Fees, also known as Developer Impact Fees; therefore, new development may be subject to County Development Impact Fees.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the proposed Ordinance amendment to be consistent with the purpose of Ordinance No. 352 and further finds the petition is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

A. This Commission hereby recommends that the Board of Supervisors find there is no substantial evidence that said Change of Zone will have significant effect on the environment and determine that the proposed construction of the general commercial store is less than 10,000 square feet and would be considered exempt per the California Environmental Quality Act Section 15303 (c). That the Categorical Exemption that was prepared for the current Change of Zone request reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act.

B. This Commission hereby recommends that the Board of Supervisors approve the Amendment to the Zoning Regulations Case No. PZ 15-020 as petitioned.

The foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting of the Planning Commission on December 9, 2015, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

Exhibit A
Draft Ordinance

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ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, BEING AN ORDINANCE ESTABLISHING AND REGULATING LAND USES WITHIN CERTAIN ZONES IN THE COUNTY OF TULARE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of the Section 3, Township 22 South, Range 26 East, Mount Diablo Base and Meridian, being a subdivision of Part 451 of the Official Zoning Maps. A map showing the C-2 (General Commercial) zoning approved for 1.39 acre of the property is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification from AE-20 to C-2, filed as Change of Zone Case No. PZ 15-020 is briefly described as follows:
Being approximately 1.39 acres, located on the south side of Avenue 144 (SR 190), and west of Road 192, in the Community of Poplar -Cotton Center. (APN 300-310-005).

Section 3. This Ordinance shall take effect thirty (30) days from the date of the passage hereof, or if published more than 15 days after the date of passage, then 30 days after publication, whichever is later, and, shall be published once in the _____, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of January 2016, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

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AYES:

NOES:

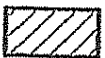
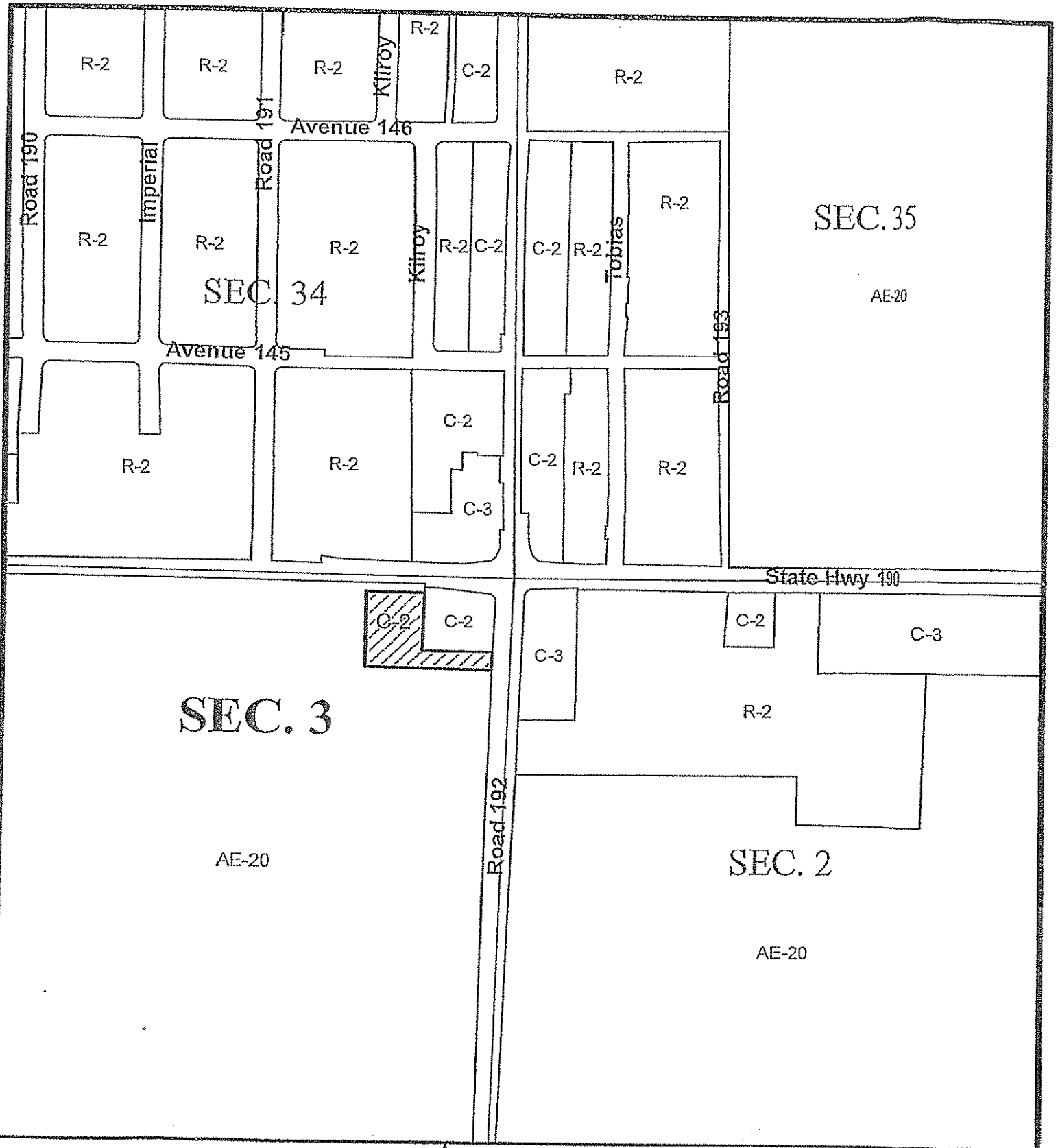
ABSENT:

Chairman, Board of Supervisors

ATTEST: Michael C. Spata
County Administrative Officer/Clerk
Board of Supervisors

By: _____
Deputy

Exhibit B
Draft Zoning Map



APN: 300-310-019 (Portion of)
Zone Change from A-20 to C-2
(PZ 15-020)



ORDINANCE NO. 3478
AMENDING A PORTION OF PART 277
SW 1/4 OF SEC. 17, T21S, R26E, M.D.B. & M.
OF
OFFICIAL ZONING MAP
COUNTY OF TULARE, CA.

0 200 400 600 Feet

Exhibit C
Site Plan

POPLAR COTTON CENTER, CA
AVENUE 144 & ROAD 192

LEGEND:

LANDSCAPE

*I Space per 250 S.F. OF
GROSS FLOOR AREA = 36
PROVIDED: 36 (INCLUDES
1 COMPACT STALL)*

JURISDICTION:
TULARE COUNTY

1. Site layout based on aerial data only. Lot lines and property dimensions need to be verified by ALTA/ACSM survey.
2. Landscape, utility, drainage, and signage requirements have not been reviewed.
3. Current zoning is: AE-20 Exclusive Agriculture 20 acres minimum.
4. Rezone to C2 General Commercial.



Attachment No. 2
Planning Commission Staff Report

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
- PLANNING BRANCH -

Staff Report
Zone Change No. PZ 15-020

I. GENERAL:

1. **Applicant:** Embree Asset Group Inc.
4747 Williams Drive
Georgetown, Texas 78633
2. **Owner** Kulwant and Kulwinder Gadri
3201 W Ceres Ct.
Visalia, CA 93291
3. **Agent** Embree Asset Group Inc.
4747 Williams Drive
Georgetown, Texas 78633
4. **Requested Action:** The Tulare County Resource Management Agency, Project Processing Division, has received an application for a Zone Amendment No. PZ 15-020 (Embree Asset Group/Poplar-Cotton Center). The application is to change the zone on approximately 1.39 sq. ft of a 47 acre Assessors Parcel Number (APN) 300-310-005. The zoning designation would be changed from Exclusive Agriculture 20-Acre Minimum (AE-20) to General Commercial (C-2). The site is located within the Poplar-Cotton Center Urban Development Boundary, designated for urban use and located near the corner of Avenue 168 and Road 168.

The Poplar Cotton Center Community Plan designates the entire site as Commercial Reserve. The construction of a commercial business in the AE-20 would require a zone change to C-2. No General Plan Amendment is required, as according to policy 5.1 the Reserve designation is removed automatically with the approval of a zone change.

5. **Location:** The site is located at on the southwest corner of Road 192 and State Route 190 in the Community of Poplar.

APN: 300-310-005

Section 3, Township 22 South, Range 26 East, MDB&M

II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:

1. **Zoning and Land Use:**

Site – APN 300-310-005 is zoned AE-20: The site currently vacant.

North – R-2 and C-3: Single family residences and commercial uses.

East – R-2 and C-2: Single family residences and commercial uses.

West – AE-20: Agriculture.

South – AE-20: Agriculture

2. **Zoning, Entitlement, and Other Ordinance Characteristics:**

The existing zoning for APN 300-310-005 is AE-20 and is intended for Agricultural uses. Currently commercial uses are not an allowed use within the AE-20 Zone.

The requested C-2 zoning allows a variety of commercial uses including shops, restaurants, service stations and other uses. (Tulare County Zoning Ordinance Section 12.1 pages 1-5).

The Tulare County Building Line Setback Ordinance requires that all above and below ground facilities be constructed at least 50 feet from the centerline of the right-of-way of County Line Road.

3. **Access/Circulation:** Direct access to Road 192 and no access to State Route 190.

Avenue 144 (State Route 190) and Road 192 are classified as “Minor Arterial” roads. Minor Arterial roads provide for mobility within the County and its cities, carrying through traffic on a continuous routes and joining major traffic generators, freeways, and other arterials. Access to abutting private property and intersecting local streets shall be generally restricted.

The General Plan does not list Avenue 144 or Road 192 as being deficient in level of service (LOS). The General Plan Update classifies Avenue 144 as a LOS of “C” and Road 192 as “B”. The proposal’s approximate AADTs would have a less than significant impact to the LOS as the LOS will be maintained to an LOS of “D” or better.

Adequate circulation will be provided within the site so that all vehicles enter and leave the site by moving forward.

4. **General Plan Elements:**

General Plan: The County's General Plan Amendment Policy provides that *the Board shall, among other considerations give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, policies and the general plan and not obstruct their attainment* (Policies and Procedures 391).

The site is located inside the Urban Development Boundary (UDB) for the Community of Poplar-Cotton Center and designated Commercial Reserve. The General Plan Update 2030 update and the Poplar-Cotton Center Community Plan provides the framework for development. The Goals and Policies Report reinforce, amend and expand policies with respect to development in the unincorporated area. The General Plan 2030 Update provides guidance to development within the community:

General Plan 2030 Update Policies:

PF-1.2 Location of Urban Development

The County shall ensure that urban development only takes place in the following areas:

1. *Within incorporated cities and CACUDBs;*
2. *Within the UDBs of adjacent cities in other counties, unincorporated communities, planned community areas, and HDBs of hamlets;*
3. *Within foothill development corridors as determined by procedures set forth in Foothill Growth Management Plan;*
4. *Within areas set aside for urban use in the Mountain Framework Plan and the mountain sub-area plans; and*
5. *Within other areas suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan.*

Poplar Cotton Center Policy 5.1

Land within UDB's of Poplar/Cotton Center, which is designated as residential, commercial, or industrial reserve shall be retained in agricultural use until such time as conversion to urban use (as defined in the Tulare county General Plan) is appropriate. When a rezoning occurs without a general Plan amendment the reserve designations shall be removed from the parcel.

The following criteria shall be used to determine when conversion to urban use is appropriate:

1. *The property is not subject to an agricultural preserve contract;*

2. *Full urban services, schools and infrastructure sufficient to serve urban development either are available or can be made available; and*
3. *The property is contiguous on at least one side to existing urban development.*

The proposed change in zone designation from AE-20 to C-2 is consistent with General Plan 2030 Update policy. This development would bring medical services to an area that is already designated for urban development.

Land Use Chapter: Designated as "Commercial Reserve."

Environmental Resource Chapter: The Tulare County General Plan Environmental Resource Chapter designates the site as "Urban Expansion."

Planning Framework Chapter: The subject site is within the Poplar Cotton Center Urban Development Boundary.

General Plan Consistency: The project is consistent with the Tulare County General Plan as it conforms to the land use policies applicable within the Poplar Urban Development Boundary.

5. **Planning Commission Development Standards:**

The Tulare County Development Standards have been adopted by the Planning Commission and utilized by the Board of Supervisors as policy to guide the development of property in Tulare County and to provide safeguards for health, safety and general welfare. For a use not specified, the same standards shall be provided as are required for the most similar specified use, as determined by the Director of the Tulare County Resource Management Agency-Development Services Division.

III. **ENVIRONMENTAL SETTING:**

1. **Topographical Setting:**

Terrain is level, typical of most valley lands.

2. **Flooding Potential:**

The site is within Zone X, according to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 069107C, Panel No. 1605E, dated June 16, 2009.

3. **Soils:**

<u>Type</u>	<u>Capability Class</u>	<u>Shrink/Swell Potential</u>	<u>Septic Tank Absorption</u>	<u>Prime</u>
Nord Fine Sandy loam 0-2%	I (irrigated)	Low	Severe	Yes

4. **Biotic Conditions:**

The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the biological resources of the area. According to the California Natural Diversity Data Base, no species of concern were located on or near the subject site. The project parcel and surrounding area is currently developed with urban or agricultural uses. The surrounding properties to the north and east are developed as single family dwellings and commercial uses. It is unlikely the site is used as habitat or migration of species of concern.

5. **Water Table:** Approximately 75 feet, according to the Ground to Water Surface Contours – Spring 1995 map.

6. **Agricultural Preserves:** The subject site is within an agricultural preserve. The applicant has applied for a Partial Non-Renewal (PNR 15-020) and Williamson Act Cancellation (PAC 15-002) for 1.39 acres.

IV. **HISTORY AND PROJECT FACTS:**

1. **General Plan Document:** August 28, 2012: General Plan 2030 Update

2. **Other Facts:**

- a. **Fire Protection:** Tulare Co. Fire Dept., West Olive Station #19, approximately four (4) miles away in the community of Woodville
- b. **Police Protection:** Tulare Co. Sheriff's Dep't., Porterville Sub-Station.
- c. **Sewer and Water Service:** Water and sewer is provided by the Poplar Public Utility District (PUD).

V. **ENVIRONMENTAL IMPACTS CHECKLIST/DISCUSSION FORM:** (See attached documents)

VI. **ENVIRONMENTAL DETERMINATION:**

A Categorical Exemption was prepared by the Tulare County Environmental Planning Division and approved by the Environmental Assessment Officer. The proposed

construction of the commercial building is less than 10,000 square feet and would be considered exempt per the California Environmental Quality Act Section 15303 (c).

VII. SUBSEQUENT ACTIONS:

1. Appeals:

All Planning Commission actions on discretionary items may be appealed, in writing, to the Board of Supervisors, 2800 W. Burrel, Visalia, CA 93291-4582 within 10 calendar days after the date on which the decision is made. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

2. School Impact Fees:

The subject site is located within the Porterville Unified School District and Pleasant View Elementary School District which has implemented developer's fees for all assessable space for new residences and expansions to existing residences; and for chargeable covered and enclosed space for new commercial and industrial development pursuant to Government Code Section 53080. These fees are required to be paid prior to the issuance of any permit for the construction of new commercial or industrial structures, and/or installation or construction of new or expanded residential structures. [Please contact the TCRMA-Permits Center or the applicable school district(s) for the most current school fee amounts.]

NOTICE: Pursuant to Government Code Section 66020(d)(1), this will serve to notify you that the 90-day approval period, in which you may protest to the school district the imposition of fees or other payment identified above, will begin to run from the date on which they are paid to the school district(s) or to another public entity authorized to collect them on the district(s) behalf, or on which the building or installation permit for this project is issued, whichever is earlier.

3. Compliance Reporting and Monitoring Schedule Fees:

A Compliance Reporting and Monitoring Schedule has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance. Fees, required to defray the expenses incidental to the compliance reporting and monitoring, will be required to be deposited into a Compliance Reporting and Monitoring Account prior to recording the Resolution.

4. Storm Water Permit:

A General Construction Activity Storm Water Permit CAS000002 shall be required (prior to commencement of the construction) for all storm water discharges associated with a construction activity where clearing, grading and excavation

results in a land disturbance of more than one acre or which is less than one acre but is part of a larger common plan of development or sale. And, depending on the Standard Industrial Classification (SIC) Code of the final project, a General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities may be required. A Notice of Intent (NOI) shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the appropriate annual fee. Permits shall be required until the construction is completed.

5. Air Impact Assessment:

The San Joaquin Valley Air Pollution Control District (District) has adopted the Indirect Source Review (Rule 9510). Your project may require filing of an application for an Air Impact Assessment. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at www.valleyair.org under "Land Use/Development" and then under "Indirect Source Review", or at any District Office. Assistance with applications and advice as to the applicability of the rule can be obtained from the District's ISR Group at 559-230-6000.

6. Water Impact Assessment:

If your activities or discharges from your property or business affect California's surface, coastal, or ground waters, you will need to apply for a permit from the Regional Water Quality Control Board (RWQCB). If you are discharging pollutants (or proposing to) into surface water, you must file a complete National Pollutant Discharge Elimination System (NPDES) with the RWQCB. Other types of discharges, such as those affecting groundwater or from diffused sources (e.g., erosion from soil disturbance or waste discharges to land) are handled by filing a Report of Waste Discharge with the RWQCB. For specified situations, some permits may be waived and some discharge activities can be handled through enrollment in an existing general permit. For assistance in determining whether or not your project requires a discharge permit call the Fresno Branch Office at 559-445-5116 or visit www.waterboards.ca.gov/centralvalley.

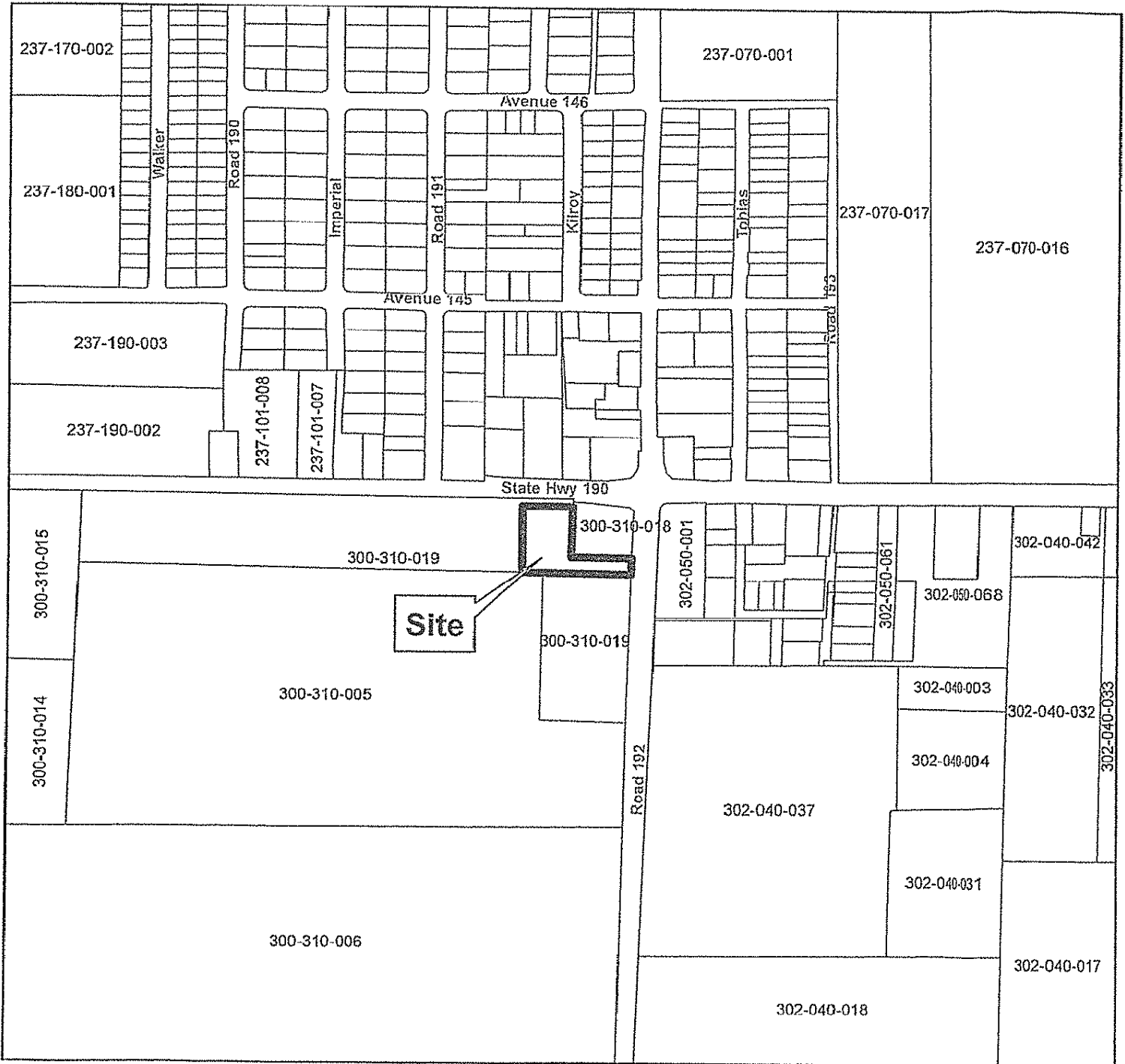
7. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Zone Change No: PZ 15-020; or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and

attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition.

Attachment No. 3
Graphics



Vicinity Map for PZ 15-020

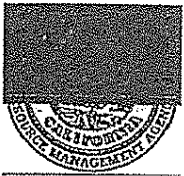


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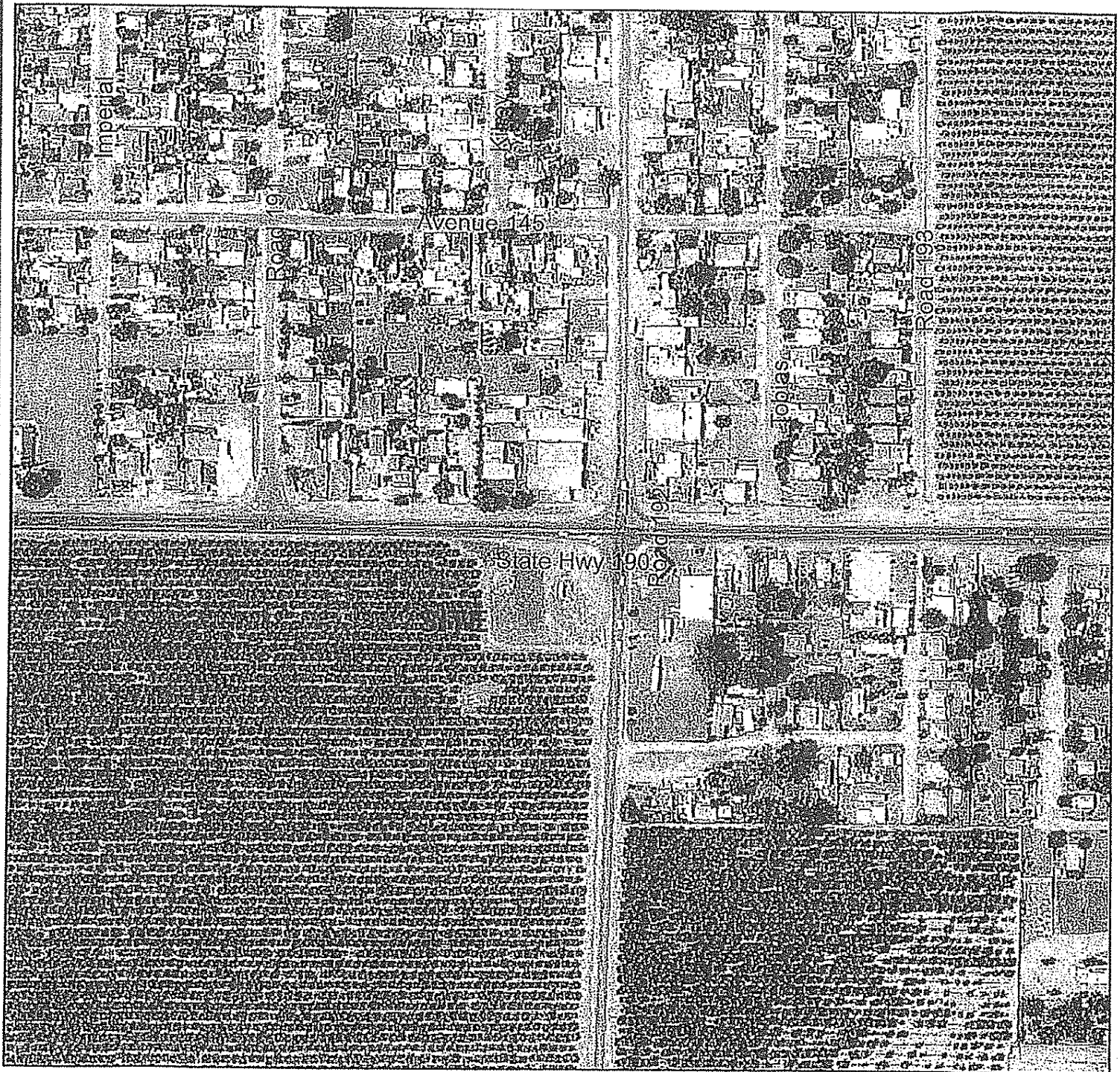
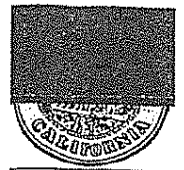
Supervisory District: 1

-81-  Site





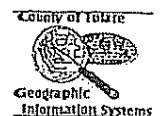
Aerial Photograph for PZ 15-020



Owner: Kulwant & Kulwinder Gadri
Address: Poplar Cotton Center
City, State, ZIP: Poplar, CA 93257
Applicant: Embree Asset Group Inc
Agent: Embree Asset Group Inc
Supervisory District: 1
Assessors Parcel: 300-310-019

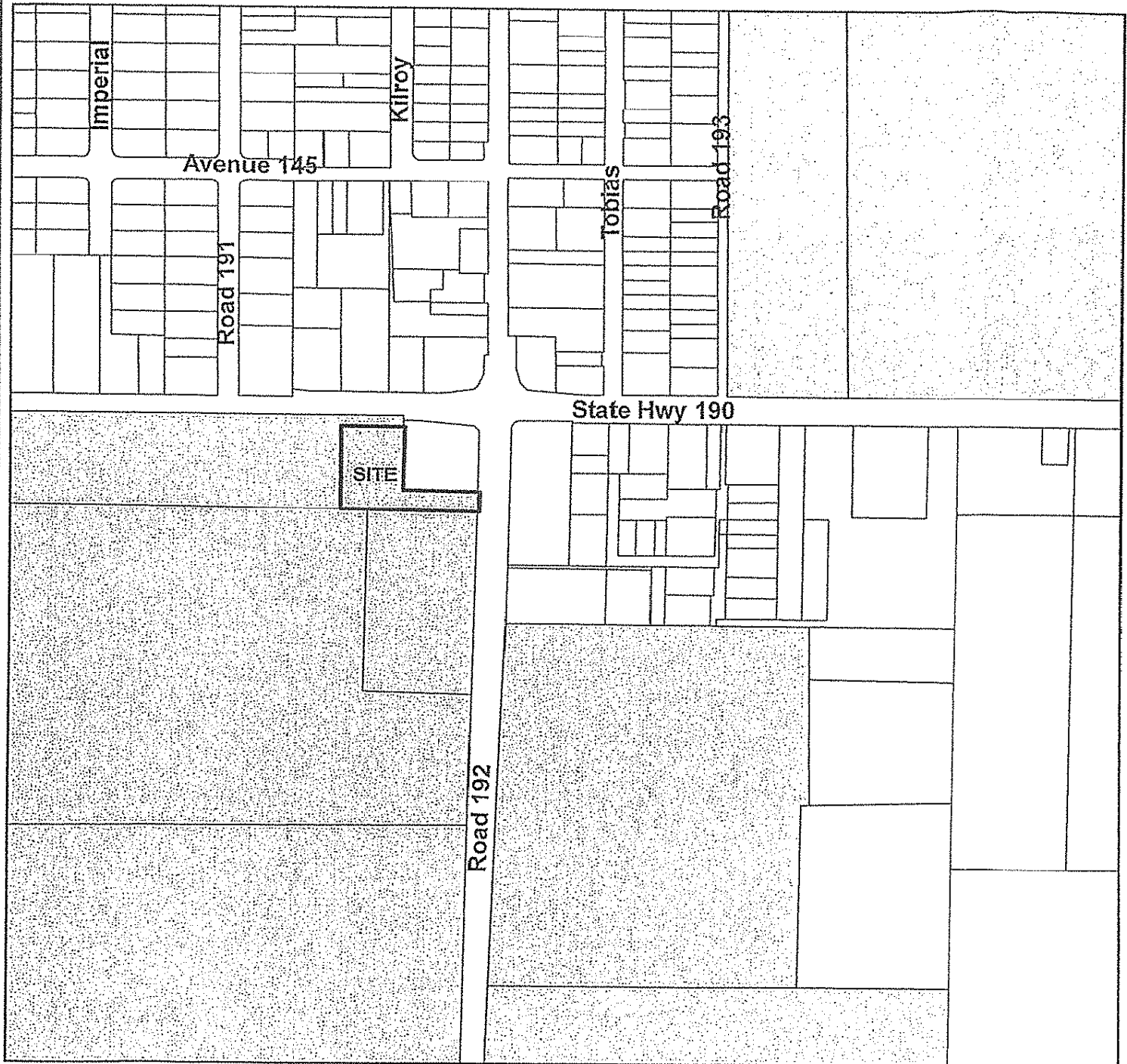
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Legend





Ag. Preserve Map For GPI-15-004



Owner: Kulwant & Kulwinder Gadri
Address: Poplar Cotton Center
City, State, ZIP: Poplar, CA 93257
Applicant: Embree Asset Group Inc
Agent: Embree Asset Group Inc
Supervisory District: 1
Assessors Parcel: 300-310-019

0 400 800
Feet

Site

Ag. Preserves

Williamson Act Preserves

Williamson Act Preserves - Non Renewal

-83- Farmland Security Zone Contracts

County of Tulare
Geographic
Information Systems



Attachment No. 4
CEQA Exemption

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ Tulare County Clerk
Room 105, Courthouse
221 South Mooney Boulevard
Visalia, California 93291

Lead Agency: Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Applicant(s): Embree Asset Group
Aaron Rameriz
4747 Williams Drive
Georgetown, Tx 78633
(512) 819-4963

Activity / Project Title: Zone Change No. PZ 15-020

Activity / Project Location – Avenue 144, and Road 192

Activity / Project Location- Section, Township, Range: Section 3 Township 22 S. Range 26 E. MDB & M

Activity / Project Location – Community: Poplar-Cotton Center

Activity / Project Location – County: Tulare

Description of Nature, Purpose, and Beneficiaries of Activity / Project: The Tulare County Resource Management Agency, Project Processing Division, has received an application for a Zone Amendment No. PZ 15-020 (Embree Asset Group/Poplar-Cotton Center). The application is to change the zone on approximately 1.39 sq. ft of a 47 acre Assessors Parcel Number (APN) 300-310-005. The zoning designation would be changed from Exclusive Agriculture 20-Acre Minimum (AE-20) to General Commercial (C-2). The site is located within the Poplar-Cotton Center Urban Development Boundary, designated for urban use and located near the corner of Avenue 168 and Road 168.

Exempt Status:

- ☐ Ministerial (Sections 21080(b)(1); 15268);
- ☐ Declared Emergency (Sections 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sections 21080(b)(4); 15269(b)(c));
- ☐ General Rule Exemption: State CEQA Guidelines Section 15061(b) (3);
- ☒ Categorical Exemption: State CEQA Guidelines Section 15332 (Infill Development);
- ☐ Statutory Exemptions:

Reasons why activity / project are exempt from CEQA: The proposed zone amendment is on less than five acres, within the UDB for the community, served by utility providers, and consistent with the General Plan Update and, therefore, would be considered infill development and exempt per the California Environmental Quality Act Section 15332, see attached Exhibit "A" made a part hereof.

Name of Public Agency Approving Activity / Project: County of Tulare

Activity / Project Representative: Chuck Przybylski

Area Code/Telephone: (559) 624-7000

Signature: Hector Guerra Date: 12/2/15 Title: Chief Environmental Planner

Signature: Michael C. Spata Date: 12/2/15 Title: CAO/Environmental Assessment Officer

CATEGORICAL EXEMPTION FORM

Project Name: Zone Change No. PZ 15-020 Embree Asset Group/Poplar-Cotton Center

NOTICE OF EXEMPTION

ATTACHMENT A: ENVIRONMENTAL CONSIDERATIONS



DESCRIPTION OF PROJECT

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

APN(s): 300-310-005

Case No.: Zone Change No. PZ 15-020

Location: Poplar, Tulare County, California

Project Title: Embree Asset Group/Poplar-Cotton Center

Project Description: The Tulare County Resource Management Agency, Project Processing Division, has received an application for a Zone Amendment No. PZ 15-020 (Embree Asset Group/Poplar-Cotton Center). The application is to change the zone on approximately 1.39 sq. ft of a 47 acre Assessors Parcel Number (APN) 300-310-005. The zoning designation would be changed from Exclusive Agriculture 20-Acre Minimum (AE-20) to General Commercial (C-2). The site is located within the Poplar-Cotton Center Urban Development Boundary, designated for future urban use and located near the corner of Avenue 144 and Road 192.

The Poplar Cotton Center Community Plan designates the entire site as Commercial Reserve. The construction of a commercial business in the AE-20 would require a zone change to C-2. No General Plan Amendment is required, as according to policy 5.1 the Reserve designation is removed automatically with the approval of a zone change if it meets the following criteria:

1. The property is not subject to an agricultural preserve contract;
2. Full urban services, schools and infrastructure sufficient to serve urban development either are available or can be made available; and
3. The property is contiguous on at least one side to existing urban development.

The site is currently within the Williamson Act, however, the applicant has applied for a Williamson Act Non-Renewal and Williamson Act Cancellation PAC 15-002. The project can be served by urban services, a will serve letter has been received by the Poplar Community Service District on July 2, 2015 and the project is contiguous on at least two sides to existing urban development, thus meeting the above criteria.

The proposed zone change is within an urban boundary for the community of Poplar-Cotton Center.

REASON PROJECT IS EXEMPT

Exempt Status: (check one and describe in Section 1) below)

- ☐ Ministerial
- ☐ Statutory
- ☒ Categorical Exemption State CEQA Guidelines Section 15332 (Infill Development)
- ☐ Emergency Project
- ☐ No Possibility of Significant Effect Section 15061 (b) (3)

1) Exemption Section Citation (See Addendums and CEQA guidelines for additional information)

The proposed zone amendment is on less than five acres, within the UDB for the community, served by utility providers, and consistent with the Tulare County General Plan Update and, therefore, would be considered infill development and exempt per the California Environmental Quality Act Section 15332.

2) Reasons to support exemption findings (apply the below basic language to the facts in the application).

Pursuant to *Section PRC 15060 of the Public Resource Code*, Tulare County during and immediately after reviewing the application made a determination if CEQA applied to this project, or not. Planning Staff under *Section 16061 of Public Resource Code*, on March 20, 2015 determined the project is exempt from CEQA under 15332 and 15061. Further, the project would not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2.

The proposed amendment on less than five acres, within the UDB for the community, served by utility providers, and consistent with the Tulare County General Plan. The proposed amendment also brings the zone in conformance with the Tulare County General Plan Land Use Designation.

Planning staff in their analysis found no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which impact the environment. Therefore, no further environmental review is required.

EXCEPTIONS TO CATEGORICAL EXEMPTIONS

The following list of *exceptions to exemptions* is to be conducted during the preliminary CEQA analysis. The analysis will look at the following **Exceptions to Categorical Exemptions (a-f)**, under CEQA. The *exceptions* and our determination of their impact to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:¹

(a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment *may* in a particularly sensitive environment be significant. If in one of these classes, the scrutiny is increased for exempting the project under CEQA.

The project site is located within an urban area located within the Poplar-Cotton Center Urban Development Boundary and intended for urban development. According to the California Natural Diversity Database-CA Department of Fish and Wildlife no species of concern are known to exist on

or near this site. Furthermore, no wetlands or waterways exist or are near the site and the site is not known to have any cultural or historic characteristics.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project site is located within an urban area located within the Poplar-Cotton Center Urban Development Boundary and intended for urban development. The site would be considered an infill development project.

(c) Significant Effect. A categorical exemption shall not be used for an activity where *there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The project site is located within an urban area located within the Poplar-Cotton Center Urban Development Boundary and intended for urban development. The site would be considered an infill development project.

(d) Scenic Highways. A categorical exemption shall not be used for a project which *may* result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. *This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.*

The project is located in the community of Poplar-Cotton Center and according to the Tulare County General Plan Update, it is not located near a designated scenic highway or any scenic resources.

(e) Hazardous Waste Sites. See list compiled pursuant to Section 65962.5 of the Government Code. <http://www.envirostor.dtsc.ca.gov/public/>

The aforementioned website was accessed on November 19, 2015 and the project site is not located on or near a listed hazardous waste site.

Attachment No. 5
Consulting Agency List and Correspondence

8



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD

VISALIA, CA 93277

PHONE (559) 624-7000

FAX (559) 730-2653

Michael Washam

Benjamin Ruiz, Jr.

Roger Hunt

Economic Development and Planning

Public Works

Administration

MICHAEL C. SPATA, DIRECTOR

October 1, 2015

CONSULTATION NOTICE

To: Interested Agencies (see attached list)

From: Chuck Przybylski, Project Planner

Subject: Change of Zone No. PZ 15-020 and Williamson Act Cancellation No. PAC 15-002, Embree Asset Group, Inc./Poplar

The Tulare County Resource Management Agency, Economic Development and Planning Division, has received an application for a Change of Zone and Partial Williamson Act Cancellation. The project site, for both the Zone Change and Partial Cancellation, is on approximately 1.39 acres portion of 14.48 acre Assessors Parcel Number's (APN) 300-310-019. The zoning designation would be changed from AE-20 (Exclusive Agriculture-20 Acre Minimum) to C-2 (General Commercial). The remainder 13.09 acre portion of the site will remain AE-20 and within the Williamson Act. A parcel map is also being processed to create the 1.39 acre subject site. The lot is located near the southwest corner of State Route 190 (Avenue 144) and Road 192.

The site is within the Urban Development Boundary of Poplar and designated Commercial Reserve. According to the Poplar-Cotton Center Community Plan Policy, a reserve designation will be removed, without a General Plan Amendment, when a rezoning occurs, subject to three conditions: 1) property not within a Agricultural Preserve (Partial Cancellation concurrent); 2) Served by Urban Services (Water and Sewer through the Poplar Community Service District); and 3) contiguous to urban development on one side (north). Contigient on the Partial Williamson Act Cancellation and Zone Change, the land use designation would be Commercial.

The proposed project is for the development of a 9,100 sq. foot commercial building (Dollar General) with 36 parking spaces. Please see attached applications and site plan.

Please review this project and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation. The following information checked below is also applicable for your consideration regarding this project:

- ☐ (a) Please indicate in your response whether this department should prepare a Negative Declaration or Environmental Impact Report (EIR). In the event an EIR is prepared, I will be in further contact with you as to the scope and content of the environmental information pertinent to your agency's statutory responsibilities. Note that Public Resources Code Section 21080(c) requires substantial evidence in the record to show a significant effect on the environment. Any recommendation for preparation of an EIR requires submittal of such evidence with your comments. If there is no such evidence, a Negative Declaration may be prepared. Recommendations or suggestions for changes or mitigation measures requested by agencies having jurisdiction by law over natural resources affected by the project must be accompanied by a proposed reporting or monitoring program for those changes or measures in accordance with Public Resources Code Section 21081.6.
- ☒ (b) The Tulare County Guidelines for Implementing the California Environmental Quality Act (CEQA), indicate this project to be Categorically Exempt; and therefore, the preparation of an environmental document is not necessary. However, if your organization has substantial evidence that would indicate to the contrary, please explain.

Also, please forward any comments and/or recommendations you may have regarding the proposal to our office by October 30, 2015, so that they may be considered during the review process.

Special Notice to Agencies: Notice of a public hearing for this project will be mailed at least ten (10) days prior to the hearing. If your agency will be significantly affected by this project with respect to your ability to provide essential facilities and/or services, and you wish to receive notice of the public hearing, please state this in your response.

Our office appreciates your time and assistance with this project review. Please direct all correspondence to the Project Planner and Case Number referenced above for this project.

PROJECT NO: PZ 15-020 Embree Asset Group, Inc. /Poplar

CONSULTING AGENCY LIST

TULARE COUNTY AGENCIES		STATE AGENCIES	
<input checked="" type="checkbox"/> X	R.M.A. - Building Division	<input checked="" type="checkbox"/> X	Dept. of Fish & Game Dist 4
<input type="checkbox"/>	R.M.A. -	<input type="checkbox"/>	_____, DFG Area Biologist
<input type="checkbox"/>	R.M.A. - Planning Division	<input type="checkbox"/>	Alcoholic Beverage Control
<input type="checkbox"/>	R.M.A. - Community Dev./Redevelopment Division	<input type="checkbox"/>	Housing & Community Development
<input checked="" type="checkbox"/> X	R.M.A. - Engineering/Flood/Traffic/Subdivision Division	<input type="checkbox"/>	Reclamation Board
<input type="checkbox"/>	R.M.A. - Parks and Recreation Division	<input checked="" type="checkbox"/> X	Regional Water Quality Control Board-Dist. 5
<input type="checkbox"/>	R.M.A. - Building Services Division	<input checked="" type="checkbox"/> X	Caltrans Dist. 6
<input type="checkbox"/>	R.M.A. - General Services Division	<input type="checkbox"/>	Dept. of Water Resources
<input type="checkbox"/>	R.M.A. - Transportation/Utilities Division	<input type="checkbox"/>	Water Resources Control Board
<input checked="" type="checkbox"/> X	R.M.A. - Solid Waste Division	<input type="checkbox"/>	Public Utilities Commission
<input checked="" type="checkbox"/> X	H.H.S.A. - Environmental Health Services Division	<input type="checkbox"/>	Dept. of Conservation
<input checked="" type="checkbox"/> X	H.H.S.A. - HazMat Division	<input type="checkbox"/>	State Clearinghouse (15 copies)
<input checked="" type="checkbox"/> X	Tulare County Fire Department	<input type="checkbox"/>	Office of Historic Preservation
<input checked="" type="checkbox"/> X	Sheriff's Department: Visalia Headquarters	<input type="checkbox"/>	Dept. of Food & Agriculture
<input type="checkbox"/>	Traver Substation	<input type="checkbox"/>	State Department of Health
<input type="checkbox"/>	Orosi Substation	<input type="checkbox"/>	State Lands Commission
<input type="checkbox"/>	Pixley Substation **	<input type="checkbox"/>	State Treasury Dept. - Office of Permits Assist.
<input checked="" type="checkbox"/> X	Porterville Substation	<input type="checkbox"/>	
<input type="checkbox"/>	Agricultural Commissioner		
<input type="checkbox"/>	Education Department		
<input type="checkbox"/>	Airport Land Use Commission		
<input type="checkbox"/>	Supervisor _____		
<input type="checkbox"/>	Assessor _____		
LOCAL AGENCIES		OTHER AGENCIES	
<input type="checkbox"/>	Levee Dist. No 1	<input type="checkbox"/>	U.C. Cooperative Extension
<input type="checkbox"/>	Levee Dist. No 2	<input type="checkbox"/>	Audubon Society - Condor Research
<input type="checkbox"/>	_____ Irrigation Dist	<input type="checkbox"/>	Native American Heritage Commission
<input type="checkbox"/>	_____ Pub Utility Dist	<input type="checkbox"/>	District Archaeologist (Bakersfield)
<input checked="" type="checkbox"/> X	Poplar Comm. Service Dist	<input type="checkbox"/>	TCAG (Tulare Co. Assoc. of Govts)
<input type="checkbox"/>	_____ Town Council	<input type="checkbox"/>	LAFCo (Local Agency Formation Comm.)
<input type="checkbox"/>	_____ Elem. School Dist	<input type="checkbox"/>	Local Phone Company
<input type="checkbox"/>	_____ School Dist	<input type="checkbox"/>	
<input type="checkbox"/>	City of _____	<input type="checkbox"/>	P.G. & E.
<input type="checkbox"/>	County of _____	<input checked="" type="checkbox"/> X	Edison International
<input type="checkbox"/>	Deer Creek Storm Water District	<input checked="" type="checkbox"/> X	The Gas Company
<input type="checkbox"/>	_____ Advisory Council	<input checked="" type="checkbox"/> X	Tulare County Farm Bureau
<input type="checkbox"/>	_____ Fire District	<input type="checkbox"/>	Archaeological Conservancy (Sacto)
<input type="checkbox"/>	_____ Mosquito Abatement	<input type="checkbox"/>	Dept. of Social Services, Community Care Division
<input type="checkbox"/>	Kaweah Delta Water Cons. District	<input type="checkbox"/>	
<input checked="" type="checkbox"/> X	SJV Unified Air Pollution Control Dist	<input type="checkbox"/>	FAA
		<input type="checkbox"/>	
FEDERAL AGENCIES			
<input type="checkbox"/>	Army Corps of Engineers		
<input type="checkbox"/>	Fish & Wildlife		
<input type="checkbox"/>	Bureau of Land Management		
<input type="checkbox"/>	Natural Resources Conservation Dist.		
<input type="checkbox"/>	Forest Service		
<input type="checkbox"/>	National Park Service		
<input type="checkbox"/>			

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

October 7, 2015

TO: Chuck Przybylski, Project Planner

FROM: Alfredo Reynoso, Engineer III

a. r.
A

SUBJECT: Case No. PZ 15-020

APPLICANT: Embree Asset Group, Inc. – Aaron Ramirez

APN: 300-310-005 & 019

The subject Case No. PZ 15-020 has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

The subject site is located within the Poplar – Cotton Center Urban Improvement Area or Urban Development Boundary whichever is applicable.

Flood Information:

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 1620. The subject site is located within Zone X.

Construction within Zone X requires no specific flood mitigation measures.

Right-of-way Information:

The subject site lies on the south side of Ave. 144 (Hwy 190) and the west side of Road 192. Avenue 144 is State Highway 190. Existing right of way on Road 192 is 91 feet. Ultimate right of way on Road 192 is 91 feet.

The subject site is located along State Highway 190 and the California Department of Transportation (Caltrans) may require additional right of way.

Road Information:

According to the county's maintained mileage maps, Road 192 is a county maintained road.

Based on the 2014 Pavement Management System database, the existing pavement width on Road 192 is 18.8 feet. The pavement type on Road 192 is asphalt concrete.

No conditions are recommended for the subject case. Conditions will be recommended at such time that specific development proposals be presented on the subject parcel.

AR

POPLAR COMMUNITY SERVICE DISTRICT

P. O. Box 3849 Porterville, California 93258

Phone: 559-784-7009 Fax: 559-782-0822

July 2, 2015

Dollar General
c/o Embree Asset Group, Inc.
Attn: Mr. Charles Pelletier, Design Manager
14362 Frank Lloyd Wright, Suite 1500
Scottsdale, AZ 85260

RE: "WILL-SERVE" LETTER

Gentlemen:

The Board of Directors of the Popular Community Service District (District), at their meeting of June 3, 2015, directed the undersigned to prepare and issue a conditional "Will-Serve" letter. The service proposal is for a Dollar General commercial development, tentatively located on a portion of Assessor Parcel Number 300-310-003 with a footprint centered approximately 300 feet west of the southwest corner of State Route 190 and Road 192.


The offer of service is conditioned to satisfaction of a number of requirements, including compliance with the provisions of the adopted water sewer and cross-connection ordinances of the District. These documents are available on request. Please note that the standards of the District supersede the standards of the County of Tulare with respect to water and wastewater related utilities. The provision of service is further conditioned upon receipt, by the District, of full applications for service once the specific demand level associated with the parcel has been determined and with complete civil drawings for the off-site water and wastewater related utilities which will be required to serve the subject parcel.

Full provision of service must be accompanied with payment of required capacity rights fees and payment of regular service billings, compliance with limitations on discharge and waste of water are all prerequisites to continued service, once the service right has been established. In addition, testing of the cross connection control device associated with the development, if any, must be at least on an annual basis and is a requirement of continued water service.

The offer of service acted upon by the Board of Directors is invalid for a period of one (1) year from the date of this letter. If you have any questions with regard to the offer of service which is contained herein, please respond in writing to the undersigned.

Dollar General
c/o Embree Asset Group, Inc.
July 2, 2015

Very truly yours,

A handwritten signature in black ink, appearing to read "Dennis R. Keller", written over a horizontal line.

Dennis R. Keller
District Engineer

DRK:lk

Cc: Mrs. Connie Mendiola, Clerk of the Board
Mr. J. Patrick Sullivan, Attorney at Law

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

October 12, 2015

TO: Chuck Przybylski, Project Planner
FROM: ~~AK~~ Al Miller, Tulare County Fire Inspector
SUBJECT: Case No. PZ 15-020

The Fire Department has no recommendations in response to this item.

If you have any questions please call Al Miller at 624-7058.

AM:sm



TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY

Jason T. Britt, M.S. • Director • Department of Public Health

Cheryl L. Duerksen, Ph.D.
Agency Director

October 6, 2015

CHUCK PRZYBYLSKI
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA CA 93277

Re: PZ 15-020 – Embree Assett Group

Dear Ms. Mettlen

This office has reviewed the above referenced matter. Based upon our review, we offer the following recommendations with this project:

1. Water and sewer services shall be provided by the Poplar Community Services District. A "Conditional Will Serve" letter has been submitted.
2. The food facility is subject to the permit requirements set forth in the California Retail Food Code. Applicant shall submit two (2) complete sets of building plans for the facility to the TCEHSD prior to issuance of any building permits.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allison Shuklian".

Allison Shuklian
Environmental Health Specialist
Environmental Health Services Division



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

October 12, 2015



HEALTHY AIR LIVING™

Tulare County
Resource Management
Agency

OCT 15 2015

Chuck Przybylski
County of Tulare
Economic Development and Planning Division
5961 South Mooney Blvd.
Visalia, CA 93277

Project: Change of Zone No. PZ 15-020 and Williamson Act Cancellation No. PAC 15-002

District CEQA Reference No: 20150851

Dear Mr. Przybylski:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a zone change from Exclusive Agriculture to General Commercial, and the cancellation of a portion of the existing Williamson Act contract. The zone change and Williamson Act contract cancellation will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
2. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:
 - 50 dwelling units
 - 2,000 square feet of commercial space;
 - 25,000 square feet of light industrial space;
 - 100,000 square feet of heavy industrial space;
 - 20,000 square feet of medical office space;
 - 39,000 square feet of general office space; or
 - 9,000 square feet of educational space; or
 - 10,000 square feet of government space; or
 - 20,000 square feet of recreational space; or
 - 9,000 square feet of space not identified above

Sayed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 - 98 - burg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

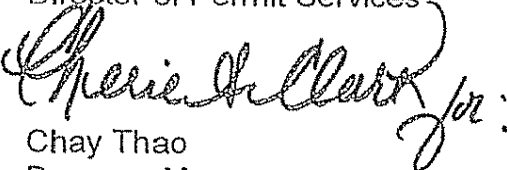
Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

- District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees.
 - Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval.
 - If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510 be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at <http://www.valleyair.org/ISR/ISRHome.htm>.
3. Individual development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
4. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
5. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Cherie Clark at (559) 230-5940.

Sincerely,

Arnaud Marjollet
Director of Permit Services


Chay Thao
Program Manager

AM: cc

DEPARTMENT OF TRANSPORTATION

DISTRICT 6

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-5868

FAX (559) 488-4088

TTY 711

www.dot.ca.gov

Tulare County
Resource Management
Agency

OCT 23 2015

*Serious drought.
Help save water!*

October 20, 2015

6-TUL-190-9.43 +/-
2135-IGR/CEQA
REZONE PZ 15-020
DOLLAR GENERALMr. Chuck Przybylski, Project Planner
Tulare County - Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Dear Mr. Przybylski:

Thank you for the opportunity to review PZ 15-020 proposing a Change of Zone from Agriculture (AE-20) to General Commercial (C-2) to allow a Dollar General retail store. Caltrans completed a preliminary review of a similar site plan submitted by the project consultant via email on 11/24/2014. The project is located on the south west corner of the State Route (SR) 190/Road 192 intersection in the Community of Popular - Cotton Center, CA. Caltrans has the following comments:

1. The SR 190/Road 192 intersection is currently stop sign controlled in all directions. As private development is allowed within the vicinity of SR 190, improvements to this intersection will be needed.
2. Based on the estimated trips generated a 'focused' traffic analysis of the SR 190/Road 192 intersection is required to determine the extent of impacts to SR 190 and the needed improvements to mitigate those impacts.
3. Caltrans in its effort to minimize traffic conflicts attempts to limit the number of access points to the main line. The included site plan shows site access to Road 192 for the proposed development. All access to the site should be from Road 192. No driveway accessing SR 190 will be allowed.
4. The proposed driveway on Road 192 should meet sight distance requirements of the Highway Design Manual (HDM) section 405.1(2).
5. According to our Transportation Concept Report (TCR), this segment of SR 190 in the vicinity of the proposed project is planned for 55 feet of right-of-way (ROW) from the centerline (110 feet total). Caltrans ROW maps shows this segment of ROW existing at 25 feet from the centerline. Therefore, an irrevocable offer of dedication to Caltrans for 30 feet of ROW is needed to accommodate the ultimate configuration of SR 190. This ROW dedication is shown on the site plan.
6. The 2040 Tulare County "Regional Transportation Plan" (RTP), anticipates widening of SR 190 from Road 184 east to the SR 190/SR 64-100 interchange in 2035.

7. As a point of information, Caltrans is working in coordination with the County of Tulare on improvement plans to re-align and widen SR 190 from 2 to 4 lanes. This project plans to use the existing SR 190 ROW for the eastbound 2 lanes and construct 2 new westbound lanes. The alignment for the 2 new westbound lanes is planned for 60 feet north of the existing ROW. The first segment of this re-alignment/widening project is from the SR 99/SR 190 Interchange east to Road 184. The time line for this re-alignment/widening project is unknown at this time. It is also not known at this time if the realignment of SR 190 to 60 feet north of the existing ROW will continue east of Road 184 to the SR 190/SR 65 Interchange.
8. Frontage improvements (curb, gutter, and sidewalk) along SR 190 are recommended. If frontage improvements are deemed not feasible for opening day, the applicant will need to enter into a deferred agreement with Caltrans to construct such improvements along SR 190 in the future when considered necessary.
9. Any sidewalk and landscaping shall be maintained per a "District 6" approved maintenance agreement.
10. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. Please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058.
11. Dust control measures shall be implemented on the site in a manner to prevent dust from entering the State right-of-way.
12. No water from the proposed project shall flow into the State right-of-way without approval from the District Hydraulic Engineer.

If you have any other questions, please call David Deel at (559) 488-7396.

Sincerely,



MICHAEL NAVARRO, Chief
North Planning Branch

Attachment No. 6
Williamson Act Consistency Report



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD

VISALIA, CA 93277

PHONE (559) 624-7000

FAX (559) 730-2653

Michael Washam

Benjamin Rulz, Jr.

Roger Hunt

Economic Development and Planning

Public Works

Administration

MICHAEL C. SPATA, DIRECTOR

November 16, 2015

California Department of Conservation
Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814-3528

From: Chuck Przybylski, Project Planner

Subject: Partial Williamson Act Contract Cancellation Case No. PAC 15-002 (Embree Group/Poplar-Cotton Center).

The Tulare County Resource Management Agency has received a request from the Embry Asset Group, for a Partial Williamson Act Contract Cancellation on approximately 1.39 acres consisting of Land Conservation Contract No. 4119 within Agricultural Preserve No. 0141. The project site is currently vacant. The future alternative use for the site will be a 1.39 acre lot for a 9,100 sq. ft. commercial building (Dollar General). The project proponent has also applied for a Zone Change from Agriculture to Commercial. The project does not need a General Plan Amendment as the site is within the Poplar Urban Development Boundary and designated Commercial Reserve. The site is located on the southeast corner of the Road 192 and State Route 190 the City of Farmersville, located in Sections 3, Township 22 South, Range 26 East of the M.D.B.&M. (Assessor Parcel Numbers 300-310-003). Please see attached application and project facts for a description of the proposed project.

Please review this proposal and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation.

Please forward your comments and/or recommendations to our office by **December 8, 2015** so that they may be considered during the review process.

Special Notice to Agencies: Notice of a public hearing for this project will be mailed at least ten (10) days prior to the hearing. If your agency will be significantly affected by this project with respect to your ability to provide essential facilities and/or services, and you wish to receive notice of the public hearing, please state this in your response.

Our office appreciates your time and assistance with this project review. Please direct all correspondence to the Project Planner and Case Number referenced above for this project.

Sincerely,

Chuck Przybylski, Project Planner
Economic Development and Planning

MINARY SITE PLAN

POPLAR COTTON CENTER, CA
AVENUE 144 & ROAD 192

C	DEVELOPER	DESIGNER	DATE:
ES SF: 9,100/7,302	COMPANY: EMBREE ASSET GROUP	COMPANY: EMBREE ASSET GROUP	06.24.15
E: ±1.22	NAME: JOHN SHIELDS	NAME: JOHN SHIELDS	
PARKING SPACES 36	PHONE #: 512.876.7155	PHONE #: 512.876.7155	

GEND:

HEAVY DUTY PCC

HEAVY DUTY AC

LIGHT DUTY AC

LANDSCAPE

BUILDING SETBACKS:

HWY 190 SETBACK= 60' FROM CL

RD 192 SETBACK= 55' FROM CL

SIDE & REAR 0'

PARKING:

1 Space per 250 S.F. OF

GROSS FLOOR AREA = 36

PROVIDED: 36 (INCLUDES
1 COMPACT STALL)

MINIMUM DIMENSIONS:

STANDARD SPACE: 9'X20'

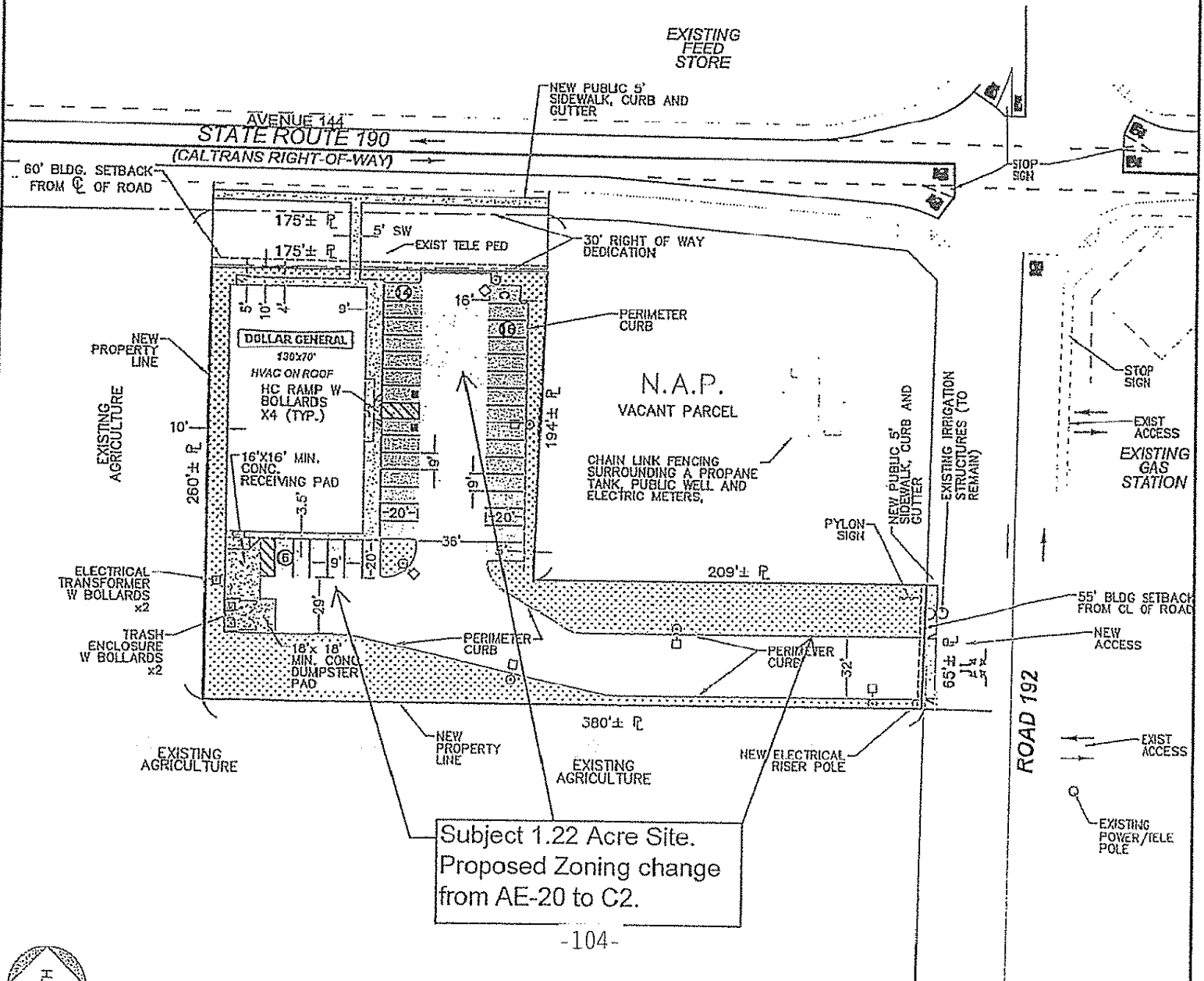
DRIVE AISLE: 36'

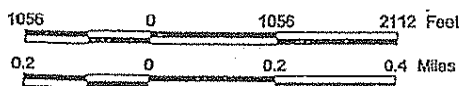
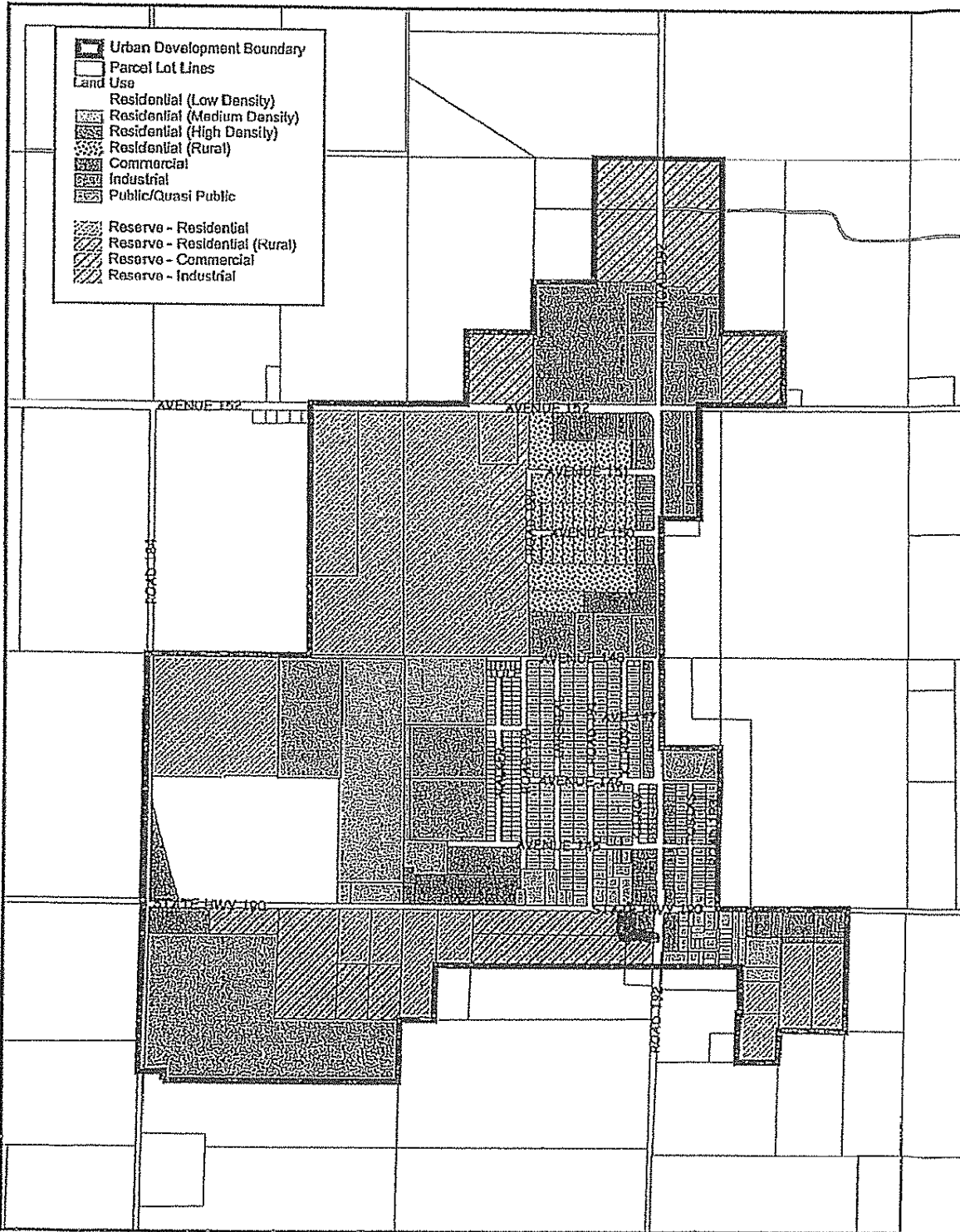
JURISDICTION:

TULARE COUNTY

NOTES & ISSUES:

1. Site layout based on aerial data only. Lot lines and property dimensions need to be verified by ALTA/ACSM survey.
2. Landscape, utility, drainage, and signage requirements have not been reviewed.
3. Current zoning is: AE-20 Exclusive Agriculture 20 acres minimum.
4. Rezone to C2 General Commercial.





Poplar - Cotton Center
Community Plan
Adopted: 95-03 & 97-05



Poplar - Cotton Center

General Plan Land Use

Attachment No. 7
Location and Property Ownership Map for Hearing
Notification



Location and Property Ownership Map for Hearing Notification for PZ 15-020



Owner: Kulwant & Kulwinder Gadri
Address: Poplar Cotton Center
City, State, ZIP: Poplar, CA 93257
Applicant: Embree Asset Group Inc
Agent: Embree Asset Group Inc
Supervisory District: 1
Assessors Parcel: 300-310-019

0 150 300 600 900
Feet



Site



Properties within 300'

-107-

County of Yuba
Geographic
Information Systems



Attachment No. 7
Public Hearing Notice

NOTICE OF PUBLIC HEARING AND AVAILABILITY
OF ENVIRONMENTAL DOCUMENTS

A **Categorical Exemption** for the **Zone Change No. PZ 15-020** and **Williamson Act Cancellation No. PAC 15-002** has been approved for public review by the Tulare County Environmental Assessment Officer. Copies are available for review and comment at the Resource Management Agency, Permit Center, 5961 South Mooney Blvd., Visalia, California 93277-9394. Comments and recommendations on the adequacy of the environmental document may be filed at the aforementioned address during the public review period established for each project.

PROJECT: Zone Change No. PZ 15-020

APPLICANT/AGENT: Embree Asset Group, Inc.

LOCATION: Within the Poplar-Cotton Center Urban Development Boundary.

PROJECT DESCRIPTION: Recommend to the Board of Supervisors regarding Categorical Exemption and a Petition for a change of zone on approximately 1.39 acre portion of 47 acre Assessor's Parcel Number's 300-310-005; changing the zoning designation from Exclusive Agriculture 20 acre minimum(AE-20) to General Commercial (C-2) Zone.

ENVIRONMENTAL DOCUMENT: Categorical Exemption consistent with the California Environmental Quality Act (CEQA), pursuant to Title 14 California Code Regulations, Section 153332 pertaining to Infill Development Projects

REVIEW PERIOD: 10 days until Monday, December 7, 2015 at 5:00 p.m.

PUBLIC HEARING: Planning Commission on Wednesday, December 9, 2015, at 9:00 a.m.

All meetings are held at the Board of Supervisors Chambers, 2800 West Burrell Avenue, Visalia, California 93291

All interested parties are invited to attend and be heard. For further information regarding this project, please call **Chuck Przybylski (559) 624-7000** or for environmental questions please call Hector Guerra, Chief Environmental Planner at 624-7121.

If you challenge the decision on any of the foregoing matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Tulare County Resource Management Agency, Economic Development and Planning, within the review period described herein.

In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 624-7000 48-hours in advance of the meeting.

HECTOR GUERRA, CHIEF ENVIRONMENTAL PLANNER
MICHAEL C. SPATA, ENVIRONMENTAL ASSESSMENT OFFICER

TO BE PUBLISHED ONCE ONLY ON: November 25, 2015
SEND BILL AND TEAR SHEET TO:
TUL CO RESOURCE MGMT.
5961 SOUTH MOONEY BLVD.
VISALIA, CA 93277-9394

SEND TO: Visalia Times Delta