



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

**BOARD OF SUPERVISORS**

- KUYLER CROCKER  
District One
- PETE VANDER POEL  
District Two
- AMY SHUKLIAN  
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:** Amendment to the Tulare County Zoning Ordinance No. 352 for Zone Change No. PZC 17-013 (Espinoza Ramos LLC)

**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 17-013 to change the zone on approximately 2.71 acres from AE-20 (Exclusive Agriculture – 20 acre minimum) to "C-2" (General Commercial), on property located on the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter.
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.
2. Accept the Categorical Exemption as the appropriate environmental determination, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small

**SUBJECT:** Amendment to the Tulare County Zoning Ordinance No. 352 for Zone Change No. PZC 17-013 (Espinoza Ramos LLC)

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Structures.

3. Direct the Environmental Assessment Officer or designee to file a Notice of Exemption with the Tulare County Clerk as provided by CEQA.
4. Adopt the findings of approval, as set forth in Planning Commission Resolution No. 9406 and approve Zone Change No. PZC 17-013.
5. Waive the final reading and adopt the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance for PZC 17-013.
6. Direct the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.

**SUMMARY:**

**PROJECT SUMMARY:**

The Tulare County Resource Management Agency (RMA) has received a request from Espinoza Ramos LLC for a change of zone on one 2.71-acre parcel from AE-20 (Exclusive Agriculture – 20 acre minimum) to “C-2” (General Commercial), on property located on the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter (APN 141-010-027). The project site contains an existing fruit stand that expanded into a restaurant and is now out of compliance with the ordinance code.

**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 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. The use of Section 15303 is applicable and appropriate because the subject site is already developed with a restaurant and this change of zone would provide entitlement for future development on the 2.71-acre parcel.

**ENTITLEMENT(S):**

The existing zoning for APN 141-010-027 is AE-20 and is intended for agricultural operations. The Exclusive Agricultural – 20 acre minimum zone is an exclusive zone for intensive and extensive agricultural uses and for those uses which are a necessary and integral part of intensive and extensive agricultural operations. This zone also allows growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties, and timber, as well as the raising and slaughter of poultry, rabbits and other furbearing animals; and the raising of sheep, goats, horses, swine

**SUBJECT:** Amendment to the Tulare County Zoning Ordinance No. 352 for Zone Change No. PZC 17-013 (Espinoza Ramos LLC)

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and bovine animals.

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 requested "C-2" zoning also allows any permitted use in the R-3 (Multiple-Family), R-2 (Two-Family), R-1 (Single-Family) and C-1 (Neighborhood Commercial) Zones. The C-2 Zone also allows grocery and hardware stores; restaurants; public parking; glass shops, and similar uses.

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

The project site is located within the Rural Valley Lands Plan (RVLP) and outside of a County adopted Urban Boundary. The General Plan land use designation for the project site is "Valley Agriculture" and zoned AE-20 (Exclusive Agriculture – 20 acre minimum). Valley Agriculture is designed for intensive agricultural use with a minimum 10-acre parcel size.

**Policy PF 1.2: Location of Urban Development**, urban development within the RVLP plan area may occur only if the area is found to be suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan. In order for an area to be rezoned to a non-agricultural use, the RVLP policies and checklist are used to determine the agricultural viability of the site. If the parcel does not meet the criteria of the RVLP Checklist, it should not be rezoned.

The RVLP was adopted in order to establish minimum parcel sizes for areas zoned for agriculture outside of urban boundaries to develop a policy that is fair, logical, legally supportable, and consistent in the utilization of resource information in determining the suitability of rural lands for nonagricultural uses. A point evaluation system, which places a point value on 15 factors, is used to determine a site's suitability for non-agricultural zoning. After all the factors have been applied, the number of points the parcel has accumulated are totaled. Outside of an UAB, if the number of points accumulated is 17 or more, then the parcel shall remain agriculturally zoned. If the number of points accumulated is 11 or less, the parcel may be considered for non-agricultural zoning. A parcel receiving 12, 13, 14, 15, or

**SUBJECT:** Amendment to the Tulare County Zoning Ordinance No. 352 for Zone Change No. PZC 17-013 (Espinoza Ramos LLC)

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16 points shall be determined to have fallen within a "gray" area in which no clear cut decision is readily apparent. In such instances, the Planning Commission and Board of Supervisors may make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by the system.

A detailed evaluation of the parcel under the RVLP was completed for the project. Under the RVLP evaluation system, the subject site received 8 points, indicating that the site may be considered for non-agricultural zoning (Attachment No. 3).

RVLP-1.4: Determination of Agriculture Land, permits the County to zone parcels of land in an agricultural zone (for example: A-1, AE, AE-20, AE-80) to non-agricultural zoning classifications (for example: R-A, R-O, R-1, R-2, R-3, O, P-O, R-1, C-1, C-2, M-1, M-2) if it is found that the parcel is better suited for a non-agricultural zone classification by means of the system of selection set forth in the policy.

The proposed change in zone designation from AE-20 to C-2 is consistent with General Plan 2030 policy as determined by the RVLP analysis.

#### **PROJECT HISTORY:**

The site was created by Certificate of Compliance No. PCC 12-006, approved for this 2.71-acre site on July 18, 2012. General Code Violation No. GC1700069 was established on December 20, 2016 because the establishment was operating as a full Mexican restaurant in an agricultural zone. Project Review Committee No. PRC 17-005 was approved on February 16, 2017 to allow the applicant to submit an application for a zone change initiation. PZC 17-001 (Initiation) was approved by the Board of Supervisors on May 16, 2017. The Planning Commission recommended the Board of Supervisors approve a categorical exemption and Zone Change No. PZC 17-013 on February 28, 2018.

The applicant acquired the property in 2016; the illegal status of the restaurant was unknown to the applicant at the time. Applicant submitted documentation to the Resource Management Agency of Environmental Health Services Division Permit to operate a restaurant at this site. General Code Case GC1700069 was established on December 20, 2016 for a restaurant in an agricultural zone. Since learning of the code violation, the applicant has been pro-active in applying for this zone change.

An Improvement Agreement has been signed by the applicant (Exhibit "D" of Attachment No. 2) regarding an irrevocable offer of dedication at the Avenue 256 and Road 204 intersection.

Approval of this zone change in this area would not be without precedent. There is a 33-acre parcel located just southeast of the subject site (on the east side of Road 204) that is zoned M-2 (Heavy Manufacturing). It is owned by Waterman Exeter, LLC. This company is engaged in water treatment; water delivery; agriculture irrigation; and water control: retention areas, tanks, lagoons, and more. Six hundred

**SUBJECT:** Amendment to the Tulare County Zoning Ordinance No. 352 for Zone Change No. PZC 17-013 (Espinoza Ramos LLC)

**DATE:** May 22, 2018

(600) feet south of that are two parcels zoned M-1 (Light Manufacturing) that contain the Musco Olive Processing Plant and the Helena Chemical Company.

**FISCAL IMPACT/FINANCING:**

There is No Net County Cost to the General Fund.

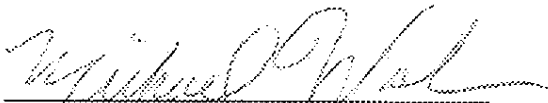
The applicant cost for a Zone Change was an initial deposit of \$6,451.00 to the Tulare County Resource Management Agency. Additional fees of \$100 per hour are charged if actual cost of processing the Zone Change application exceeds the deposit. CEQA documentation and compliance for the Project is also charged at a full cost recovery basis.

**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 – Ordinance and Zoning Map  
Attachment 2 – Planning Commission Resolution No. 9406  
Attachment 3 – RVLPA Analysis  
Attachment 4 – Planning Commission Staff Report

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

IN THE MATTER OF AN AMENDMENT TO )  
THE TULARE COUNTY ZONING ) Resolution No. \_\_\_\_\_  
ORDINANCE NO. 352 FOR ZONE CHANGE ) Ordinance No. \_\_\_\_\_  
NO. PZC 17-013 (ESPINOZA RAMOS LLC) )

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 17-013 to change the zone on approximately 2.71 acres from AE-20 (Exclusive Agriculture – 20 acre minimum) to "C-2" (General Commercial), on property located on the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter.
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 AN AMENDMENT TO )  
THE TULARE COUNTY ZONING ) Resolution No. \_\_\_\_\_  
ORDINANCE NO. 352 FOR ZONE CHANGE ) Ordinance No. \_\_\_\_\_  
NO. PZC 17-013 (ESPINOZA RAMOS LLC) )

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. Accepted the Categorical Exemption as the appropriate environmental determination, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures.
3. Directed the Environmental Assessment Officer or designee to file a Notice of Exemption with the Tulare County Clerk as provided by CEQA.
4. Adopted the findings of approval, as set forth in Planning Commission Resolution No. 9406 and approve Zone Change No. PZC 17-013.
5. Waived the final reading and adopted the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance for PZC 17-013.
6. Directed the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.

# Attachment 1

## Ordinance and Zoning Map



ORDINANCE NO. \_\_\_\_\_

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

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

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of the North ½ of Section 26, Township 19 South, Range 26 East, Mount Diablo Base and Meridian, being a subdivision of Part 430 of the Official Zoning Maps. A map showing the C-2 (General Commercial) zoning approved for approximately 2.71 acres of the property is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification from AE-20 and C-2, filed as Change of Zone Case No. PZC 17-013 is briefly described as follows: Being approximately 2.71 acres, located on the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter (APNs 141-010-027).

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 \_\_\_ day of \_\_\_, 2018, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES:

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NOES:

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ABSENT:

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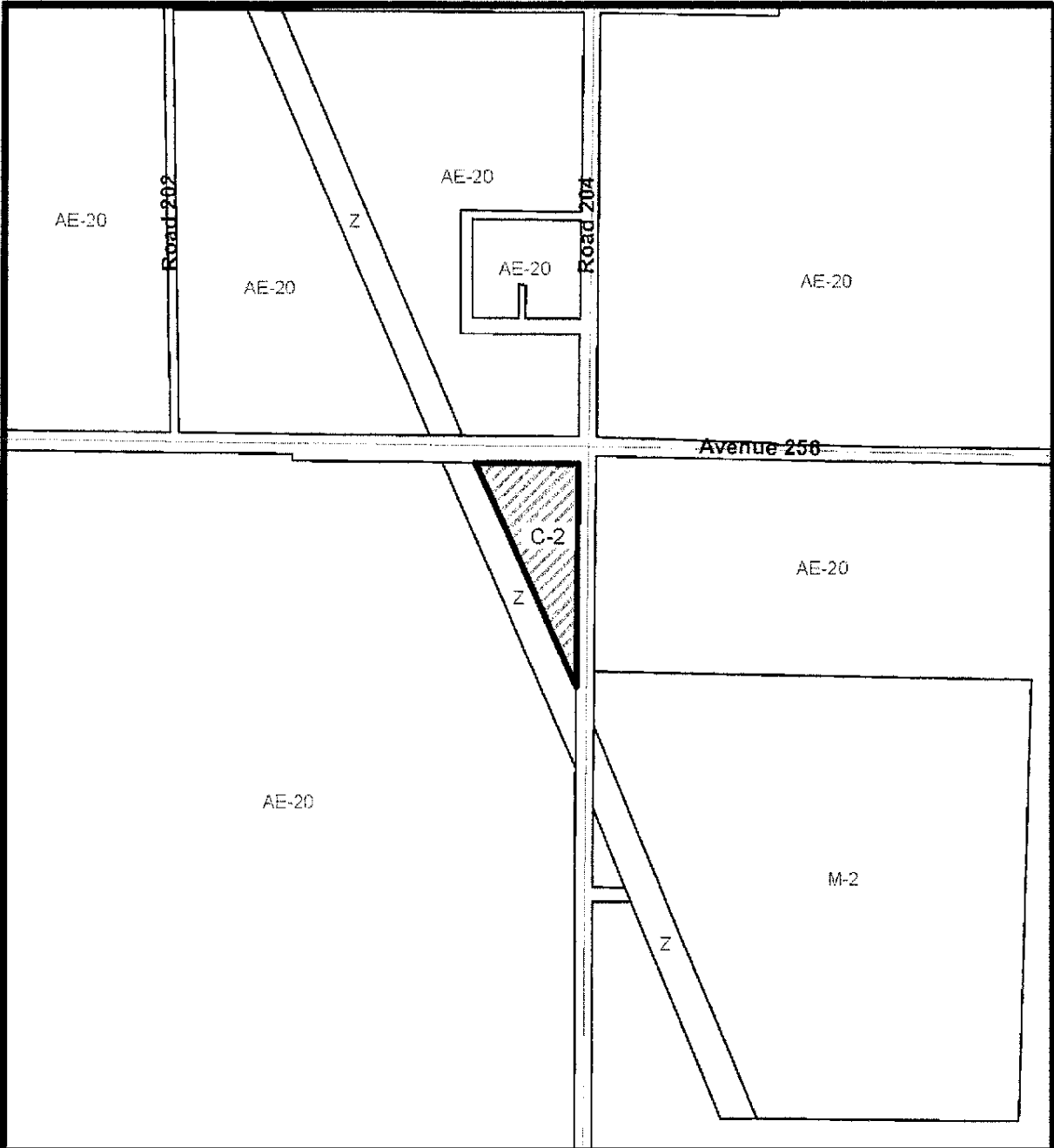
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Chairman, Board of Supervisors

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

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



APN: 141-010-027,  
 APROX. 2.0 AC.  
 Zone Change from AE-20 to C-2  
 (PZC 17-013)



ORDINANCE NO. \_\_\_\_\_  
 AMENDING A PORTION OF PART 430  
 SEC. 26, T 19 S, R 26 E, M.D.B. & M.  
 OF  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

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

## Attachment 2

Planning Commission Resolution No. 9406

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE )  
ZONING REGULATIONS, CASE NO. PZC 17-013 ) RESOLUTION NO. 9406  
ESPINOZA )

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve a categorical exemption and a petition by Duval Espinoza, 21201 Avenue 256, Exeter, CA 93221 (Property Owner: Espinoza Ramos LLC, 901 N. Comstock, Visalia, CA 93291) for a requested change of zone from the AE-20 (Exclusive Agriculture – 20 acre minimum) Zone to the C-2 (General Commercial) Zone, on a 2.71-acre parcel, located on the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter (APN 141-010-027; Section 26, Township 19 South, Range 26 East, MDB&M) .

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

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

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

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

WHEREAS, on February 14, 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 February 28, 2018, and

WHEREAS, at that meeting of the Planning Commission public testimony was received and recorded from no one in support of the project, and no one spoke 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 and the Change of Zone, together with any comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the Change of Zone.

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

1. The applicant has requested a Change of Zone No. PZC 17-013 to reclassify 2.71 acres located on the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter, from the AE-20 Zone to the C-2 Zone.
2. Subject parcel APN 141-010-027 is presently zoned AE-20 and contains a fruit stand that has illegally expanded into a full Mexican restaurant. Surrounding properties are all zoned AE-20 and contain a mix of agriculture and rural residences. There is a parcel cater-cornered to the southeast that is zoned M-2 (Heavy Manufacturing) and contains the Waterman Industries Facility. Six hundred (600) feet south of that are two parcels zoned M-1 (Light Manufacturing) that contain the Musco Olive Processing Plant and the Helena Chemical Company.
3. The site was created by Certificate of Compliance No. PCC 12-006, approved for this 2.71-acre site on July 18, 2012. Project Review Committee No. PRC 12-033 approved on June 28, 2012 to allow the construction of a fruit stand. Several building permits: Water tank (2015); Hood system (2015); 1,800 sq. ft. fruit stand (2013); Electrical meter for agricultural well (2011). General Code Violation No. GC1700069 was established on December 20, 2016 because the establishment was operating as a full Mexican restaurant in an agricultural zone. Project Review Committee No. PRC 17-005 was approved on February 16, 2017 to allow the applicant to submit an application for change of zone initiation. PZC 17-001 (Initiation) was approved by the Board of Supervisors on May 16, 2017; and the applicant submitted this zone change application on June 19, 2017.
4. The project is a Change of Zone on a 2.71-acre parcel from AE-20 (Exclusive Agriculture – 20 acre minimum) to C-2 (General Commercial). This is an existing fruit stand that expanded into a restaurant and is now out of compliance with the ordinance code. Either a change of zone shall be approved by the Planning Commission & Board of Supervisors or the restaurant portion of this fruit stand would need to close. The applicant acquired the property in 2016; the illegal status of the restaurant was unknown to the applicant at the time. Applicant submitted documentation to the Resource Management Agency of Environmental Health Services Division Permit to operate a restaurant at this site. General Code Case GC1700069 was established on December 20, 2016 for a restaurant in an agricultural zone. Since learning of the code violation, the applicant has been pro-active in applying for this zone change.
5. The requested “C-2” zoning allows any permitted use in the R-3 (Multiple-Family), R-2 (Two-Family), R-1 (Single-Family) and C-1 (Neighborhood Commercial) Zones. The C-2 zone is intended for retail stores, businesses, or services such as automobile supplies, storage, servicing, and repair; furniture stores; motels; tire sales and service;

super service station, etc. The C-2 Zone also allows grocery and hardware stores; restaurants; public parking; glass shops, and similar uses.

6. There is a 33-acre parcel located just southeast of the subject site (on the east side of Road 204) that is zoned M-2 (Heavy Manufacturing). It is owned by Waterman Exeter, LLC. This company is engaged in water treatment; water delivery; ag irrigation; and water control: retention areas, tanks, lagoons, and more. Six hundred (600) feet south of that are two parcels zoned M-1 (Light Manufacturing) that contain the Musco Olive Processing Plant and the Helena Chemical Company. As such, a change of zone in this area would not be unprecedented.
7. The purpose of this application is to obtain the appropriate zoning consistent with the General Plan 2030 and bring the non-conforming restaurant into conformance with the Zoning Ordinance.
8. The Avenue 256 / Spruce Road intersection is proposed to be signalized in approximately 5 years, when funding becomes available. An Improvement Agreement has been proposed by TC Public Works for additional right of way in the amount of ten (10) feet (approx. 7,781 sq. ft.) along the west side of Spruce Avenue (Road 204). Said dedication shall be in the form of an Irrevocable Offer of Dedication. The County shall vacate right of way in the amount of  $\pm 15$  feet (approx. 3,695 sq. ft.) along the south side of Avenue 256. If the signalization of this intersection requires the relocation of any improvements on the subject site (APN 141-010-027), the County shall incur the cost, not the property owner. See Improvement Agreement, Exhibit "D."
9. The site is located inside the Rural Valley Lands Plan (RVLP) and the Land Use Designation is "Valley-Agriculture" A detailed evaluation of the parcel under the RVLP was completed for the project. Under the RVLP evaluation system, the subject site received 8 points, indicating the site may be considered for non-agricultural zoning. The Planning Commission determined that the parcel was suitable for non-agricultural zoning.
10. 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 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. The use of Section 15303 is appropriate and compatible because the subject site is developed with a restaurant and this change of zone will provide entitlement for additional development on the 2.71-acre parcel.
11. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution No. 2010-2927, a Notice of Intent to Collect Tulare County Public Facilities

Fees, also known as Developer Impact Fees; therefore, new development may be subject to County Development Impact Fees.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the proposed Ordinance amendment (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 the Categorical Exemption is the appropriate environmental determination and approve Amendment to the Tulare County Zoning Ordinance, No. 352 via Case No. PZC 17-013 to C-2.

The foregoing resolution was adopted upon motion of Commissioner Whitlatch, seconded by Commissioner Pitigliano, at a regular meeting of the Planning Commission on February 28, 2018, by the following roll call vote:

AYES: Elliott, Aguilar, Whitlatch, Gong, Pitigliano, Dias

NOES: None

ABSTAIN: None

ABSENT: Millies

TULARE COUNTY PLANNING COMMISSION

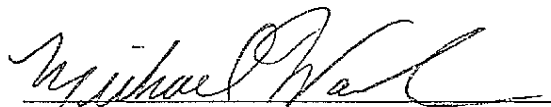
  
Michael Washam, Secretary



EXHIBIT NO. A

ORDINANCE NO. \_\_\_\_\_

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

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

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of the North ½ of Section 26, Township 19 South, Range 26 East, Mount Diablo Base and Meridian, being a subdivision of Part 430 of the Official Zoning Maps. A map showing the C-2 (General Commercial) zoning approved for approximately 2.71 acres of the property is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification from AE-20 and C-2, filed as Change of Zone Case No. PZC 17-013 is briefly described as follows: Being approximately 2.71 acres, located on the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter (APNs 141-010-027).

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 \_\_\_ day of \_\_\_, 2017, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

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AYES:

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NOES:

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ABSENT:

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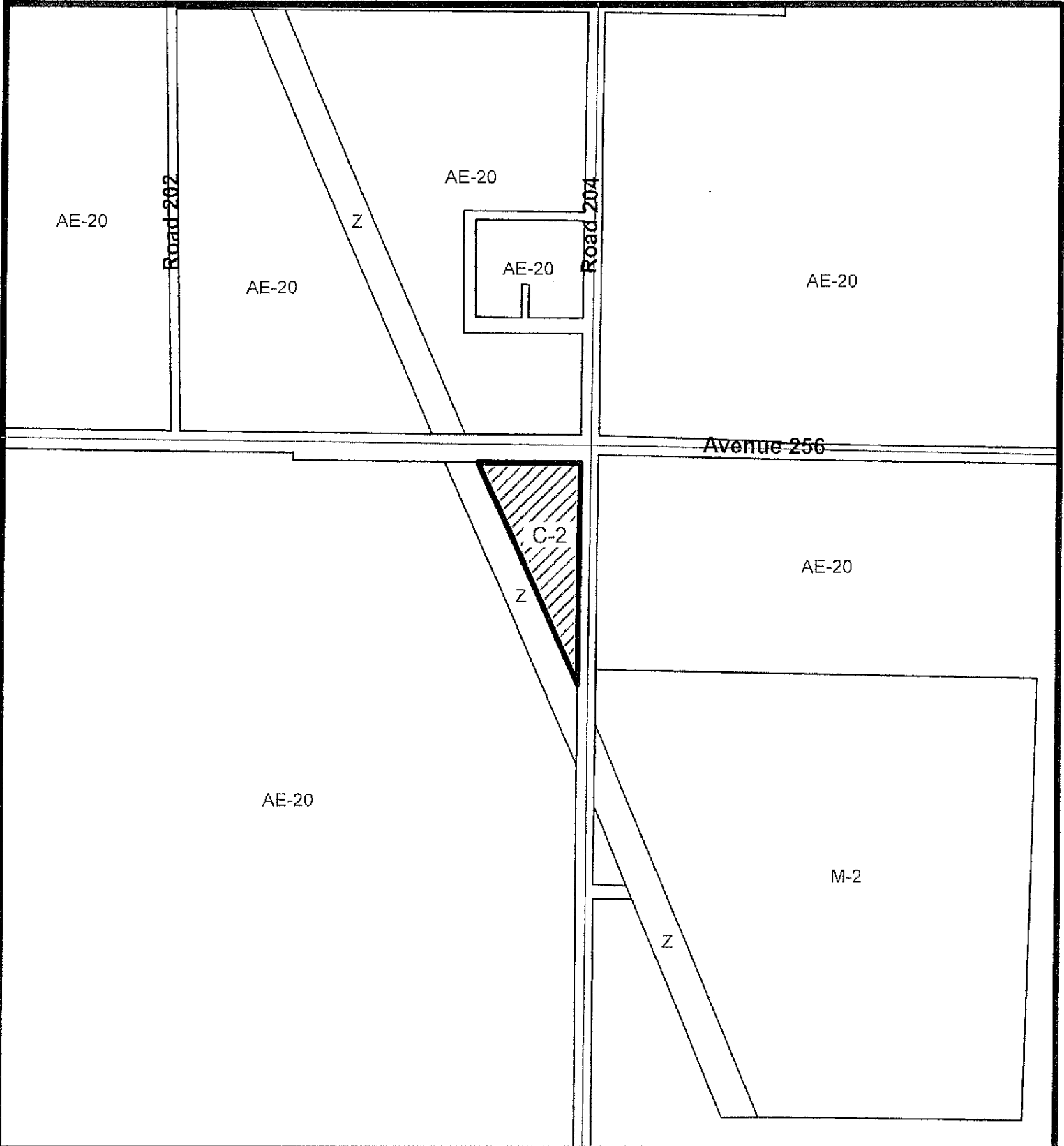
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Chairman, Board of Supervisors

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

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



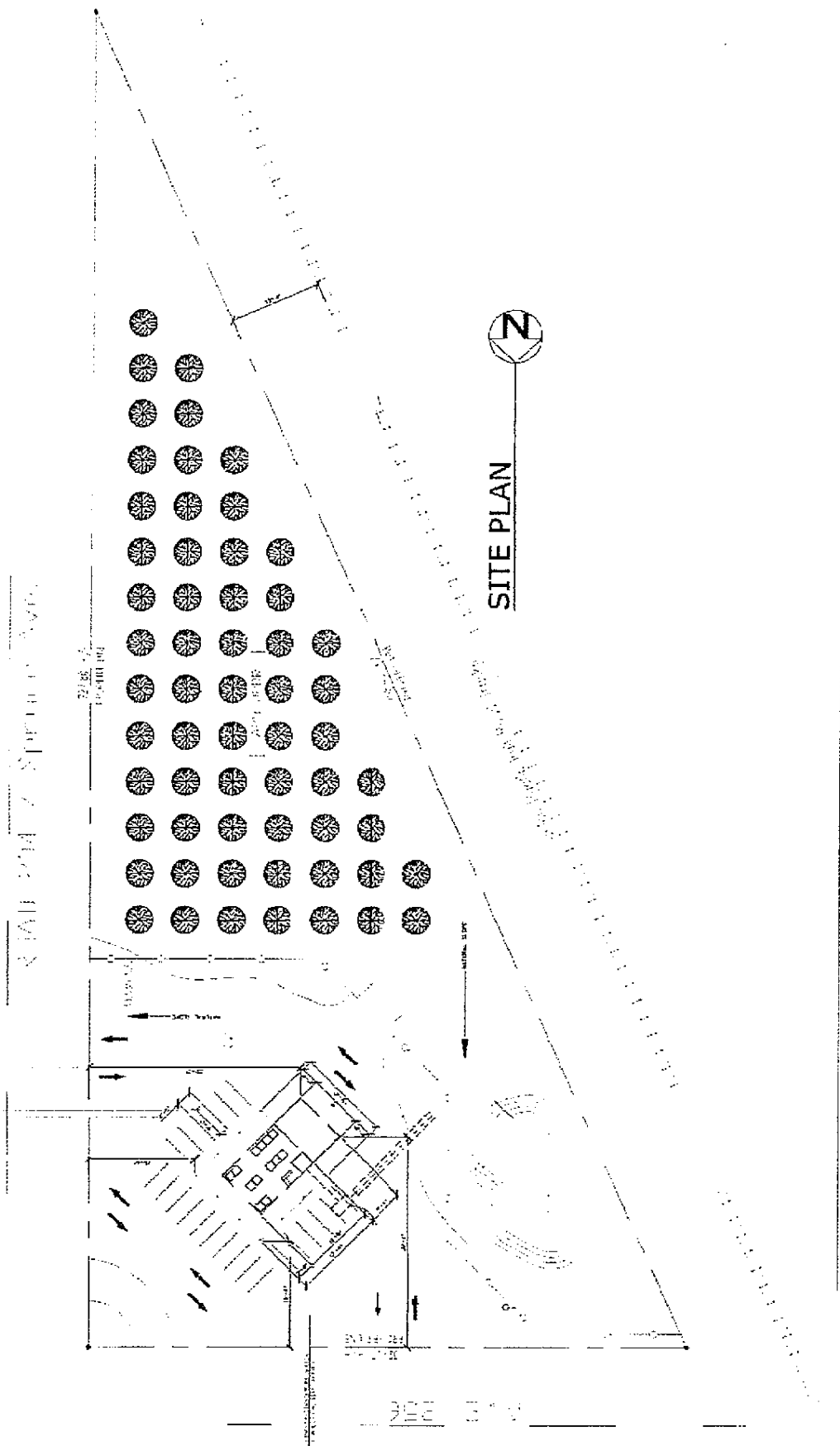
APN: 141-010-027,  
 APROX. 2.0 AC.  
 Zone Change from AE-20 to C-2  
 (PZC 17-013)



ORDINANCE NO. \_\_\_\_\_  
 AMENDING A PORTION OF PART 430  
 SEC. 26, T 19 S, R 26 E, M.D.B. & M.  
 OF  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

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

Site Plan  
Illustration  
PZC 17-013



No Scale

EXHIBIT NO. D

SHORT TERM  
IMPROVEMENT AGREEMENT  
[Ord. Code Sec. 7-15-2005(a)(1)]

This Agreement, made and entered into as of this 9th day of January, 2018 by and between Fabian M. Espinoza & Esperanza R. Espinoza hereinafter referred to as the "Applicant", and the County of Tulare, hereinafter referred to as the "County",

WITNESSETH:

WHEREAS, the Applicant has applied for a permit or certificate from the County to do the following work (hereinafter referred to as the "Work"):

Zone Change #: PZC 17-013 Espinoza

Nature of Work:

Dedication of Right of Way in the form of an Irrevocable Offer of Dedication; on-site improvements and conditions as described below.

APN 141-010-027

and

WHEREAS, under Section 7-15-1940 et seq. of the Ordinance Code of Tulare County (hereinafter referred to as the "Ordinance Code"), the Applicant is required to agree to the following conditions of approval (hereinafter referred to as the "Conditions") as a condition of receiving such permit:

1. Applicant shall dedicate to the County an irrevocable offer of dedication (IOD) for right of way as shown on attached exhibit "EX1". At the time of acceptance of the IOD, at applicants request, County will vacate a portion of southerly right of way along Avenue 256 as shown on attached exhibit "EX1".
2. At the time of IOD acceptance, Applicant, at Applicant's sole expense, shall construct on-site improvements to include modificaitons to the existing parking and parking lot so as to accommodate a 20' wide drive aisle between the building and the proposed right of way, as shown on attached exhibit "EX1".
3. County's acceptance of IOD will limit the locations of driveways along the site frontage as shown on attached exhibit "EX1".
4. Applicant shall apply for a County building permit for any future on-site development. Future on-site development will be subject to County review, and additional conditions may be set forth by the County.



*Fabian M. Espinoza*  
*Espinoza R Espinoza*

“Applicant”

COUNTY OF TULARE, Acting by and  
through its County Engineer, Reed Schenke

By 

Authorized Employee

“County”

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15

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

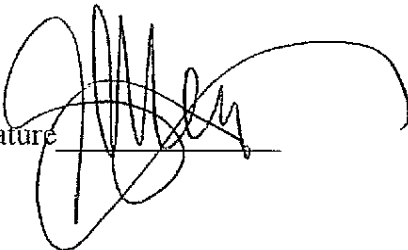
**Proof of execution by subscribing witness:**

STATE OF CALIFORNIA )  
COUNTY OF TULARE )

On January 12, 2018 before me, Amada Mendez, Notary Public, personally appeared DUVAL ESPINOZA, who proved to me the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, as a witness thereto, who, being by me duly sworn, deposed and said that he was present and saw acknowledged Fabian M. Espinoza  
Esperanza R. Espinoza, the same persons described in and whose names are subscribed to the within and annexed instrument in their authorized capacities as parties thereto, execute the same, and that said affiant subscribed his name to the within instrument as a witness at the request of Fabian M. Espinoza & Esperanza R. Espinoza

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

Witness my hand and official seal.

Signature  (Seal)



Description of Attached Document:

Name of Document: Short Term Improvement Agreement  
Date of Document: 7/2/18  
Number of Pages: 3





EX-1

1 of 1

DATE	11-11-2011
TIME	10:11:31 AM
PROJECT	
CLIENT	
SCALE	
BY	
CHECKED	
APPROVED	
DATE	

ROAD 204 (SPRUCE ROAD)/AVENUE 256  
 ZONE CHANGE PZC 17-013 (ESPINOZA)  
 APN 141-010-027

TULARE COUNTY



COUNTY OF TULARE  
 RESOURCE MANAGEMENT AGENCY  
 5951 SOUTH MOONEY BLVD.  
 VISALIA, CA 93277  
 (559) 824-7000  
 WWW.TULARECOUNTY.CA.GOV/RMA

REVISIONS			
NO.	DESCRIPTION	DATE	BY

# Attachment 3

## RVLP Analysis

**RURAL VALLEY LANDS PLAN -- PARCEL EVALUATION CHECKLIST****A. RESTRICTED TO AGRICULTURE VALUES**

If a following factor meets the "Restricted to Agriculture" criteria, place an "R" in the value column and stop the evaluation; if the factor meets the "Nonagricultural" criteria, place a "0" in the value column and continue the evaluation.

	VALUE
1. Agricultural Preserve Status	[ 0 ]
2. Limitations for Individual Waste Disposal Facilities	[ 0 ]

**B. VARIABLE POINT VALUE**

Each of the following land capability ratings (as per USDA Soil Conservation Service data) have been awarded a number value, as follows:

LAND CAPABILITY	POINT VALUE	
Class I, II, or III	4 points	[ 4 ]
Class IV	2 points	[ 0 ]
Class V, VI, or VII	0 points	[ 0 ]

For the following factor, determine the land capability rating(s) of the parcel under review and award its corresponding point value.

Class I, II, or III	(4 points)	[ 4 ]
Class IV	(2 points) Non-Irrigated	[ 0 ]
Class V, VI or VII	(0 points)	[ 0 ]

**C. POINT VALUES**

If a following factor meets the highest relative suitability criteria, award the factor the number of points listed for the category; if the factor meets the lowest relative suitability criteria, award it a "0".

**FOUR POINT VALUE CATEGORY**

1. Existing Parcel Size (use gross acreage figure)	[ 0 ]
2. Existing Land Use/Suitability for Cultivation	[ 0 ]

**THREE POINT VALUE CATEGORY**

1. Surrounding Parcel Size (do not evaluate this factor if the site received "0" points for 'Existing Land Use/Suitability for Cultivation'; enter a "0" in such cases)	[ 0 ]
2. Surrounding Land Use	[ 0 ]
3. Proximity to Inharmonious Uses (NOTE: Flexible Point Value applicable in some cases)	[ 0 ]
4. Proximity to Lands in Agricultural Preserves	[ 0 ]

**TWO POINT VALUE CATEGORY**

1. Level of Ground Water and Soil Permeability	[ 0 ]
--	-------

**ONE POINT VALUE CATEGORY**

1. Proximity to Fire Protection Facilities (NOTE: Three Point Value applicable in some cases)	[ 0 ]
2. Access to Paved Roads	[ 0 ]
3. Historical Sites, Archaeological Sites, Wildlife Habitats, and/or Unique Natural Features	[ 0 ]
4. Flood Prone Areas	[ 0 ]
5. Availability of Community Domestic Water/Fire Flow Requirements	[ 0 ]
6. Surface Irrigation Water	[ 0 ]
7. Groundwater Recharge Potential (do not evaluate this factor if the site received "0" points for 'Surface Irrigation Water'; enter "0" in such cases)	[ 0 ]

TOTAL POINTS [ 8 ]

BACK-UP STATEMENT FOR RVLP EVALUATION CHECKLIST  
FOR  
PZC 17-013 – Duval Espinoza

PARCELS EVALUATED: The 2.71-acre parcel was evaluated under the RVLP point evaluation checklist system. The parcel involved assessor parcel number (APN) 141-010-027.

A. RESTRICTED TO AGRICULTURAL VALUES

1. Agricultural Preserve Status:

The subject site is not under Williamson Act Contract.

2. Limitation for Individual Waste Disposal Facilities:

No limitations.

B. VARIABLE POINT VALUE

1. Land Capability:

The Soil Conservation Service has rated the agricultural capability of the soil, Exeter Loam, as Class IIIs-8 (irrigated) and Class IVs (non-irrigated). The subject site contains a restaurant and a small orchard. The site has met the Highest Relative Suitability; therefore, this factor received an allocation of 4 points.

C. POINT VALUES

4 POINT VALUE

1. Existing parcel size:

The whole project area is 2.71 acres. Justification for determining this factor is to allow development of nonagricultural uses on those parcels which are less than five acres (gross) in size. Since this parcel is less than 5 acres, this factor meets the criteria for lowest relative suitability: 0 points allocated.

2. Existing Land Use/Suitability for Cultivation:

There is a small orchard ( $\pm 1.0$  acre) on the subject site; however, it is not in commercial agricultural production. Historically, the site was former railroad right of way and the orchard was planted only in 2007 for property owner's personal use. The rest of the acreage ( $\pm 1.71$  acres) is being utilized as a restaurant. This parcel is unsuitable for commercial cultivation; therefore, this factor meets the criteria for lowest relative suitability: 0 points allocated.

3 POINT VALUE

1. Surrounding Parcel Size:

Since the site received 0 points for Existing Land Use/Suitability for Cultivation, this criterion is not evaluated and a factor of 0 points is allocated.

2. Surrounding Land Uses:

The site is abutted on two sides with non-agricultural uses and within one-quarter mile of the perimeter of the site, at least 20% of the area is devoted to nonagricultural uses. (Approximately 42% of the area is devoted to agricultural uses). Therefore, the site meets the criteria for the lowest relative suitability factor: 0 points allocated.

3. Proximity to Inharmonious Uses:

The site is not within one-half mile of any of the inharmonious uses listed. Lowest relative suitability has been met: 0 points allocated.

4. Proximity to Lands Within Agricultural Preserves:

The site is abutted one side by an Agricultural Preserve and within one-quarter mile of the perimeter of the subject site, less than 50% of the area is in agricultural preserve. The parcel does not meet any of the criteria for highest relative suitability; therefore, lowest relative suitability has been met: 0 points allocated.

## 2 POINT VALUE

1. Level of Groundwater and Soil Permeability:

The site contains Exeter Loam (moderate permeability) soil and the water table is greater than 20 feet of the ground surface. Lowest relative suitability has been met: 0 points allocated.

## 1 POINT VALUE

1. Proximity to Fire Protection Facilities:

The subject site is approximately 3.5 miles south of the from the Exeter Station No. 11, which is within the five-mile response distance from fire protection facilities. Lowest relative suitability has been met: 0 points allocated.

2. Access to a Paved County and/or State Maintained Road:

The site has direct access to Avenue 256 and Road 204, both of which are County maintained roads. Lowest relative suitability has been met: 0 points allocated.

3. Historical, Archaeological, Wildlife Habitat, and Unique Natural Features:

None of the aforementioned features exist on site. Lowest relative suitability has been met: 0 points allocated.

4. Flood Prone Areas:

The site is located within FEMA Flood Zone X (0.2 percent chance). The site is not subject to 100-year frequency floods. Lowest relative suitability has been met: 0 points allocated.

5. Availability of Community Domestic Water:

The zone change is for commercial uses; the requirements of the Tulare County Fire Flow Ordinance can be met. Lowest relative suitability has been met: 0 points allocated.

6. Surface Water Irrigated Lands:

The site does not have rights to surface irrigation water. Lowest relative suitability has been met: 0 points allocated.

7. Groundwater Recharge Potential:

Because the site received 0 points for Surface Water Irrigated Lands, this criterion is not to be evaluated: 0 points allocated.

## Attachment 4

### Planning Commission Staff Report



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

**PLANNING COMMISSION**

CHAIRMAN: John Elliott  
VICE-CHAIR: Gil Aguilar

**COMMISSIONERS:**

Melvin Gong  
Ed Dias  
Wayne Millies  
Bill Whittlatch  
Nancy Pitigliano  
Vacancy

**AIRPORT LAND USE COMMISSIONERS  
(ALUC)**

Bill Whittlatch  
Vacancy

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

<b>Project Number:</b> Zone Change PZC 17-013	<b>Agenda Date:</b>	<b>2/28/2018</b>
<b>Applicant:</b> Espinoza, Duval	<b>Agenda Item Number:</b>	<b>6A</b>
<b>Agent:</b> N/A	<b>AGENDA ITEM TYPE</b>	
<b>Subject:</b> Petition for a change of zone on Assessor's Parcel Number 141-010-027, an approximate 2.71 acre site, from AE-20 (Exclusive Agriculture – 20 acre minimum) to "C-2" (General Commercial) on property located on the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter.	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
<b>Exceptions:</b> N/A	<b>ACTION REQUESTED</b>	
	Recommendation to Board of Supervisors	X
<b>Waiver:</b> N/A		
<b>Environmental Review:</b> Categorical Exemption per Title 14, Cal. Code Regulations Section 15301, Class 1		
<b>Motion(s):</b> One Motions	Resolution – Planning Commission	X
<b>Contact Person:</b> Dana Mettlen	Decision - Director	

**RECOMMENDATIONS:**

**That the Planning Commission:**

1. Recommend the Board of Supervisors approve a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15301, Class 1 pertaining to Existing Facilities; and recommend the Board of Supervisors approve Change of Zone No. PZC 17-013.

**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:**

Categorical exemption and Change of Zone No. PZC 17-013 requested by Duval Espinoza, 21201 Avenue 256, Exeter, CA 93221 (Property Owner: Fabian and Esperanza Espinoza, LLC, 901 N. Comstock, Visalia, CA 93291) to allow a change of zone on one 2.71-acre parcel, from AE-20 (Exclusive Agriculture – 20 acre minimum) to C-2 (General Commercial), located on the southwest



**SUBJECT:** PZC 17-013 - Espinoza

corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter (APN 141-010-027).

The Avenue 256 / Spruce Road intersection is proposed to be signalized in approximately 5 years, when funding becomes available. An Improvement Agreement has been proposed by TC Public Works for additional right of way in the amount of ten (10) feet (approx. 7,781 sq. ft.) along the west side of Spruce Avenue (Road 204). Said dedication shall be in the form of an Irrevocable Offer of Dedication. The County shall vacate right of way in the amount of ±15 feet (approx. 3,695 sq. ft.) along the south side of Avenue 256. If the signalization of this intersection requires the relocation of any improvements on the subject site (APN 141-010-027), the County shall incur the cost, not the property owner.

**ENVIRONMENTAL SUMMARY:**

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 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. The use of Section 15303 is applicable and appropriate because the subject site is already developed with a restaurant and this change of zone would provide entitlement for additional development on the 2.71-acre parcel.

**ENTITLEMENT(S):**

The existing zoning for APN 141-010-027 is AE-20 and is intended for agricultural operations. The Exclusive Agricultural – 20 acre minimum zone is an exclusive zone for intensive and extensive agricultural uses and for those uses which are a necessary and integral part of intensive and extensive agricultural operations. This zone also allows growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties, and timber, as well as the raising and slaughter of poultry, rabbit and other furbearing animals and the raising of sheep, goats, horses, swine and bovine animals.

The requested “C-2” zoning allows any permitted use in the R-3 (Multiple-Family), R-2 (Two-Family), R-1 (Single-Family) and C-1 (Neighborhood Commercial) Zones. The C-2 zone is intended for retail stores, businesses, or services such as automobile supplies, storage, servicing, and repair; furniture stores; motels; tire sales and service; super service station, etc. The C-2 Zone also allows grocery and hardware stores; restaurants; public parking; glass shops, and similar uses.

**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 Rural Valley Lands Plan (RVLP) and outside of a County adopted Urban Boundary. The General Plan land use designation for the project site is “Valley Agriculture” and zoned AE-20 (Exclusive Agriculture -20 acre minimum). Valley Agriculture is designed for intensive agricultural use with a minimum 10 acre parcel size.

**Policy PF 1.2: Location of Urban Development**, urban development within the RVLP plan area may occur only if the area is found to be suited for non-agricultural development, as determined by the procedures set forth in the Rural Valley Lands Plan. In order for an area to be rezoned to a non-

**SUBJECT:** PZC 17-013 - Espinoza

agricultural use, the RVLP policies and checklist are used to determine the agricultural viability of the site. If the parcel does not meet the criteria of the RVLP Checklist, it should not be rezoned.

The RVLP was adopted in order to establish minimum parcel sizes for areas zoned for agriculture outside of urban boundaries to develop a policy that is fair, logical, legally supportable, and consistent in the utilization of resource information in determining the suitability of rural lands for nonagricultural uses. A point evaluation system, which places a point value on 15 factors, is used to determine a site's suitability for nonagricultural zoning. After all the factors have been applied, the number of points the parcel has accumulated are totaled. Outside of an UAB if the number of points accumulated is 17 or more, then the parcel shall remain agriculturally zoned. If the number of points accumulated is 11 or less, the parcel may be considered for nonagricultural zoning. A parcel receiving 12, 13, 14, 15, or 16 points shall be determined to have fallen within a "gray" area in which no clear cut decision is readily apparent. In such instances, the Planning Commission and Board of Supervisors may make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by the system.

A detailed evaluation of the parcel under the RVLP was completed for the project. Under the RVLP evaluation system, the subject site received 8 points, indicating that the site may be considered for non-agricultural zoning (Attachment No. 3).

The proposed change in zone designation from AE-20 to C-2 is consistent with General Plan 2030 policy as determined by the RVLP analysis.

#### **PROJECT SUMMARY FOR CHANGE OF ZONE:**

**Project History:** The site was created by Certificate of Compliance No. PCC 12-006, approved for this 2.71-acre site on July 18, 2012. Project Review Committee No. PRC 12-033 approved on June 28, 2012. Several building permits: Water tank (2015); Hood system (2015); 1,800 sq. ft. fruit stand (2013); Electrical meter for agricultural well (2011). General Code Violation No. GC1700069 was established on December 20, 2016 because the establishment was operating as a full Mexican restaurant in an agricultural zone. Project Review Committee No. PRC 17-005 was approved on February 16, 2017 to allow the applicant to submit an application for change of zone initiation. PZC 17-001 (Initiation) was approved by the Board of Supervisors on May 16, 2017; and the applicant submitted this zone change application on June 19, 2017.

**Project Facts:** The project is a Change of Zone on a 2.71-acre parcel from AE-20 (Exclusive Agriculture – 20 acre minimum) to C-2 (General Commercial). This is an existing fruit stand that expanded into a restaurant and is now out of compliance with the ordinance code. Either a change of zone shall be approved by the Planning Commission & Board of Supervisors or the restaurant portion of this fruit stand would need to close.

The applicant acquired the property in 2016; the illegal status of the restaurant was unknown to the applicant at the time. Applicant submitted documentation to the Resource Management Agency of Environmental Health Services Division Permit to operate a restaurant at this site. General Code Case GC1700069 was established on December 20, 2016 for a restaurant in an agricultural zone. Since learning of the code violation, the applicant has been pro-active in applying for this zone change.

**SUBJECT:** PZC 17-013 - Espinoza

An Improvement Agreement has been signed by the applicant (Exhibit "D") regarding an irrevocable offer of dedication at the Avenue 256 and Road 204 intersection.

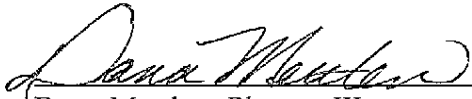
There is a 33-acre parcel located just southeast of the subject site (on the east side of Road 204) that is zoned M-2 (Heavy Manufacturing). It is owned by Waterman Exeter, LLC. This company is engaged in water treatment; water delivery; agriculture irrigation; and water control: retention areas, tanks, lagoons, and more. Six hundred (600) feet south of that are two parcels zoned M-1 (Light Manufacturing) that contain the Musco Olive Processing Plant and the Helena Chemical Company. As such, a change of zone in this area would not be unprecedented.

**PUBLIC NOTICE:**

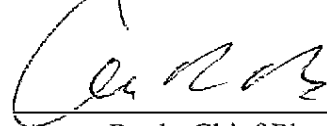
Government Code §65009(b) requires the County to include in any public notice pursuant to Government Code, Title 7, Planning and Land Use, a notice substantially stating all of the following: "If you challenge the project in court, you may be limited to raising only those issues you or someone else raised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

**SUBJECT:** PZC 17-013 - Espinoza

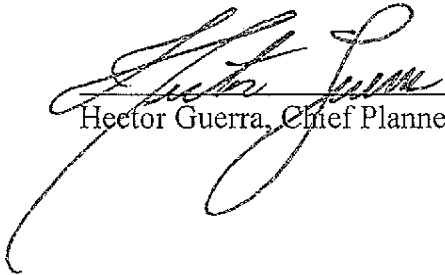
**PROJECT PROCESSING**

  
Dana Mettlen, Planner III

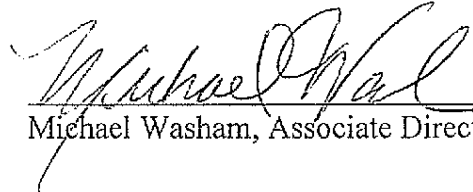
**PROJECT PROCESSING**

  
Aaron Bock, Chief Planner

**ENVIRONMENTAL PLANNING**

  
Hector Guerra, Chief Planner

**RESOURCE MANAGEMENT AGENCY**

  
Michael Washam, Associate Director

**ATTACHMENTS:**

- Attachment No. 1 – Resolution Recommending Approval of PZC 17-013
  - Exhibit “A” – Draft Ordinance
  - Exhibit “B” – Official Zoning Map
  - Exhibit “C” – Site Plan
  - Exhibit “D” – Improvement Agreement
- Attachment No. 2 – Staff Report – Zone Change
- Attachment No. 3 – RVLV Checklist
- Attachment No. 4 – Consulting Agency List and Correspondence
- Attachment No. 5 – Graphics
- Attachment No. 6 – Location and Property Ownership Map for Hearing Notification
- Attachment No. 7 – Public Hearing Notice Information
- Attachment No. 8 – Notice of Exemption

# ATTACHMENT NO. 2

## TULARE COUNTY RESOURCE MANAGEMENT AGENCY - ECONOMIC DEVELOPMENT & PLANNING BRANCH -

### Staff Report

### Zone Change No. PZC 17-013

#### I. GENERAL:

1. **Applicant:** Duval Espinoza  
21201 Avenue 256  
Exeter, CA 93221
2. **Owner:** Fabian & Esperanza Espinoza, LLC  
20387 Avenue 256  
Exeter, CA 93221
3. **Agent** N/A
4. **Requested Action:** The Tulare County Resource Management Agency has received a request from the property owners to apply for a change of zone on a 2.71-acre parcel, from AE-20 (Exclusive Agriculture – 20 acre minimum) to “C-2” (General Commercial).
5. **Location:** On the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter.  
  
APN: 141-010-027  
  
Section 26, Township 19 South, Range 26 East, MDB&M
6. Applicant submitted documentation to the Resource Management Agency of Environmental Health Services Division Permit to operate a restaurant at this site. General Code Case GC1700069 was established on December 20, 2016 for a restaurant in an agricultural zone. Since learning of the code violation, applicant has been pro-active in applying for this zone change.

#### II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:

##### 1. **Zoning and Land Use:**

**Site** – AE-20: The site contains a restaurant and a small orchard. The restaurant grew from a fruit stand and is currently non-conforming with zoning.

**North** – AE-20: Rural residences and agriculture

**East** – AE-20: Agriculture and rural residences

**West** – AE-20: Orchard

**South** – AE-20 and M-2 (Heavy Manufacturing): Agriculture. There is a parcel cater-cornered to the southeast that is zoned M-2 (Heavy Manufacturing) and contains the Waterman Industries Facility. Six hundred (600) feet south of that are two parcels zoned M-1 (Light Manufacturing) that contain the Musco Olive Processing Plant and the Helena Chemical Company.

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

The existing zoning is AE-20, is intended for agricultural operations. The Exclusive Agricultural – 20 acre minimum zone is an exclusive zone for intensive and extensive agricultural uses and for those uses which are a necessary and integral part of intensive and extensive agricultural operations.

This zone also allows growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties, and timber, as well as the raising and slaughter of poultry, rabbit and other furbearing animals and raising of sheep goats, horses, swine and bovine animals.

The requested “C-2” zoning allows any permitted use in the R-3 (Multiple-Family), R-2 (Two-Family), R-1 (Single-Family) and C-1 (Neighborhood Commercial) Zones. The C-2 zone is intended for retail stores, businesses, or services such as automobile supplies, storage, servicing, and repair; furniture stores; motels; tire sales and service; super service station, etc. The C-2 Zone also allows grocery and hardware stores; restaurants; public parking; glass shops, and similar uses.

The Avenue 256 / Spruce Road intersection is proposed to be signalized in approximately 5 years, when funding becomes available. An Improvement Agreement has been proposed by TC Public Works for additional right of way in the amount of ten (10) feet (approx. 7,781 sq. ft.) along the west side of Spruce Avenue (Road 204). Said dedication shall be in the form of an Irrevocable Offer of Dedication. The County shall vacate right of way in the amount of ±15 feet (approx. 3,695 sq. ft.) along the south side of Avenue 256. If the signalization of this intersection requires the relocation of any improvements on the subject site, the County shall incur the cost, not the property owner.

The Tulare County Building Line Setback Ordinance requires that all above and below ground facilities be constructed at least 50 feet from the centerline of the right-of-way of Avenue 256 and Road 204.

- 3. Access/Circulation:** Direct access is provided to Avenue 256 and Road 204. The existing right of way on Avenue 256 is 67 feet (25 feet on the north side and 42 feet on the south side) and on Road 204 is 40 feet (20 feet on the west side and 20 feet

on the east side). Ultimate right of way on Avenue 256 is 84 feet and on Road 204 is 60 feet.

According to the county's maintained mileage maps, Avenue 256 is a county maintained road, Road 204 is a county maintained road.

Based on the 2015 Pavement Management System database, the existing pavement width on Avenue 256 is 28 feet and on Road 204 is 26 feet. The pavement type on Avenue 256 is road mix asphalt surfacing (RMAS) and on Road 204 is RMAS.

**4. General Plan Elements:**

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

The project site is located within the Rural Valley Lands Plan and outside of a County adopted Urban Boundary. The General Plan land use designation for the project site is "Valley Agriculture" and zoned AE-20 (Exclusive Agriculture -20 acre minimum). Valley Agriculture is designed for intensive agricultural use with a minimum 10 acre parcel size. According to the Tulare County General Plan 2030, Policy PF 1.2: Location of Urban Development, urban development shall only take place within certain areas (see below). For a project site to be rezoned to a non-agricultural use, the RVLN policies and checklist are used to determine the agricultural viability of the site. Therefore, the parcel should not be rezoned unless it meets the criteria of the RVLN checklist.

**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 RVLP was adopted in order to establish minimum parcel sizes for areas zoned for agriculture outside of urban boundaries to develop a policy that is fair, logical, legally supportable, and consistent in the utilization of resource information in determining the suitability of rural lands for nonagricultural uses. A point evaluation system, which places a point value on 15 factors, is used to determine a site's suitability for nonagricultural zoning. After all the factors have been applied, the number of points the parcel has accumulated are totaled. Outside of an UAB if the number of points accumulated is 17 or more, then the parcel shall remain agriculturally zoned. If the number of points accumulated is 11 or less, the parcel may be considered for nonagricultural zoning. A parcel receiving 12, 13, 14, 15, or 16 points shall be determined to have fallen within a "gray" area in which no clear cut decision is readily apparent. In such instances, the Planning Commission and Board of Supervisors may make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by the system.

A detailed evaluation of the parcel under the RVLP was completed for the project. Under the RVLP evaluation system, the subject site received 8 points (see Attachment 4: Parcel Evaluation Checklist), indicating the site may be considered for non-agricultural zoning.

RVLP-1.4: Determination of Agriculture Land, permits the County to zone parcels of land in an agricultural zone (for example: A-1, AE, AE-20, AE-80) to non-agricultural zoning classifications (for example: R-A, R-O, R-1, R-2, R-3, O, P-O, R-1, C-1, C-2, M-1, M-2) if it is found that the parcel is better suited for a non-agricultural zone classification by means of the system of selection set forth in the policy.

The proposed change in zone designation from AE-20 to C-2 is consistent with the General Plan 2030 policy as determined by the RVLP analysis.

**Land Use Chapter:** Designated as "Valley Agriculture." If the zone change is approved, the land use will be designated "Non-Agriculture."

**Planning Framework Chapter:** The subject site is outside of a development boundary.

##### 5. **Planning Commission Development Standards:**

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



Director of the Tulare County Resource Management Agency-Development Services Division.

**III. ENVIRONMENTAL SETTING:**

**1. Topographical Setting:**

Terrain is level, typical of most valley lands.

**2. Flooding Potential:**

The site is within FEMA Zones AE and X (0.2 percent, according to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 065066, Panel No. 960, dated June 16, 2009.

**3. Soils:**

<u>Type</u>	<u>Capability Class</u>	<u>Shrink/Swell Potential</u>	<u>Septic Tank Absorption</u>	<u>Prime</u>
Exeter Loam	IIIs-8 (irrigated) IVs (non-irrigated)	Moderate	Severe	No

**4. Biotic Conditions:**

The proposed project is located within the Exeter USGS Quad. According to the California Natural Diversity Data Base (CNDDB), the San Joaquin kit fox (*Vulpes macrotis mutica*) is listed as federally “Endangered” and State “Threatened.” Therefore, the project, as-built, 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.

**5. Water Table:** The Groundwater Information Center Interactive Map possessed no data regarding this location. In 1995, the groundwater level was approximately 60 feet at this location.

**6. Agricultural Preserves:** The subject site is not within an agricultural preserve.

**IV. HISTORY AND PROJECT FACTS:**

**1. Project History:** The site was created by Certificate of Compliance No. PCC 12-006, approved for this 2.71-acre site on July 18, 2012. Project Review Committee No. PRC 12-033 approved on June 28, 2012. Several building permits: Water tank (2015); Hood system (2015); 1,800 sq. ft. fruit stand (2013); Electrical meter for agricultural well (2011). General Code Violation No. GC1700069 was established on December 20, 2016 because the establishment was operating as a full Mexican restaurant in an agricultural zone. Project Review Committee No. PRC 17-005 was approved on

February 16, 2017 to allow the applicant to submit an application for change of zone initiation. PZC 17-001 (Initiation) was approved by the Board of Supervisors on May 16, 2017; and the applicant submitted this zone change application on June 19, 2017.

2. **Project Facts:** The project is a Change of Zone on a 2.71-acre parcel from AE-20 (Exclusive Agriculture – 20 acre minimum) to C-2 (General Commercial). This is an existing fruit stand that expanded into a restaurant and is now out of compliance with the ordinance code. Either a change of zone shall be approved by the Planning Commission & Board of Supervisors or the restaurant portion of this fruit stand would need to close.

The applicant acquired the property in 2016; the illegal status of the restaurant was unknown to the applicant at the time. Applicant submitted documentation to the Resource Management Agency of Environmental Health Services Division Permit to operate a restaurant at this site. General Code Case GC1700069 was established on December 20, 2016 for a restaurant in an agricultural zone. Since learning of the code violation, the applicant has been pro-active in applying for this zone change.

There is a 33-acre parcel located just southeast of the subject site (on the east side of Road 204) that is zoned M-2 (Heavy Manufacturing). It is owned by Waterman Exeter, LLC. This company is engaged in water treatment; water delivery; ag irrigation; and water control: retention areas, tanks, lagoons, and more. Six hundred (600) feet south of that are two parcels zoned M-1 (Light Manufacturing) that contain the Musco Olive Processing Plant and the Helena Chemical Company. As such, a change of zone in this area would not be unprecedented.

## V. 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 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. The use of Section 15303 is appropriate and compatible because the subject site is already developed with a restaurant and this change of zone will provide entitlement for future development on the 2.71-acre parcel.

## VI. SUBSEQUENT ACTIONS:

### 1. **Appeals:**

All Planning Commission actions on Special Use Permits 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.

**2. School Impact Fees:**

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

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

**3. Storm Water Permit:**

A General Construction Activity Storm Water Permit CAS000002 shall be required (prior to commencement of the construction) for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of more than one acre or which is less than one acre but is part of a larger common plan of development or sale. And, depending on the Standard Industrial Classification (SIC) Code of the final project, a General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities may be required. A Notice of Intent (NOI) shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the appropriate annual fee. Permits shall be required until the construction is completed.

**4. Air Impact Assessment:**

The San Joaquin Valley Air Pollution Control District (District) has adopted the Indirect Source Review (Rule 9510). Your project may require filing of an application for an Air Impact Assessment. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at [www.valleyair.org](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.

**5. 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).

# ATTACHMENT NO. 3

APPLICATION NO. PZC 17-013

APPLICANT'S NAME Duval Espinoza

## RURAL VALLEY LANDS PLAN -- PARCEL EVALUATION CHECKLIST

**A. RESTRICTED TO AGRICULTURE VALUES**

If a following factor meets the "Restricted to Agriculture" criteria, place an "R" in the value column and stop the evaluation; if the factor meets the "Nonagricultural" criteria, place a "0" in the value column and continue the evaluation.

		VALUE
1.	Agricultural Preserve Status	[ 0 ]
2.	Limitations for Individual Waste Disposal Facilities	[ 0 ]

**B. VARIABLE POINT VALUE**

Each of the following land capability ratings (as per USDA Soil Conservation Service data) have been awarded a number value, as follows:

LAND CAPABILITY	POINT VALUE	
Class I, II, or III	4 points	[ 4 ]
Class IV	2 points	[ 0 ]
Class V, VI, or VII	0 points	[ 0 ]

For the following factor, determine the land capability rating(s) of the parcel under review and award its corresponding point value.

Class I, II, or III	(4 points)	[ 4 ]
Class IV	(2 points) Non-Irrigated	[ 0 ]
Class V, VI or VII	(0 points)	[ 0 ]

**C. POINT VALUES**

If a following factor meets the highest relative suitability criteria, award the factor the number of points listed for the category; if the factor meets the lowest relative suitability criteria, award it a "0".

**FOUR POINT VALUE CATEGORY**

1.	Existing Parcel Size (use gross acreage figure)	[ 0 ]
2.	Existing Land Use/Suitability for Cultivation	[ 0 ]

**THREE POINT VALUE CATEGORY**

1.	Surrounding Parcel Size (do not evaluate this factor if the site received "0" points for 'Existing Land Use/Suitability for Cultivation'; enter a "0" in such cases)	[ 0 ]
2.	Surrounding Land Use	[ 0 ]
3.	Proximity to Inharmonious Uses (NOTE: Flexible Point Value applicable in some cases)	[ 0 ]
4.	Proximity to Lands in Agricultural Preserves	[ 0 ]

**TWO POINT VALUE CATEGORY**

1.	Level of Ground Water and Soil Permeability	[ 0 ]
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**ONE POINT VALUE CATEGORY**

1.	Proximity to Fire Protection Facilities (NOTE: Three Point Value applicable in some cases)	[ 0 ]
2.	Access to Paved Roads	[ 0 ]
3.	Historical Sites, Archaeological Sites, Wildlife Habitats, and/or Unique Natural Features	[ 0 ]
4.	Flood Prone Areas	[ 0 ]
5.	Availability of Community Domestic Water/Fire Flow Requirements	[ 0 ]
6.	Surface Irrigation Water	[ 0 ]
7.	Groundwater Recharge Potential (do not evaluate this factor if the site received "0" points for 'Surface Irrigation Water'; enter "0" in such cases)	[ 0 ]

TOTAL POINTS [ 8 ]

BACK-UP STATEMENT FOR RVLP EVALUATION CHECKLIST  
FOR  
PZC 17-004 – Duval Espinoza

PARCELS EVALUATED: The 2.71-acre parcel was evaluated under the RVLP point evaluation checklist system. The parcel involved assessor parcel number (APN) 141-010-027.

A. RESTRICTED TO AGRICULTURAL VALUES

1. Agricultural Preserve Status:

The subject site is not under Williamson Act Contract.

2. Limitation for Individual Waste Disposal Facilities:

No limitations.

B. VARIABLE POINT VALUE

1. Land Capability:

The Soil Conservation Service has rated the agricultural capability of the soil, Exeter Loam, as Class IIIs-8 (irrigated) and Class IVs (non-irrigated). The subject site contains a restaurant and a small orchard. The site has met the Highest Relative Suitability; therefore, this factor received an allocation of 4 points.

C. POINT VALUES

4 POINT VALUE

1. Existing parcel size:

The whole project area is 2.71 acres. Justification for determining this factor is to allow development of nonagricultural uses on those parcels which are less than five acres (gross) in size. Since this parcel is less than 5 acres, this factor meets the criteria for lowest relative suitability: 0 points allocated.

2. Existing Land Use/Suitability for Cultivation:

There is a small orchard ( $\pm 1.0$  acre) on the subject site; however, it is not in commercial agricultural production. Historically, the site was former railroad right of way and the orchard was planted only in 2007 for

property owner's personal use. The rest of the acreage ( $\pm 1.71$  acres) is being utilized as a restaurant. This parcel is unsuitable for commercial cultivation; therefore, this factor meets the criteria for lowest relative suitability: 0 points allocated.

### 3 POINT VALUE

1. Surrounding Parcel Size:

Since the site received 0 points for Existing Land Use/Suitability for Cultivation, this criterion is not evaluated and a factor of 0 points is allocated.

2. Surrounding Land Uses:

The site is abutted on two sides with non-agricultural uses and within one-quarter mile of the perimeter of the site, at least 20% of the area is devoted to nonagricultural uses. (Approximately 42% of the area is devoted to agricultural uses). Therefore, the site meets the criteria for the lowest relative suitability factor: 0 points allocated.

3. Proximity to Inharmonious Uses:

The site is not within one-half mile of any of the inharmonious uses listed. Lowest relative suitability has been met: 0 points allocated.

4. Proximity to Lands Within Agricultural Preserves:

The site is abutted one side by an Agricultural Preserve and within one-quarter mile of the perimeter of the subject site, less than 50% of the area is in agricultural preserve. The parcel does not meet any of the criteria for highest relative suitability; therefore, lowest relative suitability has been met: 0 points allocated.

### 2 POINT VALUE

1. Level of Groundwater and Soil Permeability:

The site contains Exeter Loam (moderate permeability) soil and the water table is greater than 20 feet of the ground surface. Lowest relative suitability has been met: 0 points allocated.

### 1 POINT VALUE

1. Proximity to Fire Protection Facilities:

The subject site is approximately 3.5 miles south of the from the Exeter Station No. 11, which is within the five-mile response distance from fire protection facilities. Lowest relative suitability has been met: 0 points allocated.

2. Access to a Paved County and/or State Maintained Road:

The site has direct access to Avenue 256 and Road 204, both of which are County maintained roads. Lowest relative suitability has been met: 0 points allocated.

3. Historical, Archaeological, Wildlife Habitat, and Unique Natural Features:

None of the aforementioned features exist on site. Lowest relative suitability has been met: 0 points allocated.

4. Flood Prone Areas:

The site is located within FEMA Flood Zone X (0.2 percent chance). The site is not subject to 100-year frequency floods. Lowest relative suitability has been met: 0 points allocated.

5. Availability of Community Domestic Water:

The zone change is for commercial uses; the requirements of the Tulare County Fire Flow Ordinance can be met. Lowest relative suitability has been met: 0 points allocated.

6. Surface Water Irrigated Lands:

The site does not have rights to surface irrigation water. Lowest relative suitability has been met: 0 points allocated.

7. Groundwater Recharge Potential:

Because the site received 0 points for Surface Water Irrigated Lands, this criterion is not to be evaluated: 0 points allocated.





# ATTACHMENT NO. 4 RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD.  
VISALIA, CA. 93277  
PHONE (559) 624-7000  
FAX (559) 730-2653

Reed Schenke      Public Works  
Sherman Dix      Fiscal Services  
Michael Washam      Ec. Dev. & Planning

REED SCHENKE, P.E., DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

DATE: 07/17/2017

## PROJECT REVIEW - CONSULTATION NOTICE

To: Interested Agencies (see next page)

From: Dana Mettlen, Project Planner

Subject: Case No.            Change of Zone No. PZC 17-001 – Espinoza Ref: PZC 17-001 & PRC 17-005

The Tulare County Resource Management Agency, Development Services Branch, has received an application for a land development permit. A copy of the application package is attached for your information.

Please review this project and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation. Please indicate in your response which CEQA document this department should prepare:

Categorical Exemption: Class 15303

Negative Declaration:

Mitigated Negative Declaration

Environmental Impact Report

Other: \_\_\_\_\_

To all local agencies wishing to make recommendations, all comments must be received by our office 07/31/2017, in order to be considered during the review process.

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

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

**CASE NO. \_\_\_\_\_ PZC 17-013**  
**CONSULTING AGENCY LIST**

**TULARE COUNTY AGENCIES**

- X R.M.A. - Building Division
- X R.M.A. - Code Compliance Division
- X R.M.A. - Environmental Coordinator
- R.M.A. - Community Dev./Redevelopment Division
- X 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
- X H.H.S.A. - Environmental Health Services Division
- H.H.S.A. - HazMat Division
- X 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\*
- X        Lewis Creek        Irrigation Dist\*
- Pub Utility Dist\*
- 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\*
- X SJV Air Pollution Control Dist

**STATE AGENCIES**

- X Dept. of Fish & Wildlife Dist 4
- \_\_\_\_\_, DFG Area Biologist
- Alcoholic Beverage Control
- Housing & Community Development
- Reclamation Board
- Regional Water Quality Control Board - Dist. 8
- 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)
- X Tulare County Farm Bureau
- Archaeological Conservancy (Sacramento)

**LEWIS CREEK WATER DISTRICT**  
 P.O. Box 911  
 Visalia, CA 93279-0911

**FEDERAL AGENCIES**

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

# RESOURCE MANAGEMENT AGENCY



## INTEROFFICE MEMORANDUM

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July 18, 2017

**TO:** Dana Mettlen, Project Planner  
**FROM:** Craig Anderson, Engineer III *CA*  
**SUBJECT:** Case No. PZC 17-001  
**OWNER:** Espinoza, Ramos, LLC  
**APN:** 141-010-027

The subject Case No. PZC 17-001 has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

The subject site is not located within any 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. 990. The subject site is located within Zone X (0.2 percent chance).

Construction of buildings within a shaded Zone X (0.2 percent chance flood) require no specific flood mitigation measures, however, it is recommended that all finished floor levels be elevated one foot above adjacent natural ground.

### **Right-of-way Information:**

The subject site lies on the south side of Avenue 256 and the west side of Road 204. The existing right of way on Avenue 256 is 67 feet (25 feet on the north side and 42 feet on the south side) and on

Road 204 is 40 feet (20 feet on the west side and 20 feet on the east side). Ultimate right of way on Avenue 256 is 84 feet and on Road 204 is 60 feet.

**Road Information:**

According to the county's maintained mileage maps, Avenue 256 is a county maintained road. Road 204 is a county maintained road.

Based on the 2015 Pavement Management System database, the existing pavement width on Avenue 256 is 28 feet and on Road 204 is 26 feet. The pavement type on Avenue 256 is road mix asphalt surfacing and on Road 204 is road mix asphalt surfacing.

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

CA



TULARE COUNTY  
HEALTH & HUMAN SERVICES AGENCY

Public Health Branch

Jason T. Britt, M.S.  
Agency Director

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July 27, 2017

DANA METTLEN  
RESOURCE MANAGEMENT AGENCY  
5961 SOUTH MOONEY BLVD  
VISALIA CA 93277

Re: PZC 17-001

Dear Ms. Mettlen:

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

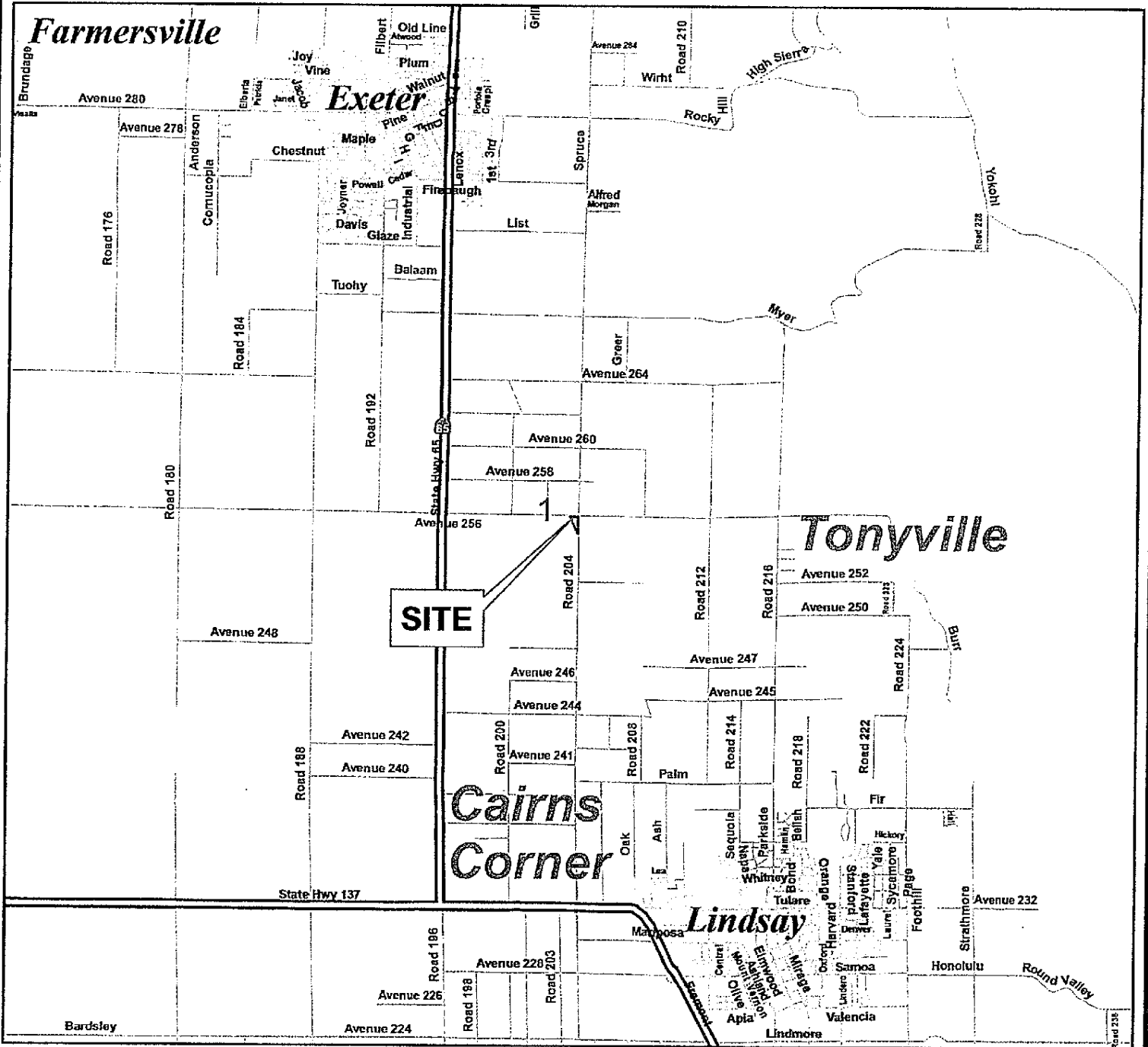
1. This site has a Tulare County Environmental Health Permit to operate a restaurant.
2. This site has a permit to operate the water system for the food facility with the Tulare County Environmental Health Department.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ted Martin".

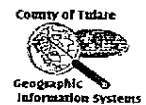
Ted Martin  
Environmental Health Specialist  
Environmental Health Services Division

# Vicinity Map for PZC 17-013



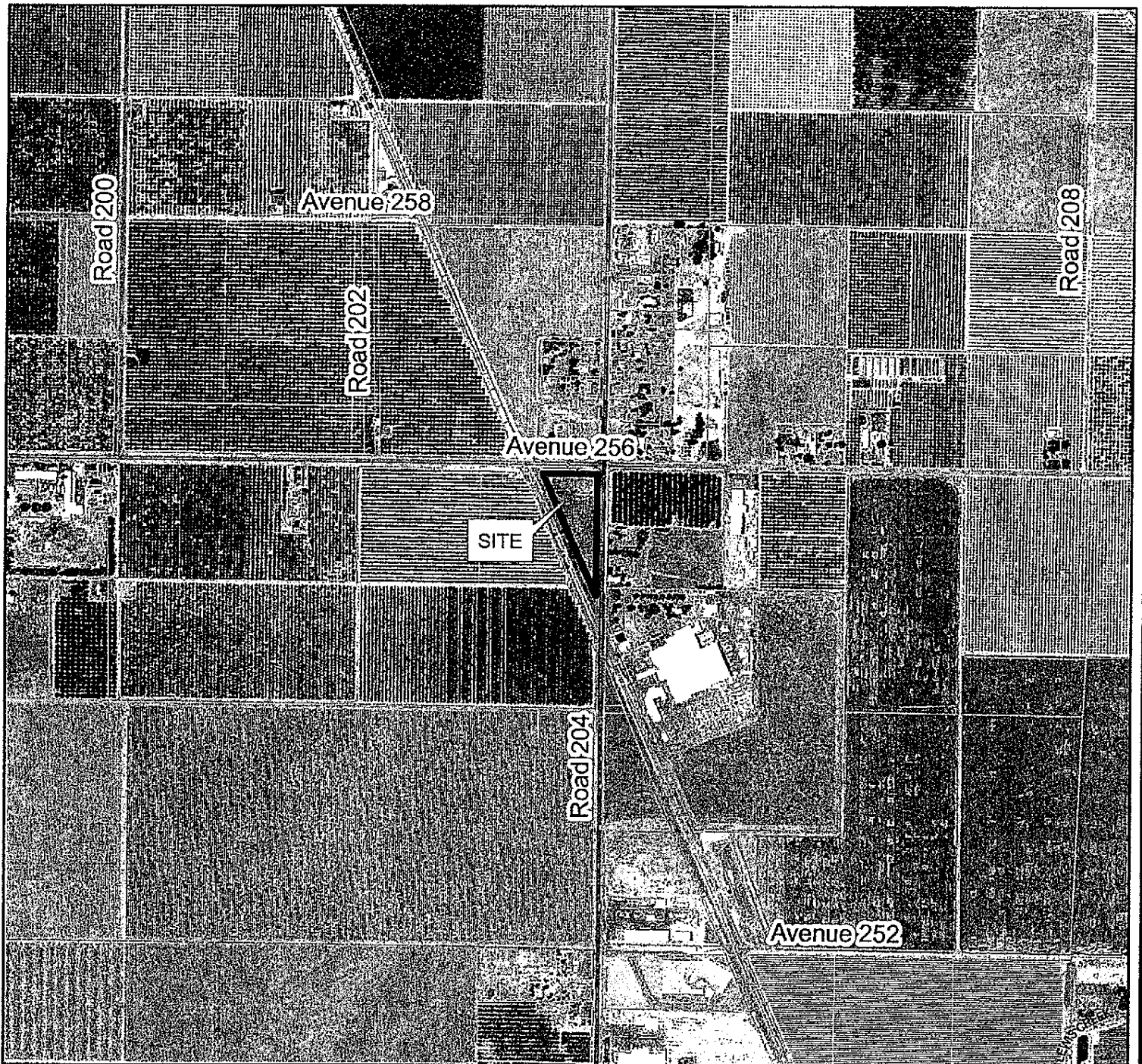
Supervisory District: 1

-  SITE
-  Supervisory Districts





# Aerial Photograph for PZC 17-013



Owner: Espinoza Ramos LLC  
Address: 901 N. Comstock  
City, State, ZIP: Visalia, CA 93291  
Applicant: Duval Espinoza  
Agent: N/A  
Supervisorial District: 1  
Assessors Parcel: 141-010-027

0 0.35 Miles

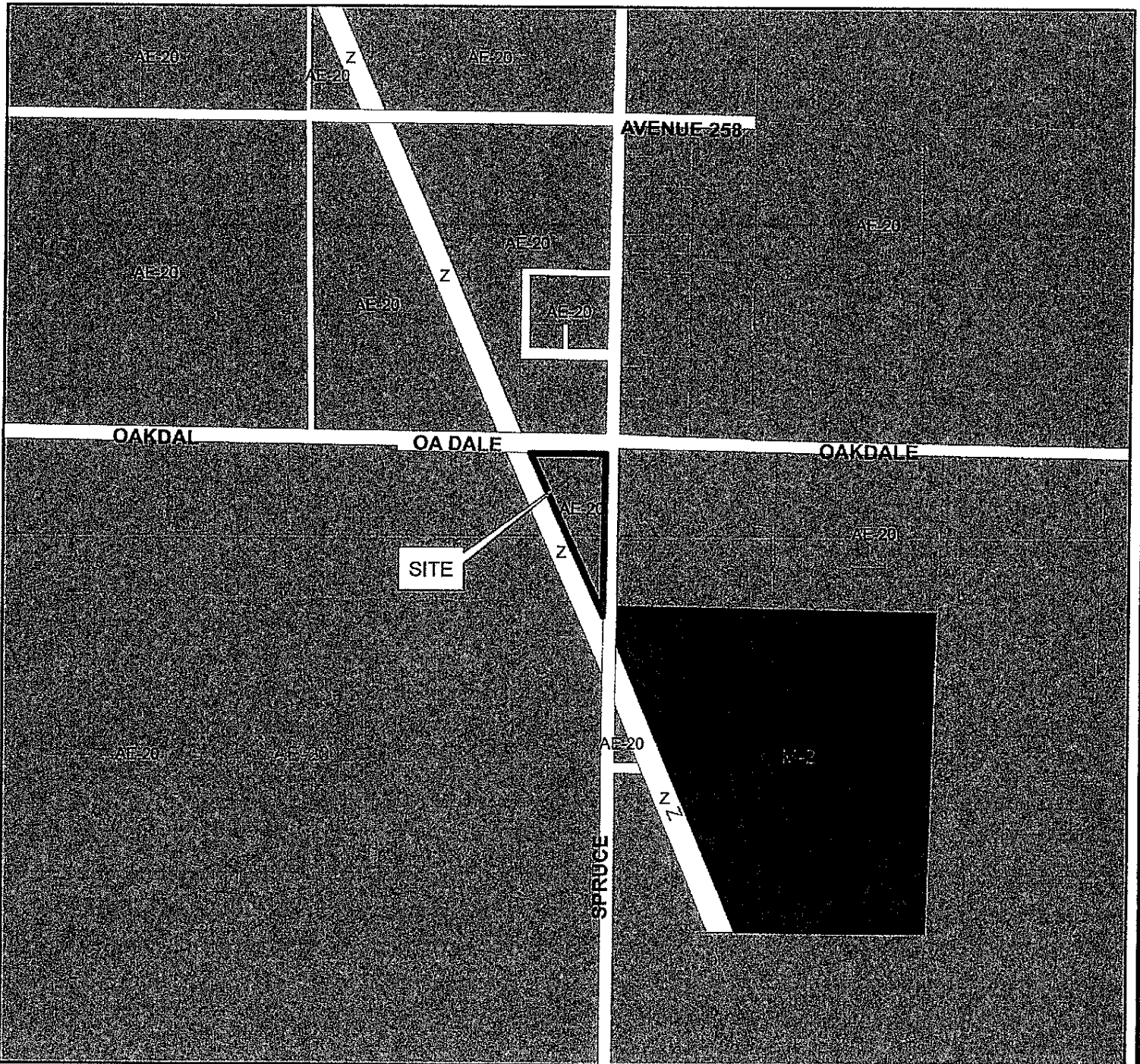


County of Tulare  
Geographic  
Information Systems

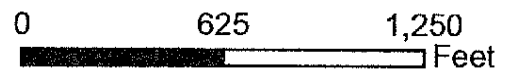




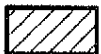
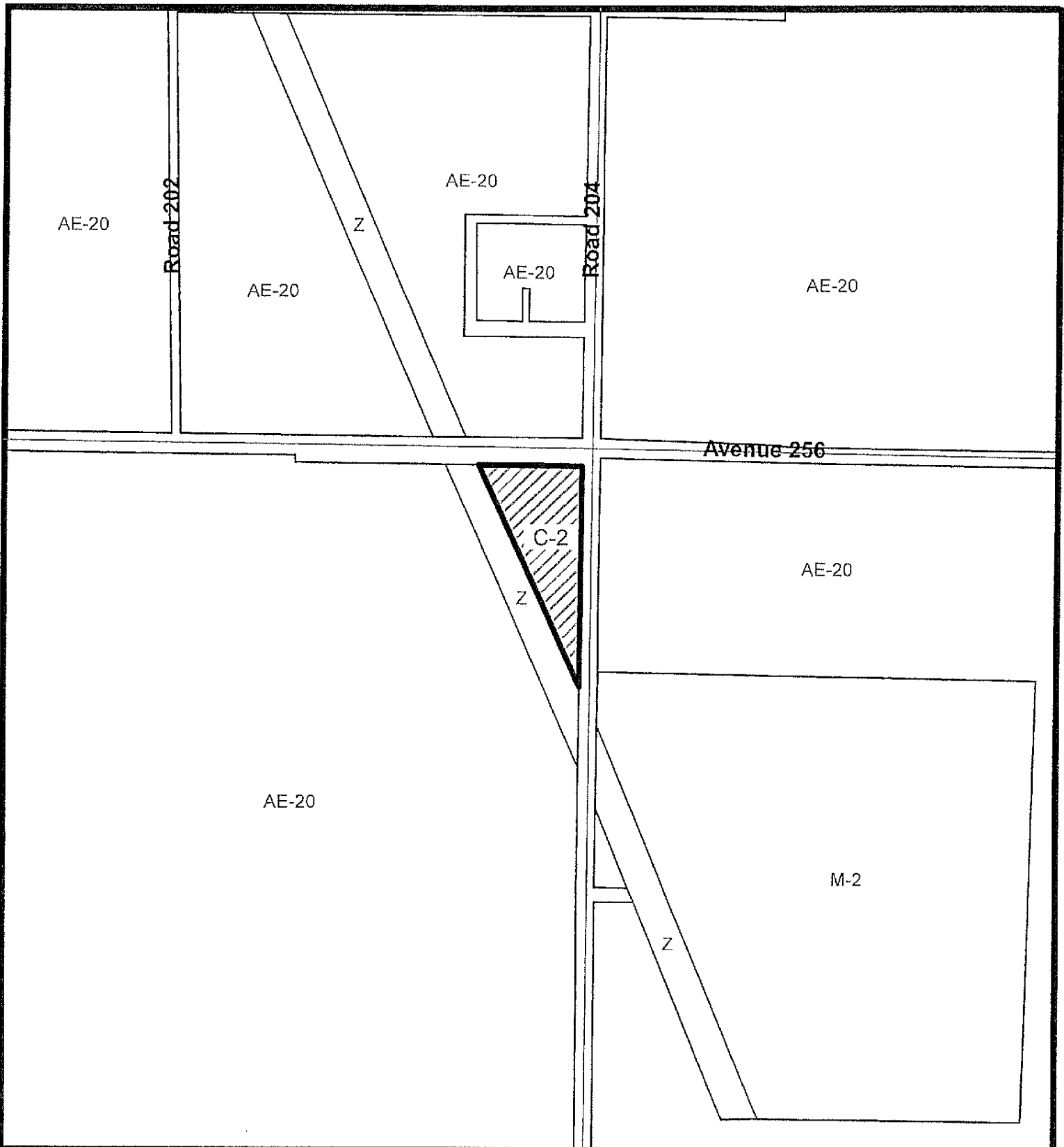
# Existing Zoning Map for PZC 17-013



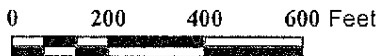
Owner: Espinoza Ramos LLC  
 Address: 901 N. Comstock  
 City, State, ZIP: Visalia, CA 93291  
 Applicant: Duval Espinoza  
 Agent: N/A  
 Supervisorial District: 1  
 Assessor's Parcel: 141-010-027





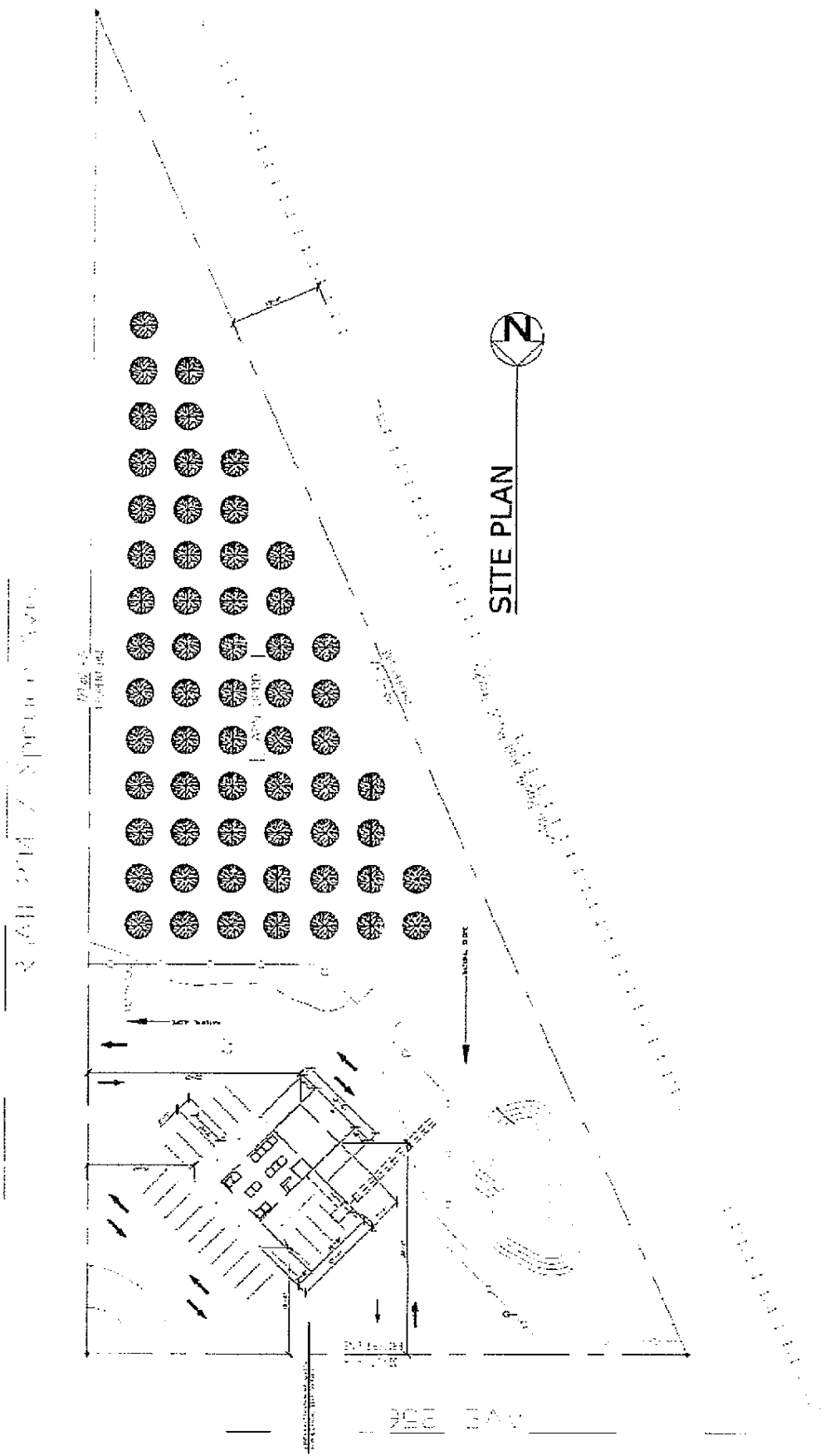


APN: 141-010-027,  
 APROX. 2.0 AC.  
 Zone Change from AE-20 to C-2  
 (PZC 17-013)



ORDINANCE NO. \_\_\_\_\_  
 AMENDING A PORTION OF PART 430  
 SEC. 26, T 19 S, R 26 E, M.D.B. & M.  
 OF  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

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



**Site Plan  
Illustration  
PZC 17-013**



**No Scale**

NOTICE OF PUBLIC HEARING AND AVAILABILITY  
OF ENVIRONMENTAL DOCUMENT

A **Categorical Exemption** for **Zone Change PZC 17-013** has been approved for public review by the Tulare County Environmental Assessment Officer. Copies are available for review and comment at the Resource Management Agency, Permit Center, 5961 South Mooney Blvd., Visalia, California 93277-9394. Comments and recommendations on the adequacy of the environmental document may be filed at the aforementioned address during the public review period established for the project.

**PROJECT:** Zone Change PZC 17-013

**APPLICANT/AGENT:** Espinoza, Duval/Fabian and Esperanza Espinoza, LLC

**LOCATION:** On property located on the southwest corner of the intersection of Avenue 256 and Road 204, approximately 2.5 miles south of Exeter.

**PROJECT DESCRIPTION:** Categorical Exemption and Change of Zone for a change of zone on approximate 2.71 acre site, from AE-20 (Exclusive Agriculture – 20 acre minimum) to “C-2” (General Commercial) Zone.

**ENVIRONMENTAL DOCUMENT:** Recommend the Board of Supervisors approve a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15301, Class 1 pertaining to Existing Facilities.

**REVIEW PERIOD:** 10 days until Monday, February 26, 2018 at 5:00 p.m.

**PUBLIC HEARING:** Planning Commission on Wednesday, February 28, 2018, at 9:00 a.m.

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

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

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

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

HECTOR GUERRA, CHIEF ENVIRONMENTAL PLANNER  
REED SCHENKE, ENVIRONMENTAL ASSESSMENT OFFICER

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TO BE PUBLISHED ONCE ONLY ON: Thursday, February 15, 2018

SEND BILL AND TEAR SHEET TO:  
TUL CO RESOURCE MGMT.  
5961 SOUTH MOONEY BLVD.  
VISALIA, CA 93277-9394

SEND TO: VTD

Notice of Exemption

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

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

Lead Agency: Tulare County - Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277  
Ph: 559-624-7000  
Attn: hguerra@co.tulare.ca.us

Applicant(s): Duval Espinoza  
21201 Avenue 256  
Exeter, CA 93221  
Ph: 559-679-5667

Date Filed with Tulare County Clerk

Activity/Project Title: Zone Change No. PZC 17-013

Activity/Project Location: APN 141-010-027

Activity/Project Location- Section, Township, Range: Section 26, Township 19 South, Range 26 East, MDB&M

Project Location - City: N/A

Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: The project is a change of Zone from AE-20 to C-2 (General Commercial).

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 (14 Cal. Code Regs. Section 15061 (b)(3)) (No Possibility of Significant Impact)
- Categorical Exemption: Title 14, Cal. Code Regulations Guideline § 15303, Class 3 pertaining to New Construction or Conversion of Existing Structures
- Statutory Exemptions:

Reasons Why Activity/Project is exempt from CEQA: The use of Section 15303 is applicable and appropriate because the subject site is already developed with a restaurant and this change of zone would provide entitlement for additional development on the 2.71-acre parcel.

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

Activity/Project Representative Dana Mettlen Area Code/Telephone: 559-624-7000

Signature: Hector Guerra Date: 9/12/17 Title: Chief Environmental Planner

Signature: Reed Schenke, P.E. Date: 1/31/18 Title: Environmental Assessment Officer

Signed by Lead Agency

Date received for filing at OPR: N/A