



**Resource Management  
Agency  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHLIKIAN  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** May 22, 2018

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:** GPA 17-032 and PZC 17-014 Cantu

**REQUEST(S):**

Request that the Board of Supervisors:

On May 22, 2018:

1. Introduce and waive the first reading of an Amendment to Ordinance No. 352, the Tulare County Zoning Ordinance, for Change of Zone No. PZC 17-014, from R-3 (Multiple Family Residential) to "C-3-MU" (Service Commercial-Mixed Use), on eight parcels comprising approximately 1.37 acres (APNs 321-183-008, 010, -011, -012, -013, -014, -015, and -017), located on the north side of Ducor Avenue between Dennis Road and Carlisle Road in the community of Ducor.
2. Set the Public Hearing for June 5, 2018 at 9:30 a.m. or shortly thereafter as can be heard.

And On June 5, 2018:

1. Hold a Public Hearing at 9:30 a.m. or shortly thereafter as can be heard.
2. Certify that the Board has reviewed and considered the information contained in the Categorical Exemption Title 14, Cal. Code Regulations Section 15061 (b)(3), the General Rule, and Section 15301, Class 1, pertaining to Existing Facilities. That the Exemption prepared for the Cantu project is applicable to the General Plan Amendment No. GPA 17-032 and Change of Zone No. PZC 17-

**SUBJECT:** GPA 17-032 and PZC 17-014 Cantu

**DATE:** May 22, 2018

014, as being in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

3. Determine that there is no substantial evidence that said General Plan Amendment and Zone Change Amendment will have a significant effect on the environment and determine that the Exemptions 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 or designee to file a Notice of Exemption with the Tulare County Clerk.
5. Adopt the findings of approval and map changes for the General Plan Amendment No. 17-032 and Change of Zone No. PZC 17-014, as set forth in the Planning Commission Resolution No. 9412.
6. Waive the final reading and adopt the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance for PZC 17-014.
7. Direct the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.

**SUMMARY:**

The Tulare County Resource Management Agency (RMA) has received a request from Jose "Ray" Cantu to change the County's land use designation within the Urban Development Boundary for the Community of Ducor, from "High Density Residential" to "Mixed Use". The applicant also requests a change of Zone from R-3 (Multiple Family Residential) Zone to C-3-MU (Service Commercial-Mixed Use).

The applicant owns (or partially owns) seven of the eight subject parcels, where he has operated a trucking business for the past 34 years (APNs 321-183-008, -010, -011, -012, -017, -013, -014, and -017). The eighth parcel (APN 321-183-015) is owned by the Ducor Telephone Company and is used for truck storage. The existing uses will continue.

The Planning Commission recommended approval to the Board on March 14, 2018. See Attachment 2 – Planning Commission Resolution No. 9412.

The subject site is located on the north side of Ducor Avenue, between Dennis Road and Carlisle Road, approximately 0.4 miles east of State Route 65, in Ducor.

Senate Bill 18, Chapter 905, Statutes of 2004 (SB 18) requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space. The Cantu project includes a General Plan Amendment; therefore, a Sacred Lands Search was requested on September 5, 2017. The records search had negative

**SUBJECT:** GPA 17-032 and PZC 17-014 Cantu

**DATE:** May 22, 2018

results. The Native American Heritage Commission sent a consultation list of California American Native Tribes traditionally and culturally affiliated with the project location. In compliance with SB 18, Project Notifications were mailed on October 13, 2017 to that consultation list, with a project description and a map, via certified mail, with return receipt requested and a 90-day comment period, until January 18, 2018. No consultation requests were received by the County.

**ENVIRONMENTAL SUMMARY:**

A Categorical Exemption was prepared for the Cantu Project (GPA 17-032 and PZC 17-014) by the Tulare County Environmental Planning Division and approved by the Environmental Assessment Officer. The use of Section 15301, Class 1 applies because the project site is located within an urban development boundary, the subject site is fully developed, and does not propose any additional development. Section 15061(b)(3), the General Rule, applies because the project does not have the potential for causing a significant effect on the environment, and therefore, is not subject to CEQA. The subject site is not located in an environmentally sensitive area and must comply with state and local regulations. See Attachment 4 – Planning Commission Report; Attachment 6 – CEQA Exemption, for a complete description of CEQA compliance.

**ENTITLEMENT(S):**

The existing zoning on the site is R-3 (Multiple Family Residential) and allows by right multiple dwellings, group houses, hotels, and accessory buildings that do not involve a business. The requested C-3-MU zoning is intended for wholesale establishments and establishments engaged in repairing and servicing equipment, materials and products, but not those that involve the manufacturing, assembling, packaging or processing of merchandise for distribution and retail sales.

If the C-3-MU Zoning is approved, the subject site would also be allowed the uses in the C-2 (General Commercial) and C-1 (Neighborhood Commercial Zones).

The General Commercial Zone (C-2) is intended for retail stores and businesses, which do not involve the manufacture, assembling, packaging, treatment or processing of articles of merchandise for distribution and retail sale.

The Neighborhood Commercial Zone (C-1) is intended for retail stores and personal service businesses, which are appropriately located in close proximity to residential areas, while minimizing the undesirable impact of such uses in the neighborhoods, which they serve.

**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,

**SUBJECT:** GPA 17-032 and PZC 17-014 Cantu

**DATE:** May 22, 2018

objectives, policies and the general plan and not obstruct their attainment (Policies and Procedures 391).

The project site is located within the Urban Development Boundary of the Community of Ducor. As noted earlier, the Ducor Community Plan 2015 Update currently designates the land use of the project site as "High Density Residential." The proposed land use designation for the project site is "Mixed Use."

Within the Mixed Use Zoning District, all uses outlined in the M-1, C-3, C-2, C-1, R-1, R-2 and R-3 uses are allowed. In addition, the uses and activities determined to be compatible by the Planning Commission and the Board of Supervisors with the above mentioned zoning districts are also allowed. The Service Commercial Zone (C-3) is consistent with the existing use on the subject site and the proposed land use designation.

The following policies are relevant to the Project: PF-1.2 Location of Urban Development, PF-1.3 Land Uses in UDBs/HDBs, PF-1.4 Available Infrastructure and PF-2.8 Inappropriate Land Use; Land Use Element Policies LU-1.8 Encourage Infill Development, LU-1.10 Roadway Access and LU-4.3 Commercial Service Locations; Economic Development Element Policy ED-2.5 Small Business; Air Quality Element – Policy AQ-1.1 Cooperation with Other Agencies; Health and Safety Element Policies HS-4.1 Hazardous Materials and HS-8.11 Peak Noise Generators; Water Resources Element Policy WR-2.1 Protect Water Quality; and Public Facilities & Services Element Policies PFS-2.1 Water Supply, PFS 2.4 Water Connections, PFS-3.3 New Development Requirements [connection to wastewater system], and PFS 4.2 Site Improvements.

### **Conclusion**

Based on factors described above, it can be concluded that the proposed GPA 17-032 will (1) be consistent with Tulare County's General Plan; (2) promote the public interest as an economic opportunity project in the Planning Area; (3) further the goals, objectives, and policies of the Tulare County General Plan; and (4) not obstruct their attainment.

Accordingly, it is recommended that GPA 17-032/PZC 17-014 should be approved consistent with Planning Commission Resolution No. 9412.

### **FISCAL IMPACT/FINANCING:**

There is No Net County Cost to the General Fund.

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

**SUBJECT:** GPA 17-032 and PZC 17-014 Cantu  
**DATE:** May 22, 2018

**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 requested zone change amendment helps encourage growth consistent with the County General Plan.

**ADMINISTRATIVE SIGN-OFF:**  
**RESOURCE MANAGEMENT AGENCY**



---

Michael Washam  
Associate Director



---

Reed Schenke, P.E.  
Director

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

Attachment 1 – Draft General Plan Amendment and Map, Zone Ordinance and Map  
Attachment 2 – Planning Commission Resolution No. 9412  
Attachment 3 – Maps and Graphics  
Attachment 4 – Planning Commission Report

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

IN THE MATTER OF GPA 17-032 AND  
PZC 17-014 CANTU

) Resolution No. \_\_\_\_\_  
) Ordinance No. \_\_\_\_\_

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD MAY 22, 2018, 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. Introduced and waived the first reading of an Amendment to Ordinance No. 352, the Tulare County Zoning Ordinance, for Change of Zone No. PZC 17-014, from R-3 (Multiple Family Residential) to "C-3-MU" (Service Commercial-Mixed Use), on eight parcels comprising approximately 1.37 acres (APNs 321-183-008, 010, -011, -012, -013, -014, -015, and -017), located on the north side of Ducor Avenue between Dennis Road and Carlisle Road in the community of Ducor.
2. Set the Public Hearing for June 5, 2018 at 9:30 a.m. or shortly thereafter as can be heard.

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

IN THE MATTER OF GPA 17-032 AND  
PZC 17-014 CANTU

) Resolution No. \_\_\_\_\_  
) Ordinance No. \_\_\_\_\_

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 5, 2018 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 Title 14, Cal. Code Regulations Section 15061 (b)(3), the General Rule, and Section 15301, Class 1, pertaining to Existing Facilities. That the Exemption prepared for the Cantu project is applicable to the General Plan Amendment No. GPA 18-032 and Change of Zone No. PZC 17-014, 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 General Plan Amendment and Zone Change Amendment will have a significant effect on the environment and determine that the Exemptions 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 or designee to file a Notice of Exemption with the Tulare County Clerk.

5. Adopted the findings of approval and map changes for the General Plan Amendment No. 17-032 and Change of Zone No. PZC 17-014, as set forth in the Planning Commission Resolution No. 9412.
6. Waived the final reading and adopted the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance for PZ 17-014.
7. Directed the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.



Attachment No. 1  
Draft General Plan Amendment and Map  
Zone Ordinance and Map for  
GPA 17-032 and PZC 17-014

Exhibit "C"

## **AMENDMENT GPA 17-032**

# **DUCOR COMMUNITY PLAN**

Approved: Tulare County Planning Commission  
Resolution No. 9412 – March 14, 2018

Adopted: Tulare County Board of Supervisors  
Resolution No. 2018-~ – ~, 2018

**AMENDMENT TO THE  
TULARE COUNTY GENERAL PLAN  
LAND USE PLAN AND URBAN BOUNDARIES ELEMENT  
DUCOR  
GPA 17-032**

**I. INTRODUCTION**

This document amends the Land Use Element of the Tulare County General Plan for the Community of Ducor by revising the general plan land use designation of eight parcels comprising approximately 1.37 acres, located on the north side of Ducor Avenue, between Dennis Road and Carlisle Road, from "High Density Residential" to "Mixed Use." (APNs 321-183-008, 010, -011, -012, -013, -014, -015, and -017, in Section 34, Township 23S, Range 27E, MDB&M).

**II. BACKGROUND**

The County adopted the Ducor Community Plan with General Plan Amendment No. GPA 15-008 on November 3, 2015 by Resolution No. 2015-0909.

Because the subject site lies within an Urban Development Boundary, there is no requirement to process a Zone Change Initiation or General Plan Initiation

The general plan amendment and associated Change of Zone (PZ 17-014) have been requested by Jose R. Cantu, to allow the approximately 1.37-acre site to continue its existing service commercial use as a trucking terminal with repairing and overhauling or a storage yard for commercial vehicles.

**III. SUPERSEDURE**

This plan amendment supersedes the Ducor Community Plan – 2015 Update, insofar as General Plan Land Use Designation is concerned, for the approximately 1.37-acre site. No other map changes are hereby made to the Ducor Community Plan.

**IV. LAND USE DESIGNATION**

This amendment changes the land use designation for eight parcels comprising approximately 1.37 acres from "High Density Residential" to "Mixed Use."

**V. POLICIES**

This amendment does not supersede any portion of the text of the existing Ducor Community Plan as established by GPA 15-008, as amended. There are no specific policies in the Ducor Community Plan that are modified by this

amendment. All policies in the Ducor Community Plan pertaining to commercial and mixed uses are hereby applicable to the acres subject to the amendment.

The compatible County Zoning is C-3-MU (Service Commercial-Mixed Use) Zone.

**VI. COMPLIANCE WITH SENATE BILL 18**

Senate Bill 18 (SB 18, Chapter 905, Statutes of 2004) requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space. A Sacred Lands Search was requested on September 5, 2017. The records search had negative results. The Native American Heritage Commission sent a consultation list of California American Native Tribes traditionally and culturally affiliated with the project location. In compliance with SB 18, Project Notifications were mailed on October 13, 2017 to that consultation list, with a project description and a map, via certified mail, with return receipt requested and a 90 day comment period, until January 18, 2018. No consultation requests were received by the County

**VII. REVIEW AND REVISION**

General Plan land use designations and urban boundaries are subject to periodic review.

**VIII. IMPLEMENTATION**

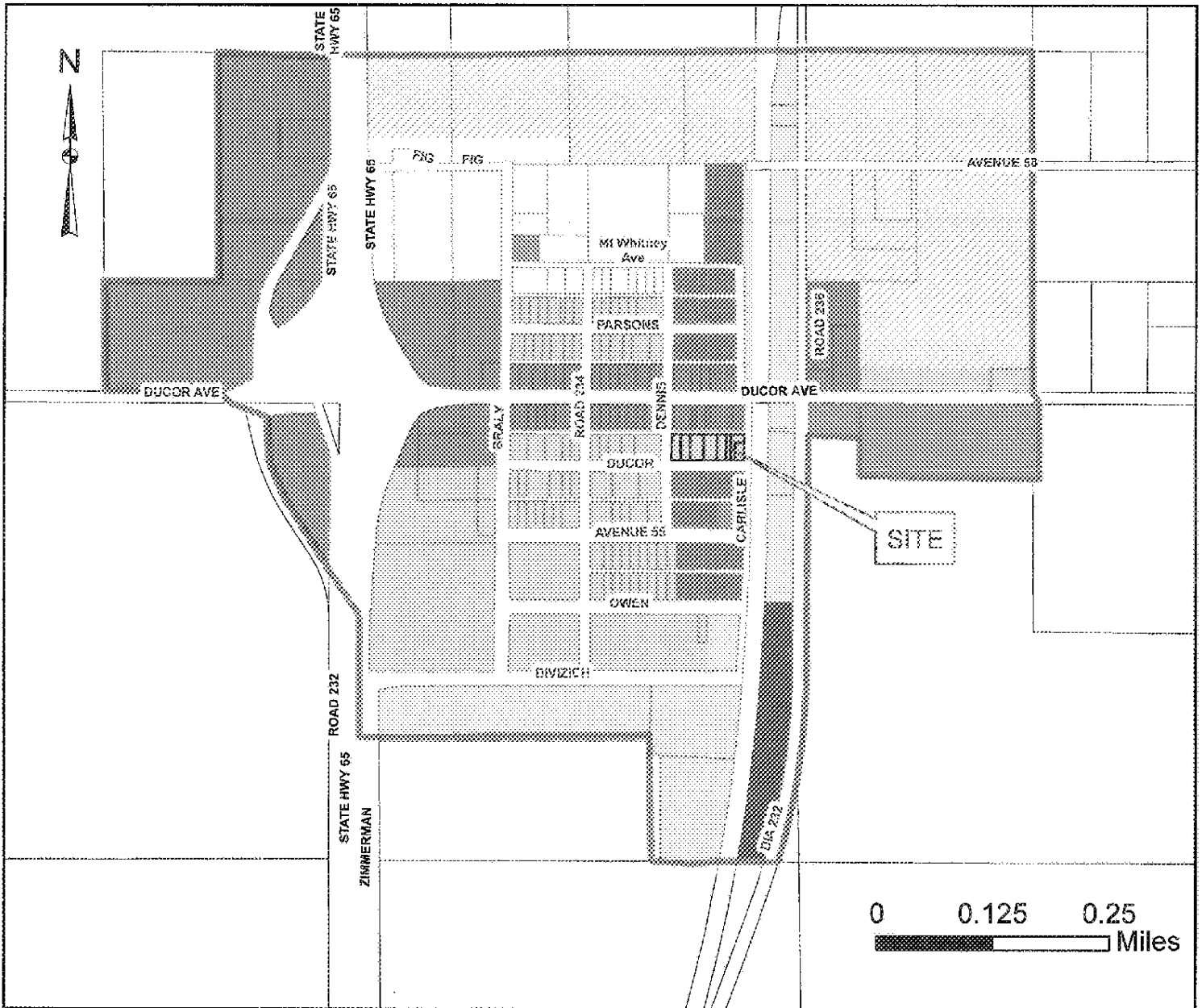
Concurrent with this general plan amendment, zoning will be changed to the C-3-MU (Service Commercial-Mixed Use) Zone, in order to implement the land use designation, as recommended by the Planning Commission in Resolution No. ~ and as approved by the Board of Supervisors in Resolution No. 2018-~, Ordinance No. [ordinance]. (Reference Case No. PZ 17-014.)



# County of Tulare

## Proposed Land Use Plan Map

### for GPA 17-032



**Ducor Community Plan (GPA 15-008),  
adopted by Board of Supervisors on  
November 3, 2015 as Resolution No. 2015-0909.**

- |  |   |   |
|--|---|---|
| <p> SITE</p> <p> Ducor Urban Development Boundary</p> <p><b>Ducor Land Use</b></p> <p>Low Medium Density Residential</p> | <p> Medium Density Residential</p> <p> High Density Residential</p> <p> General Commercial</p> <p> Service Commercial</p> | <p> Light Industrial</p> <p> Heavy Industrial</p> <p> Public/Quasi Public</p> <p> Urban Reserve-Residential</p> <p> Mixed Use</p> |
|--|---|---|

ORDINANCE NO. \_\_\_\_\_ [ordinance] \_\_\_\_\_

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 a portion of the Northwest ¼ of Section 34, Township 23 South, Range 27 East, Mount Diablo Base and Meridian, being a subdivision of Part 220 of the Official Zoning Maps. A map showing the C-3-MU (Service Commercial-Mixed Use) zoning approved for approximately 1.37 acres of the property is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification from R-3 (Multiple Family Residential), filed as Change of Zone Case No. PZC 17-014 is briefly described as follows: Being approximately eight parcels comprising approximately 1.37 acres, located inside the Ducor Urban Development Boundary, on the north side of Ducor Avenue between Dennis Road and Carlisle Road. (APNs 321-183-008, 010, -011, -012, -013, -014, -015, and -017.)

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 Visalia Times Delta, 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 ~th day of ~, 2018, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Exhibit "A"

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

NOES:

---

---

---

ABSENT:

---

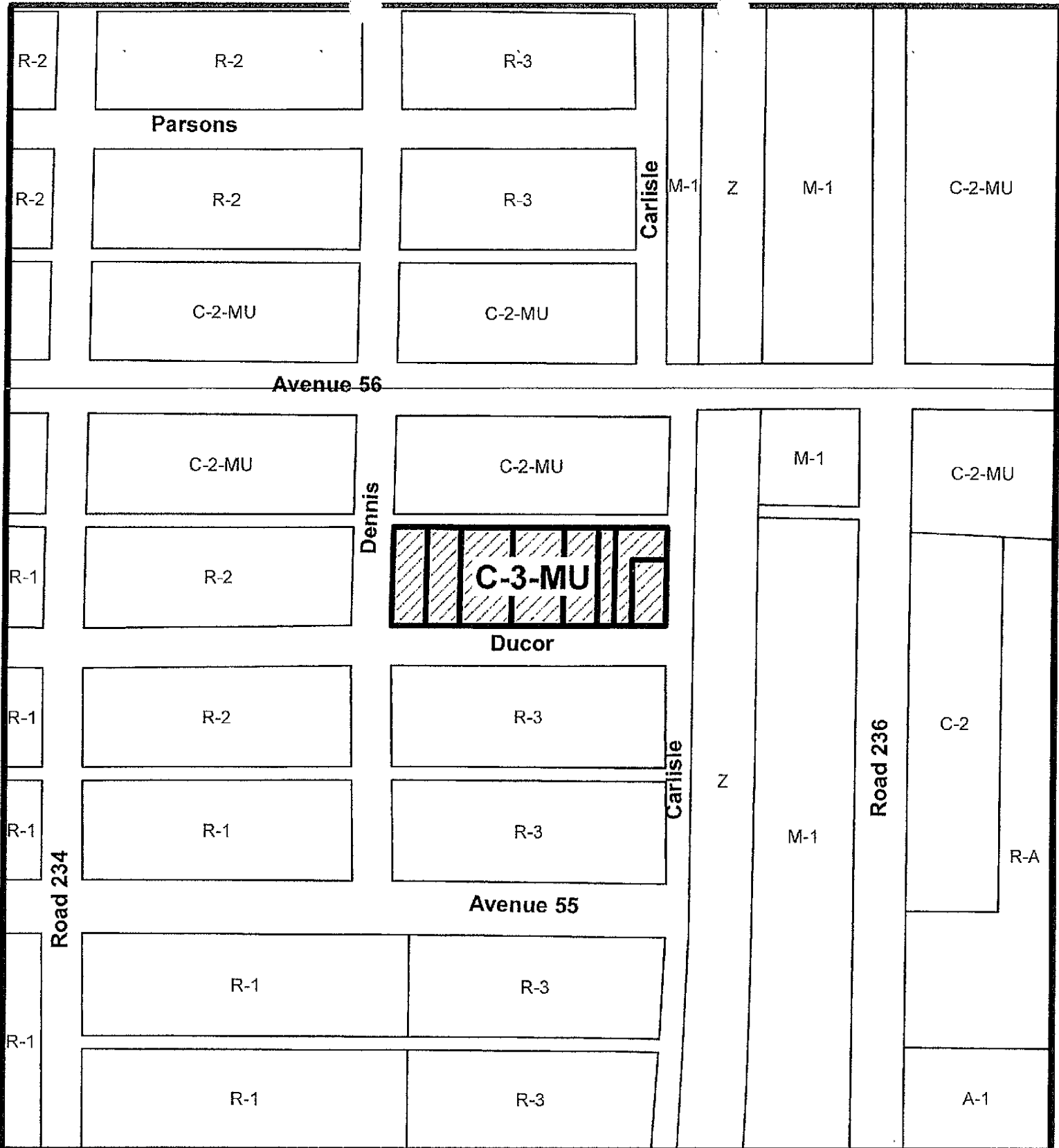
---

---

Chairman, Board of Supervisors

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

By: \_\_\_\_\_  
Deputy



APN: 321-183-008, 010 through 015 & 017,  
 APROX. 1.37 AC.  
 Zone Change from R-3 to C-3-MU  
 (PZC 17 - 014)



ORDINANCE NO. \_\_\_\_\_  
 AMENDING A PORTION OF  
 SEC. 34, T 23 S, R 27 E, M.D.B. & M.  
 OF  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

TULARE COUNTY BOARD OF SUPERVISORS  
 ADOPTED: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



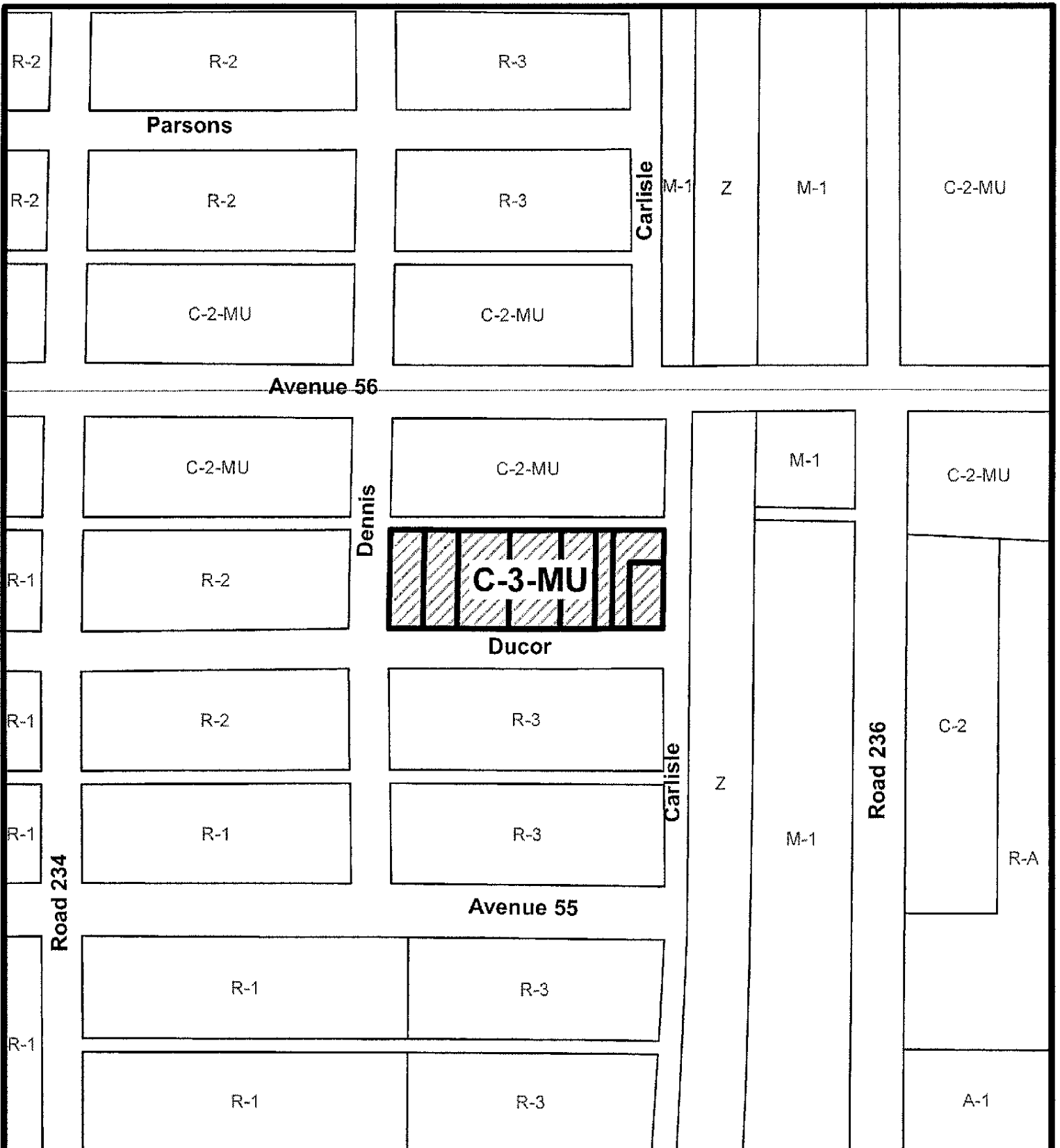
## **AMENDMENT GPA 17-032**

# **DUCOR COMMUNITY PLAN**

Approved: Tulare County Planning Commission  
Resolution No. 9412 – March 14, 2018

Adopted: Tulare County Board of Supervisors  
Resolution No. 2018-~ – ~, 2018

# Proposed Zoning for PZ 17-014



APN: 321-183-008, 010 through 015 & 017,  
 APROX. 1.37 AC.  
 Zone Change from R-3 to C-3-MU  
 (PZC 17 - 014)

0 200 Feet



ORDINANCE NO. \_\_\_\_\_  
 AMENDING A PORTION OF  
 SEC. 34, T 23 S, R 27 E, M.D.B. & M.  
 OF  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

TULARE COUNTY BOARD OF SUPERVISORS  
 ADOPTED: \_\_\_\_/\_\_\_\_/\_\_\_\_

Attachment No. 2  
Planning Commission Resolution No. 9412  
for GPA 17-032 and PZC 17-014

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE )  
GENERAL PLAN AND ZONING ORDINANCE, )  
CASE NO. GPA NO. 17-032 AND PZC 17-014 - ) RESOLUTION NO. 9412  
CANTU, IN DUCOR )

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors accept a Categorical Exemption from the California Environmental Quality Act per Section 15061 (b)(3), the General Rule and Section 15301 - Existing Facilities and conditionally adopt General Plan Amendment No. GPA 17-032 to the Ducor Community Plan - 2015 Update and Change of Zone No. PZ 17-014, requested by Jose "Ray" Cantu, P.O. Box 71, Ducor, CA 93218, for eight parcels comprising approximately 1.37 acres, located inside the Ducor Urban Development Boundary, on the north side of Ducor Avenue between Dennis Road and Carlisle Road (APNs 321-183-008, 010, -011, -012, -013, -014, -015, and -017, in Section 34, Township 23S, Range 27E, MDB&M). The General Plan Amendment will change the land use designation from "High Density Residential" to "Mixed Use." The Zone Change is from the R-3 (Multiple Family Residential) Zone to the C-3-MU (Service Commercial-Mixed Use) Zone.

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

WHEREAS, the Planning Commission has given notice of the proposed amendment to the General Plan as provided in Sections 65353 and 65090 of the Government Code of the State of California and as provided for in the County's California Environmental Quality Act Guidelines; and

WHEREAS, letters in compliance with Senate Bill 18, Chapter 905, Statutes of 2004 (SB 18) were sent to a consultation list of California American Native Tribes traditionally and culturally affiliated with the project location on October 13, 2017, with an offer for consultation. During the 90-day comment period, no consultation requests were received by the County; and

WHEREAS, the Planning Commission recognizes the need and desirability to conduct reviews of, and consider amendments to, the General Plan, to accommodate the changing needs of the County; and

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

WHEREAS, all attached exhibits are incorporated by reference herein; and

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

WHEREAS, on March 1, 2018, a Notice of Public Hearing by the Tulare County Planning Commission was duly published in the Visalia Times Delta, a newspaper of general circulation in Tulare County to consider the proposed Project; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on March 14, 2018; and

WHEREAS, at that meeting of the Planning Commission, no public testimony was received in support of the project or in opposition to the project.

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, the General Plan Amendment 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 General Plan Amendment and 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 General Plan Amendment (GPA 17-032) to reclassify eight parcels (APNs 321-183-008, 010, -011, -012, -013, -014, -015 and -017), totaling 1.37 acres, from the "High Density Residential" to the "Mixed Use" land use designation. The subject site is located inside the Ducor Urban Development Boundary and is subject to the Ducor Community Plan, adopted November 3, 2015 by Resolution No. 2015-0909.
2. The applicant has concurrently requested a Change of Zone (PZC 17-014) to reclassify the same eight parcels (APNs 321-183-008, -010, -011, -012, -013, -014, -015, and -017), totaling 1.37 acres, from the R-3 (Multiple Family Residential) Zone to the C-3-MU (Service Commercial-Mixed Use) Zone.
3. The applicant owns (or partially owns) seven of the eight subject parcels, where he has operated a trucking business for the past 34 years. The eighth parcel (APN -015) is owned by the Ducor Telephone Company and used for truck storage. The subject

site contains Lots 17-32 of the Town of Ducor, which was recorded on May 6, 1907 in Volume 7 of Maps, Page 61 (R.M. 7-61). The applicant may choose to merge some or all of the lots, for building permit purposes.

4. The proposed project would allow a “Trucking terminal, repairing and overhauling” or a “Storage yard for commercial vehicles” by right.
5. The applicant stores approximately 40 bobtail trucks for grape hauling on the site, with ladder trailers, agricultural equipment and portable toilets. Two employees work at the site between 6:00AM to 6:00PM on Monday through Saturday to prepare trucks. The trucks are on the site between December and April. During the harvest season of May through November, the trucks are parked at cold storage facilities. Occasionally trucks are returned to the site for repairs. The properties are surrounded by a six foot high chain link fence. The parking area is surfaced with decomposed granite. Portable toilets are provided for employees. Two storage containers hold smaller miscellaneous equipment. No other improvements exist or are planned on the site. The business office for the trucking facility is located across Ducor Avenue from the subject site, on property owned by the applicant. It is located in the R-3 Zone, but is allowed by right as an “Office, business or professional.”
6. The application was submitted in response to a Code Compliance Violation GC1700154 for operating a trucking business in the R-3 Zone. The Project Review Committee discussed the proposal as PRC 17-041 on August 3, 2017.
7. Because the subject site lies within an Urban Development Boundary, there is no requirement to process a Zone Change Initiation or General Plan Initiation
8. The existing zoning on the site is R-3 and allows by right multiple dwellings, group houses, hotels, and accessory buildings that do not involve a business.
9. The requested C-3-MU zoning is intended for wholesale establishments and establishments engaged in repairing and servicing equipment, materials and products, but which do not involve the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sales. As noted earlier, a “Trucking terminal, repairing and overhauling” or a “Storage yard for commercial vehicles” are allowed by right. If the C-3 Zoning is approved, the subject site would also be allowed the uses in the C-2 (General Commercial) and C-1 (Neighborhood Commercial Zones). The Ducor Community Plan 2015 Update also allows an “Office, business or professional” by right in the R-3 Zone.

10. The minimum Lot Area for the C-3 Zone is 10,000 square feet. All parcels would conform to the minimum lot size.
11. The project site is located within the Urban Development Boundary of the Community of Ducor. As noted earlier, the Ducor Community Plan 2015 Update designates the land use of the project site as "High Density Residential." The proposed land use designation for the project site is "Mixed Use."
12. Within the Mixed Use Zoning District, all uses outlined in the M-1, C-3, C-2, C-1, R-1, R-2 and R-3 uses are allowed. In addition, the uses and activities determined to be compatible by the Planning Commission and the Board of Supervisors with the above mentioned zoning districts are also allowed. The Mixed Use Combining Zoning District was adopted concurrently, with a purpose to provide design flexibility, streamline the approval process, promote economic development, and reduce vehicle miles traveled by locating residential uses within proximity of employment areas.
13. The following policies are relevant to the Project: Planning Framework Element Policies PF-1.2 Location of Urban Development, PF-1.3 Land Uses in UDBs/HDBs, PF-1.4 Available Infrastructure and PF-2.8 Inappropriate Land Use; Land Use Element Policies LU-1.8 Encourage Infill Development, LU-1.10 Roadway Access and LU-4.3 Commercial Service Locations; Economic Development Element Policy ED-2.5 Small Business; Air Quality Element – Policy AQ-1.1 Cooperation with Other Agencies; Health and Safety Element Policies HS-4.1 Hazardous Materials and HS-8.11 Peak Noise Generators; Water Resources Element Policy WR-2.1 Protect Water Quality; and Public Facilities & Services Element Policies PFS-2.1 Water Supply, PFS 2.4 Water Connections, PFS-3.3 New Development Requirements [connection to wastewater system], and PFS 4.2 Site Improvements.
14. Senate Bill 18, Chapter 905, Statutes of 2004 (SB 18) requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space. The project includes a General Plan Amendment; therefore, a Sacred Lands Search was requested on September 5, 2017. The records search had negative results. The Native American Heritage Commission sent a consultation list of California American Native Tribes traditionally and culturally affiliated with the project location. In compliance with SB 18, Project Notifications were mailed on October 13, 2017 to that consultation list, with a project description and a map, via certified mail, with return receipt requested and a 90 day comment period, until January 18, 2018. No consultation requests were received by the County.



15. Access to the subject parcels is direct from Ducor Avenue. An alleyway runs along the northern lot lines. APN -15 on the west has access also to Dennis Road. APNs -017 and -008 on the east have access to Carlisle Road. The roads are county-maintained, according to the County's maintained mileage maps. The existing and ultimate right of way on all the surrounding roads is 60 feet. Dennis Road is classified as "Local Urban" and provides access to Avenue 56, which is designated as a "Major Collector."
16. Gates exist in the existing perimeter chain link fence for trucks to enter from Ducor Avenue and from the alleyway. The Public Works/Engineering Branch requires the construction of a drive approach on each proposed and/or existing point of access to Ducor Avenue on the subject site. The applicant shall obtain necessary encroachment permits from RMA before any construction within the right of way, shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements within the right of way, and shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County. Conditions of approval are included.
17. The County Environmental Health Services Division (EHSD) recommended that, if the site ever handles or stores quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas, or **any** amount of a hazardous waste, then the site will be required to submit a Hazardous Materials Business Plan. Equipment storage areas shall be properly maintained to prevent nuisance of odors, dust, vector harborage and vector breeding. Waste from on-site portable toilets shall be pumped out and transported for disposal by a company with a valid and current permit with the EHSD. Conditions of approval are included.
18. The County Fire Department recommended that the applicant provide a 20A:120B:C 30 lb fire extinguisher within 25 feet of vehicle fueling tanks, a Knox box with keys to all locked gates and doors for fire department rapid entry, and an address with a minimum of four (4) inch numbers that is clearly visible from the street. Conditions of approval are included.
19. 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 (Exhibit "A") and Zoning Map (Exhibit "B") 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:

D. This Commission hereby recommends that the Board of Supervisors find that there is no substantial evidence that said General Plan Amendment and Change of Zone will have significant effect on the environment. This Planning Commission hereby certifies and finds, based on substantial evidence, that the Categorical Exemption approved by the Environmental Assessment Officer has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970. The project is considered Categorically Exempt, pursuant to Title 14, Cal. Code Regulations Section 15061(b)(3) as the General Rule and Section 15301 for Existing Facilities. The use of Section 15301, Class 1 applies because the project site is located within an urban boundary, the subject site is fully developed and does not propose any additional development. The General Rule applies because the project does not have the potential for causing a significant effect on the environment, and therefore, is not subject to CEQA. The subject site is not located in an environmentally sensitive area and must comply with state and local regulations. Therefore, the use of Sections 15301 and 15061(b)(3) are applicable and appropriate.

E. This Planning Commission hereby recommends the following conditions of approval:

#### **General Conditions**

1. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures.
2. 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. PZC 17-014 and General Plan Amendment No. GPA 17-032; 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.

### **Public Works/Engineering Branch Conditions**

3. Within six months of approval, the applicant, his assigns and heirs shall construct a drive approach at each proposed and/or existing point of access to Avenue 128 on the subject site. The drive approach shall have a maximum width of 35 feet at the right of way line and shall be constructed in accordance with the Tulare County Improvement Standards. A wider drive approach may be constructed if geometric calculations justifying the wider drive approach are submitted to and approved by the Tulare County RMA-Engineering Branch.
4. Within six months of approval, the applicant, his assigns and heirs shall ensure that all on site parking area and driveways shall be surfaced for all-weather conditions. The parking area and driveways shall be continually maintained so that dust and mud do not create conditions detrimental to the surrounding roadways.
5. The applicant, his assigns and heirs shall ensure that they or their contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right of way of a County-maintained road. Improvements that typically require encroachment permits are drive approaches, curb and gutter, sidewalk, paveout and utilities.
6. The applicant, his assigns and heirs shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a county road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a county road.

### **Environmental Health Services Division Conditions**

7. The applicant, his assigns and heirs shall ensure that, if the site ever handles or stores quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas, or **any** amount of a hazardous waste,

then the site will be required to submit a Hazardous Materials Business Plan to the Tulare County Environmental Health Services Division. The facility shall immediately contact TCEHSD at (559) 624-7400 if the site ever meets these threshold quantities.

8. The applicant, his assigns and heirs shall ensure that equipment storage areas are properly managed and maintained to prevent nuisance of odors, dust, vector harborage and vector breeding.
9. The applicant, his assigns and heirs shall ensure that waste from on-site portable toilets is pumped out and transported for disposal by a company with a valid and current permit with the EHSD.

#### **Fire Department Conditions**

10. Within six months of approval, the applicant shall provide a 20A:120B:C 30 lb fire extinguisher within 25 feet of vehicle fueling tanks.
11. Within six months of approval, the applicant shall install a Knox box with keys to all locked gates and doors for fire department rapid entry.
12. Within six months of approval, the applicant shall provide an address with a minimum of four (4) inch numbers that is clearly visible from the street.

#### **Planning Branch Conditions**

13. The applicant shall ensure that all parking areas and driveways are graded and drained in order to dispose of all surface water on the site.
14. The owner/operator shall comply with the San Joaquin Valley Air Pollution Control District's Regulation VIII – Fugitive Dust Rule and Rule 4102 - Nuisance.

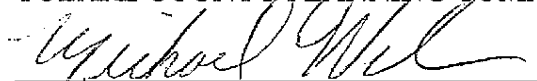
F. This Commission hereby recommends that the Board of Supervisors accept a Categorical Exemption from the California Environmental Quality Act per Section 15061 (b)(3), the General Rule and Section 15301 - Existing Facilities and conditionally approve General Plan Amendment No. GPA 17-032 to the Ducor Community Plan – 2015 Update and approve Change of Zone No. PZ 17-014, an Amendment to Ordinance No. 352, the Tulare County Zoning Ordinance. The General Plan Amendment is from the "High Density Residential" to "Mixed Use" designation and the Zone Change is from the R-3 (Multiple Family Residential) Zone to C-3-MU (Service Commercial-Mixed Use) Zone. The Draft Ordinance is attached as Exhibit "A," the draft Official

Zoning Map as Exhibit "B," the draft Amendment as Exhibit "C" and the draft proposed General Plan Map as Exhibit "D,"

G. The foregoing resolution was adopted upon motion of Commissioner Whitlatch, seconded by Commissioner Millies, at a regular meeting of the Planning Commission on March 14, 2018, by the following roll call vote:

AYES: Elliott, Aguilar, Whitlatch, Millies, Gong, Pitigliano, Dias  
NOES: None  
ABSTAIN: None  
ABSENT: None

TULARE COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
Michael Washam, Secretary

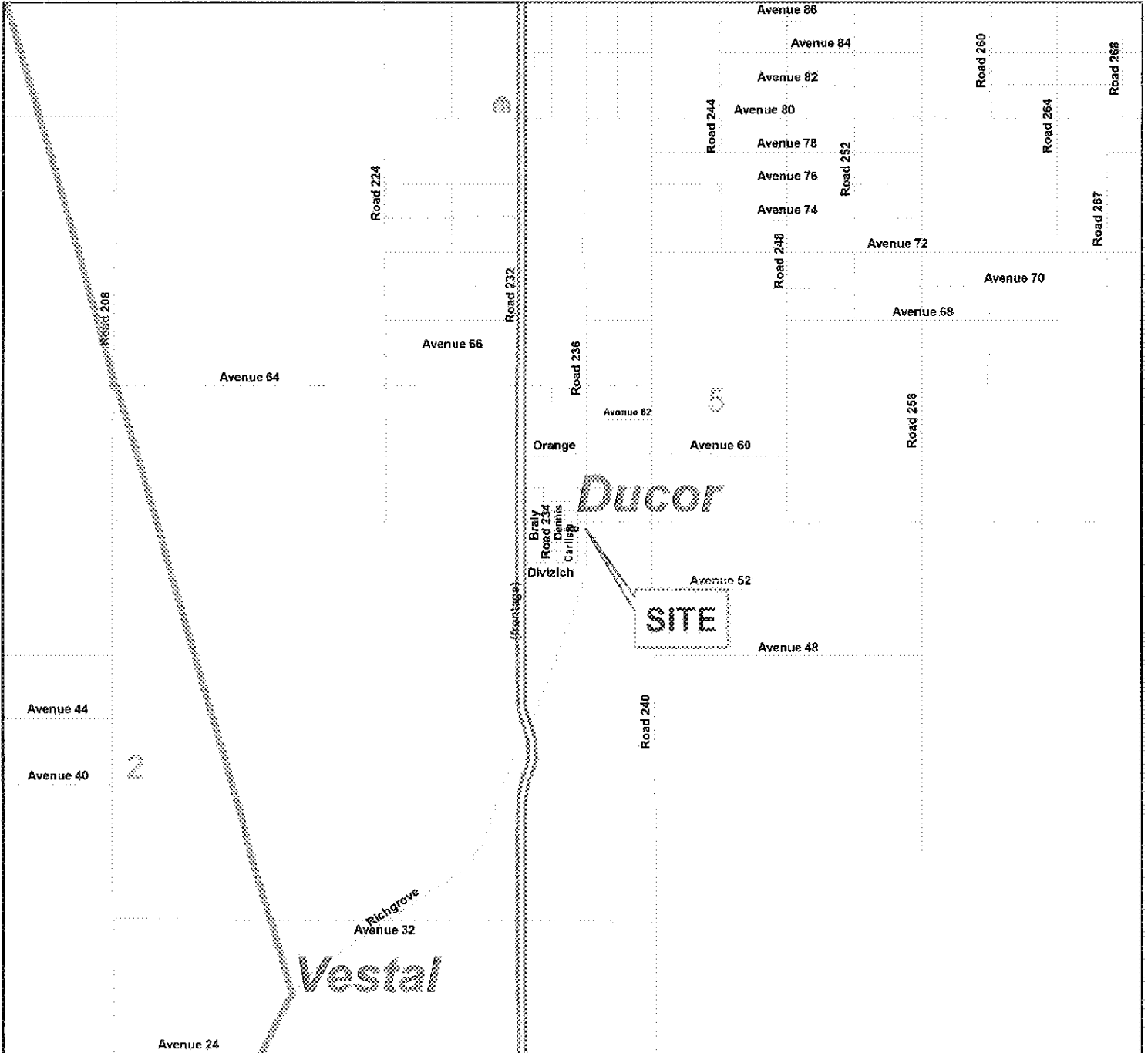
Attachment No. 3  
Maps and Graphics for  
GPA 17-032 and PZC 17-014



# ATTACHMENT NO. 6 Vicinity Map



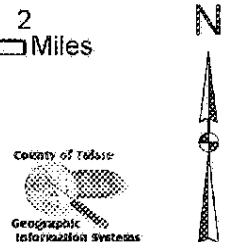
## for PZC 17-014 and GPA 17-032

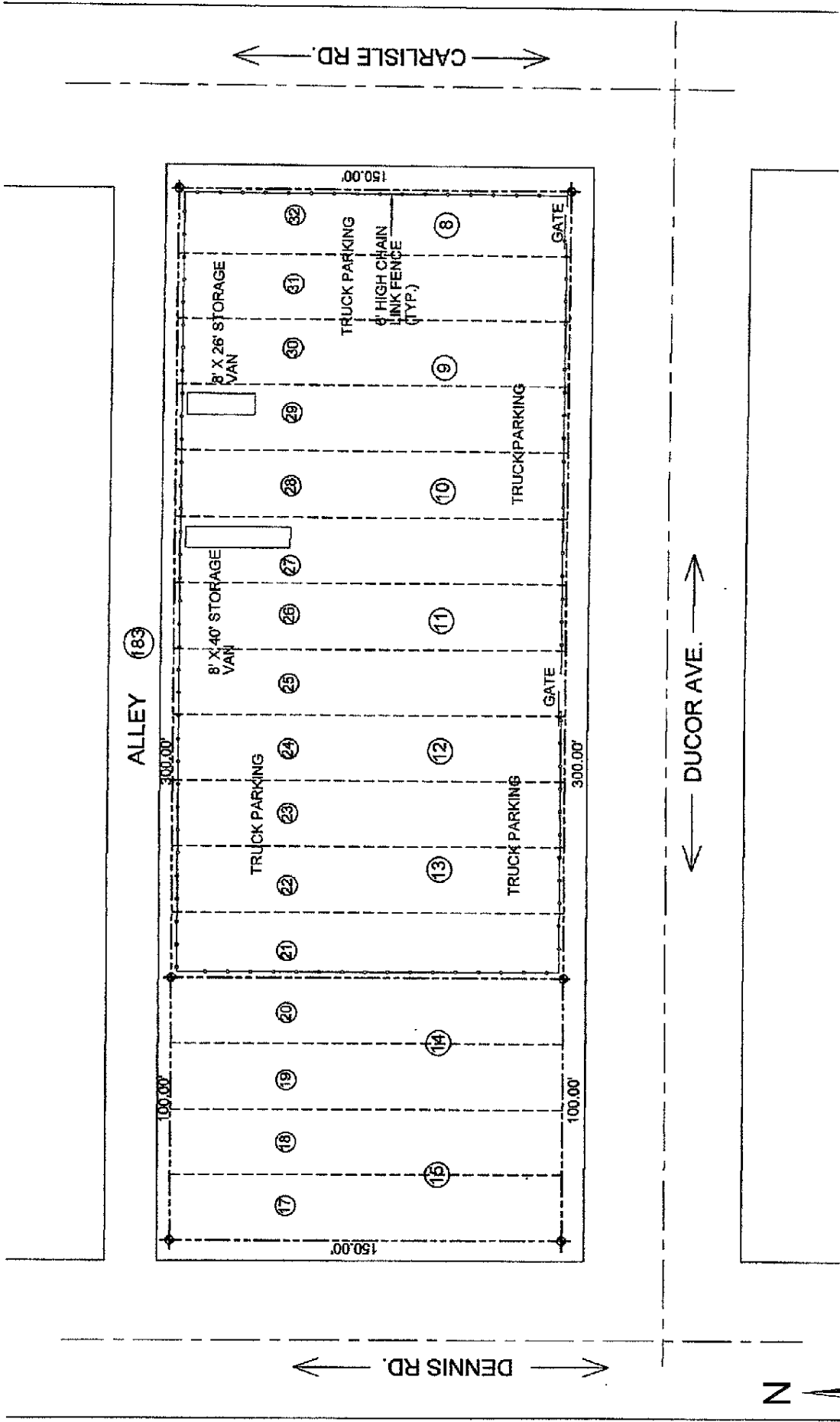


Supervisorial District: 5



-  SITE
-  Supervisorial Districts





**Site Plan  
Illustration**

**PZC 17-014 and GPA 17-032**

**No Scale**





# County of Tulare

## Existing Land Use Plan Map

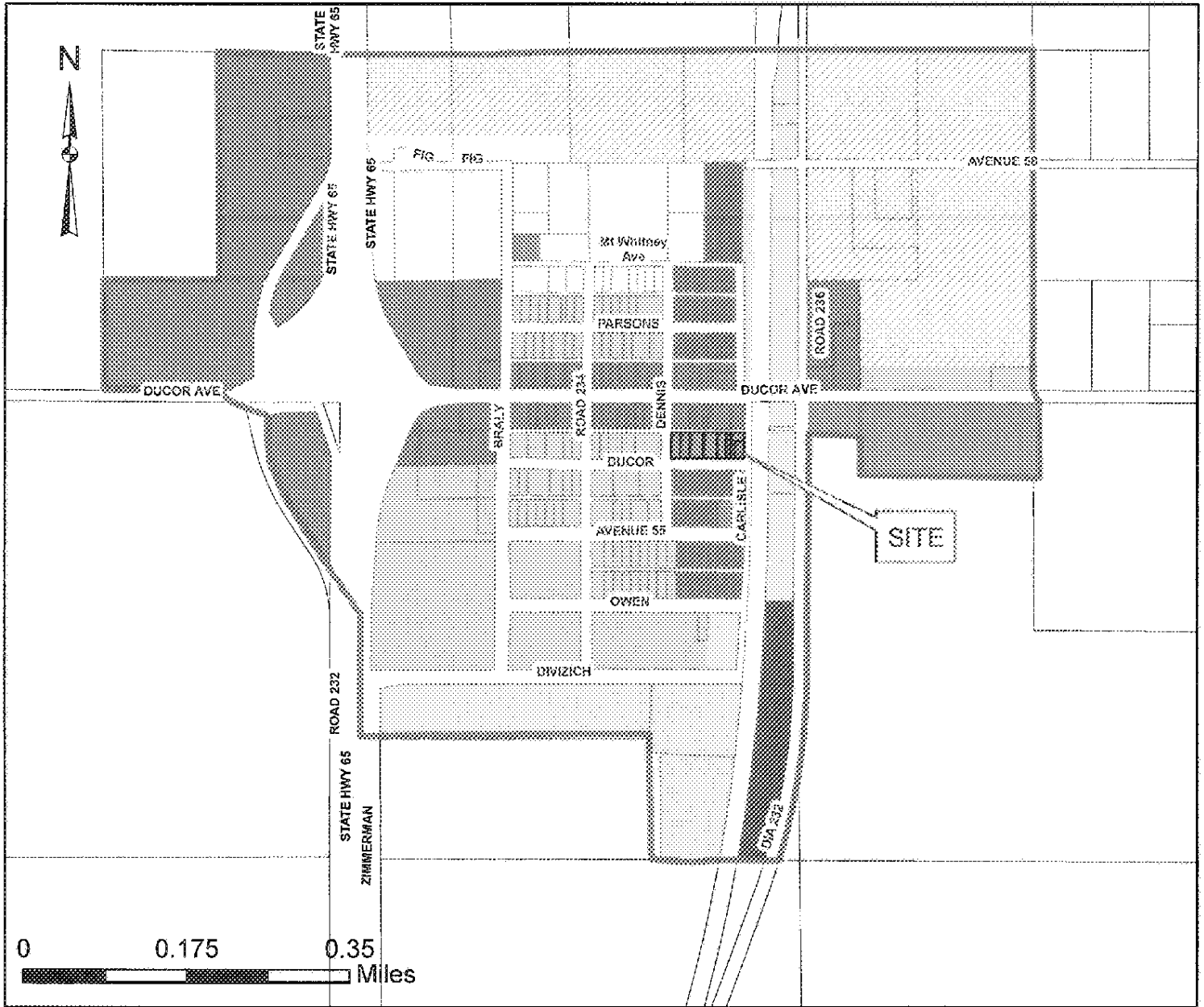
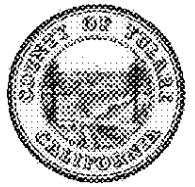
### for GPA 17-032



- |                                  |                            |                           |
|----------------------------------|----------------------------|---------------------------|
| SITE                             | Medium Density Residential | Light Industrial          |
| Ducor Urban Development Boundary | High Density Residential   | Heavy Industrial          |
| <b>Ducor Land Use</b>            | General Commercial         | Public/Quasi Public       |
| Low Medium Density Residential   | Service Commercial         | Urban Reserve-Residential |
|                                  |                            | Mixed Use                 |



# County of Tulare Proposed Land Use Plan Map for GPA 17-032

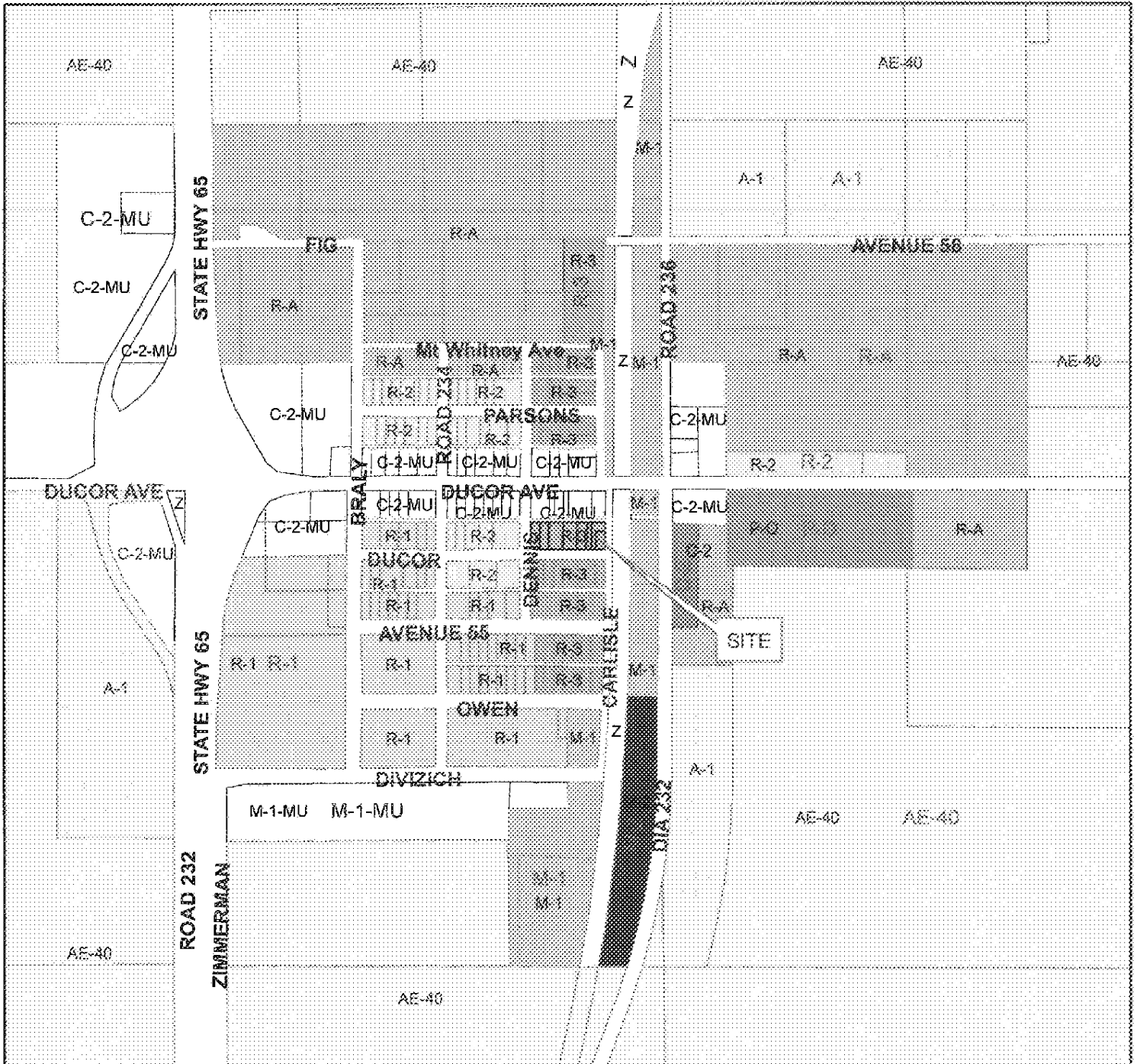


**Ducor Community Plan (GPA 15-008),  
adopted by Board of Supervisors on  
November 3, 2015 as Resolution No. 2015-0909.**

- |                                  |                            |                           |
|----------------------------------|----------------------------|---------------------------|
| SITE                             | Medium Density Residential | Light Industrial          |
| Ducor Urban Development Boundary | High Density Residential   | Heavy Industrial          |
| <b>Ducor Land Use</b>            | General Commercial         | Public/Quasi Public       |
| Low Medium Density Residential   | Service Commercial         | Urban Reserve-Residential |
|                                  |                            | Mixed Use                 |



# Existing Zoning Map for PZC 17-014

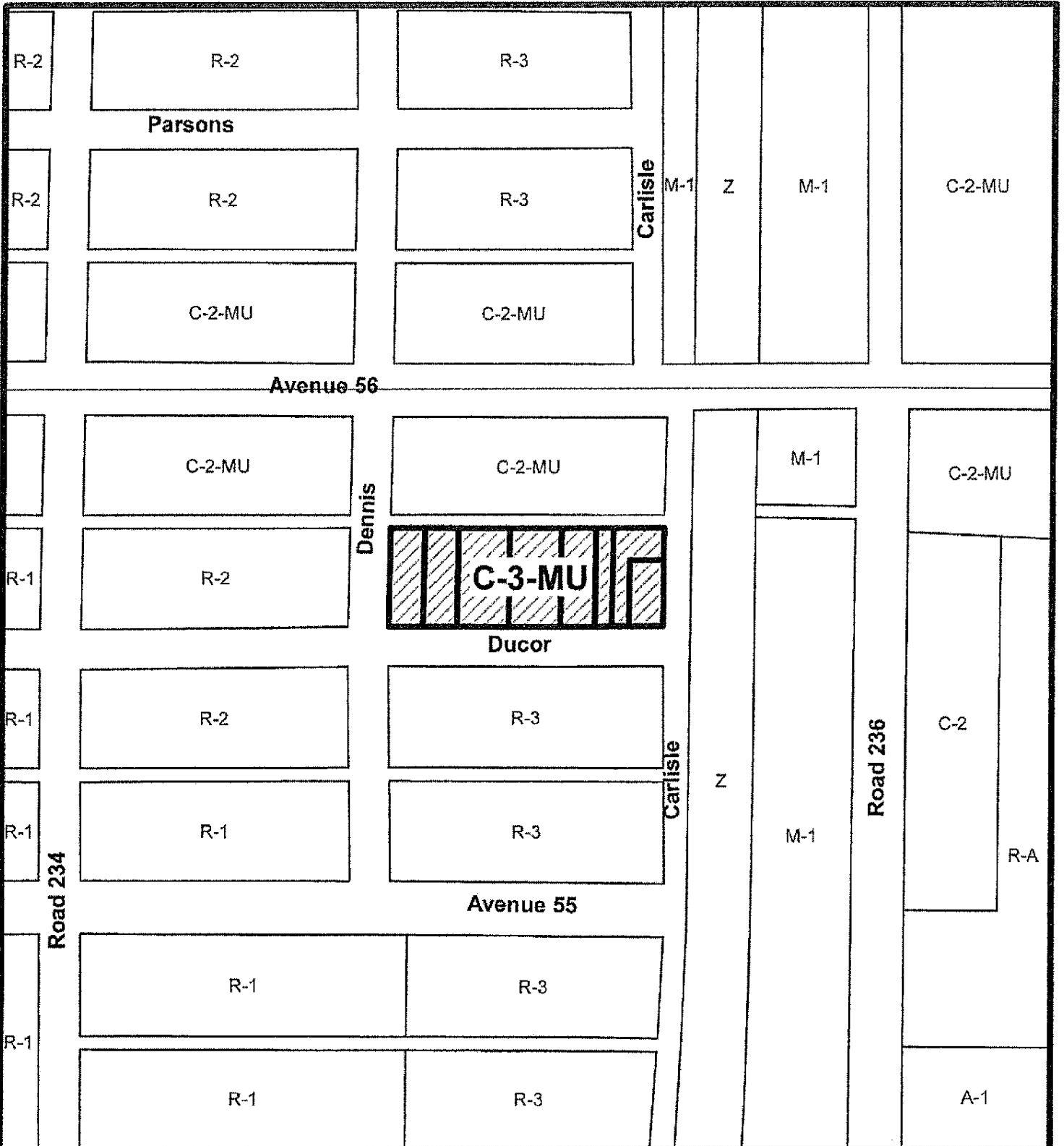


Owner: Jose R. Cantu  
 Address: P.O. Box 71  
 City, State, ZIP: Ducor, CA 93218  
 Applicant: Jose R. Cantu  
 Agent: none  
 Supervisorial District: 5  
 Assessors Parcel: 321-183-008, 010 through 015 & 017

0 850 1,700 Feet

	SITE		M-1		R-2
	A-1		M-2		R-3
	AE-40		P-O		R-A
	C-2		R-1		Z





APN: 321-183-008, 010 through 015 & 017,  
 APROX. 1.37 AC.  
 Zone Change from R-3 to C-3-MU  
 (PZC 17 - 014)

0 200 Feet



ORDINANCE NO. \_\_\_\_\_  
 AMENDING A PORTION OF  
 SEC. 34, T 23 S, R 27 E, M.D.B. & M.  
 OF  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

TULARE COUNTY BOARD OF SUPERVISORS  
 ADOPTED: \_\_\_\_/\_\_\_\_/\_\_\_\_



# Aerial Photograph for PZC 17-014 and GPA 17-032



Owner: Jose R. Cantu  
 Address: P.O. Box 71  
 City, State, ZIP: Ducor, CA 93218  
 Applicant: Jose R. Cantu  
 Agent: none  
 Supervisorial District: 5  
 Assessor's Parcel: 321-183-008, 010 through 015 & 017

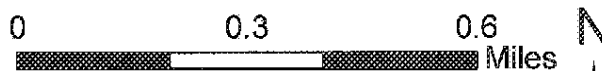
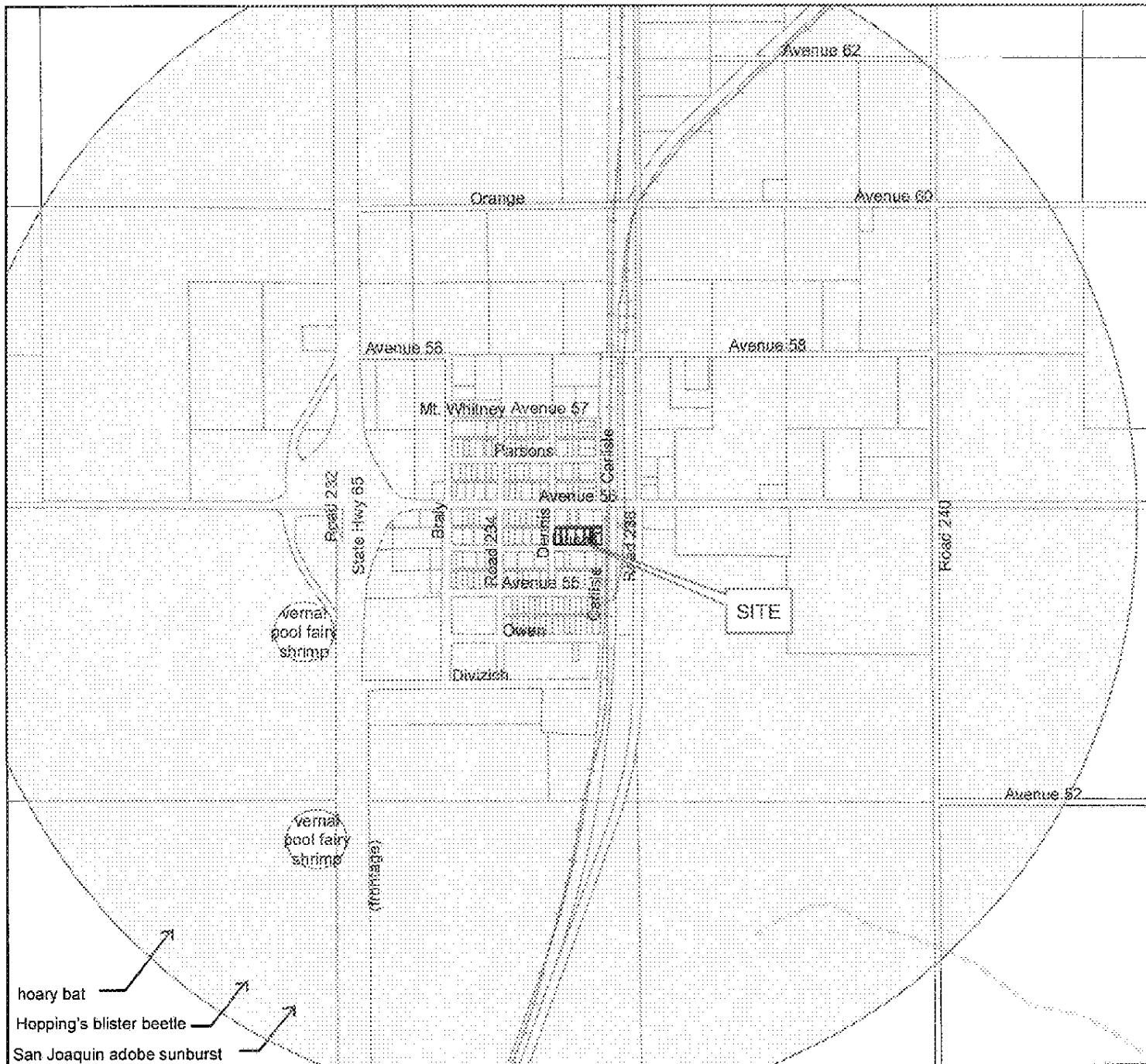


 SITE





# Species of Concern for PZC 17-014 and GPA 17-032

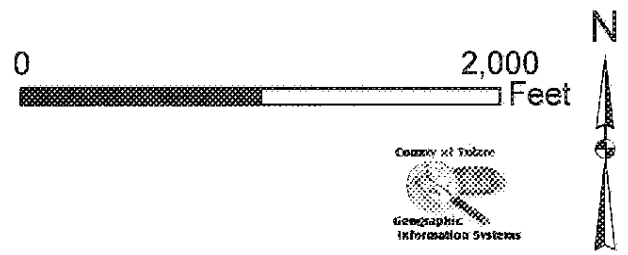
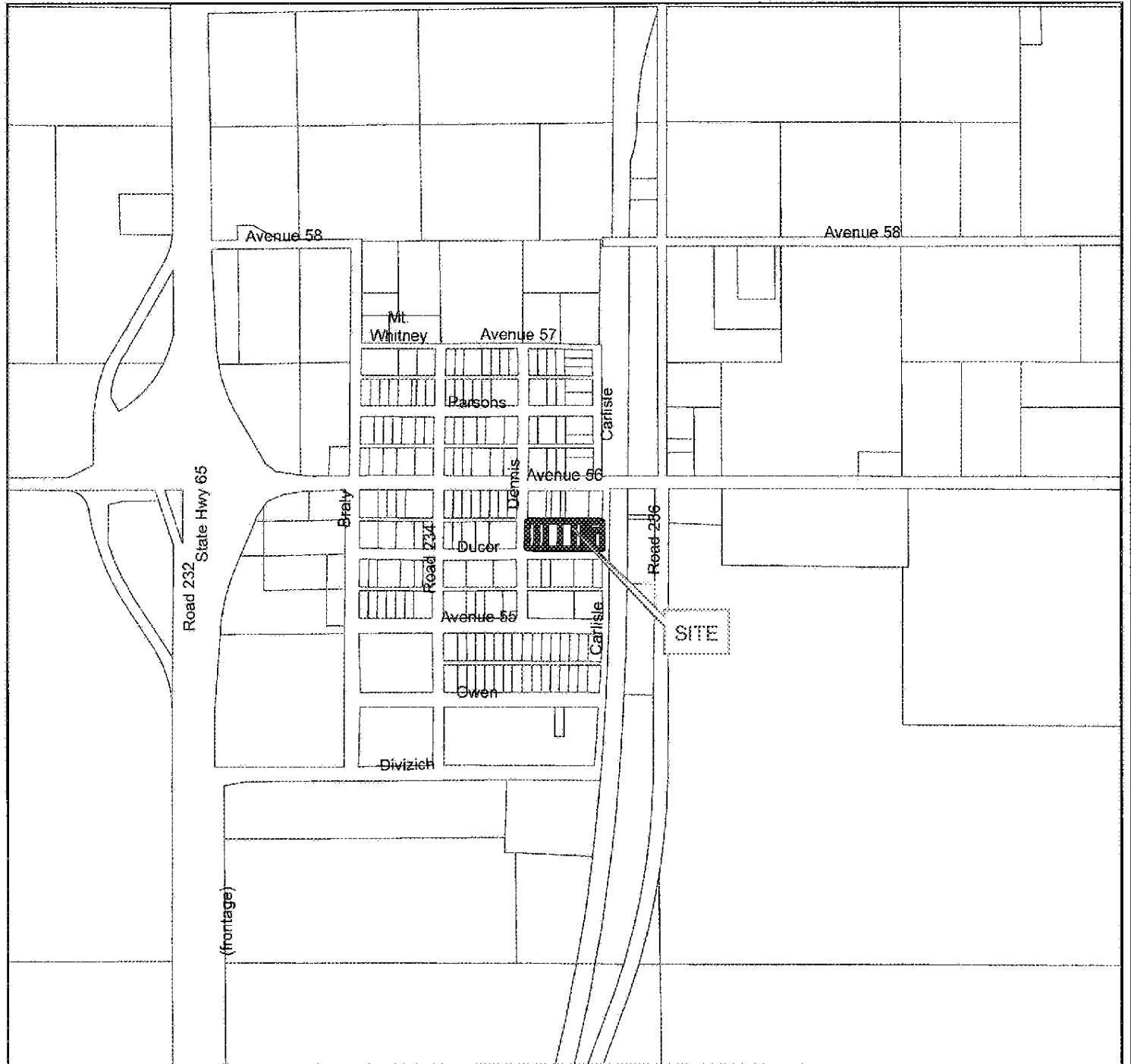


CNDDDB (data file last updated on 7/30/2017)

- |  |                            |  |                          |
|--|----------------------------|--|--------------------------|
|  | <b>SITE</b>                |  | hoary bat                |
|  | Hopping's blister beetle   |  | vernal pool fairy shrimp |
|  | San Joaquin adobe sunburst |  |                          |

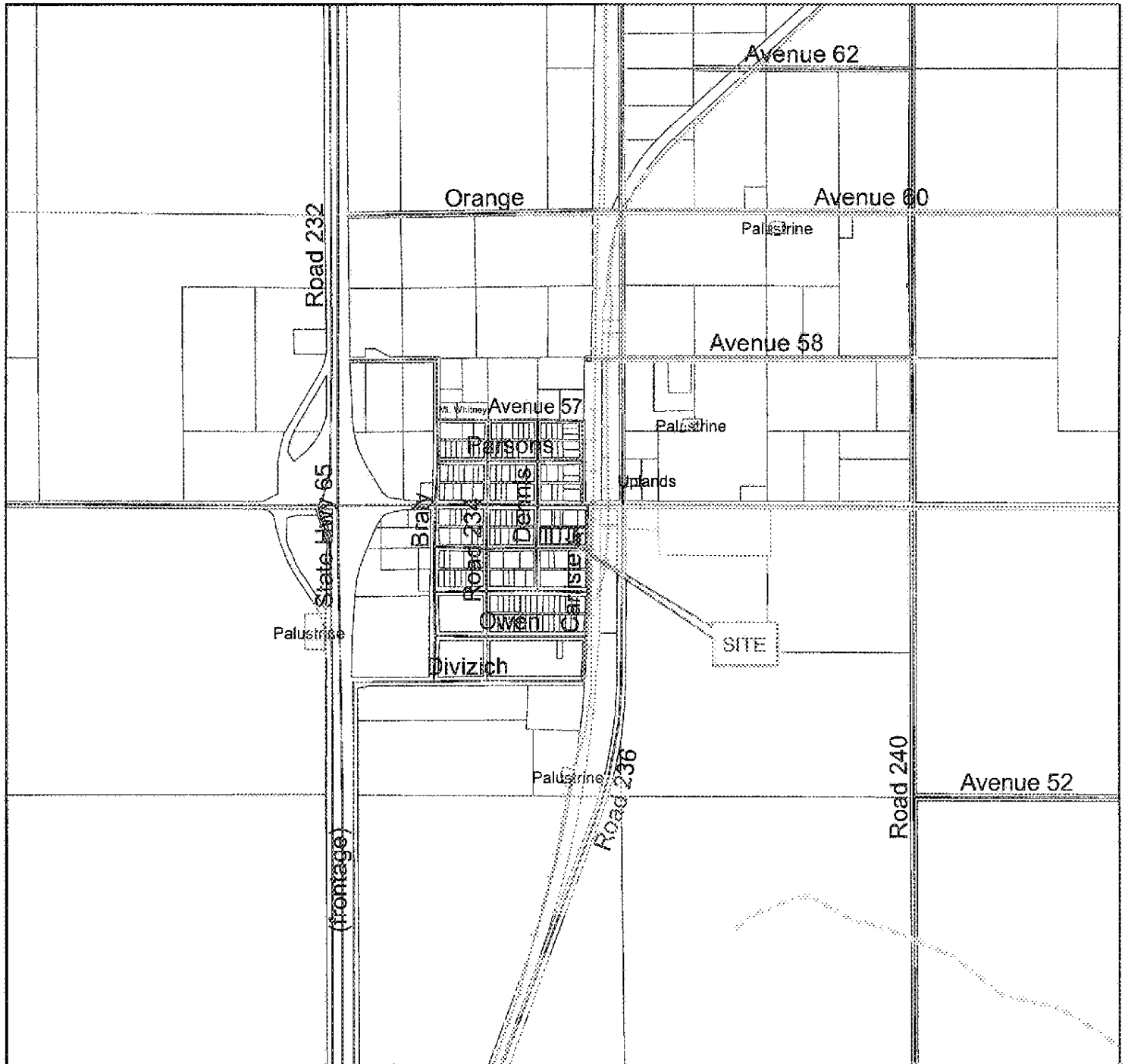


# Waterways Map for PZC 17-014 and GPA 17-032








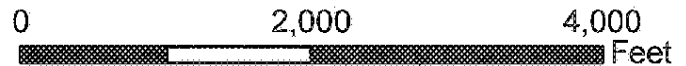


# Wetlands Map For PZC 17-014 and GPA 17-032



### National Wetlands Inventory

-  SITE
-  Lacustrine
-  Palustrine
-  Riverine
-  Uplands (No Wetlands)

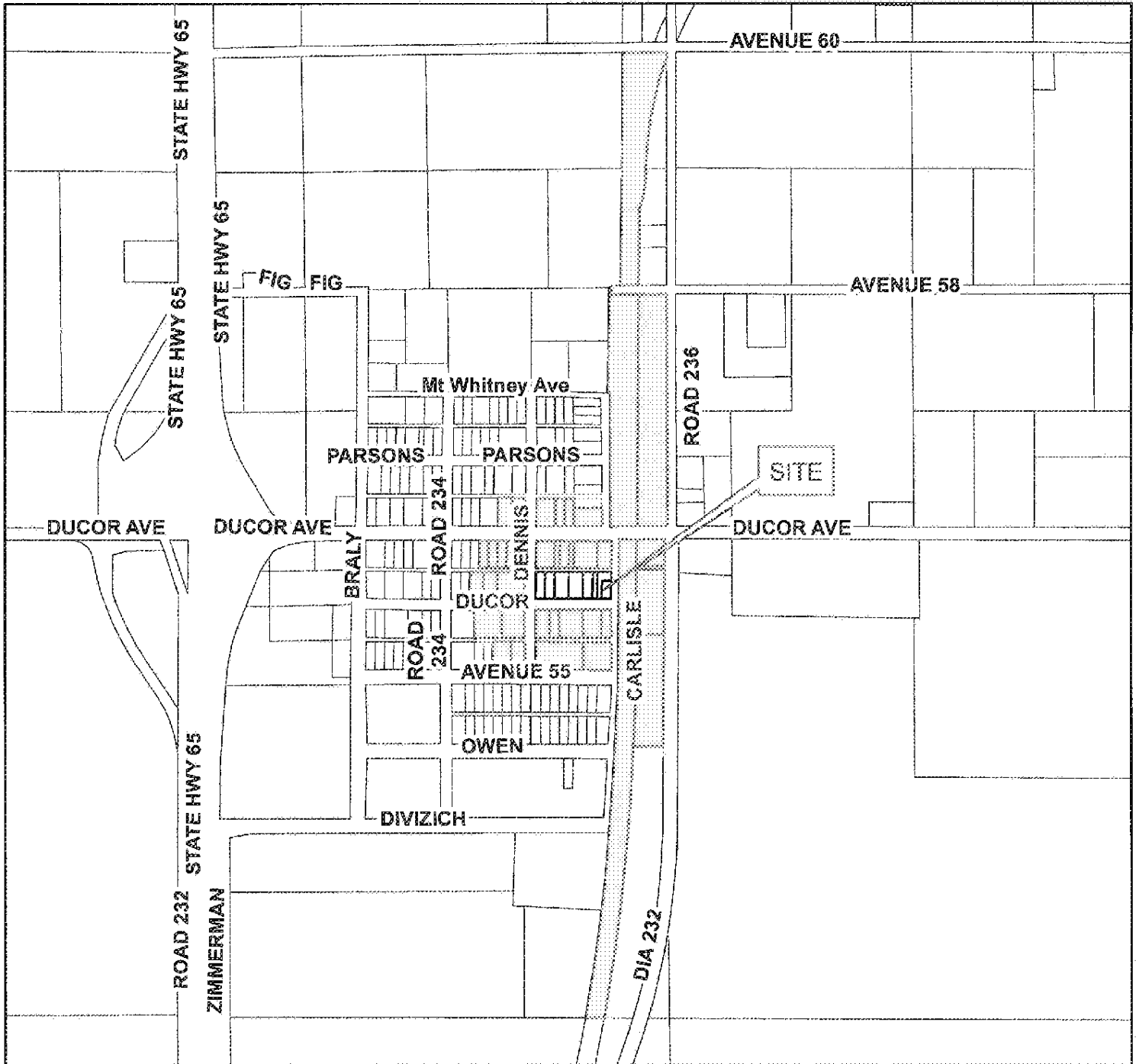




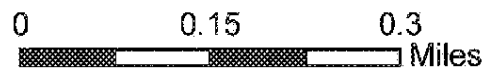


ATTACHMENT NO. 7

# Location and Property Ownership Map for Hearing Notification for PZC 17-014 and GPA 17-032



Owner: Jose R. Cantu  
 Address: P.O. Box 71  
 City, State, ZIP: Ducor, CA 93218  
 Applicant: Jose R. Cantu  
 Agent: none  
 Supervisorial District: 5  
 Assessors Parcel: 321-183-008, 010 through 015 & 017



SITE  
 Prop within 300'



# PZC 17-014

Cantu - R-1 to C-3-MU Zone

## Legend

📍 25314 Ducor Ave



Attachment No. 4  
Planning Commission Report for  
GPA 17-032 and PZC 17-014



**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: Gil Aguilar  
VICE-CHAIR: Wayne Millies  
COMMISSIONERS:  
Ed Dias  
John Elliott  
Melvin Gong  
Wayne Millies  
Nancy Pitigliano  
Bill Whitlatch  
Gil Aguilar  
AIRPORT LAND USE COMMISSIONERS  
(ALUC)  
Bill Whitlatch  
Steve Dwelle

<b>Project Number:</b> Zone Change PZC 17-014/ General Plan Amendment GPA 17-032	<b>Agenda Date:</b>	
<b>Applicant:</b> Jose R. Cantu	<b>Agenda Item Number:</b>	
<b>Agent:</b> n/a	<b>AGENDA ITEM TYPE</b>	
<b>Subject:</b> Petition for a Change of Zone on eight parcels comprising approximately 1.37 acres, from the R-3 Zone to C-3-MU Zone and a General Plan Amendment from "High Density Residential" to "Mixed Use", on property located on the north side of Ducor Avenue between Dennis Road and Carlisle Road, in the Community of Ducor.	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
<b>Environmental Review:</b> Categorical Exemption per Title 14, Cal. Code Regulations Section 15061 (b)(3), the General Rule and Section 15301, Class 1, pertaining to Existing Facilities.	<b>ACTION REQUESTED</b>	
	Recommendation to Board of Supervisors	X
<b>Motion(s):</b> One Motion	Resolution – Planning Commission	X
<b>Contact Person:</b> April Hill	Decision - Director	

**RECOMMENDATIONS**

**That the Planning Commission:**

1. Recommend the Board of Supervisors accept a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15061 (b)(3), the General Rule, and Section 15301, Class 1 pertaining to Existing Facilities; **and** conditionally approve Change of Zone No. PZC 17-014 and General Plan Amendment No. GPA 17-032.

**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 OVERVIEW**

Jose "Ray" Cantu, P.O. Box 71, Ducor, CA 93218, applied for General Plan Amendment No. GPA 17-032 to the Ducor Community Plan (Adopted November 3, 2015 by Resolution No. 2015-0909) and Change of Zone No. PZ 17-014. The General Plan Amendment would change the land

**SUBJECT:** PZC 17-014/GPA 17-032 – Cantu

use designation from “High Density Residential” to “Mixed Use”. The Zone Change would change the Zoning from the R-3 (Multiple Family Residential) Zone to the C-3-MU (Service Commercial-Mixed Use) Zone. The projects would affect eight parcels comprising approximately 1.37 acres, located at 23514 Ducor Avenue, on the north side of Ducor Avenue between Dennis Road and Carlisle Road, approximately 0.4 miles east of State Route 65, inside the Ducor Urban Development Boundary (UDB) (APNs 321-183-008, 010, -011, -012, -017, -013, -014, -015 and -017, in Section 34, Township 23S, Range 27E, MDB&M).

**ENVIRONMENTAL SUMMARY**

The environmental determination is a Categorical Exemption in accordance with the California Environmental Quality Act and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations, Section 15061(b)(3) as the General Rule and Section 15301 for Existing Facilities. The use of Section 15301, Class 1 applies because the project site is located within an urban boundary, the subject site is fully developed and does not propose any additional development. The General Rule applies because the project does not have the potential for causing a significant effect on the environment, and therefore, is not subject to CEQA. The subject site is not located in an environmentally sensitive area and must comply with state and local regulations.

**ENTITLEMENT(S)**

Because the subject site lies within an Urban Development Boundary, there is no requirement to process a Zone Change Initiation or General Plan Initiation.

The existing zoning on the site is R-3 (Multiple Family Residential) and allows by right multiple dwellings, group houses, hotels, and accessory buildings that do not involve a business. The requested C-3-MU zoning is intended for wholesale establishments and establishments engaged in repairing and servicing equipment, materials and products, but not those that involve the manufacturing, assembling, packaging or processing of merchandise for distribution and retail sales. C-3 Zoning of the site allows the same uses as the C-2 (General Commercial) and C-1 (Neighborhood Commercial Zones).

**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 project site is located within the Ducor UDB. Per the Ducor Community Plan 2015 Update, the existing land use designation for the project site is “High Density Residential.” The proposed land use designation for the project site is “Mixed Use.” Within the Mixed Use Zoning District, all uses outlined in the M-1, C-3, C-2, C-1, R-1, R-2 and R-3 uses are allowed.

The following policies are relevant to the Project: Planning Framework Element Policies PF-1.2 Location of Urban Development, PF-1.3 Land Uses in UDBs/HDBs, PF-1.4 Available Infrastructure and PF-2.8 Inappropriate Land Use; Land Use Element Policies LU-1.8 Encourage

**SUBJECT:** PZC 17-014/GPA 17-032 – Cantu

Infill Development, LU-1.10 Roadway Access and LU-4.3 Commercial Service Locations; Economic Development Element Policy ED-2.5 Small Business; Air Quality Element – Policy AQ-1.1 Cooperation with Other Agencies; Health and Safety Element Policies HS-4.1 Hazardous Materials and HS-8.11 Peak Noise Generators; Water Resources Element Policy WR-2.1 Protect Water Quality; and Public Facilities & Services Element Policies PFS-2.1 Water Supply, PFS 2.4 Water Connections, PFS-3.3 New Development Requirements [connection to wastewater system], and PFS 4.2 Site Improvements. See General Plan Consistency attachment for an analysis.

### **PROJECT SUMMARY**

The applicant stores approximately 40 bobtail trucks for grape hauling on the site, with ladder trailers, agricultural equipment and portable toilets. Two storage containers hold smaller miscellaneous equipment. Two employees work at the site between 6:00AM to 6:00PM on Monday through Saturday to prepare the trucks. The trucks are on the site between December and April. During the harvest season of May through November, the trucks are parked at cold storage facilities. The properties are surrounded by a six foot high chain link fence and the parking area is surfaced with dirt and decomposed granite.

The application was submitted in response to a Code Compliance Violation GC1700154 for operating a trucking business in the R-3 Zone. The Project Review Committee discussed the proposal as PRC 17-041 on August 3, 2017.

Access to the subject parcels is direct from Ducor Avenue. An alleyway runs along the northern lot lines. APN -15 on the west has access also to Dennis Road. APNs -017 and -008 on the east have access to Carlisle Road. The roads are county-maintained. Gates exist in the existing perimeter chain link fence for trucks to enter from Ducor Avenue and from the alleyway. The Public Works/Engineering Branch requires the construction of a drive approach on each proposed and/or existing point of access to Ducor Avenue. Conditions of approval are included

Because the project includes a General Plan Amendment, Senate Bill (SB) 18 (Chapter 905, Statutes of 2004) requires cities and counties to contact, and consult with California Native American tribes. On October 13, 2017, Project Notifications with a project description and a map were mailed via certified mail with return receipt requested to a Native American Heritage Commission list of California American Native Tribes traditionally and culturally affiliated with the project location. The required 90 day comment period was provided, until January 18, 2018. No responses or consultation requests were received by the County.

### **HISTORY**

The subject site contains Lots 17-32 of Block 1 of the Town of Ducor, which was recorded on May 6, 1907. (R.M. 7-61). APN 321-183-010 was created as Lot 29 and APN -015 (Lots 17 and 18) by a 1974 Grant Deed. The other parcels have existed in their current form since the 1950s. Per the Assessor's Office, it appears that their office created them in response to unrecorded deeds.

The R-3 Zoning was applied to the site by Ordinance No. 1215, adopted November 18, 1947.

**SUBJECT:** PZC 17-014/GPA 17-032 – Cantu


The Ducor Community Plan 2015 Update was adopted by the Board of Supervisors on November 3, 2015 via Resolution No. 2015-0909.

In 2017, Code Violation GC1700154 was initiated for operating a trucking business in the R-3 Zone. Project Review Committee Case No. PRC 17-041 was discussed on August 3, 2017. The application for a Zone Change and General Plan Amendment was received on August 18, 2017.

**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.”

**PROJECT PROCESSING**

  
\_\_\_\_\_  
April Hill, Planner III

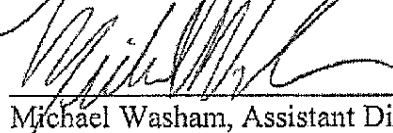
**PROJECT PROCESSING**

  
\_\_\_\_\_  
Aaron Bock, Chief Planner

**ENVIRONMENTAL PLANNING**

  
\_\_\_\_\_  
Hector Guerra, Chief Planner

**ECON. DEVELOP. & PLANNING**

  
\_\_\_\_\_  
Michael Washam, Assistant Director

**ATTACHMENTS:**

- Attachment No. 1 – Resolution Recommending Approval of PZC 17-014 & GPA 17-032, Exhibit “A” - Draft Ordinance, Exhibit “B” – Draft Official Zoning Map, and Exhibit “C” – Draft Amendment
- Attachment No. 2 – Staff Report
- Attachment No. 3 – General Plan Consistency
- Attachment No. 4 – Tribal Consultation Requests and Notifications
- Attachment No. 5 – Consulting Agency List and Correspondence
- Attachment No. 6 – Graphics
- Attachment No. 7 – Location and Property Ownership Map for Hearing Notification
- Attachment No. 8 – Public Hearing Notice Information
- Attachment No. 9 – Notice of Exemption

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY  
- PLANNING BRANCH -  
Staff Report / Environmental Assessment  
Zone Change No. PZC 17-014 and  
General Plan Amendment No. GPA 17-032**

**GENERAL**

**Applicant:** Jose "Ray" Cantu  
P.O. Box 71  
Ducor, CA 93218

**Owner:** Jose R. Cantu

**Agent:** None

**Requested Action:**

Accept a Categorical Exemption from the California Environmental Quality Act per Section 15061 (b)(3), the General Rule and Section 15301 for Existing Facilities, and conditionally approve a Change of Zone (PZC 17-014) on eight (8) parcels totaling 1.37-acres, from the R-3 (Multiple Family Residential) to C-3-MU (Service Commercial-Mixed Use) and a General Plan Amendment (GPA 17-032) from "High Density Residential" to "Mixed Use."

**Location:**

23514 Ducor Avenue, Ducor, CA 93218, on the north side of Ducor Avenue between Dennis Road and Carlisle Road, approximately 0.4 miles east of State Route 65, inside the Ducor Urban Development Boundary.

APNs 321-183-008, -010, -011, -012, , -013, -014, -015 and -017.

On Section 34, Township 23S, Range 27E, MDB&M.

**Applicants Proposal:**

The applicant owns or (partially owns) seven of the eight subject parcels, where he has operated a trucking business for the past 34 years. The Ducor Telephone Company owns APN -015 and has stored trucks there since 1927, per the applicant.

The proposed project would allow a "Trucking terminal, repairing and overhauling" or a "Storage yard for commercial vehicles" by right.

The applicant stores approximately 40 bobtail trucks for grape hauling on the site, with ladder trailers, agricultural equipment and portable toilets. Two storage containers hold smaller miscellaneous equipment. Two employees work at the site between 6:00AM to 6:00PM on Monday through Saturday to prepare trucks. The properties are surrounded by a 6 foot high chain link fence and the parking area is surfaced with decomposed granite. Portable toilets are provided. No other improvements exist or are planned on the site. The trucks are on the site between December and April. During the harvest season of May through November, the trucks are parked at cold storage facilities. Occasionally trucks are returned to the site for repairs.



Mr. Cantu also owns two parcels across the street from the business – APNs 321-184-003 and -004. He lives with his family in the residence on APN -004 (23531 Ducor Avenue).

The application was submitted in response to a Code Compliance Violation GC1700154 for operating a trucking business in the R-3 Zone without an approved Special Use Permit. The Project Review Committee discussed the proposal as PRC 17-041 on August 3, 2017.

Because the subject site lies within an Urban Development Boundary, there is no requirement to process a Zone Change Initiation or General Plan Initiation.

### **COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES**

#### **Zoning and Land Use:**

**Site:** R-3, with parking area surrounded by chain link fence, two storage vans (8'x40' and 8'x26') and small accessory structures. Two portable toilets are provided on the site for employee use. Water will be provided by the Ducor Community Services District, per a will-serve letter dated August 17, 2017.

#### **Surroundings:**

- North – C-2-MU (General Commercial-Mixed Use) Zone along Avenue 56, with residential and commercial (restaurant and retail) uses.
- East –M-1 (Light Manufacturing) Zoned properties with industrial uses along abandoned railroad tracks.
- South –R-3 Zone with residential and commercial uses.
- West – R-2 (Two Family Residential) Zone with residences.

The nearest residences are approximately 60 feet north.

#### **Entitlement:**

Because this project site lies within an Urban Development Boundary, there is no requirement to process a Zone Change Initiation.

#### **Existing - R-3 (Multiple-Family Residential) Zone**

Per Section 8 of the Zoning Ordinance, the R-3 Zone existing on the properties allows by right multiple dwellings, group houses, hotels, and accessory buildings that do not involve a business. The Zone also allows any use permitted in the R-2 (Two-Family Residential) Zone. The Building height in the R-3 Zone is limited to 50 feet or four stories. Yard areas are a maximum 15 feet for the front yard, a maximum 20 feet for the rear yard, and between three and five feet for a side yard.

#### **Proposed - C-3 (Service Commercial) Zone**

Per Section 12.5 of the Zoning Ordinance, the requested C-3 Zone is intended for wholesale establishments and establishments engaged in repairing and servicing equipment, materials and products, but which do not involve the manufacturing, assembling, packaging or processing of merchandise for distribution and retail sales. No residences are allowed, per Section 12.5.D.1.

The C-3 Zone allows by right such uses as trucking terminals (with repairing and overhauling), storage yards for commercial vehicles, automobile repairing and painting, contractors' storage yards, machine shops, sheet metal shops, sign painting shops, welding and blacksmithing shops. C-3 Zoning of the site allows the same uses as the C-2 (General Commercial) and C-1 (Neighborhood Commercial Zones). Approved special use permits are required for automobile wrecking, flammable liquids stored above ground (more than 2,000 gallons/lot), and solid waste recycling operations.

The minimum lot area for the C-3 Zone is 10,000 square feet. Each parcel contains the minimum square footage. Buildings in the C-3 Zone are limited in height to 75 feet or six stories. The front yard area is not less than 10% of the depth of the lot, not to exceed ten (10) feet. Where a lot abuts on the side of a lot in any "R" Zone, there shall be a side yard of not less than five (5) feet. If a lot abuts on the rear of a lot in any "R" Zone, there shall be a rear yard of not less than 15 feet. In all other cases, a side yard or rear yard for a commercial building shall not be required. Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone, there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line. Open storage of materials and equipment shall be permitted only within an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge.

Because the subject site does not abut on the side or rear of a lot in any "R" (Residential) Zone, no solid wall, fence or equivalent landscaping is required.

#### Proposed - Mixed Use Overlay Zoning District

The Ducor Community Plan – 2015 Update includes a Mixed Use (MU) Overlay Zone. Properties along Avenue 56, one-half block north of the subject site, have the MU Overlay. Within the Mixed Use Zoning District, all uses outlined in the M-1, C-1, C-2, C-3, R-1, R-2 and R-3 uses are allowed.

In addition, use and activities determined to be compatible by the Planning Commission and the Board of Supervisors within the above mentioned zoning districts are also allowed. The Planning Commission may be asked to review the following uses and/or combination of uses: auto wrecking and residential, battery manufacture and residential or commercial, biomass fuel production and residential, flammable liquids over 10,000 gallons, hazardous waste facility, planing mills and residential or commercial, sand blasting, slaughterhouse and residential, solid waste recycling and residential, super service stations and residential, airport and heliport.

All conditional uses allowed in these zoning districts shall also be allowed by right with exception of the following combination of uses:

- All uses shall not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or to the general welfare of the County. All uses shall limit impacts related to smoke, fumes, dust, gas, noise, odor, vibrations and other hazards to be considered an allowed use without the need for a special

use permit. All allowed uses are subject to the determination of appropriateness by the Director of Planning.

- The Director of Planning has the option of deferring any land use application allowed in this district to the Planning Commission for review and decision.

**Setbacks:** Building line setback requirements are separate and distinct requirements from yard areas. The Building Line Setback Ordinance (Section 7-19-1010 in the Tulare County Ordinance Code) requires the standard setback of 50 feet from the centerline of the right of way of Ducor Avenue. The proposal meets the building line setback requirement.

**General Plan Elements:**

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 within the Ducor Urban Development Boundary (UDB) and is subject to the Ducor Community Plan – 2015 Update, adopted by the Tulare County Board of Supervisors on November 3, 2015 via Resolution No. 2015-0909.

Existing Land Use Designation

The Plan currently designates the area for "High Density Residential". The "High Density Residential" (HDR) designation is defined in the Ducor Community Plan as established areas for multi-family dwellings in urbanized areas. Uses typically allowed include duplexes, townhouses, and apartments located near schools, parks, and other public services.

Proposed Land Use Designation

The applicant proposes changing the property's designation to "Mixed Use". Allowing a mix of uses promotes flexibility in the types of entitlements that can be issued. Economic development can be pursued with a wide variety of development potential. In addition, mixed use can allow for decreased vehicle miles traveled if residential uses are mixed with uses for employment.

Alternative land use designations that were considered were "General Commercial" and "Light Industrial"; however, neither met the subject site's existing long-term use of a storage yard for commercial vehicles.

The project is consistent with relevant elements of the General Plan, as noted in the General Plan Consistency Attachment, as follows:

Planning Framework Element Policies PF-1.2 Location of Urban Development, PF-1.3 Land Uses in UDBs/HDBs, PF-1.4 Available Infrastructure, and PF-2.8 Inappropriate Land Use; Land Use Element Policies LU-1.8 Encourage Infill Development, LU-1.10 Roadway Access and LU-4.3 Commercial Service Locations; Economic Development Element Policy ED-2.5 Small Business; Air Quality Element – Policy AQ-1.1 Cooperation with Other Agencies;

Health and Safety Element Policies HS-4.1 Hazardous Materials and HS-8.11 Peak Noise Generators;  
Water Resources Element Policy WR-2.1 Protect Water Quality;  
Public Facilities and Services Element Policies PFS-2.1 Water Supply, PFS 2.4 Water Connections, PFS-3.3 New Development Requirements [connection to wastewater system] and PFS-4.2 Site Improvements.

**Development Standards:**

The Ducor Community Plan - 2015 Update adopted Development Standards, which are specified in Appendix A-3 of the Plan, and closely match the Zoning Development Standards. No front yard is required. Where a lot abuts upon a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), the side yard shall be not less than 5 feet and the rear yard shall be not less than 15 feet. The minimum lot area shall be 10,000 square feet. The floor area ratio (or amount of square feet of all structures allowed on a parcel based on parcel size) is 2. The minimum distance between structures is 10 feet. Building height is limited to 75 feet. Off-street parking and loading shall be required in conformance with Section 15 of the Zoning Code.

The property line on the east side of Carlisle is planted with palm trees, which partially screen the truck parking area. The Phone Company property on the west end of the subject site is screened from Dennis Road with a chain link fence with inserted slats.

*Because the subject site does not abut on the side or rear of a lot in any "R" (Residential) Zone, no yard areas are required for a commercial building. In addition, no solid wall, fence or equivalent landscaping is required.*

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 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.

**Senate Bill 18 – Local and Tribal Intergovernmental Consultation:**

SB 18 (Chapter 905, Statutes of 2004) requires cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space. A Sacred Lands Search was requested on September 5, 2017. The records search had negative results. The Native American Heritage Commission sent a consultation list of California American Native Tribes traditionally and culturally affiliated with the project location. In compliance with SB 18, Project Notifications were mailed on October 13, 2017 to that consultation list, with a project description and a map, via certified mail, with return receipt requested and a 90 day comment period, until January 18, 2018. No consultation requests were received by the County.

**Access/Circulation:**

Access to the subject parcels is directly from Ducor Avenue. An alleyway runs along the northern lot lines. APN -15 on the west has access also to Dennis Road. APNs -017 and -008 on the east have access to Carlisle Road. All are county-maintained roads, according to the

County's maintained mileage maps. The existing and ultimate right of way on all the surrounding roads is 60 feet. Dennis Road is classified as "Local Urban" and provides access to Avenue 56, which is designated as a "Major Collector."

Gates exist in the existing perimeter chain link fence for trucks to enter from Ducor Avenue and from the alleyway. The Public Works/Engineering Branch requires the construction of a drive approach on each proposed and/or existing point of access to Ducor Avenue on the subject site. The drive approach shall have a maximum width of 35 feet at the right of way line and shall be constructed in accordance with the Tulare County Improvement Standards. A wider drive approach may be constructed if geometric calculations justifying the wider drive approach are submitted to and approved by the Tulare County RMA – Engineering Branch. The applicant shall obtain necessary encroachment permits from RMA before any construction within the right of way of a County maintained road. The applicant shall also make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a county road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County. Conditions of approval are included.

**Environmental Health**

The County Environmental Health Services Division (EHSD) recommended that, if the site ever handles or stores quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas, or **any** amount of a hazardous waste, then the site will be required to submit a Hazardous Materials Business Plan. Equipment storage areas shall be properly maintained to prevent nuisance of odors, dust, vector harborage and vector breeding. Waste from on-site portable toilets shall be pumped out and transported for disposal by a company with a valid and current permit with the EHSD. Conditions of approval are included.

**Fire Department**

The County Fire Department recommended that the applicant provide a 20A:120B:C 30 lb fire extinguisher within 25 feet of vehicle fueling tanks, a Knox box with keys to all locked gates and doors for fire department rapid entry, and an address with a minimum of four (4) inch numbers that is clearly visible from the street. Conditions of approval are included.

**Planning Commission Policies and Precedents:**

Per Section 18, the decision of the Planning Commission in the legislative matter of amending zone boundaries shall be advisory only. Once a decision is made on an application involving an amendment, then not later than ten (10) days after final action by the Planning Commission, its recommendation shall be delivered to the Board of Supervisors. The Board of Supervisors shall dispose of the matter in the manner prescribed by law.

**ENVIRONMENTAL SETTING**

**Topographical Setting:** Level, typical of most valley lands.

**Flooding Potential:**

Zone X, per Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 065066 dated June 16, 2009, Panel No. 1975. Construction of buildings within a Zone X requires no specific flood mitigation measures.

**Soils:** Exeter Loam, 2-9% slope, non-prime Class III, low shrink-swell, severe septic tank absorption, Source: Soil Survey - Tulare Co. Western Part, USDA Natural Resources Conservation Service, 1997.

**Biotic Conditions:**

The California Natural Diversity Database of July 30, 2017 shows the following Species of Concern in the area: Hopping's blister beetle, hoary bat, San Joaquin Adobe sunburst and vernal pool fairy shrimp. However, the subject site has been used for commercial storage of vehicles for decades and is surrounded by commercial and residential uses. There are no signs of special status species on the site. The project site does not contain wetlands, creeks, waterways, a waterfowl refuge or riparian habitat. It is not in the planning area of a Conservation Plan.

**Waterways:**

The property is not near any waterways.

**Water Table:**

Approximately 500 feet, according to the Ground to Water Surface Contours – Spring 2010 map of the Tule Groundwater Basin, per the State Department of Water Resources.

**Agricultural Preserves:**

The subject site is not located in an Agricultural Preserve.

**Archaeological Resources:**

As noted earlier, in compliance with SB 18, a Sacred Lands Search was requested on September 5, 2017, with negative results. The Native American Heritage Commission sent a list of California American Native Tribes traditionally and culturally affiliated with the project location. On October 13, 2017, Project Notifications with a project description and a map were mailed to that consultation list, via certified mail with return receipt requested and a 90 day comment period until January 18, 2018.

No responses or consultation requests were received by the County. No cultural resources assessment has been conducted for this site. No cultural resources are known to be on or near the site. The property and surroundings have been under commercial and residential use for decades. The site is not near a natural watercourse or on a bluff or hill with rock outcrops, where a California Historical Resource Information System (CHRIS) search would be warranted, or where archaeological or paleontological resources could occur.

**HISTORY AND PROJECT FACTS**

**History:**

1947 - R-3 zoning was applied by Ordinance No. 1215, adopted November 18, 1947.

The subject site contains Lots 17-32 of the Town of Ducor, which was recorded on May 6, 1907 in Volume 7 of Maps, Page 61 (R.M. 7-61). The applicant may choose to merge some or all of the lots, for building permit purposes.

APN -010 was created as Lot 29 of Block 1 of the Town of Ducor. The parcel was conveyed in 1994 from the County Tax Collector to Cantu and Lucio, per Document No. 1994-85783.

APN -015 (Lots 17 and 18 of Block 1 of the Town of Ducor) was created in 1975 by Grant Deed from Davis to the Ducor Telephone Co., recorded as Document No. 1975-37748. Current owner is Ducor Telephone Co, PO Box 157, Ducor 93218.

The other parcels have existed in their current form since before the 1950s. Per the Assessor's Office, it appears that their office created them in response to unrecorded deeds or at the request of those willing to pay taxes on the property, as the dates listed on older Assessor maps for their parcel creation do not correspond to a recording date for any documents.

APN -008 (portions of Lot 31 and 32 of Block 1 of the Town of Ducor). The parcel was conveyed from Galusha to Cantu and Lucio in 1985, per a Grant Deed recorded as Document No. 1985-53587.

APN -011 (Lots 27 and 28 of Block 1 of the Town of Ducor), was conveyed from Evans and Smith to Cantu and Lucio in 1993, per a Grant Deed recorded as Document No. 1993-00323.

APN -012 (Lots 24, 25 and 26 of Block 1 of the Town of Ducor), was conveyed in 1992 from Bennett, Denis, Sorey and Trueblood to Cantu and Lucio, as joint tenants with ½ interest, per a Grant Deed recorded as Document No. 1992-19128.

APN -013 (Lots 21, 22 and 23 of Block 1 of the Town of Ducor) was conveyed in 1994 from Braley to Cantu and Lucio, as joint tenants with ½ interest, per a Grant Deed recorded as Document No. 1994-11781.

APN -014 (Lots 19 and 20 of Block 1 of The Town of Ducor) was conveyed from Norsworthy to the Cantus in 2017, per a Grant Deed recorded as Document No. 2017-0067556.

APN -017 (portions of Lots 30, 31 and 32 of Block 1 of the Town of Ducor) was conveyed in 1994 from Goga to Cantu and Lucio, as joint tenants with ½ interest, per a Grant Deed recorded as Document No. 1994-55008.

#### Building Permits

On APN -010 - A0302282 electrical service for security lights.

On APN -008, A0300491, a building permit application for a 2,400 s.f. shop, was not picked up when finalized in 2004.

Code Violations

On APN -012 - V711-021 and GC1700154 for operating a trucking business in the R-3 Zone without a PSP.

2017 - Project Review Committee application PRC 17-041 was discussed on August 3, 2017, with a recommendation that a zone change application be submitted. The Zone Change application was received on August 18, 2017. Because the subject site lies within an Urban Development Boundary, there is no requirement to process a Zone Change Initiation.

**Other Facts:**

**Water Supply:** Water will be provided by the Ducor Community Services District, per a will-serve letter dated August 17, 2017.

**Liquid Waste Disposal:** Two portable toilets are provided on the site for employee use.

**Stormwater:** Ducor does not currently have a stormwater drainage system. The subject site's parking areas are permeable dirt or surfaced with decomposed granite.

**Fire Protection:** Tulare County Fire Department Station #17 in Ducor

**Police Protection:** Tulare County Sheriff's Department, Porterville Patrol Substation

**Energy Source:** Southern California Edison

**Correspondence:**

<u>Agencies Notified</u>	<u>Replies Dated</u>
Tulare Co. RMA, Public Works/Engineering Branch-Development Services Division	8/30/17
Tulare Co. HHS, Environmental Health Services Division	9/13/17
Tulare Co. Fire Dept.	6/19/17
Tulare Co. RMA Code Compliance Division	No Response
Ducor Community Services District	8/17/17
SJV Air Pollution Control District	No Response
Ducor Telephone Co.	No Response
Caltrans Dist 6	9/6/17

**ENVIRONMENTAL IMPACTS CHECKLIST/DISCUSSION FORM:** See attached Notice of Exemption.

**ENVIRONMENTAL DETERMINATION**

The environmental determination is a Categorical Exemption in accordance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations, Section 15061(b)(3) as the General Rule and Section 15301 for Existing Facilities. The use of Section 15301, Class 1 applies because the project site is located within an urban boundary, the subject site is fully developed and does



not propose any additional development. The General Rule applies because the project does not have the potential for causing a significant effect on the environment, and therefore, is not subject to CEQA. The subject site is not located in an environmentally sensitive area and must comply with state and local regulations. Therefore, the use of Sections 15301 and 15061(b)(3) are applicable and appropriate.

### **SUBSEQUENT ACTIONS**

**Appeals:** All Planning Commission actions on Zone Changes are final unless 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.

**School Impact Fees:** The subject site is located within the Ducor Union Elementary and Porterville Unified School Districts which have 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.

**Air Impact Assessment:** The San Joaquin Air Pollution Control District has adopted the Indirect Source Review (District 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](http://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.

**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](http://www.waterboards.ca.gov/centralvalley).

General Plan Consistency  
Cantu Zone Change No. PZC 17-014 &  
General Plan Amendment No. GPA 17-032

**Tulare County General Plan 2030 Update**

**Planning Framework Element**

**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.

*The project is compatible with this policy because the proposed zone change will be inside the UDB of Ducor.*

**PF-1.3 Land Uses in UDBs/HDBs** - The County shall encourage those types of urban land uses that benefit from urban services to develop within UDBs and HDBs. Permanent uses which do not benefit from urban services shall be discouraged within these areas. This shall not apply to agricultural or agricultural support uses, including the cultivation of land or other uses accessory to the cultivation of land provided that such accessory uses are time-limited through Special Use Permit procedures.

*The project is compatible with this policy because the existing development is provided urban water services through the Ducor Community Services District.*

**PF-1.4 Available Infrastructure** - The County shall encourage urban development to locate in existing UDBs and HDBs where infrastructure is available or may be established in conjunction with development. The County shall ensure that development does not occur unless adequate infrastructure is available, that sufficient water supplies are available or can be made available, and that there are adequate provisions for long term management and maintenance of infrastructure and identified water supplies.

*The project is compatible with this policy because the existing development is located inside the UDB where infrastructure is available.*

**PF-2.8 Inappropriate Land Use** - Areas within UDBs are hereby set aside for those types of urban land uses which benefit from urban services. Permanent uses which do not benefit from such urban services shall be discouraged within the UDBs. This is not intended to apply to agricultural or agricultural supported uses, including the cultivation of land or other uses accessory to the

cultivation of land, provided that such accessory uses are time limited through special use permit procedures.

*The project is compatible with this policy because it supports agriculture by storing grape harvest trucks during the off (non-harvest) season.*

### **Land Use Element**

**LU-1.8 - Encourage Infill Development** - The County shall encourage and provide incentives for infill development to occur in communities and hamlets within or adjacent to existing development in order to maximize the use of land within existing urban areas, minimize the conversion of existing agricultural land, and minimize environmental concerns associated with new development.

*The project is compatible with this policy because the change of zone will allow development on parcels that would be considered "infill" within the Community of Ducor.*

**LU-1.10 Roadway Access** - The County shall require access to public roadways for all new development.

*The project is compatible with this policy because the properties have access to three county-maintained roads.*

**LU-4.3 Commercial Service Locations** - The County shall provide for commercial service businesses such as warehouses, repair services, business support services, furniture sales, and building materials sales where they will not adversely affect surrounding properties, typically in areas serving occasional needs rather than day-to-day needs. Criteria to be used in siting commercial service areas are:

1. Provide good access to highways or major collectors,
2. Buffer existing or planned residential areas,
3. Develop in-depth rather than in a strip fashion along the access road to provide adequate room for parking, buffering, etc., and
4. Encourage development as integrated planned areas in conjunction with community commercial areas or with common architectural and site development features.

*The project is compatible with this policy because it has good access via Local Urban street, Dennis Road, to Ducor's Main Collector, Avenue 56, which is one-half block north of the site.*

### **Economic Development Element**

**ED-2.5 Small Business** - Recognizing the powerful job creation potential of small businesses, the County shall support entrepreneurial development and small business expansion.

*The project is compatible with this policy because the business provides employment.*

**Air Quality Element**

**AQ-1.1 Cooperation with Other Agencies** - The County shall cooperate with other local, regional, Federal, and State agencies in developing and implementing air quality plans to achieve State and federal Ambient Air Quality Standards. The County shall partner with the SJVAPCD, Tulare County Association of Governments (TCAG), and the California Air Resource Board to achieve better air quality conditions locally and regionally.

*The project is compatible with this policy because the applicant shall comply with local, regional, state and federal requirements..*

**Health and Safety Element**

**HS-4.1 Hazardous Materials** - The County shall strive to ensure hazardous materials are used, stored, transported, and disposed of in a safe manner, in compliance with local, State, and Federal safety standards, including the Hazardous Waste Management Plan, Emergency Operations Plan, and Area Plan.

*The project is compatible with this policy because a Hazardous Materials Business Plan will be required if the site every handles or stores quantities of hazardous materials in excess of thresholds, or any amount of a hazardous waste.*

**HS-8.11 Peak Noise Generators** - The County shall limit noise generating activities, such as construction, to hours of normal business operation (7 a.m. to 7 p.m.). No peak noise generating activities shall be allowed to occur outside of normal business hours without County approval.

*The project is compatible with this policy. Operating hours are 6 a.m. to 6 p.m., but construction will be limited to 7 a.m. to 7:00 p.m.*

**Water Resources Element**

**WR-2.1 Protect Water Quality** - All major land use and development plans shall be evaluated as to their potential to create surface and groundwater contamination hazards from point and non-point sources. The County shall confer with other appropriate agencies, as necessary, to assure adequate water quality review to prevent soil erosion; direct discharge of potentially harmful substances; ground leaching from storage of raw materials, petroleum products, or wastes; floating debris; and runoff from the site.

*The project is compatible with this policy because maintenance is performed on a surfaced area.*

**Public Facilities & Services Element**

**PFS-2.1 Water Supply** - The County shall work with agencies providing water service to ensure that there is an adequate quantity and quality of water for all uses, including water for fire protection, by, at a minimum, requiring a demonstration by the agency providing water service of sufficient and reliable water supplies and water management measures for proposed urban development.

*The project is compatible with this policy because the water provider, Ducor Community Services District, has been notified of the proposed development and has provided a "Will Serve" letter.*

**PFS-2.4 Water Connections** - The County shall require all new development in UDBs, UABs, Community Plans, Hamlet Plans, Planned Communities, Corridor Areas, Area Plans, existing water district service areas, or zones of benefit, to connect to the community water system, where such system exists. The County may grant exceptions in extraordinary circumstances, but in these cases, the new development shall be required to connect to the water system when service becomes readily available.

*The project is compatible with this policy because the proposed development will be required to hook up to existing water district service.*

**PFS-3.3 New Development Requirements** - The County shall require all new development, within UDBs, UABs, Community Plans, Hamlet Plans, Planned Communities, Corridor Areas, Area Plans, existing wastewater district service areas, or zones of benefit, to connect to the wastewater system, where such systems exist. The County may grant exceptions in extraordinary circumstances, but in these cases, the new development shall be required to connect to the wastewater system when service becomes readily available.

*The project is compatible with this policy because the existing business will be required to hook up to a community wastewater system when improving the site to add a shop building, an office or restroom.*

**Ducor Community Plan – 2015 Update, adopted by the Tulare County Board of Supervisors on November 3, 2015 via Resolution No. 2015-0909**

Community Development

**GOAL II: Avoid land use conflicts through planning separation of uses.**

Objective: Promote concentrations of similar or compatible uses.

Policy 2 - Phase-out existing nonconforming commercial and industrial concerns within planned residential areas through appropriate zoning amortization procedures.

Objective: Provide for appropriate buffers between areas set aside for commercial activities and single family residential uses.

Policies:

1. Require adequate setbacks, side and rear yards, landscaping and screening between living and working areas.
2. Utilize roadways, railroad right of ways and other physical features to separate planned living and working areas.

Objective: Encourage land uses adjacent to State Highway 65 and Avenue 56 which are consistent with noise impacts.

Policies:

1. Encourage commercial and/or industrial development to locate adjacent to Highway 65 where access is appropriate for such development.

5. Phase-out existing non-conforming commercial and industrial uses within planned residential areas by zoning such areas residential, and by enforcement of local zoning regulations pertaining to illegal buildings and uses.
7. Provide for appropriate buffers between areas set aside for commercial activities and single family residential uses.

**GOAL IV: Coordinate Community Development Decisions with the Ducor Community Services District.**

**Objective:** Ensure that all development can be served by the Ducor Community Services District during the planning period.

2. Before the issuance of any land use permit, the Tulare County Resource Management Agency must receive confirmation from Ducor Community Services District.
4. Before the issuance of any land use permit, the Tulare County Planning and Development Department will require all project applications for new development to include storm water disposal plans in accordance with the recommendations of the Tulare County Public Works Department and Caltrans to prevent runoff flows into the State highway right-of-way.

**Economic Base**

**GOAL I: Develop a strong and diversified economy.**

**Objective:** Provide sufficient land for industrial and commercial development to meet the needs of the community and region and strengthen and maintain a viable community economy.

**Policies:**

1. Promote a concentration of industrial and commercial activities within selected areas to allow for cost efficient provision of necessary services and to protect residential neighborhoods.

**Environmental Quality and Public Safety**

**GOAL I: Preserve and enhance the quality of life for present and future generations of Ducor citizens.**

**Objective:** Prohibit to the extent allowed by law activities that will have a significant adverse effect on the environmental quality of Ducor.

Carefully evaluate proposed heavy industrial uses to be located east of State Highway 65 to assure that such uses will not have an adverse impact on the community.

**Land Use Designations**

**High Density Residential (HDR)**

This designation established areas for multi-family dwellings in urbanized areas. Uses typically allowed include: duplexes, townhouses, and apartments located near schools, parks, and other public services. This designation is used only within UDBs. Dwelling Units are based on Gross Acreage and development shall be no less than that identified as the intensity per gross acreage High Density Residential designated lands. Maximum Density: 14-30 Dwelling Units/Acre

**Mixed Use Overlay District:** This alternative involves the creation of a Mixed Use Zoning Designation for Ducor along Avenue 56. Within the Mixed Use Zoning District, all uses outlined in the M-1, C-1, C-2, C-3, R-1, R-2 and R-3 uses are allowed. Uses and activities that are found by the

Planning Director to be similar to and compatible with those specific zoning districts are also allowed. In addition, use and activities determined to be compatible by the Planning Commission and the Board of Supervisors with the above mentioned zoning districts are also allowed. All conditional uses allowed in these zoning districts shall also be allowed by right with exception of the following combination of uses:

- All uses shall not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or to the general welfare of the County. All uses shall limit impacts related to smoke, fumes, dust, gas, noise, odor, vibrations and other hazards to be considered an allowed use without the need for a special use permit. All allowed uses are subject to the determination of appropriateness by the Director of Planning.
- The Director of Planning has the option of deferring any land use application allowed in this district to the Planning Commission for review and decision.

### **Development Standards**

1. Height: No building or structure hereafter erected or structurally altered shall exceed six (6) stories or seventy five (75) feet to uppermost part of roof.
2. Front Yard: 0 Feet
3. Side Yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a commercial building shall not be required.
4. Rear Yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases, a rear yard for a commercial building shall not be required.
5. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section.
6. Floor Area Ratio: The maximum Floor Area Ratio is 2. The Floor Area Ratio is the amount of square feet of all structure allowed on a parcel based on parcel size.
7. Distance between structures: The minimum distance between structures is 10 feet.
8. Parking: Off-street parking and loading shall be required in conformance with Section 15 of the Zoning Code.
9. Fences, Walls, and Screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-A, R-O, R-1, R-2, and R-3), there shall be a solid wall, fence or equivalent landscaping screening at least six (6) feet in height located along the common lot line, except in the required front or side yard. Open storage of materials and equipment shall be permitted only within an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence, or hedge.

Fulfillment of the requirement of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable buildings and zoning regulations and which were existing in a commercial or manufacturing zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of property is approved by Tulare County.

All other Development Standards are outlined in the Community Plan for Ducor. Conformance to development standards is required for all development; however, the Planning Director, Planning Commission, or Board of Supervisors may provide exemptions to particular development standards when deemed appropriate.

To promote Economic Development within the Ducor Urban Development Boundary, a Mixed Use Overlay zoning district is being established to allow for flexibility in the allowed uses within Ducor. In addition, the use permit restriction is updated to allow for ministerial approval by the Planning Director. Development standards are established to ensure high quality development within this mixed use overlay district.



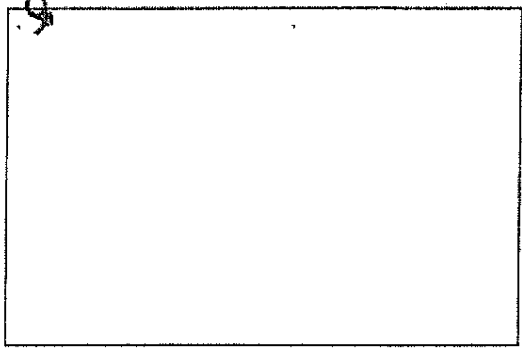
Notice of Exemption

ATTACHMENT NO. 9

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 Blvd.  
Visalia, Ca 93277; (559-624-7000)



Applicant(s): Jose R. Cantu, P.O. Box 71, Ducor, CA 93218 (559-534-2364)

Project Title: Zone Change No. PZC 17-014 and General Plan Amendment No. GPA 17-032

Project Location - Specific: On the north side of Ducor Avenue, between Dennis Road and Carlisle Road.

Project Location- Section 34, Township 23, Range 27E, MDB&M (APN 321-183-008, -10, -11, -12, -13, -14, -15 & -17)

Project Location - City: Near Ducor Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: A Change of Zone from R-3 (Multiple Family Residential) to C-3-MU (Service Commercial-Mixed Use), on a 1.37-acre parcel, with General Plan Amendment to change the designation from "High Density Residential" to "Mixed Use". The site has been used to park commercial trucks for the last 30+ years, per the applicant. The proposed project would allow a "Trucking terminal, repairing and overhauling" or a "Storage yard for commercial vehicles" by right.

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- General Rule: CEQA guidelines 15061 (b)(3)
- Categorical Exemption: Section 15301, Class I
- Statutory Exemptions:

Reasons why project is exempt: The use of Section 15301, Class I applies because facilities currently exist, the project site is located within an urban boundary, the subject site is fully developed and does not propose any additional development, Section 15061(b)(3) (The General Rule) applies because the project does not have the potential for causing a significant effect on the environment, and therefore, is not subject to CEQA. The subject site is not located in an environmentally sensitive area and must comply with state and local regulations. Therefore, the use of Sections 15301 and 15061(b)(3) are applicable and appropriate.

Name of Public Agency Approving Project: County of Tulare, Resource Management Agency  
Activity / Project Representative: April Hill Area Code/Telephone: 559-624-7108

Signature: [Signature] - Hector Guerra Date: 3/2/18 Title: Chief Environmental Planner

Signature: [Signature] - Reed Schenke Date: 3/2/18 Title: Director, RMA  
Environmental Assessment Officer

Signed by Lead Agency  Signed by Applicant Date Sent to the Clerk of the Board: \_\_\_\_\_

## Statement Regarding

Zone Change No. PZC 17-014 and General Plan Amendment No. GPA 17-032 - Cantu

Categorical Exemption from the California Environmental Quality Act (CEQA)

per Sections 15061 (b)(3), General Rule and 15301 Existing Facility

**Aesthetics – No Impact.** 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 aesthetics of the area. Based on a search for County and Caltrans Scenic highways on September 5, 2017, the project is not located within a scenic corridor and would not impact scenic resources 15300.2 (d). See [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm). The facility is within the Urban Development Boundary of the Community of Ducor and is surrounded by service commercial businesses and residences. The 1.37-acre subject property is currently occupied by truck parking/storage yards for commercial vehicles, with facilities for repairs and overhauling. The business has existed on the site for 34 years, since 1983. One of the parcels is owned by the Ducor Telephone Company, which has stored trucks there since 1927, per the applicant. The property line on the east side of Carlisle is planted with palm trees, which partially screen the truck parking area. The Phone Company property on the west end of the subject site is screened from Dennis Road with a chain link fence with inserted slats. Because the subject site does not abut on the side or rear of a lot in any "R" (Residential) Zone, no solid wall, fence or equivalent landscaping is required. A standard condition of approval requires exterior lighting to be directed away from public roadways and adjacent properties. Therefore, the project would result in No Impact to the Aesthetics resource.

**Agriculture – No Impact.** The project will authorize a Zone Change and General Plan Amendment within the Ducor Urban Development Boundary. The business benefits agriculture, as grape harvest hauling trucks and telephone company trucks are stored on the site. As noted earlier, the 1.37-acre subject property is currently occupied by truck parking/storage yards that have existed for multiple decades. The subject site is inside a community and not on productive agricultural land. The proposal will not interfere with existing agricultural operations in the surrounding area and would be allowed by right with a Zone Change to C-3.

Based on a search of Department of Conservation, Farmland Mapping and Monitoring Program (FMMP) maps on September 5, 2017, the project site is located on Urban and Built-Up Land, occupied by structures. See [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/tul10\\_so.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/tul10_so.pdf). The project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have an impact on the Agricultural resources.

**Air Quality - No Impact.** 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 air quality resources of the area. The applicant does not propose any construction.

The current and proposed use of the 1.37 acres is truck parking and maintenance. As noted earlier, the Ducor Telephone Company has parked trucks on APN -015 since approximately 1927. The applicant has operated a trucking business on the other parcels for the past 30+ years, parking of 40 grape hauling bob-tail trucks, ladder trailers, portable toilets and agricultural equipment during the non-harvest season. During this time, two employees work to prepare the trucks, on Monday through Saturday between 8AM and 4PM. The 40 trucks leave the site when grape harvesting begins in May and are away from the site and parked at ranches or at cold storage facilities until the harvest ends in November when they return. Occasionally trucks are returned to the site for repairs. Estimated maximum daily trips will total four for the two employees plus 40 when the trucks leave for harvesting. The average daily peak hour trips are less than the 100 trips that would require a detailed traffic analysis. Because the project generates less than 1,506 vehicle trips per day, it falls below the Small Project Analysis Level (SPAL) with regard to assessing Air Quality Impacts.

The proposed “Mixed Use” Overlay Zone and land use designation can allow for decreased vehicle miles traveled, because residential uses in the area are mixed with employment opportunities at businesses.

The project is not a source of toxic air contaminants and does not store hazardous materials, per the applicant. The County Environmental Health Services Division (EHSD) requires a Hazardous Materials Business Plan if the site ever handles or stores quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas, or any amount of a hazardous waste. Conditions of approval also include the EHSD recommendation that equipment storage areas be properly managed to prevent nuisance of dust or odors and the County Public Works Branch requirement that all on-site parking areas and driveways be surfaced for all-weather conditions and be continually maintained to prevent dust and mud from creating conditions detrimental to the surrounding roadways.

After reviewing the operations of this project, and all temporary construction and operational activities, there were no emissions that will have a significant effect. The facility is required to comply with applicable San Joaquin Valley Air Pollution Control District (Air District) rules and regulations, including Rule 4102 (Nuisance), including odors; Regulation VIII (Fugitive PM10 Prohibitions) and associated Rules 8021, 8031, 8041, 8051, 8061, and 8071; Rule 4002 (National Emission Standards for Hazardous Air Pollutants), Rule 4103 (Open Burning); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); Rule 4702 (Internal Combustion Engines – Phase 2).

Based on these analyses, the project will result in No Impact to Air Quality.

**Biological Resources – No Impact.** 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. The California Natural Diversity Database (CNDDDB) update of July 30, 2017 shows species of concern that include Hopping’s blister beetle, San Joaquin Adobe sunburst, hoary bat and vernal pool fairy shrimp. However, the site is inside the established community of Ducor and properties in the vicinity have been used for service commercial businesses and residences for decades. The Project will result in No Impact to the Biological resource.

**Cultural Resources – No Impact.** 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 cultural resources of the area. Because the project includes a General Plan Amendment, SB 18 (Chapter 905, Statutes of 2004) requires cities and counties to contact, and consult with California Native American tribes. A Sacred Lands Search was requested on September 5, 2017 and a response was sent September 14, 2017, with a consultation list of California American Native Tribes traditionally and culturally affiliated with the project location. Project Notifications were mailed on October 13, 2017 to that consultation list, with a project description and a map, via certified mail, with return receipt requested and a 90 day comment period, until January 18, 2018. No responses or Consultation Requests were received.

No cultural resources assessment has been conducted for this site. No cultural resources are known to be on or near the site. The property and surroundings have been under commercial and residential use for decades. The site is not near a natural watercourse or on a bluff or hill with rock outcrops, where a California Historical Resource Information System (CHRIS) search would be warranted, or where archaeological or paleontological resources could occur. Therefore, there will be No Impact on the Cultural resources.

**Geology/Soils – No Impact.** 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 geology / soils of the area. Based on a search of the Tulare County Seismic Safety Element in the County General Plan on September 5, 2017, the Project is not located in a seismic hazard zone. No earthquake faults are known near the site. The subject site is level, typical of valley land. The applicant proposes no construction. At any rate, construction will require little or no grading or fill. The on-site soil is Exeter Sandy, non-prime class III, with low shrink-swell

potential and severe septic tank absorption. The requirements of the Uniform Building Code Zone II are adequate for normal facilities on these soils. Therefore, there will be No Impact on the Geology/Soils resource.

**Greenhouse Gas Emissions – No Impact.** The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will introduce green house gas (GHG) emissions. The project complies with AB32, the California Air Resources Board’s (CARB) Scoping Plan, the Tulare Council of Governments Blueprint, and the Countywide General Plan and Climate Action Plan (see Climate Action Plan page 57). The project will not generate temporary, or vehicle miles traveled, or operational emissions in excess of CARB’s thresholds. Since CEQA does not apply to this project, it is not required to reduce its Climate Action Plan Consistency Reduction Target of 6% per the Tulare County Climate Action Plan. Any construction emissions are considered temporary emissions that would not occur after the CARB Scoping Plan 2020 target year. Therefore, project construction or operational emissions would result in No Impact to GHG.

**Hazards & Hazardous Materials – No Impact.** The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will introduce hazards or hazardous material to the area. An online Cortese Act / Envirostor search conducted by County staff on September 5, 2017 indicated that there are no known hazardous or toxic sites in the vicinity of the project. (See <http://www.envirostor.dtsc.ca.gov/public/>.) The applicant stated that no hazardous materials will be stored on the site. If the site ever handles or stores quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas, or any amount of a hazardous waste, the County Environmental Health Services Division requires a Hazardous Materials Business Plan. The County Fire Department requires a fire extinguisher, a Knox Box for Fire Department rapid entry and a posted address. Conditions of approval are included.

No public or private airstrips are located within two miles of the subject site. The subject site has direct access to Ducor Avenue, Carlisle Road and Dennis Road and does not impair the implementation of any adopted emergency response plan or evacuation plan. The site is not located in an area designated by the California Department of Forestry as a “wildland” fire area. Therefore, the project will result in No Impact by Hazard and Hazardous Materials.

**Hydrology & Water Quality – No Impact.** 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 hydrology /water quality of the area. The Ducor Community Services District has provided a will serve letter stating that it will provide water to the site. There are no waterways on or near the site. The project will not impact the quality or quantity of water or waterways above any known threshold for water quality or affect water rights, including impacting water ways of the United States under Section 404, and 401 of the Clean Water Act. A search of the United States Geographic Survey (USGS) quadrant maps on September 5, 2017 shows that there are no areas marked as blue (signifying wetlands) that will be impacted by this project. See County GIS Wetlands Map. Tulare County Public Works/Engineering Branch staff provided correspondence on 6/21/17 indicating that the subject property is within Flood Hazard Zone Zone X, per Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 065066 dated June 16, 2009, Panel No. 1975. Construction of buildings within a Zone X requires no specific flood mitigation measures. Based on the above discussion of the project improvements and requirements and the low-level use of the site, there will be No Impact to Hydrology or Water Quality.

**Land Use & Planning – No Impact.** 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 land uses, zoning, or planning of the area. As noted earlier, the project is a Change of Zone (PZC 17-014) on eight (8) parcels totaling 1.37 acres, from the R-3 (Multiple Family Residential) to C-3-MU (Service Commercial-Mixed Use) and a General Plan Amendment (GPA 17-032) from “High Density Residential” to “Mixed Use.” Because this project site lies within an Urban Development Boundary, there is no requirement to process a Zone Change Initiation

Adjacent properties to the north along Avenue 56 are Zoned C-2-MU (General Commercial-Mixed Use) Zone, with residential and commercial uses. To the west are properties zoned R-2 (Two-Family Residential). To the

south are properties zoned R-3. To the west are abandoned railroad tracks that are zoned M-1 (Light Manufacturing).

The existing R-3 Zone allows by right multiple dwellings, group houses, hotels, and accessory buildings that do not involve a business.

The proposed C-3 Zone is intended for service commercial businesses, such as wholesale establishments and establishments engaged in repairing and servicing equipment, materials and products, but which do not involve the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sales. No residences are allowed. The applicant's business would be allowed by right as either a storage yard for commercial vehicles or a trucking terminal (with repairing and overhauling).

Within the proposed "Mixed Use" Zoning District, all uses outlined in the M-1, C-1, C-2, C-3, R-1, R-2 and R-3 uses are allowed. In addition, uses and activities determined to be compatible by the Planning Commission and the Board of Supervisors with the above mentioned zoning districts are also allowed. With an approved Change of Zone, the proposed project will be consistent with the zoning regulations for the subject site and the Development Standards applicable to the proposed use.

The proposed "Mixed Use" land use designation promotes flexibility in the types of entitlements that can be issued. Economic development can be pursued with a wide variety of development potential. In addition, as noted earlier, mixed use can allow for decreased vehicle miles traveled if residential uses are near employment areas.

The site is located within the Urban Development Boundary of the community of Ducor and is subject to the Ducor Community Plan – 2015 Update, adopted by the Tulare County Board of Supervisors on November 3, 2015 via Resolution No. 2015-0909. The Plan currently designates the area for "High Density Residential". The applicant proposes changing the property's designation to "Mixed Use." The proposed "Mixed Use" land use designation promotes flexibility in the types of entitlements that can be issued. Economic development can be pursued with a wide variety of development potential. In addition, as noted earlier, mixed use can allow for decreased vehicle miles traveled if residential uses are mixed with uses for employment.

The project is consistent with relevant elements of the General Plan – Planning Framework Element Policies PF-1.2 Location of Urban Development, PF-1.3 Land Uses in UDBs/HDBs, PF-1.4 Available Infrastructure, and PF-2.8 Inappropriate Land Use; Land Use Element Policies LU-1.8 Encourage Infill Development, LU-1.10 Roadway Access and LU-4.3 Commercial Service Locations; Economic Development Element Policy ED-2.5 Small Business; Air Quality Element – Policy AQ-1.1 Cooperation with Other Agencies; Health and Safety Element Policies HS-4.1 Hazardous Materials and HS-8.11 Peak Noise Generators; Water Resources Element Policy WR-2.1 Protect Water Quality; Public Facilities & Services Element Policies PFS-2.1 Water Supply, PFS 2.4 Water Connections, PFS-3.3 New Development Requirements [connection to wastewater system], PFS 4.2 Site Improvements and PFS-4.4 Stormwater Retention Facilities.

The property and surroundings have been under commercial and residential use for decades. Therefore, the project will result in No Impact to Land Use and Planning.

**Mineral Resources – No Impact.** 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 mineral resources of the area. Based on a search of the CGS Mineral Zone website and the County General Plan, the area is not delineated as a resource zone; and hence, it is unlikely that there are important mineral reserves in the vicinity. No valuable minerals or mature timber trees are in the vicinity (per the County's Environmental Resources Management Element). Therefore, there will be No Impact to Mineral Resources as a result of the Project.

**Noise – No Impact.** 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 noise levels in the area. The site is located on Ducor Avenue, which does not have a designated noise corridor.

The applicant's 34-year old business generates noise, mainly as trucks leave and return to the site. During the harvest season of May through November, the trucks leave once and are parked at cold storage facilities. Occasionally trucks are returned to the site for repairs. After the harvest ends, trucks are stored on the site. Vehicle maintenance is conducted outside, not in a structure. Trucks may generate 81 to 87 dBA at 50 feet, per the County General Plan Update Recirculated Draft Environmental Impact Report, Table 3.5-5. The California Office of Noise Control considers that the normally acceptable noise exposure for commercial businesses is up to 70 Ldn. However, operating hours are between 6AM and 6PM on Monday through Saturday. Noise generated by the project will have a minimal effect on nearby residences.

The nearest off site residences are 60 feet north, in a C-2-MU Zone and accessed from Avenue 56, a Major Arterial. Others are approximately 100 feet south, and include the applicant's residence.

As the Project does not exceed operational noise standards outlined in the General Plan, there will be No Impact to the Noise resource.

**Population/Housing – No Impact.** 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 population, or housing of the area. As noted earlier, adjacent land uses are mixed use commercial and residential. The project will not displace an existing population or induce population growth. Therefore, there will be No Impact to Population/Housing

**Public Services – No Impact.** 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 public services of the area. The Ducor Community Services District provided a will serve letter for water services. No sewer services are currently anticipated. Based on a review of the project's demands, the project will not significantly impact the capacity of the following services: Police, Fire, Schools, Parks or other Public Facilities. Therefore, there will be No Impact to Public Services.

**Recreation – No Impact.** 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 recreational facilities in the area. This project will not affect the amount of new housing in order to generate the need for new recreational facilities, under the Quimby Act. Therefore, there will be No Impact to Recreation

**Transportation / Traffic - No Impact.** 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 Countywide, or Statewide roadway facilities in the area. The subject site has direct access to Ducor Avenue. The site also has access to Dennis Road and Carlisle Road. All are county-maintained roads, with 60 foot existing and ultimate rights of way. Dennis Road is classified as "Local Urban" and provides access to Avenue 56, which is designated as a "Major Collector." An alleyway runs along the northern lot lines. The Public Works/Engineering branch requires the construction of a drive approach on each proposed and/or existing point of access to Ducor Avenue on the subject site. A condition of approval is included.

As noted earlier, the 40 trucks leave the site when grape harvesting begins in May and are away from the site and parked at ranches or at cold storage facilities until the harvest ends in November, which is when they return to the site. Occasionally trucks are returned to the site for repairs. Estimated maximum daily trips will total four for the two employees, plus 40 when the trucks leave for the harvest season and when they return.

The average daily peak hour trips are less than the 100 trips that would require a detailed traffic analysis, per the County General Plan 2030 Update, Transportation and Circulation Element Policy TC-1.15. Therefore, there will be No Impact to Transportation/Traffic.

**Utilities / Service Systems – No Impact.** 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 infrastructure / facilities in the area. As noted earlier, the Ducor Community Services District provided a will Notice of Exemption for Zone Change No. PZC 17-014 and General Plan Amendment No. GPA 17-032

serve letter for water services. No sewer services are currently anticipated. The applicant provides portable toilets for employee use. The proposed project will not have an impact on Water (Quality or Quantity), Wastewater, Storm Drainage, or Solid Waste. The project will not generate enough demands on the facilities or infrastructure to impact the infrastructure level of service thresholds. This project will not impact the level of service provided by any utility agencies or franchises operating in the area. Therefore, there will be No Impact to Utilities/Service Systems.

**Mandatory Findings of Significance** – The Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important major periods of California history or pre-history. 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 environment, directly or incrementally. This project will not adversely impact the public health and safety resulting in a consequence to the proposed project.

**TRIBAL CONSULTATION REQUESTS AND NOTIFICATIONS**  
 Cantu Project (GPA 17-032 & PZC 17-014)

	SB 18 Official Notice		Cover Letter		Notification Form		Correspondence / Meetings
	Certified Mail Date	Receipt Date	SLF Results	CHRIS Results	Project Description	Map	Date/ Correspondence Type / Topics of Discussion documents to remain confidential pursuant to 36 CFR 296.18 and California Public Records Act 6254(r)
<b>Native American Tribe</b> Kern Valley Indian Council Julie Turner, Secretary P.O. Box 1010 Lake Isabella, CA 93240	10/13/17	n/a	X	n/a	X	X	No response received.
Kern Valley Indian Council Robert Robinson, Chairperson P.O. Box 401 Weldon, CA 93283	10/13/17	n/a	X	n/a	X	X	
Santa Rosa Rancheria Tachi Yokut Tribe Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245	10/13/17	10/17/17	X	n/a	X	X	No response received
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P. O. Box 226 Lake Isabella, CA 93240	10/13/17	n/a	X	n/a	X	X	No response received
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	10/13/17	n/a	X	n/a	X	X	No response received
Tule River Indian Tribe Joey Garfield, Council Member P.O. Box 589 Porterville, CA 93258	10/13/17	10/23/17	X	n/a	X	X	
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258	10/13/17	n/a	X	n/a	X	X	



	SB 18 Official Notice		Cover Letter		Notification Form		Correspondence / Meetings
	Certified Mail Date	Receipt Date	SLF Results	CHRIS Results	Project Description	Map	
<b>Native American Tribe</b> Tule River Indian Tribe Tribal Archeology Department Felix Chrisman, Tribal Archeologist P.O. Box 589 Porterville, CA 93258	10/13/17	n/a	X	n/a	X	X	documents to remain confidential pursuant to 35 CFR 296.18 and California Public Records Act 6254(r)  No response received
Wuksachi Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906	10/13/17	n/a	X	n/a	X	X	No response received.

## NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
(916) 373-3710  
(916) 373-5471 - Fax



September 14, 2017

Jessica Willis  
County of Tulare

Sent Via Email: [jwillis@co.tulare.ca.us](mailto:jwillis@co.tulare.ca.us)

RE: General Plan Amendment 17-032, Ducor, Tulare County

Dear Ms. Willis:

Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, and/or mitigating impacts to cultural places in creating or amending general plans, including specific plans. Attached is a consultation list of tribes traditionally and culturally affiliated with the location referenced above.

As a part of consultation, the NAHC recommends that local governments conduct record searches through the NAHC and the appropriate archaeological Information Center of the California Historic Resources Information System (CHRIS) ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) to determine if any tribal cultural resources are located within the area(s) affected by the proposed action. A record search of the NAHC Sacred Lands File was completed for the area of potential project effect (APE) referenced above with negative results. **Please note that the absence of specific site information in the Sacred Lands File does not indicate the absence of tribal cultural resources in any APE.** Records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of tribal cultural resources. A tribe may be the only source of information regarding the existence of tribal cultural resources within any APE.

The list should provide a starting place to locate areas of potential adverse impact within the APE. I suggest you contact all of those listed, if they cannot supply information, they might recommend others with specific knowledge. **By contacting all those on the list, your organization will be better able to respond to claims of failure to consult.** If a response has not been received within two weeks of notification, the NAHC requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes on the attached list, please notify me. With your assistance we are able to assure that our consultation list contains current information. If you have any questions, please contact me at my email address: [sharaya.souza@nahc.ca.gov](mailto:sharaya.souza@nahc.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Sharaya Souza".

Sharaya Souza  
Staff Services Analyst

Native American Heritage Commission  
Native American Contacts  
9/13/2017

Kern Valley Indian Community  
Julie Turner, Secretary  
P.O. Box 1010  
Lake Isabella , CA 93240  
Kawaiisu  
Tubatulabal  
(661) 340-0032 Cell

Wuksache Indian Tribe/Eshom Valley Band  
Kenneth Woodrow, Chairperson  
1179 Rock Haven Ct.  
Salinas , CA 93906  
kwood8934@aol.com  
Foothill Yokuts  
Mono  
Wuksache  
(831) 443-9702

Kern Valley Indian Community  
Robert Robinson, Chairperson  
P.O. Box 1010  
Lake Isabella , CA 93283  
brobinson@iwvisp.com  
Tubatulabal  
Kawaiisu  
(760) 378-2915 Home  
(760) 378-2915 Cell

Santa Rosa Indian Community of the Santa Rosa Rancheria  
Rueben Barrios Sr., Chairperson  
P.O. Box 8  
Lemoore , CA 93245  
(559) 924-1278  
Tache  
Tachi  
Yokut  
(559) 924-3583 Fax

Tubatulabals of Kern Valley  
Robert L. Gomez, Jr., Tribal Chairperson  
P.O. Box 226  
Lake Isabella , CA 93240  
(760) 379-4590  
Tubatulabal  
(760) 379-4592 Fax

Tule River Indian Tribe  
Neil Peyron, Chairperson  
P.O. Box 589  
Porterville , CA 93258  
chairman@tulerivertribe-nsn.gov  
(559) 781-4271  
Yokuts  
(559) 781-4610 Fax

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessments for the proposed General Plan Amendment 17-032, Ducor, Tulare County,

**ATTACHMENT NO. 5**  
**ZONE CHANGE NO. PZC 17-014**  
**CONSULTING AGENCY LIST**

**TULARE COUNTY AGENCIES**

- R.M.A. - Building Division
- R.M.A. - Code Compliance Division
- R.M.A. - Environmental Coordinator
- R.M.A. - Community Dev./Redevelopment Division
- R.M.A. - Flood/Permits/Subdivisions Division
- R.M.A. - Parks and Recreation Division
- R.M.A. - Building Services Division
- R.M.A. - General Services Division
- R.M.A. - Transportation/Utilities Division
- R.M.A. - Solid Waste Division
- H.H.S.A. - Environmental Health Services Division
- H.H.S.A. - HazMat Division
- Fire Chief (2 copies)
- Sheriff's Department - Visalia Headquarters
  - Traver Substation
  - Orosi Substation
  - Pixley Substation
  - Porterville Substation
- Agricultural Commissioner
- Education Department
- Airport Land Use Commission
- Supervisor District
- Assessor
- Supervising Agricultural Standards Inspector - Gas Stations

**LOCAL AGENCIES**

- Levee Dist. No 1\*
- Levee Dist. No 2\*
- \_\_\_\_\_ Irrigation Dist\*
- \_\_\_\_\_ Pub Utility Dist\*
- Ducor Comm. Service Dist\*
- \_\_\_\_\_ Town Council\*
- \_\_\_\_\_ Elem. School Dist\*
- \_\_\_\_\_ High School Dist\*
- City of \_\_\_\_\_ \*
- County of \_\_\_\_\_ \*
- Tulare Lake Basin Water Storage Dist\*
- \_\_\_\_\_ Advisory Council\*
- \_\_\_\_\_ Fire District\*
- \_\_\_\_\_ Mosquito Abatement\*
- Kaweah Delta Water Cons. District\*
- SJV Air Pollution Control Dist
- Ducor Telephone Co. 23473 Avenue 56. Ducor 93218 \*

**FEDERAL AGENCIES**

- Army Corps of Engineers
- Fish & Wildlife
- Bureau of Land Management
- Natural Resources Conservation Dist.
- Forest Service
- National Park Service

**STATE AGENCIES**

- Dept. of Fish & Wildlife Dist 4
- \_\_\_\_\_, DFG Area Biologist
- Alcoholic Beverage Control
- Housing & Community Development
- Reclamation Board
- Regional Water Quality Control Board - Dist. 5
- Caltrans Dist. 6\*
- Dept. of Water Resources\*
- Water Resources Control Board\*
- Public Utilities Commission
- Dept. of Conservation
- State Clearinghouse (15 copies)
- Office of Historic Preservation
- Dept. of Food & Agriculture
- State Department of Health
- State Lands Commission
- State Treasury Dept. - Office of Permits Assist.

**OTHER AGENCIES**

- U.C. Cooperative Extension
- Audubon Society - Condor Research
- Native American Heritage Commission
- District Archaeologist (Bakersfield)
- TCAG (Tulare Co. Assoc. of Govts)
- LAFCo (Local Agency Formation Comm.)
- Pacific Bell (2 copies)
- GTE (General Telephone) (2 copies)
- P.G. & E. (2 copies)
- Edison International (2 copies)
- The Gas Company (2 copies)
- Tulare County Farm Bureau
- Archaeological Conservancy (Sacramento)

( (DUCOR ( (

Community Services District

August 17, 2017

To whom it may concern:

This is a will serve letter approved by the Ducor Community Services District board of directors at the August 15, 2017 meeting.

Applicant is Jose R. Cantu, P.O.Box 71, Ducor, Ca, 93218, Ph 559-534-2364.

Situs address of will serve: 23514 Ducor Ave., Ducor, CA 93218

Assessors parcel #: 321-183-010 thru 017

Request for water only

No construction, Zoning permit only

No structures planned

This letter confirms that the district will allow a water system hook up.

Signed Cecilia Parsons

Cecilia Parsons, Secretary DCSD

# RESOURCE MANAGEMENT AGENCY



## INTEROFFICE MEMORANDUM

---

August 30, 2017

**TO:** April Hill, Project Planner

**FROM:** Craig Anderson, Engineer III *CA*

**SUBJECT:** Case No. PZC 17-014

APPLICANT: Jose Cantu

APN: 321-183-008, 010, 015, 017

The subject Case No. PZC 17-014 has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

The subject site is located within the Ducor Urban Improvement Area or Urban Development Boundary whichever is applicable.

The subject site is not located within the boundaries of any Specific Plan.

**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. 1975. The subject site is located within Zone X.

Construction within Zone X requires no specific flood mitigation measures.

**Right-of-way Information:**

The proposed parcels lies on the north side of Ducor Avenue; on the west side of Dennis Road; and on the east side of Carlisle Road. The existing right of way on all roads are 60 feet. Ultimate right of way on all roads are 60 feet.

**Road Information:**

According to the county's maintained mileage maps, said roads are county maintained roads.

The following conditions are recommended for the subject case. These conditions are required to be completed before the issuance of the use permit, unless specified otherwise in the wording of the condition.

1. A drive approach shall be constructed at each proposed and / or existing point of access to Ducor Avenue on the subject site. The drive approach shall have a maximum width of 35 feet at the right of way line and shall be constructed in accordance with the Tulare County Improvement Standards. A wider drive approach may be constructed if geometric calculations justifying the wider drive approach are submitted to and approved by the Tulare County RMA – Engineering Branch.
2. All onsite parking areas and driveways shall be surfaced for all-weather conditions and be continually maintained so that dust and mud do not create conditions detrimental to the surrounding roadways.
3. The applicant or the applicant's contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right of way of a County maintained road. The applicant may contract the Resource Management Agency – Encroachment Permit Section at 624-7000 for information on the requirements for encroachment permits in order to avoid unexpected delays. Improvements that typically require encroachment permits are drive approaches, curb and gutter, sidewalk, paveout and utilities.
4. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a county road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities as no relocation costs will be borne by the County. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a county road.

CA



TULARE COUNTY  
HEALTH & HUMAN SERVICES AGENCY

Jason T. Britt, M.S.  
Agency Director

Public Health Branch

September 13, 2017

APRIL HILL  
RESOURCE MANAGEMENT AGENCY  
5961 S MOONEY BLVD  
VISALIA CA 93277

Re: PZC 17-014 - Cantu

Dear Ms. Hill:

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

1. If the site ever handles or stores quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas, or any amount of a hazardous waste, then the site will be required to submit a Hazardous Materials Business Plan to the Tulare County Environmental Health Services Division (TCEHSD). The facility shall immediately contact TCEHSD at (559) 624-7400 if the site ever meets these threshold quantities.
2. Equipment storage areas shall be properly managed to prevent nuisance of dust, odors, vector harborage and breeding.
3. Waste from the on-site portable toilets must be pumped out and transported for disposal by a company with a valid and current permit with TCEHSD.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Martin".

Ted Martin  
Environmental Health Specialist  
Environmental Health Services Division



**From:** "Deel, David@DOT" <david.deel@dot.ca.gov>  
**To:** "April Hill (Tulare County Planning)" <AHill@co.tulare.ca.us>  
**CC:** "Navarro, Michael@DOT" <michael.navarro@dot.ca.gov>  
**Date:** 09/06/2017 4:49 PM  
**Subject:** PZC 17-014 Cantu Truck Terminal

April –

Caltrans has a "NO COMMENT" to rezone the parcel from residential to commercial to correct a code violation and to allow an existing 2 employee trucking terminal for repairs and storage of ag equipment.

Thank you for your assistance in this matter.  
If you have further questions, please contact me.

DAVID DEEL | Associate Transportation Planner  
 Desk: 559.488.7396  
 Office of Planning & Local Assistance – North Section  
 IGR & Transit Representative – Tulare County  
 Training Coordinator – Planning Unit

CALTRANS – District 6  
 1352 W. Olive Avenue (P.O. Box 12616)  
 Fresno, CA 93778-2616

[cid:image001.png@01D32730.1C211540]  
 ☐ ☐ →☐ ☐ ☐ ☐ ☐ ♥☐ ☐ ☐ ☐ [cid:image002.jpg@01D32730.1C211540]☐  
 \*[cid:image003.png@01D32730.1C211540]☐  
 Caltrans Mission: Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability.  
 Caltrans Vision: A performance-driven, transparent, and accountable organization that values its people, resources and partners, and meets new challenges through leadership, innovation, and teamwork.

**From:** Jimmy Herrera  
**To:** April Hill  
**CC:** Samantha Meza  
**Date:** 06/19/2017 10:11 AM  
**Subject:** PRC 17-041 Jose Cantu  
**Attachments:** Fire Extinguisher Classification checklist.doc; LRA - Site Plan Require. (revised).doc; Knox Box Information Sheet.doc

April,

In regards to PRC 17-041 (Jose Cantu), the Tulare County Fire Department has the following recommendations:

- 1) Provide 20A:120B:C 30 lb fire extinguisher within 25 feet of vehicle fueling tanks.
- 2) Install a Knox box with keys to all locked gates and doors for fire department rapid entry.
- 3) Provide an address with a minimum 4 inch numbers clearly visible from the street.

I have attached handouts for your review. Please let me know if you have any questions.

Jimmy Herrera, Fire Inspector  
Tulare County Fire Department  
5961 S. Mooney Blvd  
Visalia, CA 93277  
559.624.7058 Office  
559.285.2115 Cell



CHARLIE NORMA  
CHIEF

# TULARE COUNTY FIRE DEPARTMENT

907 West Visalia Road, Farmersville, CA 93223 - Phone (559) 747-8233 - Fax (559) 747-8242

## Local Responsibility Area (LRA)

### SITE PLAN REQUIREMENTS:

1. A 30-ft. clearance must be provided from all flammable vegetation. Vegetation must be disposed of prior to the start of construction. Disposal may be accomplished by chipping, discing and removal to a County waste disposal facility.

### Private Road Standards:

1. A private road shall have a minimum 18 foot wide all weather surface traffic lane. Private roads that can not meet this standard shall meet the turnout requirements set forth for a driveway. Private roads shall be constructed with an all weather surface capable of supporting a minimum load of 40,000 pounds. Private Roads should not exceed a 16% grade. Private roads that exceed 16% grade shall be in accordance with the Tulare County Road Improvement Standards which require 2 inches of asphalt / concrete over 4 inches of aggregate base material.

### Driveway Standards:

1. Driveways are limited to 16% grade with an all weather surface that can sustain a load tolerance of 40,000 lbs. Driveways that are 18 ft. or wider with all weather access do not have to provide turnouts.

A. A minimum of a 12 ft. wide all weather surface for residential driveway shall be provided and A minimum of a 20 ft. wide all weather surface for commercial driveway shall be provided. A minimum of 15 ft. vertical clearance shall be provided the length of both a driveway and a private road.

### Turnouts:

- 1) Driveways exceeding 150 ft., but less than 800 ft., shall provide a turnout midpoint.
- 2) Driveways in excess of 800 ft. shall provide an approved turnout every 400 ft.
- 3) Turnouts shall be a minimum of 10 ft. wide and 30 ft. long with a minimum of 25 ft. taper on each end.
- 4) A bulb turnaround (40 ft. unobstructed turn radius) or hammerhead "T" shall be provided at all building sites. Driveways in excess of 300 ft. shall provide a turnaround within 50 ft. of the proposed structure.

(Rev 01-12)

### **Gate Entrances:**

1. Driveway gates shall be 2 feet wider than the access lane and be set back a minimum of 30 ft. to allow a fire engine to stop and open the gate without blocking the street. The gate swing direction must be taken into account. A Knox padlock or gate override shall be required at all gates.

### **Premises identification:**

1. House numbers / structure numbers shall be provided. The numbers shall be a minimum of 4 inches high with a ½ inch line width. The numbers shall be placed so that they are clearly visible from an adjacent public roadway and shall be of a reflective color that contrasts sharply with the background. If the structure is located more than 100 ft. from a public roadway, the numbers shall be placed upon a non-combustible sign and posted at the intersection of the driveway and the public road.

### **Fire Protection:**

Install an automatic fire sprinkler system within each dwelling unit as per standards set forth in NFPA 13D. Three (3) copies of said sprinkler plans shall be submitted to the Fire Department for review and approval prior to construction. The contractor for the system must be appropriately licensed.

The applicant **shall** select one of the following as a means of providing fire flow protection:

1. Install a pressurized fire hydrant (system) in compliance with NFPA 24 Standards. Copies of improvement plans shall be submitted to the Fire Department and the Public Works Department (3 copies each) for review prior to construction..
2. Install a fire suppression water storage tank meeting NFPA 1142 & NFPA 22 requirements. The locations shall be designated by the Fire Department. The tank shall be equipped with a valved 4-1/2" (National Hose Thread) connection (Also see Tank Standard). Plans for said system shall be reviewed and approved by the Fire Department prior to the start of any construction.

Note: An alternate means of protection may be required or submitted to the Fire Marshal to offset other conditions that cannot be met.

(Rev 01-12)



## Tulare County Fire Department Fire Extinguisher Classification Checklist

Occupancy Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_ Inspector: \_\_\_\_\_

### Fire Extinguisher Classification Requirements

- 2-A: 10B:C-10lb: (Light "Low" Hazard)- Offices, classrooms, churches assembly halls, guest room areas of hotels/motels, etc. Y:  N:  N/A:
- 3-A: 40B:C-10lb: (Ordinary "Moderate" Hazard)- Dining areas, mercantile shops, and allied storage, light manufacturing, research operations, auto showrooms, parking garages, workshops or support service areas of light "low" hazards. Y:  N:  N/A:
- 4-A: 60B:C-10lb: (Extra "High" Hazard)- Woodworking, vehicle repair, aircraft and boat servicing, cooking areas, individual product display showrooms, product convention center displays, and storage and manufacturing processes such as painting, dipping, coating, including flammable liquid handling. Y:  N:  N/A:
- 20-A: 120B:C-30lb (Oil, Grease, and used Oil Storage Cages)- Car dealerships, Garages Y:  N:  N/A:
- Class "K" Fire Extinguishers Installed: Restaurants, Commercial Kitchens Y:  N:  N/A:



Charlie Norman  
FIRE CHIEF

# TULARE COUNTY FIRE DEPARTMENT

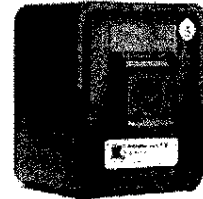
907 West Visalia Road, Farmersville, CA 93223 - Phone (559) 622-7600 - Fax (559) 747-8242

## RAPID KEY ENTRY SYSTEMS (KNOX BOX)

The KNOX rapid entry system is a secure emergency access program developed for property owners and fire departments to allow immediate access without forced entry, damage or delay.

### KNOX BOX

Property owner's store entrance keys and cards used exclusively by the fire department during emergencies. When a fire breaks out or there is a medical emergency, the KNOX BOX allows immediate entry into a building and/or property by the fire department without forced entry which can cause damage and delay assistance.



*2016 California Fire Code Section 506.1 Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.*

### ORDERING PROCEDURES:

1. Fill out the KNOX BOX Authorization Order Form.
  - KNOX BOX Authorization Order Forms can be found at the Tulare County Fire Department Fire Administration Building at 907 W. Visalia Rd., Farmersville CA 93223. Please allow adequate time for shipping and installation.
2. Mail the KNOX BOX Authorization Order Form or use the online ordering process, with the appropriate payment. (Note: The Tulare County Fire Department does NOT process paperwork or receive shipments).

### INSTALLATION SPECIFICATIONS:

1. The KNOX BOX shall be installed no lower than 5' feet and no higher than 6' feet above finished grade, adjacent to the main building entrance that fronts the public street access unless designated at a different location by the Tulare County Fire Department.
  - It must be installed in plain view, as you approach the building, in a location not likely to be hidden with landscape growth or other obstructions.
2. Follow the manufacturer's installation instructions.

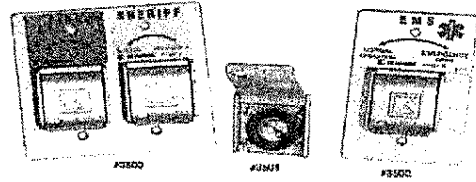
### INSTALLING KEYS AND BOX COVER:

1. Have key(s) made that will provide access to the interior of the building, and the interior secured areas and any specific keys requested by the Tulare County Fire Department. (Note: Multi-tenant buildings should provide access keys for each tenant space as above. A Master Key for all tenant spaces are preferred).
2. All keys must be labeled using a substantial key identification tag that will withstand exposure to moisture.
3. Test all Keys in lock mechanisms before contacting the Tulare County Fire Department (559) 747-8233 to install the box cover.
4. Contact the Tulare County Fire Department for an appointment to install the keys and box cover.

### KNOX KEY SWITCH:

The key switch is primarily utilized for secured premises where gates or key pad security entrances have been installed.

**2013 California Fire Code Section 506.1.1** An approved lock shall be installed on gates or similar barriers when required by the fire code official.



**ORDERING PROCEDURES:**

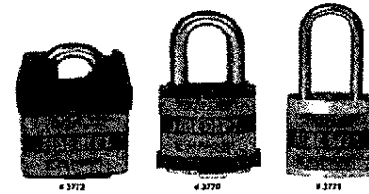
1. Fill out the KNOX BOX Authorization Order Form.
  - KNOX BOX Authorization Order Forms can be found at the Tulare County Fire Department Fire Administration Building at 907 W. Visalia Rd., Farmersville CA 93223. Please allow adequate time for shipping and installation.
2. Mail the KNOX BOX Authorization Order Form or use the online ordering process, with the appropriate payment. (Note: The Tulare County Fire Department does **NOT** process paperwork or receive shipments).

**INSTALLATION SPECIFICATIONS:**

1. Once the Knox Key switch arrives, it will need to be installed by the owner or owner's representative on the gate/key pad post or where otherwise specified by the Tulare County Fire Department. (Note: Follow the manufacturer's installation instructions).
2. Once the installation has been completed, contact the Tulare County Fire Department (559) 747-8233 to test and verify the operations of the key switch.

**KNOX PADLOCKS:**

The KNOX Padlock is primarily utilized where gates have been installed restricting access to fire department access roads or fire lanes.



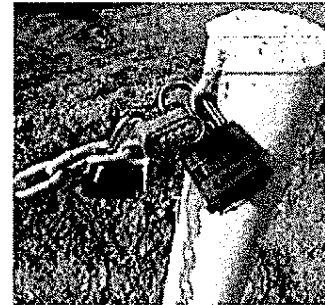
**2013 California Fire Code Section 506.1.1** An approved lock shall be installed on gates or similar barriers when required by the fire code official.

**ORDERING PROCEDURES:**

1. Fill out the KNOX BOX Authorization Order Form.
  - KNOX BOX Authorization Order Forms can be found at the Tulare County Fire Department Fire Administration Building at 907 W. Visalia Rd., Farmersville CA 93223. Please allow adequate time for shipping and installation.
2. Mail the KNOX BOX Authorization Order Form or use the online ordering process, with the appropriate payment. (Note: The Tulare County Fire Department does **NOT** process paperwork or receive shipments).

**INSTALLATION SPECIFICATIONS:**

1. Once the KNOX Padlock arrives, contact the Tulare County Fire Department (559) 747-8233 to secure the padlock to the gate.



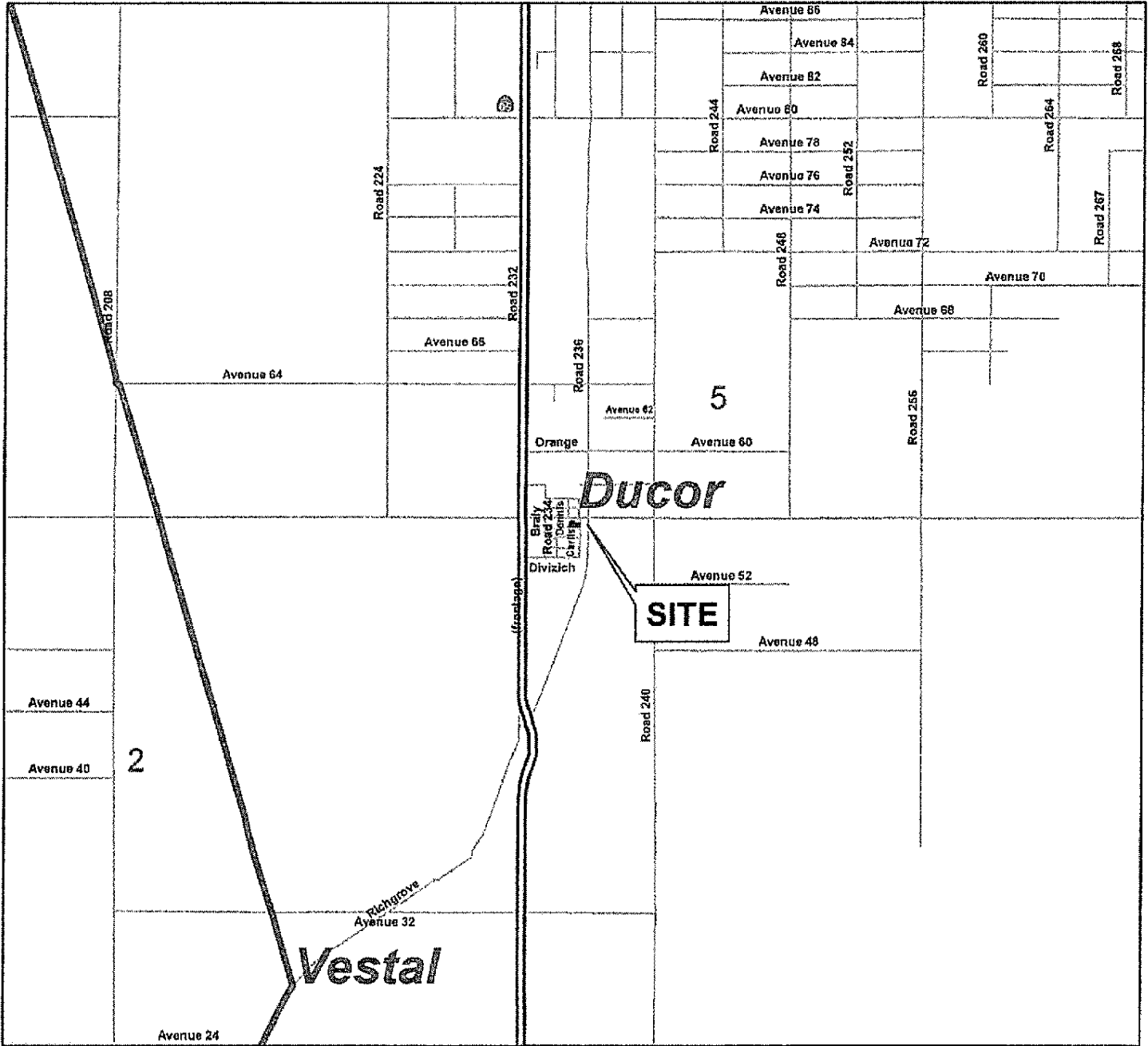
**If you have any questions, please contact the Tulare County Fire Department at (559) 747-8233.**



# ATTACHMENT NO. 6 Vicinity Map



## for PZC 17-014 and GPA 17-032



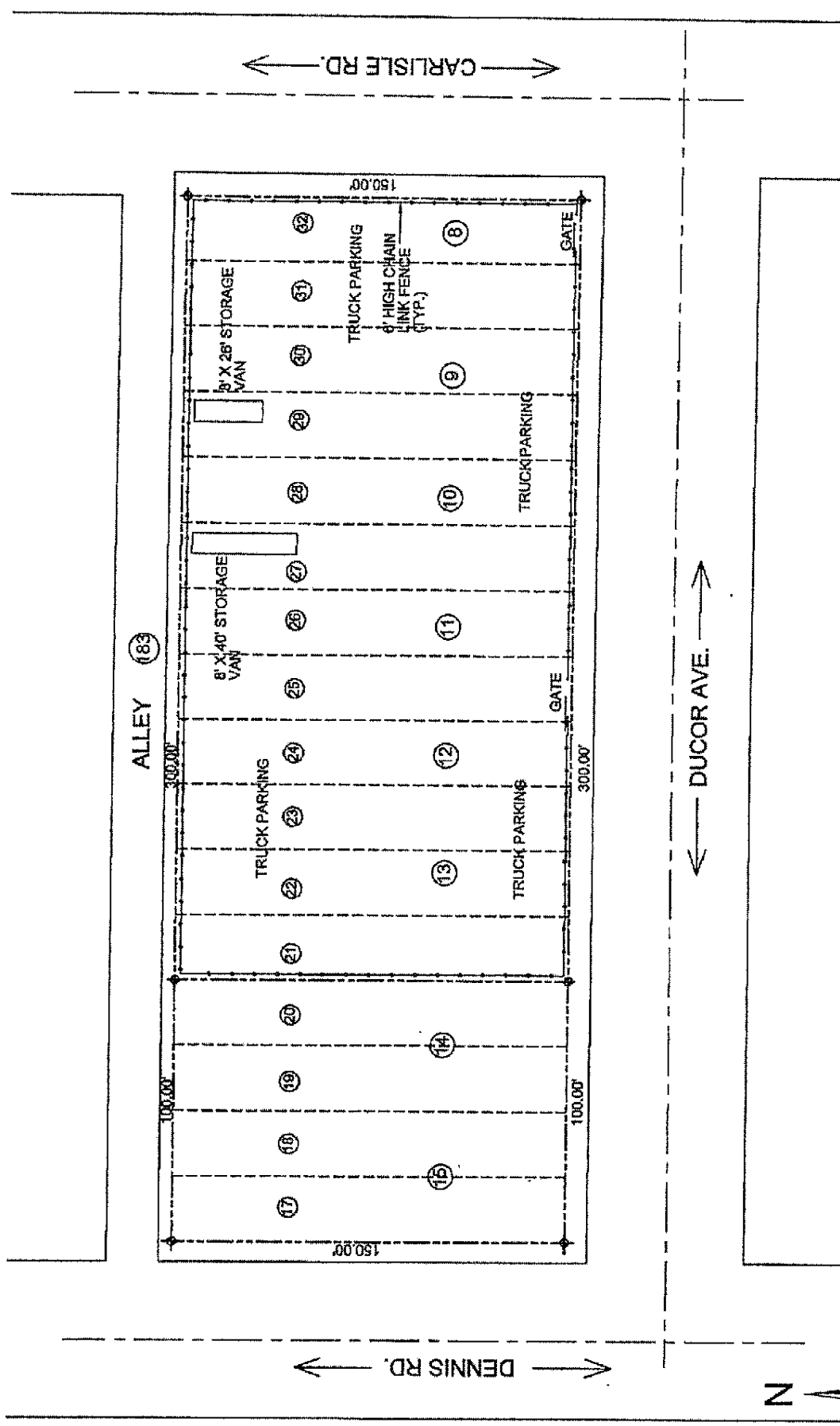
Supervisorial District: 5



-  SITE
-  Supervisorial Districts







**Site Plan  
Illustration**

**PZC 17-014 and GPA 17-032**

**No Scale**

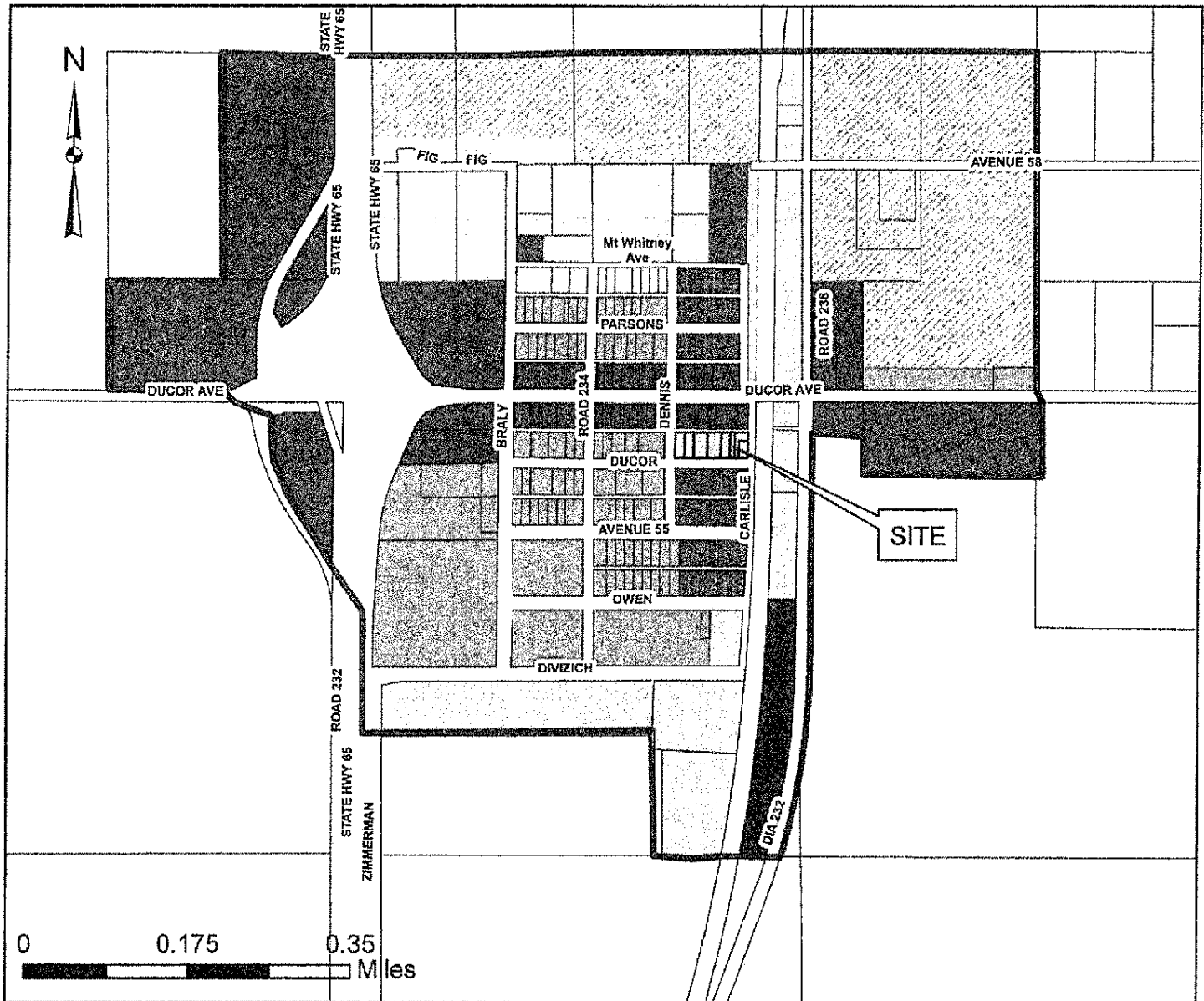


# County of Tulare

## Existing General Plan Map

### for

## PZC 17-014 and GPA 17-032



**Proposed Amendment, GPA 17-032.**  
**GPA 15-008 Ducor General Plan Map Board of Supervisors,**  
**Resolution No. 2015-0909, adopted November 3, 2015.**

- |                                  |                            |                           |
|----------------------------------|----------------------------|---------------------------|
| SITE                             | Medium Density Residential | Light Industrial          |
| Ducor Urban Development Boundary | High Density Residential   | Heavy Industrial          |
| <b>Ducor Land Use</b>            | General Commercial         | Public/Quasi Public       |
| Low Medium Density Residential   | Service Commercial         | Urban Reserve-Residential |
|                                  |                            | Mixed Use                 |

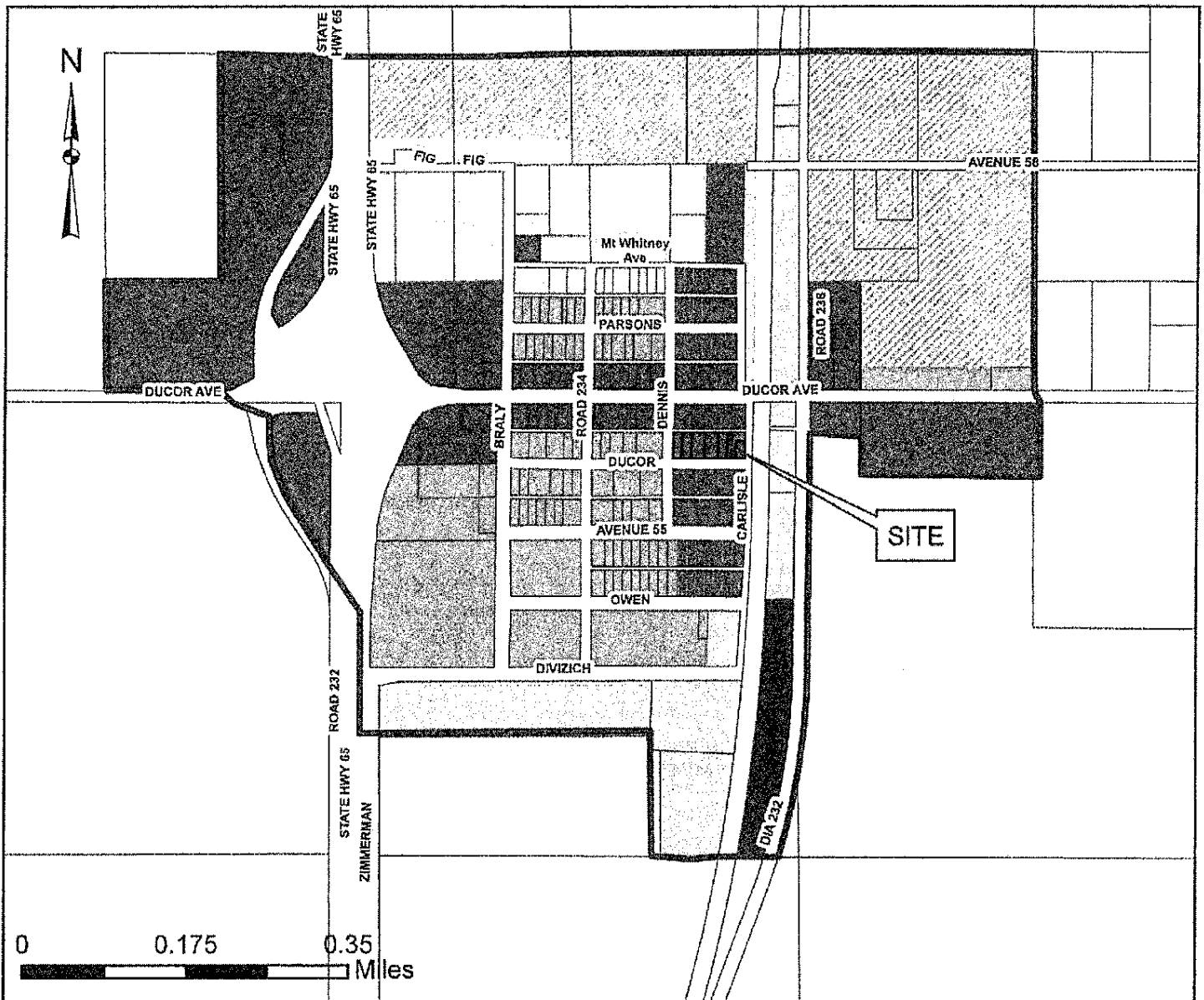


# County of Tulare

## Proposed General Plan Map

### for

## PZC 17-014 and GPA 17-032

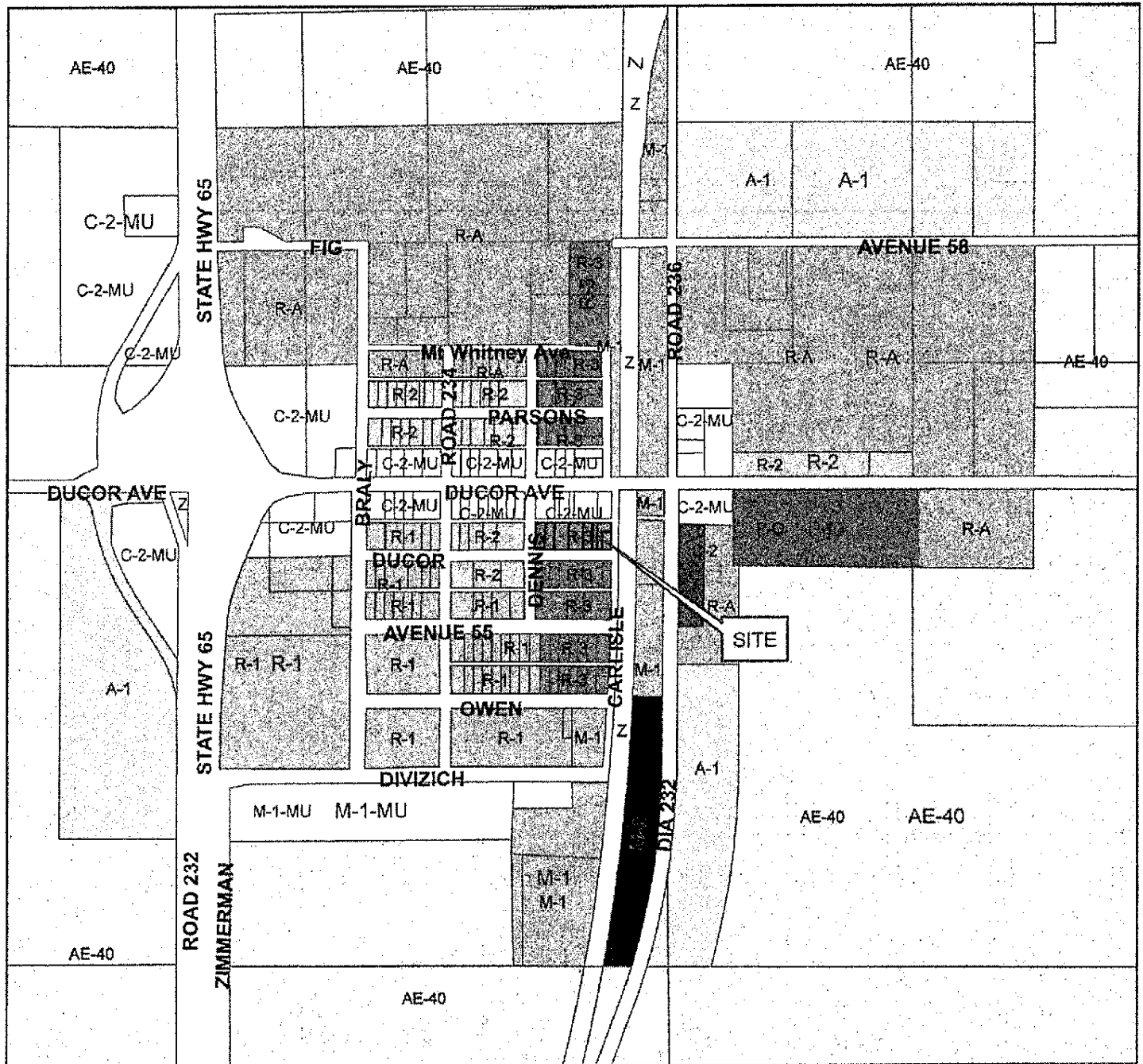


**Proposed Amendment, GPA 17-032.**  
**GPA 15-008 Ducor General Plan Map Board of Supervisors,**  
**Resolution No. 2015-0909, adopted November 3, 2015.**

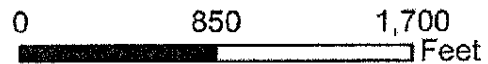
SITE	Medium Density Residential	Light Industrial
Ducor Urban Development Boundary	High Density Residential	Heavy Industrial
<b>Ducor Land Use</b>	General Commercial	Public/Quasi Public
Low Medium Density Residential	Service Commercial	Urban Reserve-Residential
		Mixed Use



# Existing Zoning Map for PZC 17-014



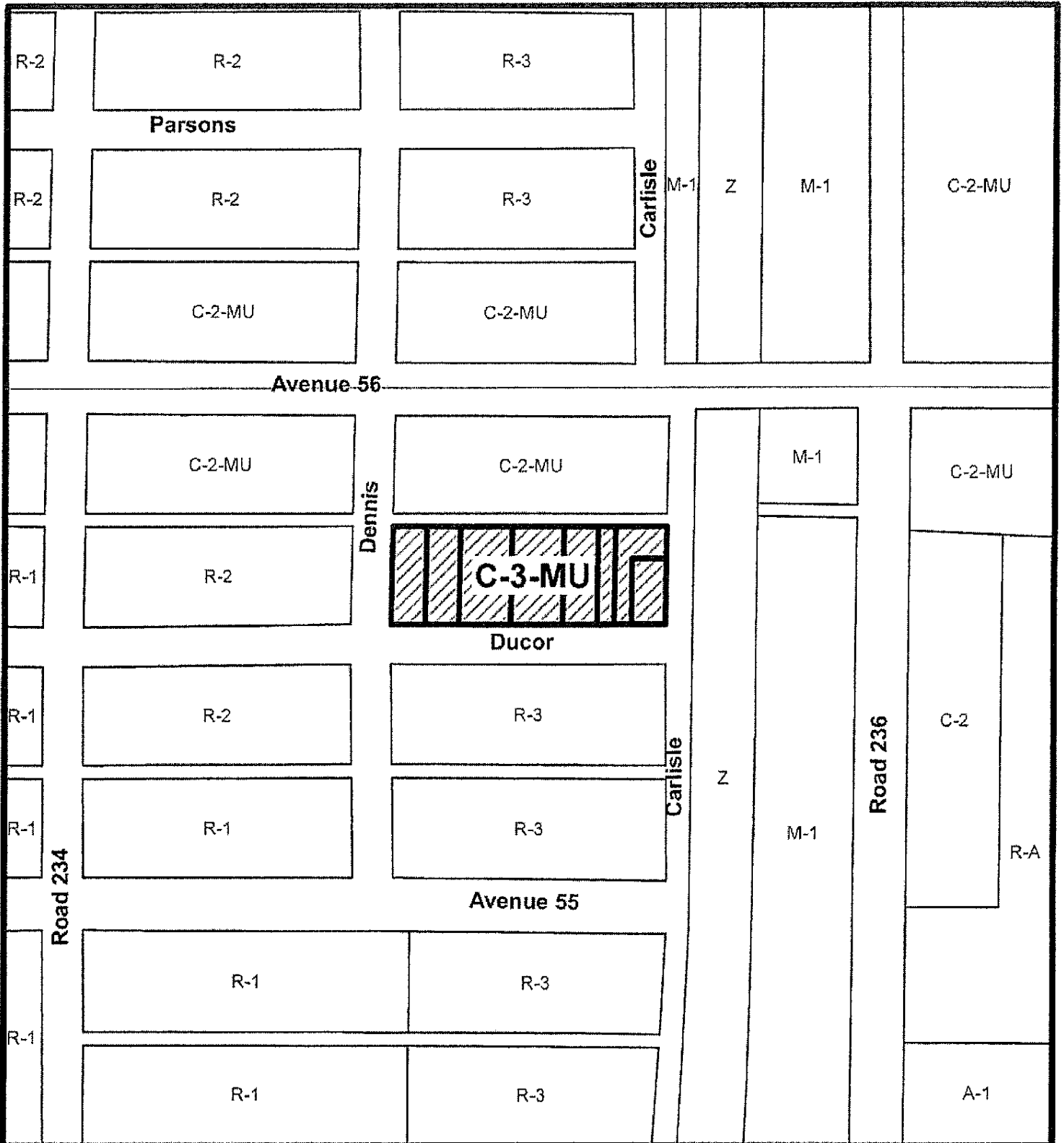
Owner: Jose R. Cantu  
 Address: P.O. Box 71  
 City, State, ZIP: Ducor, CA 93218  
 Applicant: Jose R. Cantu  
 Agent: none  
 Supervisorial District: 5  
 Assessors Parcel: 321-183-008, 010 through 015 & 017



	SITE		M-1		R-2
	A-1		M-2		R-3
	AE-40		P-O		R-A
	C-2		R-1		Z



## Proposed Zoning for PZ 17-014



APN: 321-183-008, 010 through 015 & 017,  
 APROX. 1.37 AC.  
 Zone Change from R-3 to C-3-MU  
 (PZC 17 - 014)



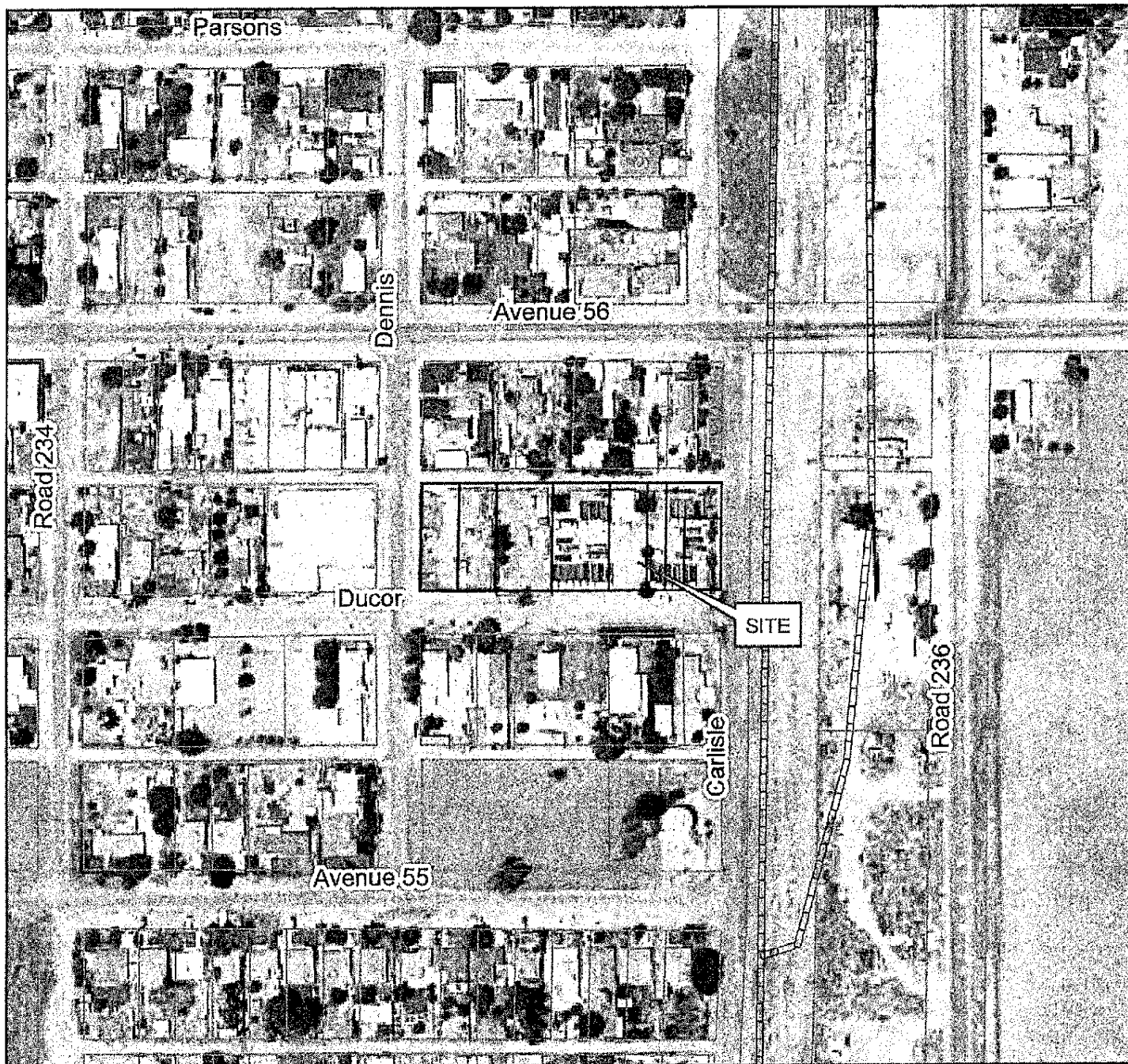
ORDINANCE NO. \_\_\_\_\_  
 AMENDING A PORTION OF  
 SEC. 34, T 23 S, R 27 E, M.D.B. & M.  
 OF

**OFFICIAL ZONING MAP  
 COUNTY OF TULARE, CA.**

TULARE COUNTY BOARD OF SUPERVISORS  
 ADOPTED: \_\_\_\_/\_\_\_\_/\_\_\_\_



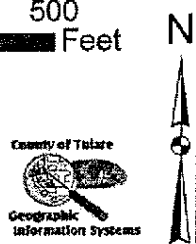
# Aerial Photograph for PZC 17-014 and GPA 17-032



Owner: Jose R. Cantu  
 Address: P.O. Box 71  
 City, State, ZIP: Ducor, CA 93218  
 Applicant: Jose R. Cantu  
 Agent: none  
 Supervisorial District: 5  
 Assessors Parcel: 321-183-008, 010 trough 015 & 017

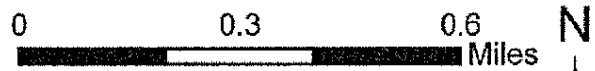
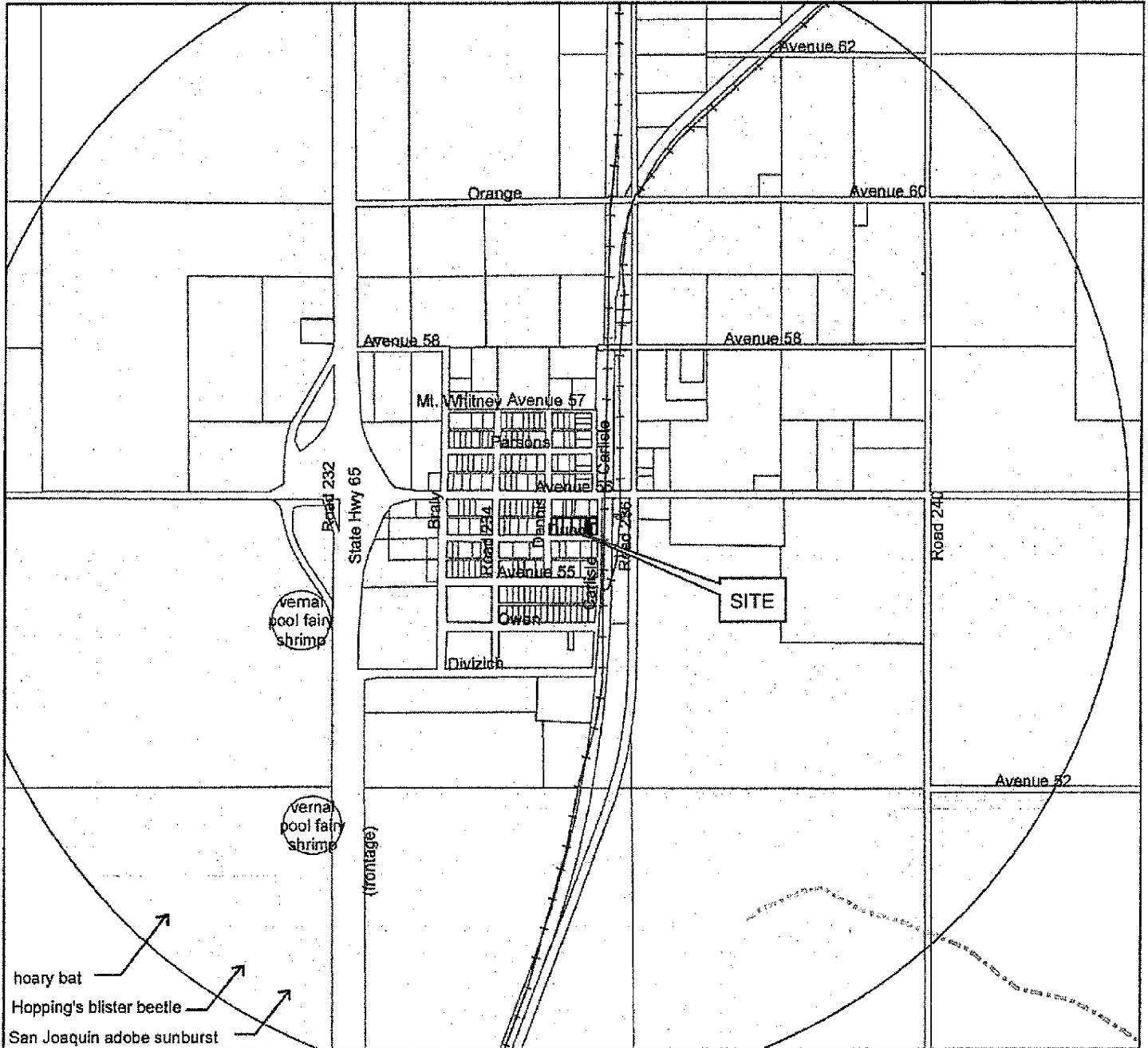


SITE





# Species of Concern for PZC 17-014 and GPA 17-032



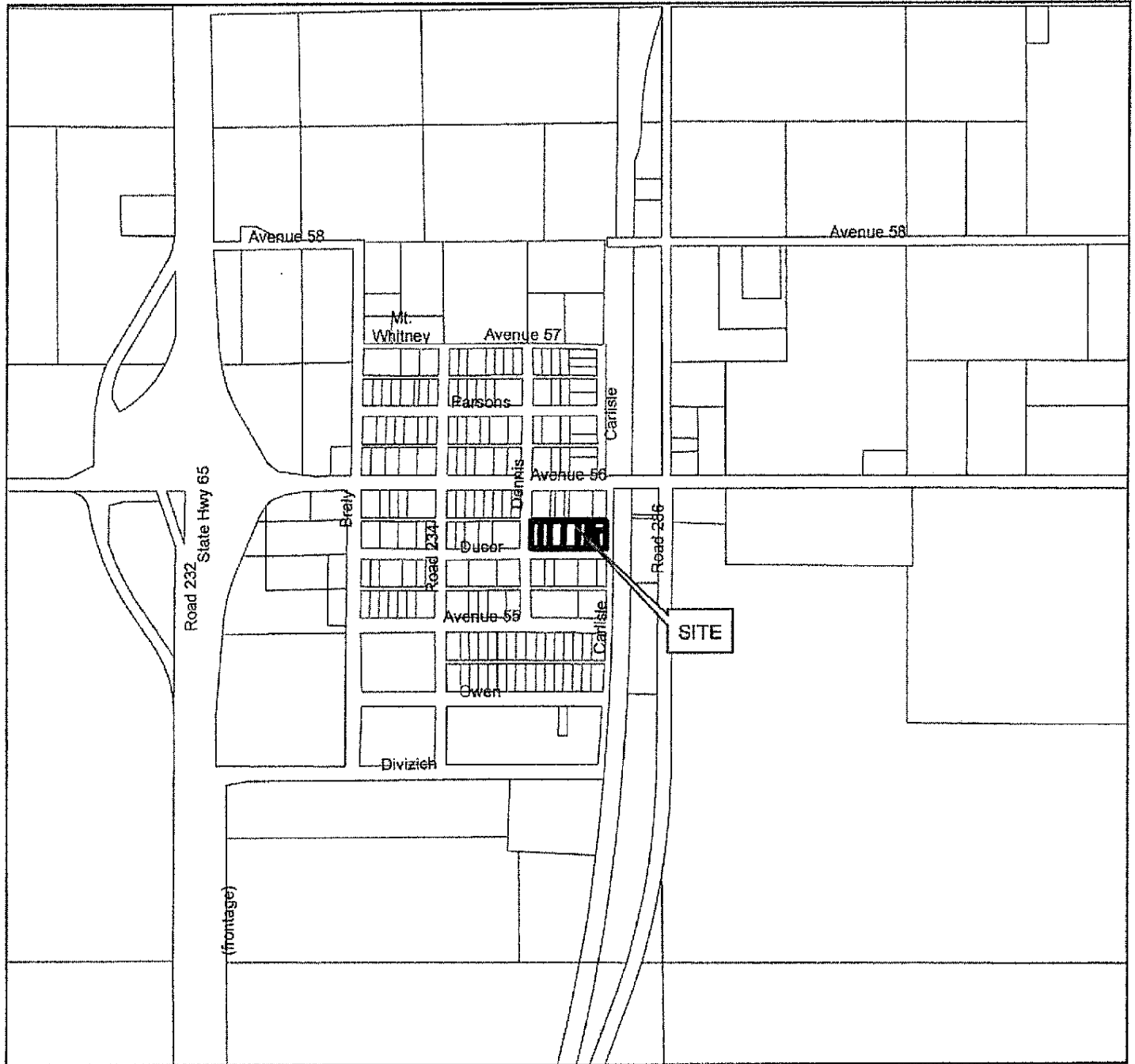
CNDDDB (data file last updated on 7/30/2017)

- |  |             |  |                                   |  |                          |
|--|-------------|--|-----------------------------------|--|--------------------------|
|  | <b>SITE</b> |  | <b>Species of Concern (CNDDB)</b> |  | hoary bat                |
|  |             |  | Hopping's blister beetle          |  | vernal pool fairy shrimp |
|  |             |  | San Joaquin adobe sunburst        |  |                          |





# Waterways Map for PZC 17-014 and GPA 17-032



 SITE  
 Waterways  
1/8" = 100 feet

0 2,000  
 \_\_\_\_\_ Feet  
 N

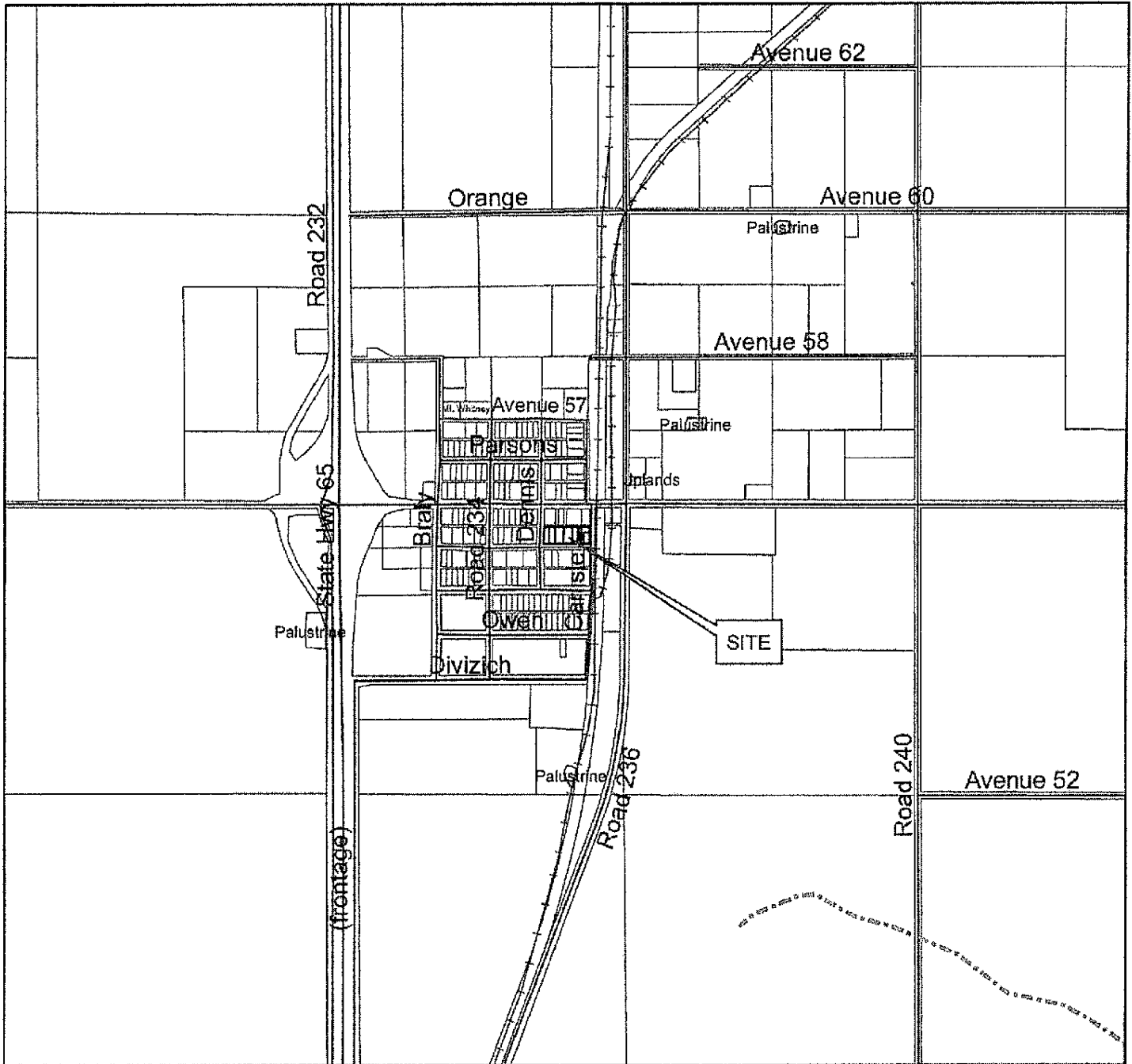




# Wetlands Map

## For

### PZC 17-014 and GPA 17-032



#### National Wetlands Inventory

- SITE
- Lacustrine
- Palustrine
- Riverine
- Uplands (No Wetlands)

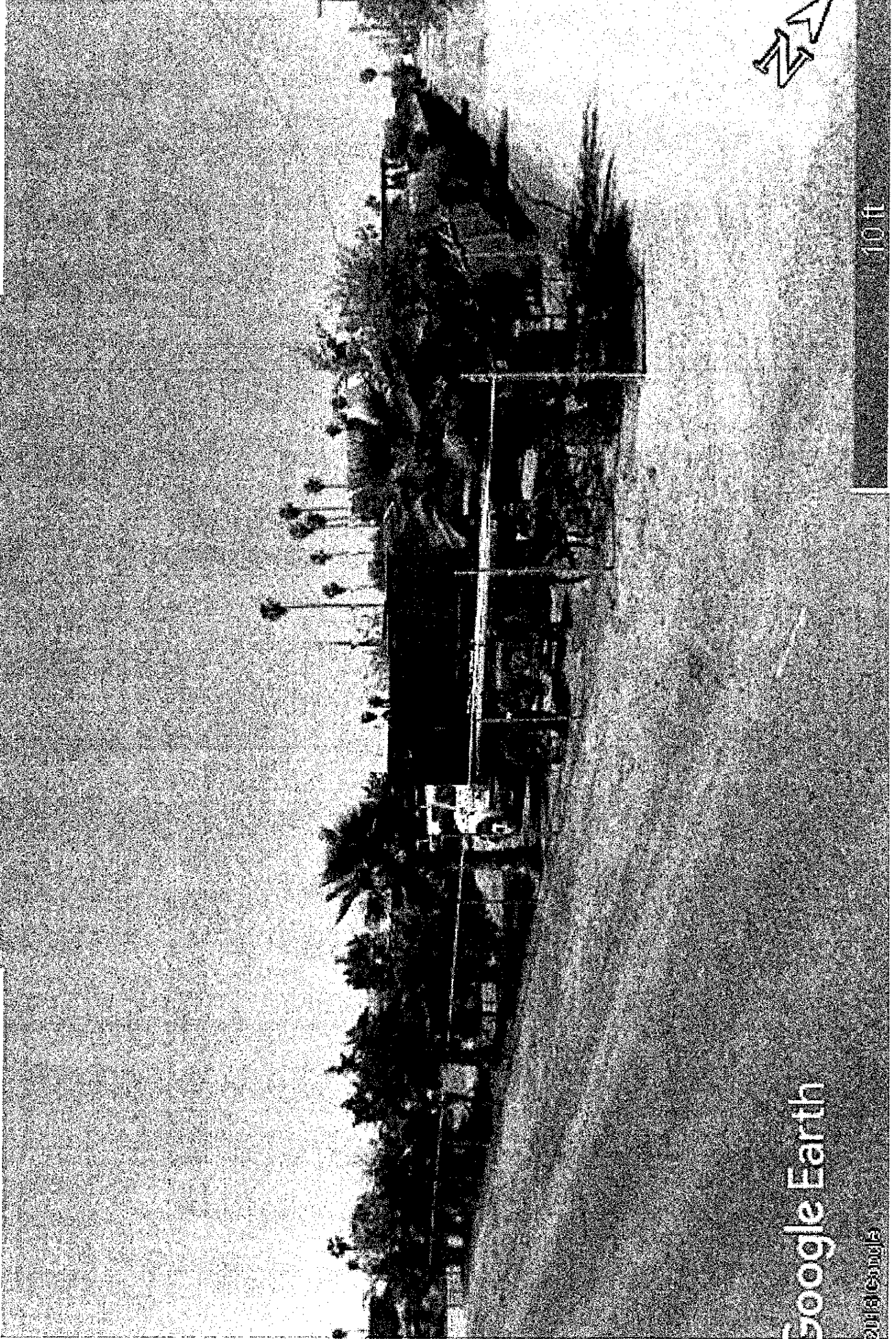


# PZC 17-014

Cantu - R-1 to C-3-MU Zone

## Legend

 25314 Ducor Ave



Google Earth

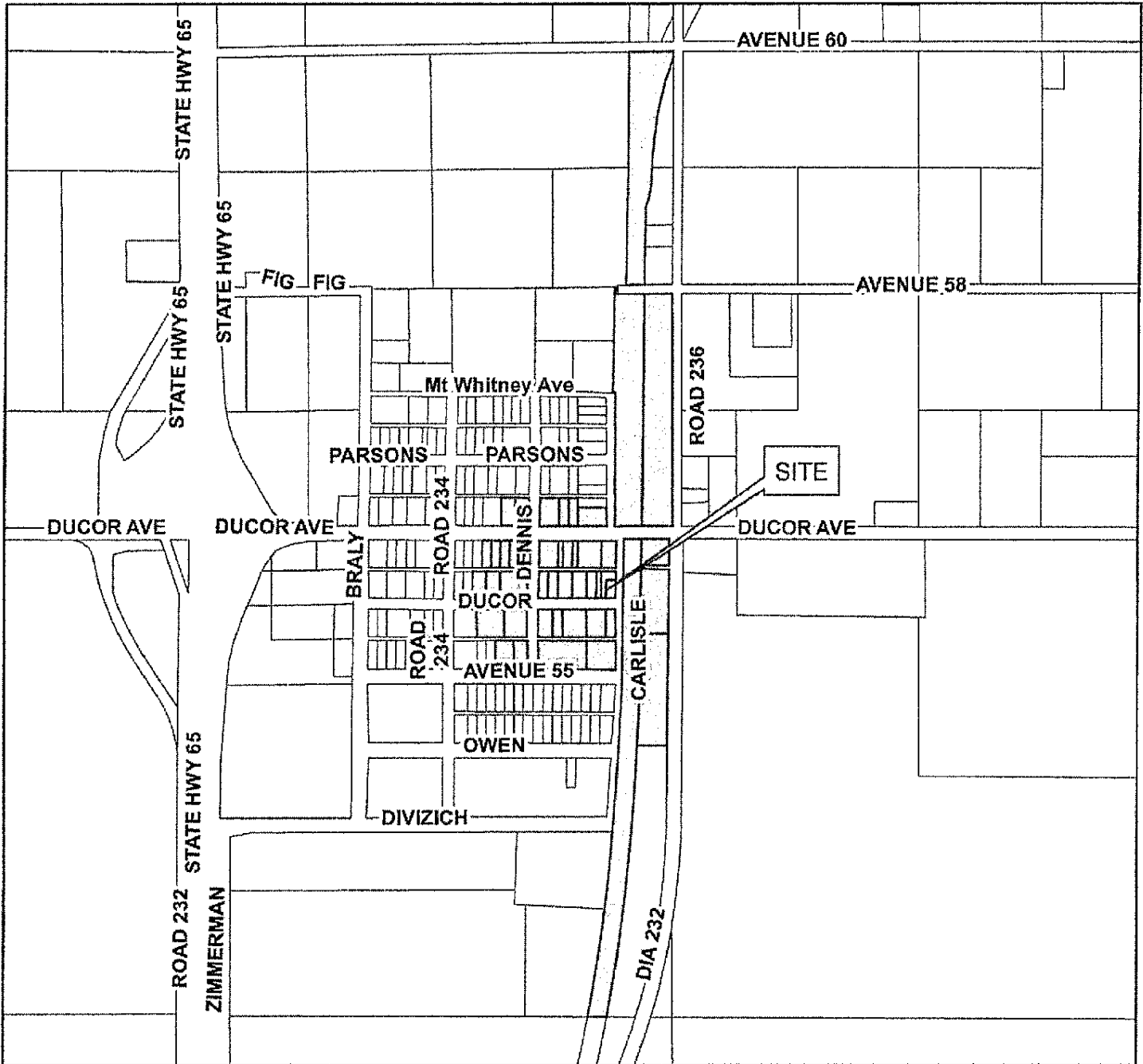
©2015 Google

10 ft







ATTACHMENT NO. 7  
**Location and Property Ownership Map  
 for Hearing Notification for  
 PZC 17-014 and GPA 17-032**



Owner: Jose R. Cantu  
 Address: P.O. Box 71  
 City, State, ZIP: Ducor, CA 93218  
 Applicant: Jose R. Cantu  
 Agent: none  
 Supervisorial District: 5  
 Assessors Parcel: 321-183-008, 010 through 015 & 017



 SITE  
 Prop within 300'

