

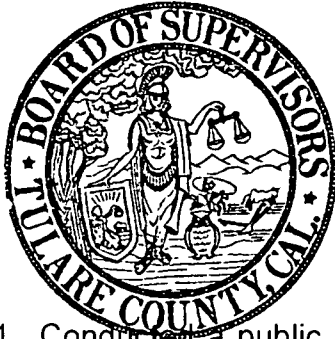
BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF CONDUCT A PUBLIC HEARING TO APPROVE THE VACATION OF AVENUE 356 BETWEEN ROAD 176 AND COTTONWOOD CREEK)
) Resolution No. 2018-0584
)
)

UPON MOTION OF SUPERVISOR CROCKER, SECONDED BY SUPERVISOR SHUKLIAN, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JULY 17, 2018, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, WORTHLEY, AND ENNIS
 NOES: NONE
 ABSTAIN: NONE
 ABSENT: NONE

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



BY: Mary Ravello
 Deputy Clerk

1. Conducted a public hearing to approve the vacation of Avenue 356 between Road 176 and Cottonwood Creek, more particularly described in Exhibit A, Legal Description;
2. Determined that Avenue 356 between Road 176 and Cottonwood Creek is excess right of way and vacation thereof is in the public interest;
3. Vacated Avenue 356 between Road 176 and Cottonwood Creek and ordered that the public use is hereby vacated, reserving an easement and right necessary for public utilities;
4. Determined that the vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the adopted State of California CEQA Guidelines Section 15061(b)(3) and direct the Environmental Officer to sign and file a Notice of Exemption with the Tulare County Clerk; and
5. Directed the Clerk of the Board to cause a certified copy of the resolution to be recorded in the Office of the Tulare County Assessor Clerk/Recorder.



**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: July 17, 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"/> |
| County Counsel Sign-Off | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Meet & Confer Required | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Electronic file(s) has been sent | Yes | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| Budget Transfer (Aud 308) attached | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Personnel Resolution attached | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010 | | | | |

SUBJECT: Conduct a Public Hearing to approve the vacation of Avenue 356 between Road 176 and Cottonwood Creek

- REQUEST(S):**
That the Board of Supervisors:
1. Conduct a public hearing to approve a vacation of Avenue 356 between Road 176 and Cottonwood Creek, more particularly described in Exhibit A, Legal Description;
 2. Determine that Avenue 356 between Road 176 and Cottonwood Creek is excess right of way and vacation thereof is in the public interest;
 3. Vacate Avenue 356 between Road 176 and Cottonwood Creek and order that the public use is hereby vacated, reserving an easement and right necessary for public utilities;
 4. Determine that the vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the adopted State of California CEQA Guidelines Section 15061(b)(3) and direct the Environmental Officer to sign and file a Notice of Exemption with the Tulare County Clerk; and
 5. Direct the Clerk of the Board to cause a certified copy of the resolution to be recorded in the Office of the Tulare County Assessor Clerk/Recorder.

SUMMARY:
The location of Avenue 356 between Road 176 and Cottonwood Creek is shown on Attachment A, Vicinity Map, and Attachment B, Location Map, and is more particularly described in Attachment G, Exhibit A, Legal Description. The portion of Avenue 356 is located approximately 5 miles to the northwest of the City of Woodlake.

SUBJECT: Conduct a Public Hearing to approve the vacation of Avenue 356 between Road 176 and Cottonwood Creek

DATE: July 17, 2018

The petition to vacate Avenue 356 was submitted by Robert LoBue, owner of the properties abutting Avenue 356 between Road 176 and Cottonwood Creek, as shown on Attachment C, Petition for Vacation of Right of Way. The petitioner's reason for requesting the vacation is the safety of employees during operations related to harvest and to reduce vandalism.

The subject portion of Avenue 356 was created by the "Map of Orange Heights", recorded in Volume 9 of Maps at page 23, Tulare County Records, and a 15-foot-wide strip of land described and conveyed in Volume 12 of Rights of Way at Page 266, Tulare County Records. The vacation of the subject portion of Avenue 356 will not result in a change to the Tulare County Maintained Mileage System.

Due notice of said public hearing, as shown on Attachment G – Notice of Public Hearing, was given by mailed notice, publication, and posting pursuant to Streets and Highways Code sections 8321(e), 8322 and 8323, respectively.

The General Plan Referral, Administrative Decision No. 0485, as shown on Attachment D, determined the vacation is not in conflict with the Tulare County General Plan. The Environmental Officer determined the vacation is exempt from the California Environmental Quality Act, as shown on Attachment E, Notice of Exemption.

FISCAL IMPACT/FINANCING:

There will be **No Net County Cost** to either the General Fund or the Road Fund as a result of this action, other than that necessary for staff to prepare and process the petition for vacation.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Strategic Initiative 1: Safety and Security includes the goal of improving and maintaining adequate transportation infrastructure. This action promotes that goal by redirecting maintenance activities to active roadways. Strategic Initiative 2: Economic Well Being includes the goal of encouraging growth consistent with the County General Plan. This action corresponds with that goal by allowing self-determination of private property use.

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

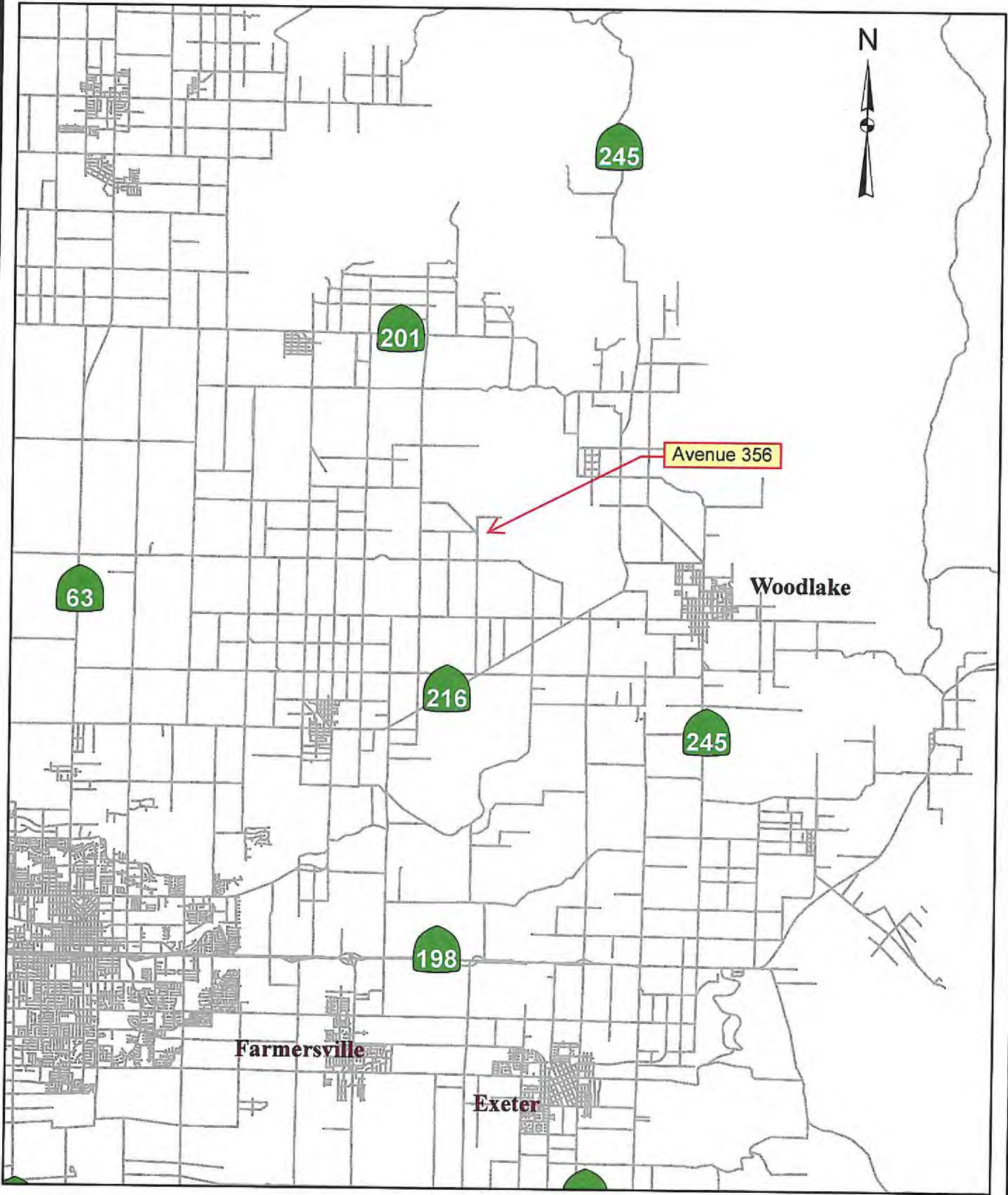
cc: County Administrative Office

SUBJECT: Conduct a Public Hearing to approve the vacation of Avenue 356
between Road 176 and Cottonwood Creek

DATE: July 17, 2018

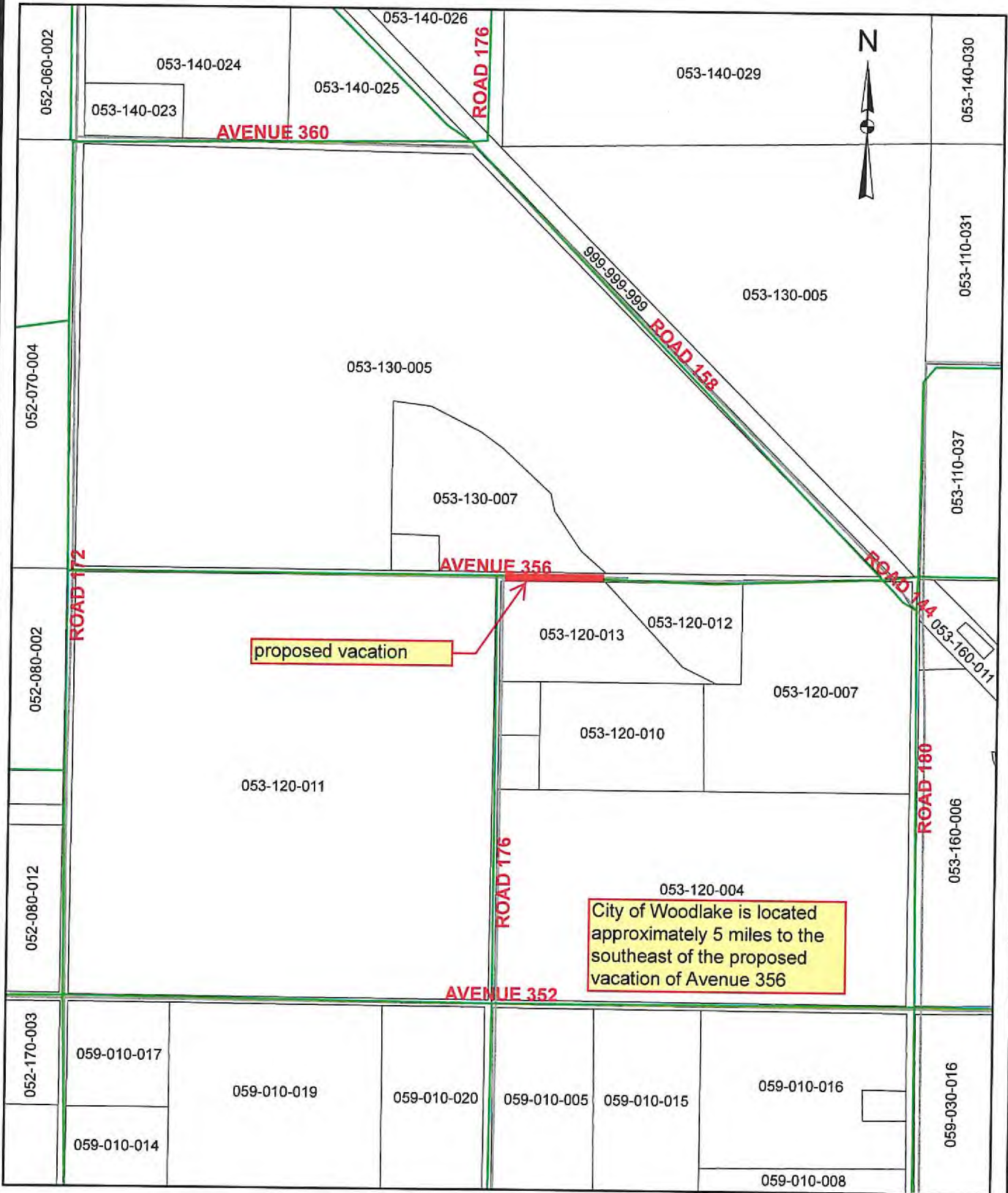
Attachment(s) Attachment A - Vicinity Map
Attachment B - Location Map
Attachment C - Petition for Vacation of Right of Way
Attachment D - General Plan Referral, Administrative Decision
Attachment E - Notice of Exemption
Attachment F - Notice of Public Hearing
Attachment G - Exhibit A, Legal Description

Attachment A - Vicinity Map



0 1 2 4 Miles

Attachment B - Location Map



Attachment C – Petition to Vacate Right of Way

**Petition for Vacation of County Right-of-way
County of Tulare, State of California
To the Honorable Board of Supervisors of the County of Tulare**

The undersigned persons hereby petition the Board of Supervisors of the County of Tulare to vacate the County right-of-way or portion thereof, which is described as follows:

THAT PORTION OF AVE. 356 BETWEEN RD 176 ON THE WEST AND COTTONWOOD CREEK ON THE EAST, SEE ATTACHED MAP.

Said petitioners request the Board of Supervisors to vacate the County right-of-way or portion thereof, which is described above, for the following reasons:

TOO STOP VANDALISM ALONG THE EAST EDGE OF THE PROPERTY.

In accordance with Resolution No. 2009-0665 the petitioners herewith deposit with the Clerk of the Board of Supervisors the required fee of \$2148.00. The petitioners understand and agree that the \$2148.00 fee deposited with the Clerk shall cover the cost of preparing, publishing and posting notices of hearing, and investigation by the Resource Management Agency and other interested County officers and employees, and that no portion thereof shall be refunded.

Date: 3/4 2018.

- | | |
|--|---|
| <p>1. print name <u>ROBERT LOBUE</u> Signature <u>Robert Lobue</u> address <u>210 VALLEY VIEW</u> phone <u>559-804-5851</u></p> | <p>6. print name <u>Gary Weeks</u> Signature <u>[Signature]</u> address <u>7015 N. Valencia</u> phone <u>559 553 5648</u></p> |
| <p>2. print name <u>SARA DETAGOL</u> Signature <u>[Signature]</u> address <u>240 VALLEY VIEW</u> phone <u>559 909-4135</u></p> | <p>7. print name <u>Philip LoBue</u> Signature <u>Phil Lobue</u> address <u>22114 Ave 208 Lindsay</u> phone <u>(559) 280-5239</u></p> |
| <p>3. print name <u>Mike Battencourt</u> signature <u>Mike Battencourt</u> address <u>1898 W Chestnut Exeter</u> phone <u>554-731-6030</u></p> | <p>8. print name <u>FRED P. LOBUE</u> signature <u>[Signature]</u> address <u>1750 So. MAVERICK DR.</u> phone <u>VISALIA CA 93292</u> <u>559-805-0837</u></p> |
| <p>4. print name <u>Robert W Pearcy</u> signature <u>Robert W Pearcy</u> address <u>35414 Rd 176 Visalia 93292</u> phone <u>559-799-5857</u></p> | <p>9. print name <u>Kate L. Anderson</u> signature <u>Kate L. Anderson</u> address <u>23071 Ave 204 Strathman Co.</u> phone <u>559-361-2744</u></p> |
| <p>5. print name <u>Dwain Pearce</u> signature <u>Dwain Pearce</u> address <u>25414 Rd 176 Visalia 93292</u> phone <u>559 795-2343</u></p> | <p>10. print name <u>PATRICK KERWIN</u> signature <u>Patrick Kerwin</u> address <u>21341 MAIN DR WOODLAKE</u> phone <u>559-804-5852</u></p> |

In accordance with section 8321 of the Streets and Highways Code of the State of California, this petition must be signed by not less than 10 freeholders, 2 of whom are residents of the road district in which some part of the county right-of-way affected is situated, and are taxable therein for highway purposes.

Attachment D

Administrative Decision No. 0485

BEFORE THE PLANNING DIRECTOR

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF INVESTIGATION AND)
REPORT OF PROPOSED VACATION OF) Administrative Decision No. 0485
A PORTION OF AVENUE 356 AND)
GENERAL PLAN REFERRAL NO. GPR 18-001)

Decision of the Planning Director of the County of Tulare regarding the vacation of right-of-way along a portion of Avenue 356, being approximately 695 feet in length, between Road 176 and Cottonwood Creek, west of Woodlake. The vacation of this portion of Avenue 356 will be acquired by the adjacent property owner, Lo Bue Ranches, 240 Valley View Drive, Exeter, CA 93221 situated in Section 20, Township 17 S., Range 26 E., M.D.B. & M., in the County of Tulare, State of California.

WHEREAS, pursuant to Government Code Section 65402 and Public Resources Code Section 21151.2, the Planning Director reviewed the written report prepared by the Tulare County Resource Management Agency Staff in connection with General Plan Referral No. GPR 18-001; and

WHEREAS, this portion of Avenue 356 is not a County maintained road; and

WHEREAS, the site is located within the Rural Valley Lands Plan (RVLP), Land Use Element of the Tulare County General Plan and the land use designation is "Valley Agriculture." This designation establishes minimum parcel sizes that are necessary to preserve agricultural lands in increments large enough to support commercial agriculture and discourage the generation of urban land uses in predominantly agricultural areas. The RVLP has the effect of slowing the dilution of required public services and diminish land use incompatibilities associated with non-agricultural uses interspersed with agricultural operations. The proposal is consistent with this policy because the adjacent properties are designated for agricultural use and zoned for exclusive agricultural use (AE-20 Zone); and

WHEREAS, Section 3.C of Ordinance No. 352: Zoning Boundaries, states: Where uncertainty exists as to the boundaries of any zone shown on said Zoning Map, the following rules shall apply: (3) Where a public street or alley is officially vacated or abandoned the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley. This portion of Avenue 356 is a non-maintained right of way. APN(s) 053-120-013 & 053-130-007 are the two adjacent parcels on the north side and south side of the proposed abandonment. These two adjacent parcels are owned by Lo Bue Ranches and are zoned AE-20 (Exclusive Agricultural – 20 acre minimum); therefore, the Zone District to be acquired by the abandoned road portion would be AE-20. The existing use on this site is agriculture (citrus orchard), which is an allowed use in all agricultural zones; therefore, the road vacation would be consistent with Ordinance No. 352, the Zoning Ordinance.

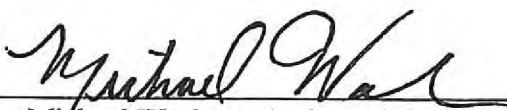
NOW THEREFORE BE IT RESOLVED:

The Planning Director of the County of Tulare hereby adopts the report made by Tulare County Resource Management Agency Staff for General Plan Referral No. GPR 18-001 finding that the vacation of this section of right of way as detailed herein (Exhibit "A") is consistent with the adopted plans and policies of the County of Tulare.

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
Reed Schenke, P.E., Director

By: 
Aaron Bock, Chief Planner
Project Processing
Economic Development & Planning Branch

Date Approved: 6.06.18

By: 
Michael Washam, Assistant Director
Tulare County Resource Management Agency

Date Approved: 6/7/18

Attachment E – Notice of Exemption

Notice of Exemption

Fee Exempt per Government Code Section 6103

- 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

Date Filed with Tulare County Clerk

Lead Agency: Tulare County- Resource Management Agency
5961 South Mooney Blvd.
Visalia, Ca 93277 Ph.: (559) 624-7000

Applicant(s): Robert LoBue and Petitioners
240 Valley View Dr.
Exeter, CA 93221 Phone: (559) 804-5851

Activity/Project Title: Vacation of Avenue 356 between Road 176 and Cottonwood Creek, Tulare County, CA.

Activity/Project Location: Avenue 356 between Road 176 and Cottonwood Creek, Tulare County, CA.

Activity/Project Location- Section, Township, Range: Section 20, Township 17 South, Range 26 East, M.D.B.&M.

Project Location - City: N/A

Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: Applicant benefits from vacation of County right-of-way which would revert to applicant's property at such time as a Board Resolution approving the vacation is officially recorded.


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:
- Statutory Exemptions:

Reasons Why Activity/Project is exempt from CEQA: The activity is covered by the general rule Section 15061 (b)(3) "General Rule" or "common sense" exemption on the grounds that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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

Activity/Project Representative: Mike Bond, County Surveyor **Area Code/Telephone:** 559-624-7150

Signature:  Date: 6/6/18 Title: Chief Environmental Planner
Hector Guerra

Signature:  Date: 6/2/18 Title: Environmental Assessment Officer
Reed Schenke
RMA Director

Signed by Lead Agency Date received for filing at OPR: N/A

Attachment F – Notice of Public Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on July 17, 2018 at 9:30 a.m., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California.

The hearing will pertain to the consideration of vacation of right of way:

That portion of Avenue 356, between Road 176 and Cottonwood Creek, located in the east half of Section 20, Township 17 South, Range 26 East, Mount Diablo Base and Meridian, County of Tulare, State of California, which is depicted on Tulare County Assessor's Maps, in Book 53 at Page12 and in Book 53 at Page13.

All interested persons may appear and be heard at said time and place.

If you challenge the decision of the Board of Supervisors on the foregoing matter 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 Board of Supervisors of the County of Tulare at, or prior to, the public hearing.

Michael C. Spata
County Administrator/Clerk,
Board of Supervisors

Attachment G – Exhibit A, Legal Description



Vacation of Avenue 356

Between Road 176 and Cottonwood Creek

Tulare County
Resource Management Agency

Presentation to: Tulare County Board of Supervisors

July 17, 2018

Overview of Proposed Road Vacation

□ Request:

A portion of Avenue 356 between Road 176 and Cottonwood Creek to be vacated.

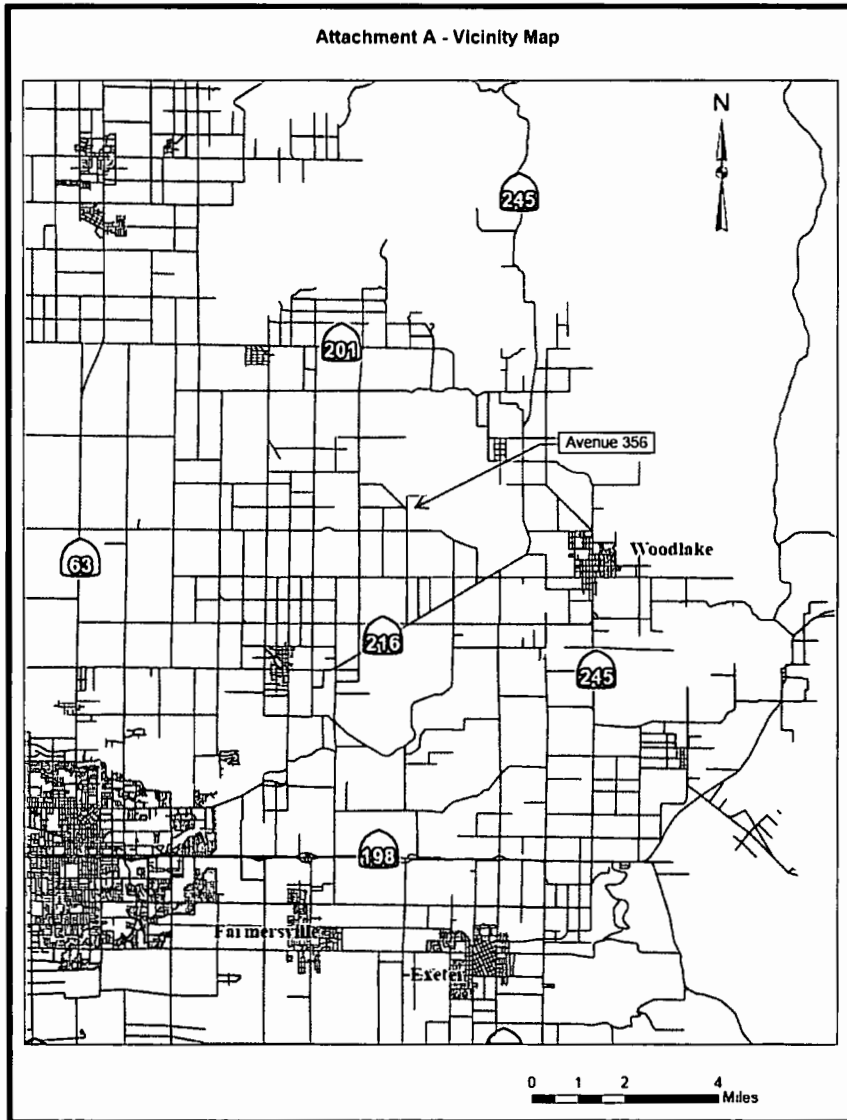
□ Purpose:

Safety of employees during farming operations related to harvest;
Reduce vandalism.

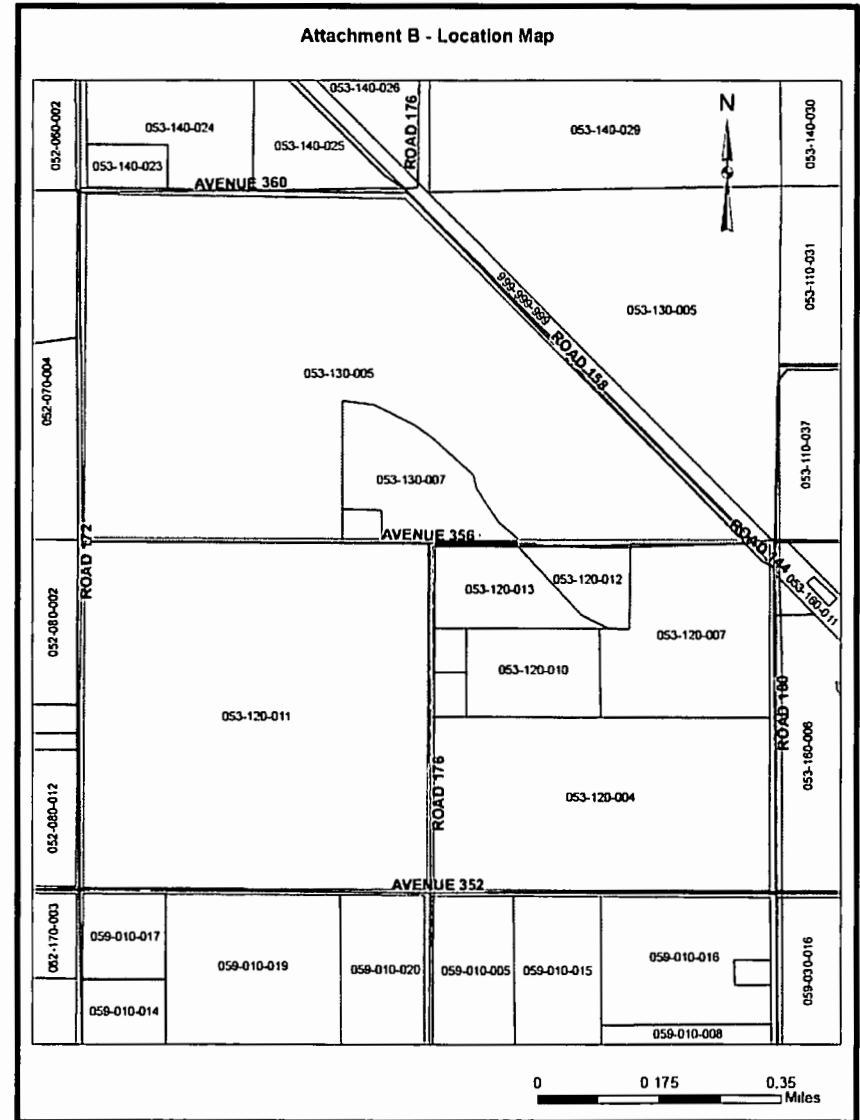
□ *Traffic circulation will not be impacted.*

Location

Attachment A - Vicinity Map



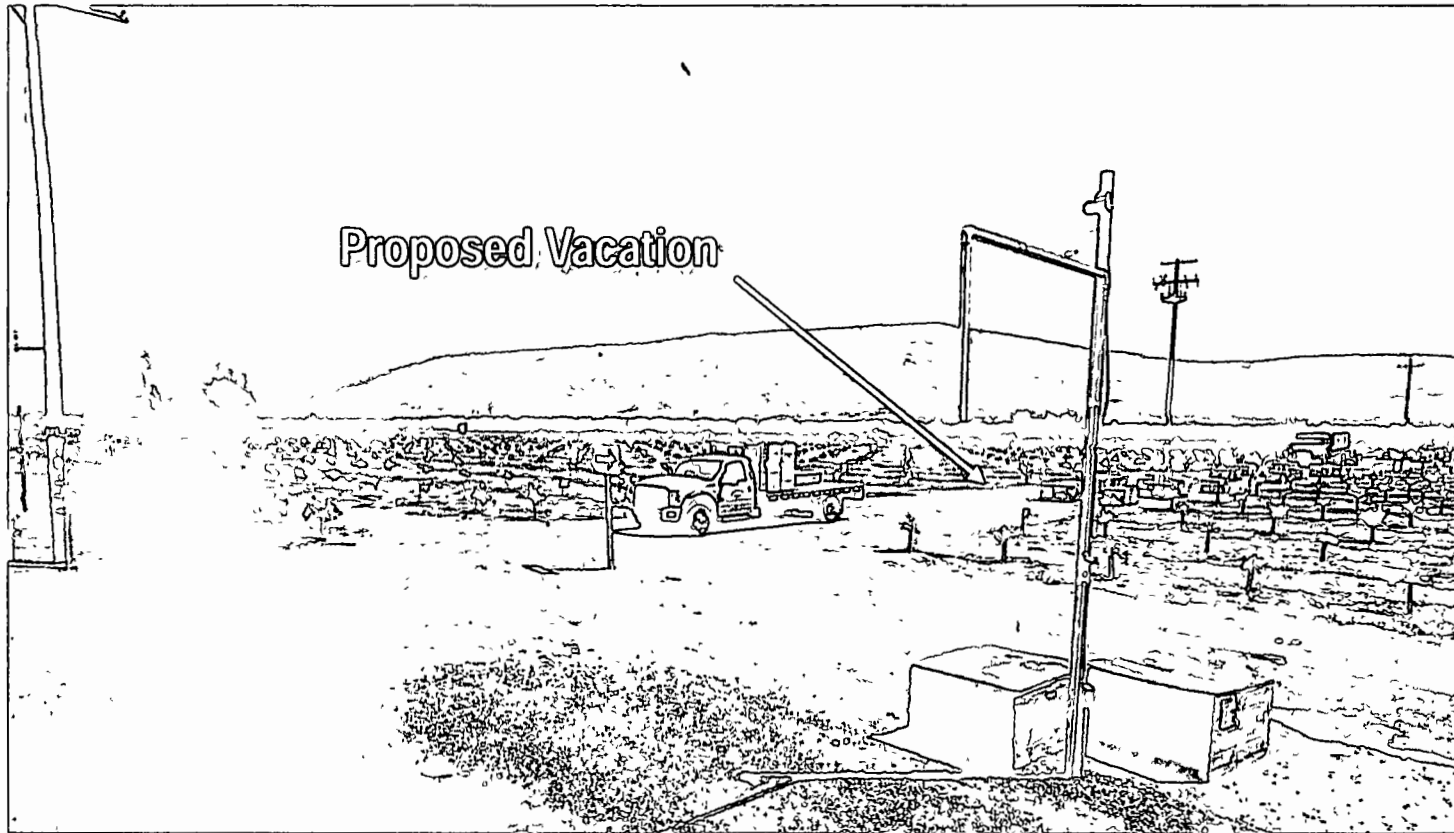
Attachment B - Location Map



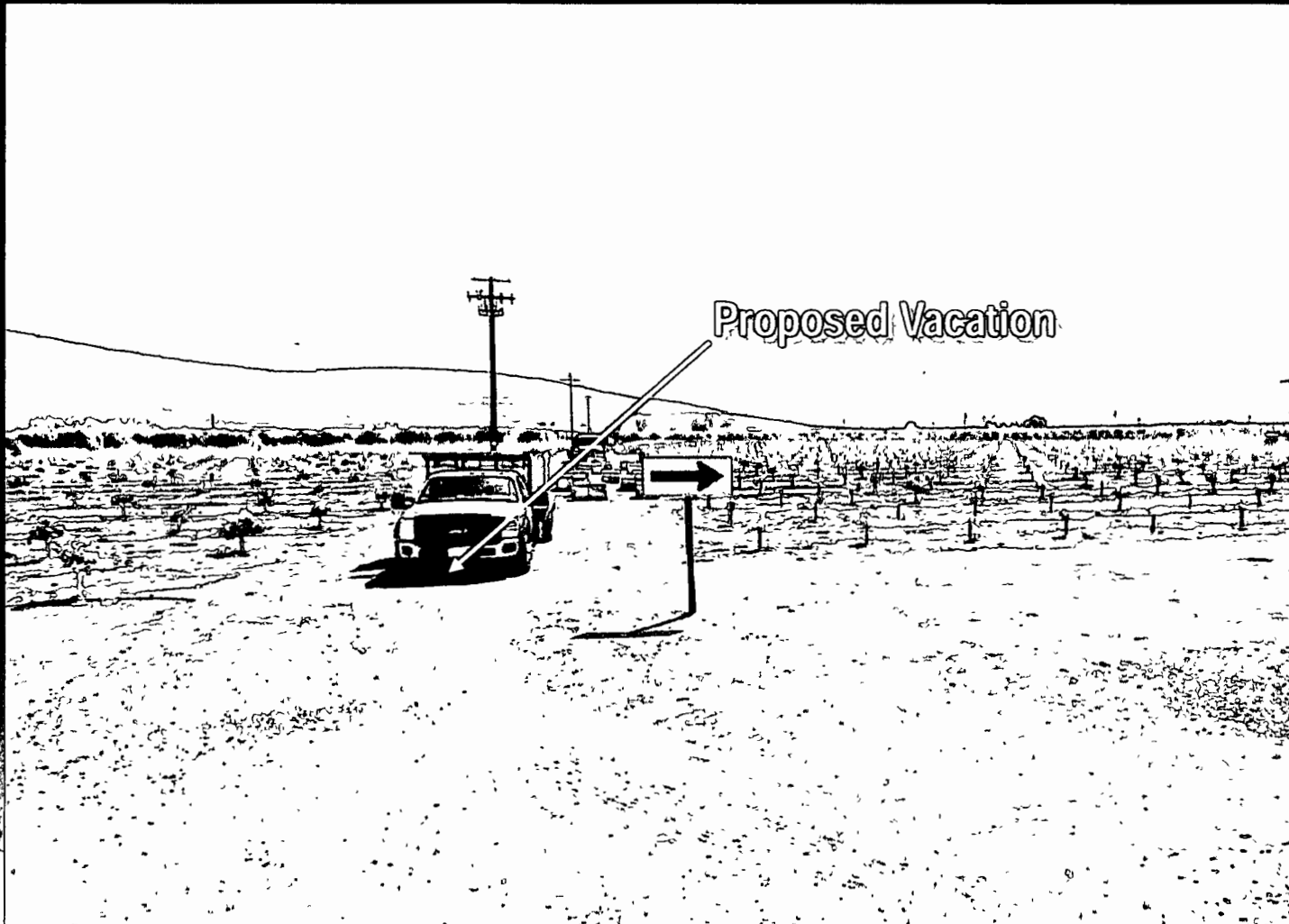
Aerial View (view to north)



View (view to northeast)
from Road 176



View (view to east)
from Road 176



Summary of Request

1. Conduct public hearing.
2. Determine the subject excess right of way is unnecessary for present or prospective use and the vacation is in the public interest.
3. Order the subject right of way be vacated, reserving and excepting an easement and right for public utilities.
4. Determine the vacation is Exempt from CEQA.
5. Direct the Clerk of the Board to cause a certified copy of the Resolution to be recorded.