



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

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: January 14, 2020

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 type="checkbox"/>	N/A	<input checked="" 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 19-012 – Haas/Lindsay

REQUEST(S):
That the Board of Supervisors:

1. Hold a Public Hearing at 9:30 a.m. or shortly thereafter.
2. Introduce and waive the first reading of an Amendment to Ordinance No. 352, the Tulare County Zoning Ordinance, for Change of Zone No. PZC 19-012 to change the zone on a 2.88-acre parcel from “A-1” (Agricultural) to “M-1” (Light Manufacturing), on property located between State Route 65 and Road 216 (Lindsay Boulevard), approximately 650 feet north of Avenue 216, inside the Lindsay Urban Area Boundary
3. 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 15061 (b) (3), Class 3, the Common Sense Rule.
4. Direct the Environmental Assessment Officer or designee to file a Notice of Exemption with the Tulare County Clerk as provided by CEQA.
5. Adopt the findings of approval, as set forth in Planning Commission Resolution No. 9508 and approve Zone Change No. PZC 19-012.
6. Waive the final reading and adopt the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance for PZC 19-012.
7. Direct the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.

SUBJECT: Amendment to the Tulare County Zoning Ordinance No. 352 for Zone Change No. PZC 19-012 – Haas/Lindsay

DATE: January 14, 2020

SUMMARY:

The Tulare County Resource Management Agency has received a request from the property owners' son, William Haas, to change the zone on a 2.88-acre parcel from the A-1 Zone to the M-1 Zone. The site is vacant. The applicant plans to erect an outdoor advertising display sign(s) (billboard(s)) on the site. Since 2.88-acre parcel is bisected by a County-maintained road into two portions, each approximately one-acre in size, it is not suitable for farming. The change of zone would allow the applicant to provide the highest and best use for the property.

The site is located on the east side of State Route 65, approximately 650 feet north of Avenue 216, and 0.65 miles south of the City of Lindsay, inside the Lindsay Urban Area Boundary. Surrounding parcels are zoned A-1 and contain agriculture and scattered rural residences.

ENVIRONMENTAL SUMMARY:

This project will not have a significant effect on the environment and has been determined to be categorically exempt, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations, Section 15061 (b)(3), the Common Sense Rule. The basis for the exemption is that the project does not have the potential for causing a significant effect on the environment, and therefore, is not subject to CEQA. The subject site is not located in an environmentally sensitive area and must comply with state and local regulations.

ENTITLEMENT(S):

Section 10 "A-1": The existing zoning for APN 208-120-041 is A-1 and is a transitional agricultural zone intended to insure that such areas develop in a manner that prevents the introduction of incompatible commercial, manufacturing, subdivision and other urban uses into predominantly agricultural areas of the County.

Section 13 "M-1": The requested M-1 zoning allows by right outdoor advertising display signs, including off-site signs, such as those proposed by the applicant. A change to the M-1 Zone would also allow establishments engaged in "the manufacturing, assembling, packaging, treatment and processing of products other than those that may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise or other similar causes."

GENERAL PLAN CONSISTENCY:

The project area is located within the Rural Valley Lands Plan (RVLP), Land Use Element of the Tulare County General Plan and the Land Use Designation for the project site is "Valley Agriculture." Valley Agriculture is designed for intensive agricultural use with a minimum 10-acre parcel size. For a project site to be rezoned to a non-agricultural use, the RVLP policies and checklist are used to determine the agricultural viability of the site. The project site is zoned A-1; therefore, the parcel should not be rezoned, unless it meets the criteria of the RVLP checklist. Policy RVLP-1.4 states, "if the number of points accumulated is 11 or less, the parcel may

SUBJECT: Amendment to the Tulare County Zoning Ordinance No. 352 for Zone Change No. PZC 19-012 – Haas/Lindsay

DATE: January 14, 2020

be considered for non-agricultural zoning.”

A detailed evaluation of the parcel under the RVLP was completed for the project on October 29, 2019. The analysis resulted in nine (9) RVLP points, indicating that the site may be considered for non-agricultural zoning (Attachment No. 3).

The existing Land Use Designation will remain on the site.

Because the subject site is inside the Lindsay Urban Area Boundary, it is subject to the City/County Memorandum of Understanding. The City did not respond to consultation requests regarding the zone change request sent on 11/16/18 for the Project Review Committee Case No. PRC 18-080, on 7/29/18 for the Zone Change Initiation Project No. PZC 19-011, or on 11/8/19 for the Planning Commission hearing for a recommendation to the Board.

The City/County MOU states that development may occur on non-agriculturally zoned lands; however, per Planning Framework Element Policy PF 4.19, as a non-residential project on a parcel greater than two acres, the project may be required to meet City of Lindsay Zoning Code Section 18.14.040.B., regarding Outdoor Advertising Signs. (See Attachment No. 5.)

The requested change of zone has been found to be compatible with established land uses in the surrounding area and is not in conflict with the furtherance of overall County development strategies, plans, and policies.

PROJECT HISTORY:

The Planning Commission recommended the Board of Supervisors approve a categorical exemption and Change of Zone No. PZC 19-012 by Resolution No. 9686 on December 11, 2019 (Attachment 2). One public comment was received from neighboring property owner to the north, John Arnold, who is concerned that potential uses allowed in the M-1 Zone and less intense commercial zones would affect his ability to farm.

Zone Change Initiation No. PZC 19-011 was approved by the Board of Supervisors on November 5, 2019 by Resolution No. 2019-0943.

The parcel was created in 1907 as Lot 8 of Rosedale Colony. In 2003 a portion of the parcel was relinquished to the County for road purposes. There are no Building Permits or code violations on the subject site.

FISCAL IMPACT/FINANCING:

No Net County Cost.

The applicant’s cost for a Change of Zone was an initial deposit of \$6,659 to the Tulare County Resource Management Agency. Additional fees of \$100 per hour are

SUBJECT: Amendment to the Tulare County Zoning Ordinance No. 352 for Zone Change No. PZC 19-012 – Haas/Lindsay
DATE: January 14, 2020

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:

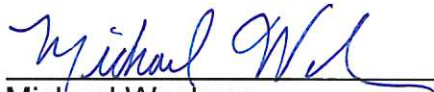
The County’s five-year strategic plan includes the “Economic Well Being Initiative - to encourage growth consistent with the County General Plan”. The authorization to initiate the requested zoning amendment application helps fulfill this initiative by:

- Providing effective growth management by allowing the existing parcel to be rezoned and developed with a billboard.

ADMINISTRATIVE SIGN-OFF:



Aaron R. Bock, MCRP, JD, LEED AP
Assistant Director
Economic Development & Planning



Michael Washam
Associate Director



Reed Schenke, P.E.
Director

cc: County Administrative Office

- Attachment 1 – Ordinance and Zoning Map
- Attachment 2 – Copy of Planning Commission Resolution No. 9686
- Attachment 3 – RVLP Analysis
- Attachment 4 – Planning Commission Staff Report for PZC 19-012
- Attachment 5 – City of Lindsay Zoning Code Section 18.14.040.B.11

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

IN THE MATTER OF AMENDMENT TO THE) Resolution No. _____
 TULARE COUNTY ZONING ORDINANCE)
 NO. 352 FOR ZONE CHANGE NO.)
 PZC 19-012 – HAAS/LINDSAY)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
 SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD
 OF SUPERVISORS, AT AN OFFICIAL MEETING HELD ON JANUARY 14, 2020 BY
 THE FOLLOWING VOTE:

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

ATTEST: JASON T. BRITT
 COUNTY ADMINISTRATIVE OFFICER/
 CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Held a Public Hearing at 9:30 a.m. or shortly thereafter.
2. Introduced and waived the first reading of an Amendment to Ordinance No. 352, the Tulare County Zoning Ordinance, for Change of Zone No. PZC 19-012 to change the zone on a 2.88-acre parcel from “A-1” (Agricultural) to “M-1” (Light Manufacturing), on property located between State Route 65 and Road 216 (Lindsay Boulevard), approximately 650 feet north of Avenue 216, inside the Lindsay Urban Area Boundary
3. 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 15061 (b) (3), Class 3, the Common Sense Rule.
4. Directed the Environmental Assessment Officer or designee to file a Notice of Exemption with the Tulare County Clerk as provided by CEQA.
5. Adopted the findings of approval, as set forth in Planning Commission Resolution No. 9508, and approved Zone Change No. PZC 19-012.
6. Waived the final reading and adopted the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance for PZC 19-012.
7. Directed the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.

Attachment No. 1

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ORDINANCE NO. _____ [ordinance] _____

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

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

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of a portion of the Section 18, Township 20 South, Range 27 East, Mount Diablo Base and Meridian, being a subdivision of Part 246 of the Official Zoning Maps. A map showing Change of Zone No. PZC 19-012 approved for approximately 2.88 acres is attached hereto and incorporated herein by reference. The new zoning will be M-1 (Light Industrial).

Section 2. The property affected by the zoning reclassification from A-1 (Agricultural), filed as is briefly described as follows: Being a 2.88-acre site, located on Tulare County Assessor Parcel Number (APN) 208-120-041. The subject property is located inside the County-adopted City of Lindsay Urban Area Boundary, on the east side of State Route 65 and west side of Road 216 (Lindsay Boulevard), approximately 650 feet north of Avenue 216.

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 The Sun-Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ~th day of ~, 2020, 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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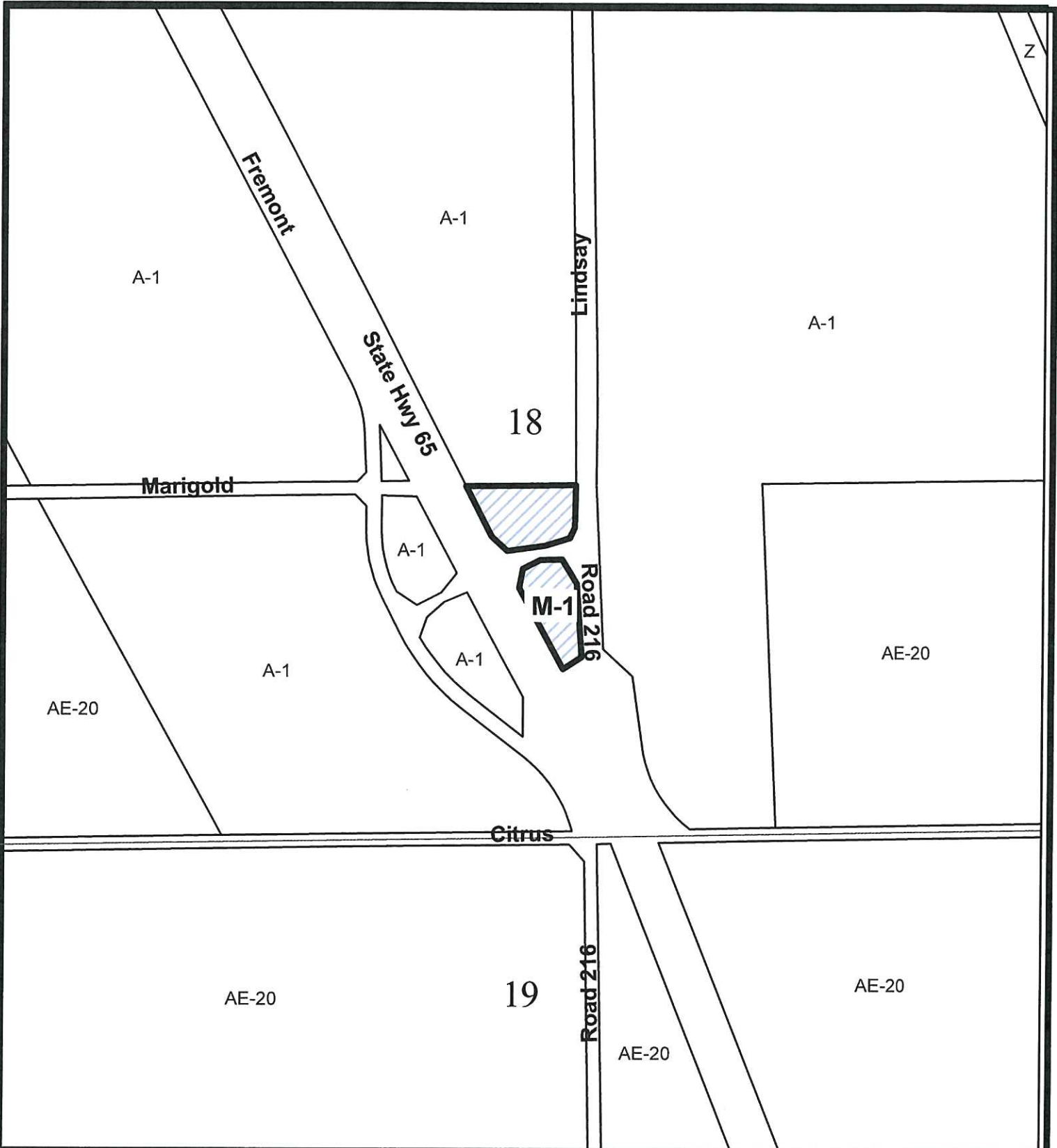
NOES:

ABSENT:

Chairman, Board of Supervisors

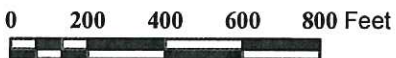
ATTEST: Jason T. Britt
County Administrative Officer/Clerk
Board of Supervisors

By: _____
Deputy



APN: 208-120-041,
 APROX. 2.88 AC.

Zone Change from A - 1 to M - 1
 (PZC 19 - 012)



ORDINANCE NO. _____
 AMENDING A PORTION OF MAP PART 246,
 PART OF SEC. 18, T 20 S, R 27 E, M.D.B.& M.

OF
OFFICIAL ZONING MAP
COUNTY OF TULARE, CA.

TULARE COUNTY BOARD OF SUPERVISORS
 ADOPTED: ____ / ____ / ____

Attachment No. 2

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AN AMENDMENT TO)
THE ZONING ORDINANCE NO. PZC 19-012 - HAAS) RESOLUTION NO. 9686

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors approve a petition by William Haas, 4401 W. Leighson, Visalia CA 93291 (Property Owner: Alfred Haas, 429 W. Citrus, Lindsay CA 93247), for a Change of Zone from the A-1 (Agricultural) Zone to the M-1 (Light Industrial) Zone on a 2.88-acre parcel, located between State Route 65 and Road 216 (Lindsay Boulevard), approximately 650 feet north of Avenue 216, inside the County-Adopted City of Lindsay Urban Area Boundary. (APN 208-120-041)

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

WHEREAS, the Planning Commission has given notice of the proposed change of zone boundaries as provided in Section 18 of said Ordinance No. 352 and in Section 65354 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 application subject to conditions; and

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

WHEREAS, on November 27, 2019, a Notice of Public Hearing by the Tulare County Planning Commission was duly published in The Sun-Gazette, 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 December 11, 2019; and

WHEREAS, at the December 11, 2019 meeting of the Planning Commission, an opportunity to provide public testimony was offered. No one spoke in support of, or in opposition to, the project. One phone call and one written communication was received from the public. Neighboring property owner to the north, John Arnold, wrote to oppose the proposed rezoning, with a concern that a new tenant/owner could start a business immediately next to his property that would not be compatible with agricultural practices. He stated that a non-understanding neighbor can make it very difficult to farm, despite the "Right to Farm" documents that are a part of escrow.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the staff report for Change of Zone No. PZC 19-012, together with any comments received during the public review process, in compliance 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 adopts the following findings were relevant in evaluating this application:

1. The applicant has submitted a request to change the zoning of a 2.88-acre parcel from the A-1 (Agricultural) Zone to the M-1 (Light Industrial) Zone. The property is on the east side of State Route 65, approximately 650 feet north of Avenue 216, inside the County-Adopted City of Lindsay Urban Area Boundary. The applicant plans to erect a billboard on the site. The vacant triangular 2.88-acre parcel is bisected by a County-maintained road (Marigold) into two portions, each approximately one-acre in size. The approximate dimensions of the northern portion is 397 feet by 280 feet, narrowing to 255 feet by 184 feet. The southern portion is approximately 187 feet by 382 feet, narrowing to 85 feet by 350 feet. Caltrans' ultimate right of way is 7.5 feet more than the current right of way, which would further limit buildings and uses.
2. Surrounding properties are also zoned A-1 and AE-20 (Exclusive Agricultural – 20 Acre Minimum). The properties contain agriculture and scattered rural residences.
3. The subject site is located inside the County-adopted City of Lindsay Urban Area Boundary and is subject to the Rural Valley Lands Plan (RVLP), with a Land Use Designation of Valley Agricultural. For a project site to be rezoned to a non-agricultural use, the RVLP policies and checklist are used to determine the agricultural viability of the site. An RVLP checklist was conducted and concluded that the parcel would receive nine (9) RVLP points. Policy RVLP-1.4 states, "If the number of points accumulated is 11 or less, the parcel may be considered for non-agricultural zoning."
4. The following General Plan Elements and policies apply to the project: Land Use Element Policies LU-1.10 Roadway Access and LU-4.3 Commercial Service Locations; Economic Development Element Policy ED-2.5 Small Business; Air Quality Element – Policy AQ-1.5 California Environmental Quality Act Compliance; Health and Safety Element Policies HS-1.9 Emergency Access; HS-6.7 Water Supply System, HS-8.6 Noise Level Criteria, and HS-8.18 Construction Noise; Water Resources Element Policy WR-2.1 Protect Water Quality; Public Facilities and Services Element Policies PFS-3.1 Private Sewage Disposal Standards, PFS-4.2 Site Improvements, and PFS-7.2 Fire Protection Standards; and Rural Valley Lands Plan Policy RVLP-1.4 Determination of Agriculture Land. No traffic study or noise study are required.
5. Because the subject site is inside the Lindsay Urban Area Boundary, the Rezone Project is subject to the City/County Memorandum of Understanding. The City did not respond to any of three (3) consultation requests. The City/County MOU states that development may occur on non-agriculturally zoned lands; however, per Planning Framework Element Policy PF 4.19, as a non-residential project on a parcel greater than two acres, the project may be required to meet City of Lindsay Zoning Code Section 18.14.040.B., particularly regarding Section 18.14.040.B.11 regarding Outdoor Advertising Signs.

6. Per Section 10 of the County Zoning Ordinance, the existing A-1 (Agricultural) Zone is a transitional zone, with a purpose being to insure that such areas develop in a manner consistent with the General Plan and the public health, safety and general welfare, and to prevent the introduction of incompatible commercial, manufacturing, subdivision, and other urban uses into predominantly agricultural areas of the County. No outdoor advertising display signs or off-site signs are allowed in the A-1 Zone. The A-1 Zone only allows signs that pertain to a permitted use of the property on which the sign is situated or that pertain to the sale, lease or rental of the property or structure or personal property located on the property. Signs may pertain to producer and marketing organizations with which the owner or lessee is affiliated are allowed. Signs may be no larger than four (4) square feet in area.
7. Per Section 13 of the Zoning Ordinance, the M-1 Zone allows by right outdoor advertising display signs, including off-site signs. A change to the M-1 Zone would also allow establishments engaged in “the manufacturing, assembling, packaging, treatment and processing of products other than those that may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise or other similar causes.” Examples of uses allowed by right in the M-1 Zone include “auto dismantling and used parts storage when operated or maintained wholly within a building”, “manufacture of ceramic products”, “public utility structure”, or “transfer facilities limited to assemblage and temporary storage of glass, metal and plastic beverage containers collected at recycling collection centers for transport to other sites for recycling, processing, manufacture or treatment.” The M-1 Zone also allows any use permitted in the C-3 (Service Commercial) and the C-2 (General Commercial) Zones.
8. The Building Line Setback Ordinance (Section 7-19-1010 in the Tulare County Ordinance Code) requires a setback of 50 feet from the centerline of the right of way of Road 216 and of State Route 65. Future billboards and/or other structures, shall comply with the Zone’s yard areas and the building line setbacks.
9. Access to the site is direct to both State-maintained State Route 65 and County-maintained Road 216. Road 216 is a county-maintained road, which has an 80-foot existing right of way (40 feet on the west side and 40 feet on the east side). Ultimate right of way on Road 216 is 84 feet. Based on the 2018 Pavement Management System database, the pavement width is 24 feet and pavement type is asphalt concrete. Average Daily Trips are 340. The county-maintained road bisecting the parcel was relinquished to the County in 2003.
10. Caltrans responded to a consultation request on August 7, 2019. The segment of SR 65 in the vicinity of the proposed project is currently 4-lane expressway and ultimately planned to be a 4-lane freeway with a median, within a total of 170 feet of right of way (85 feet from the centerline). Caltrans right of way maps show this segment of SR 65 existing at 155 feet, with 77.5 feet from the centerline on the east side of SR 65. Caltrans recommends that the nearest edge of the proposed billboard sign be set back, at a minimum of 85 feet from the SR 65 right of way centerline, to match the right of way width of 170 feet for the ultimate freeway concept.

11. If construction of the sign requires encroachment into the State's right of way, an encroachment permit is required. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights of way. Activity and work planned in the State right of way shall be performed to State standards and specifications, at no cost to the State. (Details are in Caltrans' consultation response in the project's agenda packet Attachment No. 6, for Consulting Agency List and Correspondence.) Advertising signs within the immediate area outside the State right of way need to be cleared through the Caltrans Division of Traffic Operations, Office of Outdoor Advertising. Additional Permit requirements may be found on the internet at www.dot.ca.gov/hq/oda. Caltrans requests that any future development of the site under the M-1 Zone be routed to Caltrans for analysis of impacts to the State Highway System. Future development of the site under the M-1 Zone may require dedication of right of way as mitigation for improvements to SR 65.
12. The County Public Work/Engineering Department, Environmental Health Services Division, Fire Department and California Department of Transportation responded to a consultation request, but had no recommended conditions of approval.
13. Average Daily Trips on Road 216 are 340, per the 2018 Pavement Management System. Construction of the proposed billboards that will be allowed by M-1 Zoning will entail a temporary increase in traffic. The average daily trips generated by construction will be less than the 100 trips that would require a detailed traffic analysis.
14. The County General Plan 2030 Update – Recirculated Draft Environmental Impact Report identifies a Noise Corridor between Linda Vista Avenue (in the north end of Porterville) to Avenue 228, about 1.75 miles north of the subject site. The distance from the roadway centerline of SR 65 to the 60 Ldn contour is 313 feet. Manufacturing facilities possible in the M-1 Zone could generate noise. However, any noise generated by the applicant's proposed billboards would be temporary, during construction. Normally acceptable noise levels for agricultural uses are up to 70 dB. Due to the agricultural zoning and character of the area, sensitivity to noise impacts is relatively lower than other more populated urban areas of the County. Any noise generated by the facility is less than agriculture-related equipment and will have no impact on noise levels.
15. No conditions were recommended by the County Public Works/Engineering Branch or Environmental Health Services Division. Future septic system will be subject to the Local Agency Management Program requirements per Part VII, Chapter 1, Articles 1-9, Ordinance of Tulare County, pertaining to Sections 7-01-1320 through 7-01-1740. At the building permit stage, the County Fire Department will require that the applicant provide all-weather access that complies with Local Responsibility Area standards. Any electrical service to the sign must meet current Electrical Code. Any future development shall comply with current Fire and Building Codes.

16. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Development Impact Fees. 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 Zoning Map (Exhibit "B") to be consistent with the purpose of Ordinance No. 352.

AND, BE IT FURTHER RESOLVED as follows:

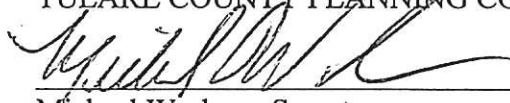
D. This Planning Commission hereby recommends that the Board of Supervisors find that there is no substantial evidence that said Change of Zone will have significant effect on the environment. This Planning Commission hereby certifies and finds, based on substantial evidence, that the Categorical Exemption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

E. This Commission hereby recommends that the Board of Supervisors accept a Categorical Exemption from the California Environmental Quality Act, per Section 15061 (b) (3), the General Rule, and approve Change of Zone No. PZC 19-012, an Amendment to Ordinance No. 352, the Tulare County Zoning Ordinance. The Zone Change is from the A-1 Zone to the M-1 Zone, on a 2.88-acre parcel. The Draft Ordinance is attached as Exhibit "A," and the draft Official Zoning Map as Exhibit "B."

The foregoing resolution was adopted upon motion of Commissioner Whitlatch, seconded by Commissioner Aguilar, at a regular meeting of the Planning Commission on December 11, 2019, by the following roll call vote:

AYES: Elliot, Whitlatch, Millies, Aguilar, Pearson
NOES: McElroy, Dias
ABSTAIN: None
ABSENT: None

TULARE COUNTY PLANNING COMMISSION



Michael Washam, Secretary

Attachment No. 3

APPLICATION NO.: Zone Change PZC 19-012

APPLICANT'S NAME: Haas, William

*RURAL VALLEY LANDS PLAN - PARCEL EVALUATION CHECKLIST***A. RESTRICTED TO AGRICULTURAL 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 "Non-agricultural" criteria, place a "0" in the value column and continue.

	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	
Class V, VI or VII	0 points	

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 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)	3
2. Surrounding Land Use	0
3. Proximity of Inharmonious Uses (NOTE: Flexible Point Value applicable in some cases)	0
4. Proximity to Lands in Agricultural Preserve	0

TWO POINT VALUE CATEGORY

1. Level of Groundwater 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	1
6. Surface Irrigation Water	1
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 9

BACK UP STATEMENT FOR
RURAL VALLEY LANDS PLAN (RVLP)
EVALUATION CHECKLIST
FOR

PZC 19-012 - William Haas – Zone Change to M-1 for Billboard

SITE EVALUATED: The 2.88 acre site was evaluated under the RVLP point exception system. The site includes assessor parcel number APN 208-120-041.

A. RESTRICTED TO AGRICULTURAL VALUES

1. Agricultural Preserve Status:

The subject 2.88-acre parcel is not under contract as an Agricultural Preserve. Zero (0) points are allocated.

2. Limitation for Individual Waste Disposal Facilities:

Engineer designed septic tank-leach line system will be required at the development stage. Zero (0) points are allocated.

B. VARIABLE POINT VALUE

1. Land Capability:

The Soil Conservation Service has rated the agricultural capability of the soil type ([soil]) as Exeter Loam, 0-2% slope, Non-Prime Class III if irrigated or Class IV soil if not irrigated. Although the subject site is not currently irrigated, adjacent parcels are, so four (4) points are allocated.

C. FOUR POINT VALUE CATEGORY

1. Existing Parcel Size:

The subject 2.88 acre site under evaluation is smaller than the five acre minimum set by the evaluation criteria for economically feasible agricultural use. This factor receives zero (0) points.

2. Existing Land Use/Suitability for Cultivation:

The subject 2.88 acre site is not developed and does not contain structures or a well. It is a triangular shaped parcel, located between State Route 65 and Road 216 and is bisected by a public road into two 1± acre parcels, smaller than considered viable for agriculture. However, adjacent properties to the north, east, south and west are currently being farmed successfully. This criterion is allocated zero (0) points.

D. THREE POINT VALUE CATEGORY:

1. Surrounding Parcel Size:

Approximately 0.05% of the area within a ¼ mile radius of the site is devoted to parcels that are smaller than 5 acres. The highest suitability is applied when less than 35% is determined. This factor is allocated three (3) points.

2. Surrounding Land Uses:

The purpose of this evaluation is to prevent the close association of agricultural uses and non-agricultural uses which may have the potential to adversely affect one another. Surrounding properties contain agriculture (orchards) with scattered rural residences. Within one-quarter mile of the perimeter of the site, none of the area is devoted to non-agricultural uses, less than the 25% guideline that would allow nonagricultural development in areas where such development has already occurred. This factor receives zero (0) points.

3. Proximity to Inharmonious Uses:

There are no inharmonious uses within 1/2 mile (2,640 feet) of the site. Therefore, this factor receives zero (0) points.

4. Proximity to Lands within Agricultural Preserves:

The site is abutted on one (1) side with an Agricultural Preserve and 34% of lands within ¼ mile are agricultural preserves, which is less than the 64% threshold. Zero (0) points are allocated.

E. TWO POINT VALUE CATEGORY:

1. Level of Groundwater and Soil Permeability:

The soil type on the site is Exeter Loam, which has a moderately slow permeability rating above the duripan and very slow rating in the duripan. The groundwater level is estimated to be at 160 feet per the State Department of Water Resources - Groundwater Information Center website Spring 2018 depth map, deeper than the desirable 20 feet. Zero (0) points are allocated.

F. ONE POINT VALUE CATEGORY:

1. Proximity to Fire Protection Facilities:

The subject site is within the 5-mile response distance area of the County Fire Station located in Lindsay. This factor receives zero (0) points.

2. Access to Paved Roads:

The site has direct access to a paved public road; therefore, zero (0) points are allocated.

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

The subject site is in an agricultural area, between SR 65 and Road 216. However, it is 2.88 acres in size, so not agriculturally viable. The site is not on a bluff or hillside with rocky outcroppings, and not likely to contain artifacts. Therefore, zero (0) points are allocated.

4. Flood Prone Areas:

The entire site is in FEMA Flood Zone X, where flooding is not a problem; therefore, zero (0) points are allocated.

5. Availability of Community Domestic Water:

The subject site does not currently have access to a community domestic water system, and is not expected to have access in the near future. Therefore, the site receives an allocation of one (1) point.

6. Surface Irrigation Water:

Surface irrigation water is available to neighboring parcels and the site's landowner could apply for water rights; therefore, one (1) point is allocated.

7. Groundwater Recharge Potential:

The site is not irrigated by surface water sources, soil permeability is moderately to very slow, but the soil has a restrictive layer that inhibits recharge. The highest recorded groundwater level in the last 25 years was 8.5 feet in 2000, per Groundwater Level Data from the California Department of Water Resources website for Township 20S, Range 27E. Zero (0) points are awarded.

Total Points = 9

Since the number of points accumulated is less than the eleven (11) point RVLP threshold, the parcel may be considered for non-agricultural zoning.

Attachment No. 4

December 9, 2019

Dear Tulare County Board of Supervisors,

My name is John Arnold and I am writing to you concerning the property of William Haas APN#208-120-041. It has come to my attention that Mr. Haas is applying for a change of zone PZC 19-012 for said property. I own APN#208-120-007 which is on the northern border of Mr. Haas's property. I would like to state my opposition to the proposed rezoning of Mr. Haas's property. It is my concern that if it were rezoned, a new tenant/owner could start a business right next to my property that would not be compatible with agricultural practices in such close proximity. I am aware that the "Right to Farm" documents are a part of Escrow, but a non-understanding neighbor can make it very difficult to farm. Thank you for considering my opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Arnold". The signature is written in a cursive style with a large initial "J" and "A".

John A. Arnold

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY
- PLANNING BRANCH -
Staff Report / Environmental Assessment
Change of Zone No. PZC 19-012**

GENERAL

Applicant: William Haas
4401 W. Leighson
Visalia CA 93291

Owners: Alfred Haas and Anne M. Haas
Trustees of the Haas Family Trust
429 W. Citrus
Lindsay CA 93247

Agent: None

Requested Action:

Accept a Categorical Exemption from the California Environmental Quality Act and authorize a proposed Change of Zone from A-1 (Agricultural) to M-1 (Light Industrial) on a 2.88-acre parcel.

Location:

On the east side of State Route 65 and west side of Road 216 (Lindsay Boulevard), approximately 650 feet north of Avenue 216, inside the Lindsay Urban Area Boundary.

Portion of APN 208-120-041, in Section 18, Township 20S, Range 27E, MDB&M.

Applicants Proposal:

The applicants propose a Change of Zone from A-1 to M-1 on a vacant triangular 2.88-acre parcel, located between SR 65 and Road 216. The site is bisected by a County-maintained road (Marigold) into two portions, each approximately one-acre in size. Applicant proposes erecting outdoor advertising display signs (billboards) on the site.

The Board of Supervisors approved Zone Change Initiation (PZC 19-011) on November 5, 2019, via Resolution No. 2019-0943, authorizing the Zone Change to proceed.

COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES

Zoning and Land Use:

Site: A-1, vacant, between 4-lane State Highway (SR 65) and Road 216 (Lindsay Blvd.).

Surroundings: Agriculture (orchards) and scattered rural residences

Entitlement: Per Section 10 of the County Zoning Ordinance, the A-1 (Agricultural) Zone is a transitional zone, with a purpose being to insure that such areas develop in a manner consistent

with the General Plan and the public health, safety and general welfare, and to prevent the introduction of incompatible commercial, manufacturing, subdivision, and other urban uses into predominantly agricultural areas of the County. The A-1 Zone does not allow outdoor advertising display signs or off-site signs, only small four square foot (4 s.f.) signs that pertain to a permitted use of the property on which the sign is situated or that pertain to the sale, lease or rental of the property or structure or personal property located on the property. Signs may pertain to producer and marketing organizations with which the owner or lessee is affiliated are allowed.

Per Section 13 of the Zoning Ordinance, the M-1 Zone allows by right outdoor advertising display signs, including off-site signs. A change to the M-1 Zone would also allow establishments engaged in “the manufacturing, assembling, packaging, treatment and processing of products other than those that may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise or other similar causes.” Examples of uses allowed by right in the M-1 Zone include “auto dismantling and used parts storage when operated or maintained wholly within a building”, “manufacture of ceramic products”, “public utility structure”, or “transfer facilities limited to assemblage and temporary storage of glass, metal and plastic beverage containers collected at recycling collection centers for transport to other sites for recycling, processing, manufacture or treatment.” The M-1 Zone also allows any use permitted in the C-3 (Service Commercial) and the C-2 (General Commercial) Zones.

Setbacks: Building line setback requirements are separate and distinct requirements from yard areas. The Building Line Setback Ordinance (Section 7-19-1010 in the Tulare County Ordinance Code) requires a setback of 50 feet from the centerline of the right of way of Road 216 and of State Route 65. Future billboards and/or other structures, shall comply with the Zone’s yard areas and the building line setbacks.

General Plan Elements:

The applicable Land Use Element is the Rural Valley Lands Plan, which designates the area for Valley Agriculture. Valley Agriculture is designed for intensive agricultural use with a minimum 10-acre parcel size. Under the RVL, if the lot is under Williamson Act Contracted Lands, it is restricted from zone changes. This parcel is not under Williamson Act Contract. For a project site to be rezoned to a non-agricultural use, the RVL policies and checklist are used to determine the agricultural viability of the site.

An RVL checklist was conducted and concluded that the parcel would receive nine (9) RVL points (See Attachment No. 3, RVL checklist). Policy RVL-1.4 states, “if the number of points accumulated is 11 or less, the parcel may be considered for non-agricultural zoning.”

The requested change of zone has been found to be compatible with established land uses in the surrounding area and is not in conflict with the furtherance of overall County development strategies, plans, and policies.

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

Land Use Element Policies LU-1.10 Roadway Access and LU-4.3 Commercial Service Locations;

Economic Development Element Policy ED-2.5 Small Business;
Air Quality Element – Policy AQ-1.5 California Environmental Quality Act Compliance;
Health and Safety Element Policies HS-1.9 Emergency Access; HS-6.7 Water Supply System, HS-8.6 Noise Level Criteria, and HS-8.18 Construction Noise;
Water Resources Element Policy WR-2.1 Protect Water Quality;
Public Facilities and Services Element Policies PFS-3.1 Private Sewage Disposal Standards, PFS-4.2 Site Improvements, and PFS-7.2 Fire Protection Standards; and
Rural Valley Lands Plan Policy RVLP-1.4 Determination of Agriculture Land.

City of Lindsay

Because the subject site is inside the Lindsay Urban Area Boundary, the Rezone Project is subject to the City/County Memorandum of Understanding. The City did not respond to consultation requests regarding the zone change request sent on 11/16/18 for the Project Review Committee Case No. PRC 18-080 or on 7/29/18 for the Zone Change Initiation No. PZC 19-011. A consultation request was sent to the City for Zone Change No. PZC 19-012 on 11/8/19.

The City/County MOU states that development may occur on non-agriculturally zoned lands; however, per Planning Framework Element Policy PF 4.19, as a non-residential project on a parcel greater than two acres, the project may be required to meet City of Lindsay Zoning Code Section 18.14.040.B., particularly regarding Section 18.14.040.B.11 regarding Outdoor Advertising Signs. (See Attachment No. 5.)

Access/Circulation:

The subject parcel lies on the east side of State Route 65 and west side of Road 216 (Lindsay Boulevard), approximately 650 feet north of Avenue 216. Road 216 is a county-maintained road, which has a 80-foot existing right of way (40 feet on the west side and 40 feet on the east side). Ultimate right of way on Road 216 is 84 feet. Based on the 2018 Pavement Management System database, the pavement width is 24 feet and pavement type is asphalt concrete. Average Daily Trips are 340.

The vacant triangular 2.88-acre parcel is located between SR 65 and Road 216 and is bisected by a County-maintained road (Marigold) , which separates the parcel into two portions, each approximately one-acre in size.

The Public Works/Engineering Branch has no recommended conditions of approval.

California Department of Transportation (Caltrans)

The subject site is located along State Highway 65. Caltrans responded to a consultation request on August 7, 2019. The segment of SR 65 in the vicinity of the proposed project is currently 4-lane expressway and ultimately planned to be a 4-lane freeway with a median, within a total 170 feet of right of way (85 feet from the centerline). Caltrans right of way maps show this segment of SR 65 existing at 155 feet, with 77.5 feet from the centerline on the east side of SR 65.

Caltrans recommends that the nearest edge of the proposed billboard sign be set back, at a minimum of 85 feet from the SR 65 right of way centerline, to match the right of way width of 170 feet for the ultimate freeway concept.

If construction of the sign requires encroachment into the State's right of way, an encroachment permit is required. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights of way. Activity and work planned in the State right of way shall be performed to State standards and specifications, at no cost to the State. (Details are in Caltrans' consultation response in Consulting Agency List and Correspondence Attachment No. 6.)

Advertising signs within the immediate area outside the State right of way need to be cleared through the Caltrans Division of Traffic Operations, Office of Outdoor Advertising. Additional Permit requirements may be found on the internet at www.dot.ca.gov/hq/oda.

Caltrans requests that any future development of the site under the M-1 Zone be routed to Caltrans for analysis of impacts to the State Highway System.

Future development of the site under the M-1 Zone may require dedication of right of way as mitigation for improvements to SR 65.

Vehicle Trips: The proposed billboard will generate traffic temporarily during construction. Average Daily Trips on Road 216 are 340, per the 2018 Pavement Management System. The segment of SR 65 between Hermosa and Grand is a Level of Service "B" Expressway with 20,700 Average Annual Daily Trips, per the Tulare County General Plan 2030 Update – Recirculated Draft Environmental Impact Report. The average daily trips generated by construction will be less than the 100 trips that would require a detailed traffic analysis.

Noise: The County General Plan 2030 Update – Recirculated Draft Environmental Impact Report identifies a Noise Corridor on State Route 65 between Linda Vista Avenue (in the north end of Porterville) to Avenue 228, about 1.75 miles north of the subject site. The distance from the roadway centerline of SR 65 to the 60 Ldn contour is 313 feet. Manufacturing facilities possible in the M-1 Zone could generate noise. However, any noise generated by the applicant's proposed billboards would be temporary, during construction. Normally acceptable noise levels for agricultural uses are up to 70 dB. Due to the agricultural zoning and character of the area, sensitivity to noise impacts is relatively lower than other more populated urban areas of the County. Any noise generated by the facility is less than agriculture-related equipment and will have no impact on noise levels.

Fire Department

At the building permit stage, the County Fire Department will require that the applicant provide all-weather access that complies with Local Responsibility Area standards. Any electrical service to the sign must meet current Electrical Code. Any future development shall comply with current Fire and Building Codes.

Information is included in the correspondence section of the Planning Commission agenda packet.

Planning Commission Policies and Precedents:

The Planning Commission has normally recommended approval of requests for Changes of Zone when it can be shown that the approval of said use will not adversely affect nearby residents or properties.

ENVIRONMENTAL SETTING

Topographical Setting: Level, typical of most valley lands.

Flooding Potential:

Zone X, per Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 065066 dated June 16, 2009, Panel No.1315. Construction of buildings within a Zone X requires no specific flood mitigation measures.

Soils: The on-site soil is Exeter Loam, 0-2% slope, Non-Prime Class III if irrigated, with low shrink-swell potential and severe septic tank absorption. Source: Soil Survey - Tulare Co. Western Part, USDA Natural Resources Conservation Service, 1997

Wildlife Habitats:

The California Natural Diversity Database of June 2019 shows no Species of Concern on the subject site. There have been sightings of striped adobe-lily on the east side of Road 216 and of San Joaquin adobe sunburst and calico monkeyflower approximately 0.25 miles north. The project site does not contain wetlands, creeks, waterways, a waterfowl refuge or riparian habitat and is not in the planning area of a Conservation Plan.

Waterways:

No waterways appear near the subject site.

Water Table:

Approximately 160 feet, according to the Spring 2018 Groundwater Information Center Interactive Map Application map of the State Department of Water Resources.

Agricultural Preserves:

As noted earlier, the subject site is not located in an Agricultural Preserve under Williamson Act Land Conservation Contract

Archaeological Resources:

The site is not on a bluff or hillside with rocky outcroppings, and not likely to contain artifacts. Standard conditions of approval require construction to cease if artifacts or human remains are found.

HISTORY AND PROJECT FACTS

History:

1907 – Parcel created as Lot 8 of Rosedale Colony, per Map recorded in Book 7, Page 52 of Maps, Tulare County Records on March 11, 1907.

1956 – Grant Deed from Ruth Darrow Austin Crow to the State of California, for a freeway (portion of SR 65), recorded October 17, 1956 in Book 1953, Page 238 of Official Records.
2003 – A portion of the parcel was relinquished to the County in March 2003 for road purposes.

(Also, in 1954, a Grant Deed from Ray S. McNeill and Florence McNeil to Ruth Darrow Austin, for undivided ½ interest in all oil, gas, and mineral rights in and under said land, recorded October 11, 1954, in Book 1782, Page 172 of Official Records.)

2013 – Quitclaim Deed from Alfred Haas and Ann M. Haas to Alfred Haas and Ann M. Haas, the Trustees of the Haas Family Trust, under that Declaration of Trust dated July 19, 2013, recorded on September 20, 2013 as Document No. 2013-0059352.

2018 – Project Review Committee application (PRC 18-080) was submitted 10/24/2018, and discussed on November 15, 2018. The applicant was not able to attend. A follow up memo was mailed and the applicant was advised to contact Caltrans for requirements and restrictions.

There are no Building Permits or code violations on the subject site.

Project Facts:

As noted earlier, the triangle-shaped 2.88-acre parcel is bisected by a County-maintained road into two portions, each approximately one-acre in size.

Other Facts:

There are no water wells or septic systems currently on the site. The proposed billboard will not require such services.

Fire Protection: Tulare County Fire Department Station #15 in Lindsay.

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

Energy Source: Southern California Edison

Correspondence:

<u>Agencies Notified</u>	<u>Replies Dated</u>
Tulare Co. RMA, Public Works/Engineering Branch-Development Services Division	8/1/19
Tulare Co. HHSA, Environmental Health Services Division	8/14/19
Tulare Co. Fire Dept.	8/1/19
Tulare Co. RMA Building Dept.	8/6/19
Caltrans Dist 6	8/7/19

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

ENVIRONMENTAL DETERMINATION

The Environmental Planning Chief Planner has determined that the project is Categorical Exempt from the California Environmental Quality Act (CEQA) and consistent with the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations, Section 15061 (b) (3), the Common Sense Rule. The basis for the exemption is that the project does not have the potential for causing a significant effect on the environment, and therefore, is not subject to CEQA. The subject site is not located in an environmentally sensitive area and is surrounded by agricultural and residential uses. The project will not result in significant impacts and will not require additional public services.

SUBSEQUENT ACTIONS

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

Attachment No. 4

General Plan Consistency
Zone Change No. PZC 19-012 - Haas

Land Use Element Policies

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

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

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

Economic Development Element

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

Air Quality Element Policy

AQ-1.5 California Environmental Quality Act (CEQA) Compliance - The County shall ensure that air quality impacts identified during the CEQA review process are consistently and reasonably mitigated when feasible.

Health and Safety Element Policies

HS-1.9 Emergency Access - The County shall require, where feasible, road networks (public and private) to provide for safe and ready access for emergency equipment and provide alternate routes for evacuation.

HS-6.7 Water Supply System - The County shall require that water supply systems be adequate to serve the size and configuration of land developments, including satisfying fire flow requirements. Standards as set forth in the subdivision ordinance shall be maintained and improved as necessary.

HS-8.6 Noise Level Criteria - The County shall ensure noise level criteria applied to land uses other than residential or other noise-sensitive uses are consistent with the recommendations of the California Office of Noise Control (CONC).

HS-8.18 Construction Noise - The County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 am to 7pm, Monday through Saturday when construction activities are located near sensitive receptors. No construction shall occur on Sundays or national holidays without a permit

from the County to minimize noise impacts associated with development near sensitive receptors.

Water Resources Element Policy

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

Public Facilities and Services Element Policy

PFS-3.1 Private Sewage Disposal Standards - The County shall maintain adequate standards for private sewage disposal systems (e.g., septic tanks) to protect water quality and public health.

PFS-4.2 Site Improvements - The County shall ensure that new development in UDBs, UABs, Community Plans, Hamlet Plans, Planned Communities, Corridor Areas, and Area Plans includes adequate stormwater drainage systems. This includes adequate capture, transport, and detention/retention of stormwater.

PFS-5.8 Hazardous Waste Disposal Capabilities - The County shall require the proper disposal and recycling of hazardous materials in accordance with the County's Hazardous Waste Management Plan.

PFS-7.2 Fire Protection Standards - The County shall require all new development to be adequately served by water supplies, storage, and conveyance facilities supplying adequate volume, pressure, and capacity for fire protection.

Rural Valley Lands Plan Policy

RVLP-1.4 Determination of Agriculture Land

The County shall not allow re-zoning of parcels that accumulate 17 or more points according to the RVLP Development Criteria. If the number of points accumulated is 11 or less, the parcel may be considered for non-agricultural zoning. A parcel receiving 12 to 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 shall make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by this system.

ATTACHMENT NO 5
CASE NO. Zone Change Initiation PZC 19-011
CONSULTING AGENCY LIST

TULARE COUNTY AGENCIES

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

LOCAL AGENCIES

- Levee Dist. No 1*
- Levee Dist. No 2*
- _____ Irrigation Dist*
- _____ Pub Utility Dist*
- _____ Comm. Service Dist*
- _____ Town Council*
- _____ Elem. School Dist*
- _____ High School Dist*
- City of Lindsay *
- County of _____ *
- Tulare Lake Basin Water Storage Dist*
- _____ Advisory Council*
- _____ Fire District*
- _____ Mosquito Abatement*
- Kaweah Delta Water Cons. District*
- SJV Air Pollution Control Dist
- _____ *

FEDERAL AGENCIES

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

STATE AGENCIES

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

OTHER AGENCIES

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

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 488-7396

FAX (559) 488-4088

TTY 711

www.dot.ca.gov*Making Conservation
a California Way of Life.*

August 7, 2019

06-TUL-65-28.05
PZC 19011
BILLBOARD**SENT VIA EMAIL**

Ms. April Hill, Project Planner
Tulare County - Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Dear Ms. Hill:

Thank you for the opportunity to review Zone Change Initiation (PZC) 19011, proposing to rezone a 2.88-acre parcel from A-1 (Agricultural) to M-1 (Light Industrial) to allow a Billboard Sign. The project site is located on the east side of State Route 65, approximately 650 ft North of Avenue 216.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development -Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

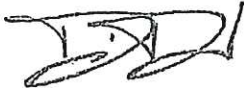
1. Advertising signs within the immediate area outside the State right-of-way need to be cleared through the Caltrans Division of Traffic Operations, Office of Outdoor Advertising. The project proponent must construct and maintain the advertising signs without access to the State Routes. Please contact the Outdoor Advertising Program, P.O. Box 942874, MS-36, Sacramento, CA 94274-0001, Phone (916) 654-6473, FAX (916) 651-9359 for additional information or to obtain a sign permit application. Additional information on Caltrans Outdoor Advertising Permit requirements may also be found on the Internet at www.dot.ca.gov/hq/oda.
2. The site plan did not provide distance measurements to the property boundaries for the sign location.
3. If construction of the sign requires encroachment into the State's right of way an encroachment permit is required.
4. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications,

at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. **Please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058. Please review the permit application checklist at: <https://forms.dot.ca.gov/v2Forms/servlet/FormRenderer?frmid=TR0402&distpath=MAOTO&brapath=PERM>.**

5. According to the Caltrans Transportation Concept Report (TCR), this segment of SR 65 in the vicinity of the proposed project is currently a 4-lane expressway and ultimately planned to be a 4-lane freeway with a median within a total of 170 feet of right-of-way (85 feet from the centerline). Caltrans right-of-way maps shows this segment of SR 65 existing at 155 feet with 77.5 feet from the centerline on the east side of SR 65.
6. Caltrans recommends that the nearest edge of the proposed billboard sign be setback at a minimum of 85 feet from the SR 65 right of way centerline to match the right of way width of 170 feet for the ultimate freeway concept.
7. Caltrans requests that any future development of the site under the M-1 zoning be routed to Caltrans for analysis of impacts to the State Highway System.
8. Future development of the site under the M-1 zoning may require dedication of right of way as mitigation for improvements to SR 65.

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

Sincerely,



DAVID DEEL
Associate Transportation Planner
Transportation Planning – North


RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

August 1, 2019

TO: April Hill, Project Planner

FROM: Craig Anderson, Engineer III 

SUBJECT: Case No. PZC 19-011

OWNER: William Haas

APN: 208-120-041

The subject Case No. PZC 19-011 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. 1315. The subject site is located within Zone X.

Construction within Zone X requires no specific flood mitigation measures.

Right-of-way Information:

The subject site lies on the west side of Road 216. The existing right of way on Road 216 is 80 feet (40 feet on the west side and 40 feet on the east side). Ultimate right of way on Road 216 is 84 feet.

Road Information:

According to the county's maintained mileage maps, Road 216 is a county maintained road.

The subject site is located along State Highway 65 and the California Department of Transportation (Caltrans) may require additional right of way, or driveway improvements.

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.

CA



Charlie Norman
FIRE CHIEF

TULARE COUNTY FIRE DEPARTMENT

835 S Akers St, Visalia, CA 93277 - Phone (559) 802-9800 - Fax (559) 747-8242

Date: 11/8/2019
Subject: PZC19011

- 1-Fire Department all weather access
- 2-4" Address posted if structures/buildings on site
- 3-Any electrical to sign must meet current electrical code
- 4-Any future development will comply with current Fire and Building code.

Tulare County Fire Department
Return: Prevention Division
559-802-9807



TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY

Timothy W. Lutz, MBA
Agency Director

Nilsa Gonzalez • Public Health Branch Deputy Director • Environmental Health Director

August 14, 2019

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

RE: ZONE CHANGE & ZONE CHANGE INITIATION, PZV 19-011 & 19-012

Dear Ms. Hill:

This office has reviewed the above referenced matter. Based upon our review, we have no comments for this project, at this time.

Sincerely,

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

Ted Martin
Environmental Health Specialist
Environmental Health Services Division



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD

VISALIA, CA 93277

PHONE (559) 624-7000

FAX (559) 730-2653

Michael Washam

Reed Schenke

Sherman Dix

Economic Development and Planning

Public Works

Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

Date: 08/06/2019
PZC 19-011

Planner: April Hill

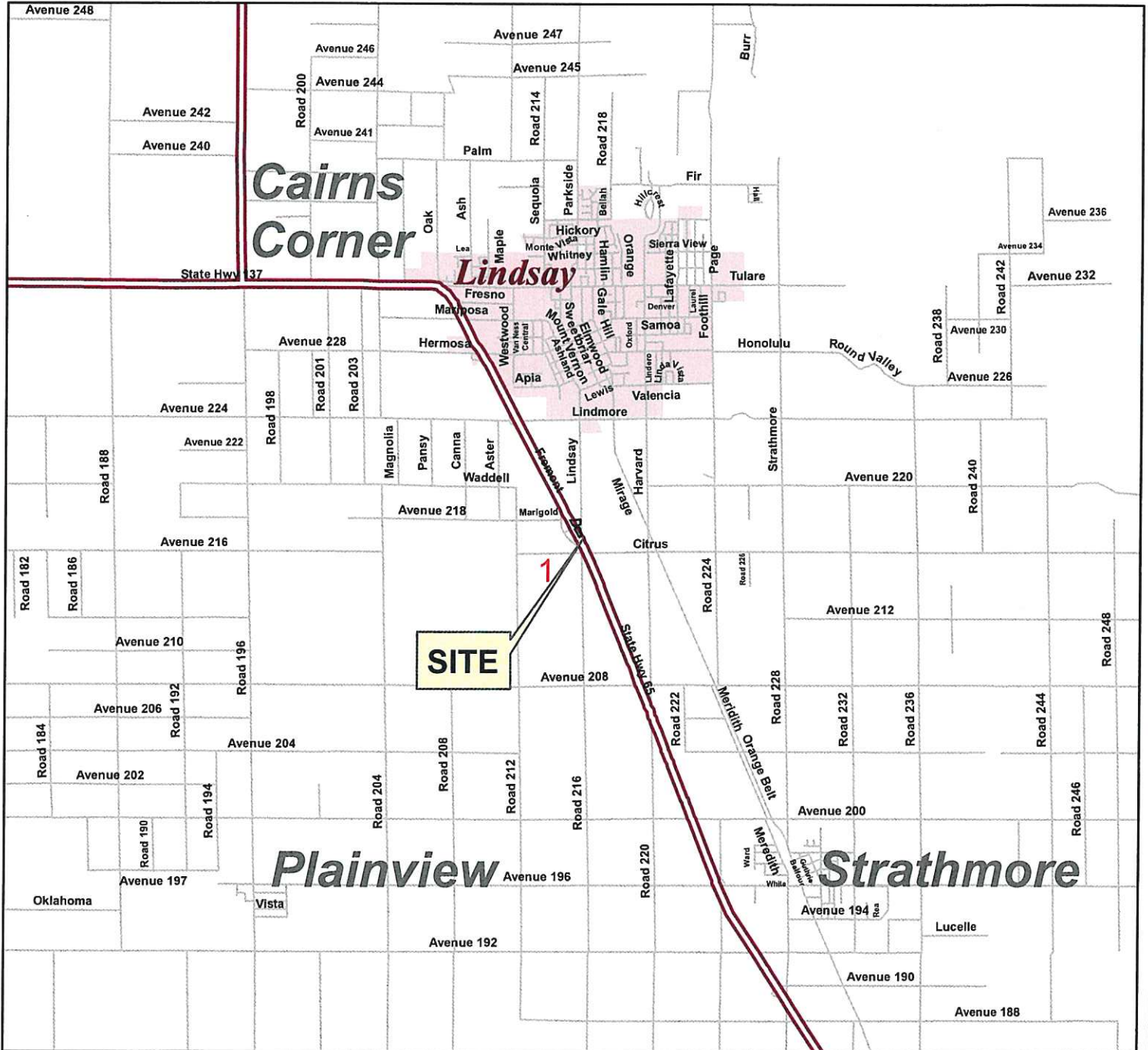
- Submit 3 sets of engineered plans and 2 sets of calculations.
 - Indicate abandoned wells, septic systems and excavations on construction plans.
 - Meet state requirements for accessibility for persons with disabilities.
 - Submit 3 sets of plans signed by an architect or engineer. Must comply with 2013 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
 - Maintain fire-resistive requirements at property lines.
 - Obtain required permit from San Joaquin Valley Air Pollution Board.
 - Calculations of free-standing carport
 - Must comply with state energy requirements.
 - Plans must be approved by the Tulare County Health Department.
 - A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
 - Project is located in the flood zone __ *Minimum finished floor elevations requires ____.
- *Flood Zone determination and finished floor elevation are based on the official FEMA NAVD 88 elevation converted to the equivalent NGVD 29 elevation using FEMA's established conversion factor of 2.73.
- All accessible units required to be adaptable for the physically handicapped.
 - Acceptable as submitted Arrange for an on-site inspection
 - Hazardous materials report A demolition permit & deposit is required.
 - School Development to be paid at school district office, need proof of payment prior to issuance.

Additional Comments:

1. No active code violations exist on parcel. For all new construction to be done in the future, building plans must be submitted and permits obtained prior to construction.
Michael Grove 08/06/2019.



ATTACHMENT NO. 7
Vicinity Map
 for
PZC 19-012



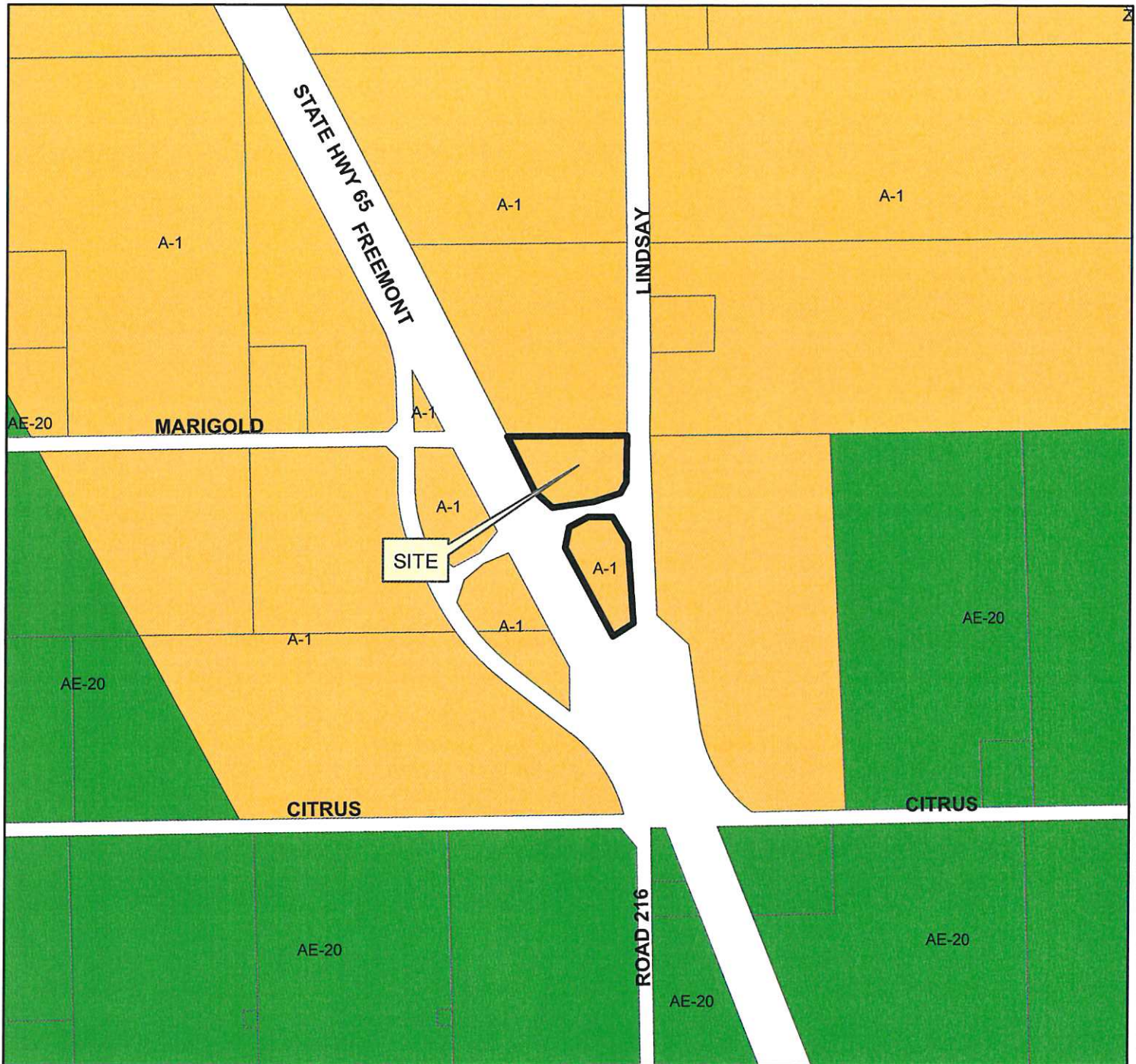
Supervisory District: 1

- SITE
- Supervisory Districts

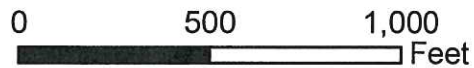


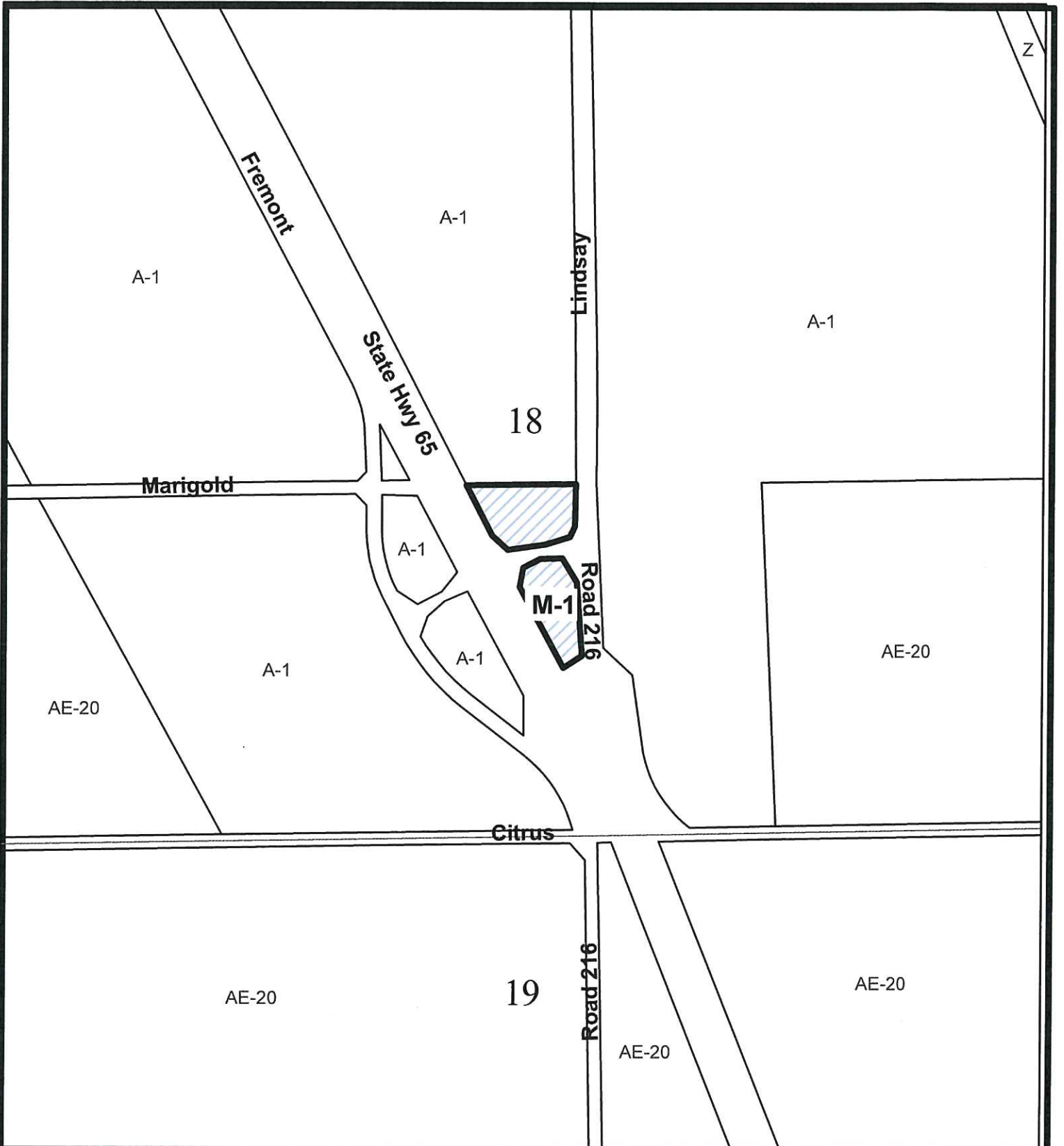


Existing Zoning Map for PZC 19-012



Owner: Alfred Haas
 Address: 429 W. Citrus
 City, State, ZIP: Lindsay CA 93247
 Applicant: William Haas
 Agent: None
 Supervisorial District: 5
 Assessor's Parcel: 208-120-041





APN: 208-120-041,
 APROX. 2.88 AC.

Zone Change from A - 1 to M - 1
 (PZC 19 - 012)



ORDINANCE NO. _____
 AMENDING A PORTION OF MAP PART 246,
 PART OF SEC. 18, T 20 S, R 27 E, M.D.B.& M.

OF
OFFICIAL ZONING MAP
COUNTY OF TULARE, CA.

TULARE COUNTY BOARD OF SUPERVISORS
 ADOPTED: ____/____/____



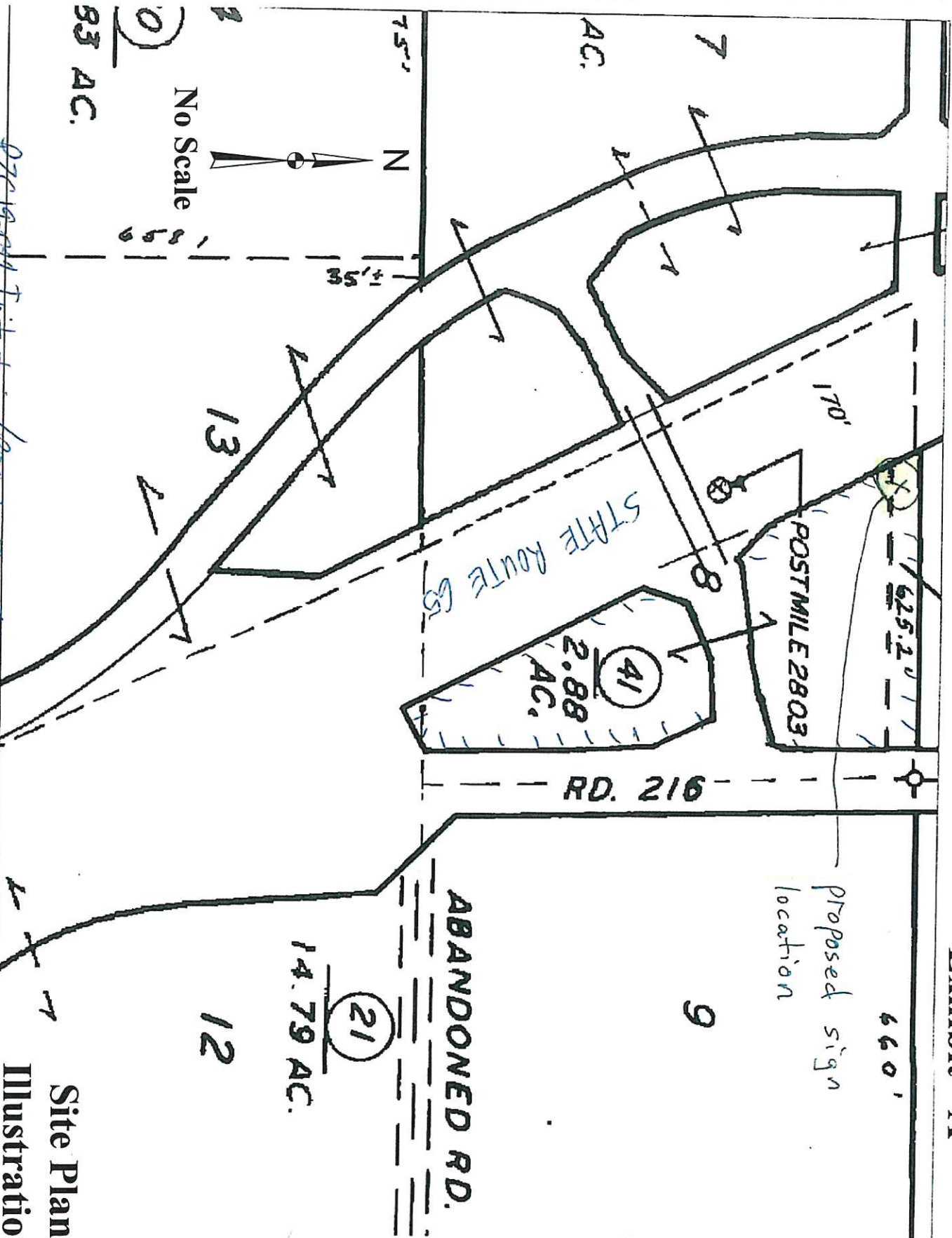
Aerial Photograph for PZC 19-012



Owner: Alfred Haas
 Address: 429 W. Citrus
 City, State, ZIP: Lindsay CA 93247
 Applicant: William Haas
 Agent: None
 Supervisorial District: 5
 Assessors Parcel: 208-120-041



Exhibit "A"

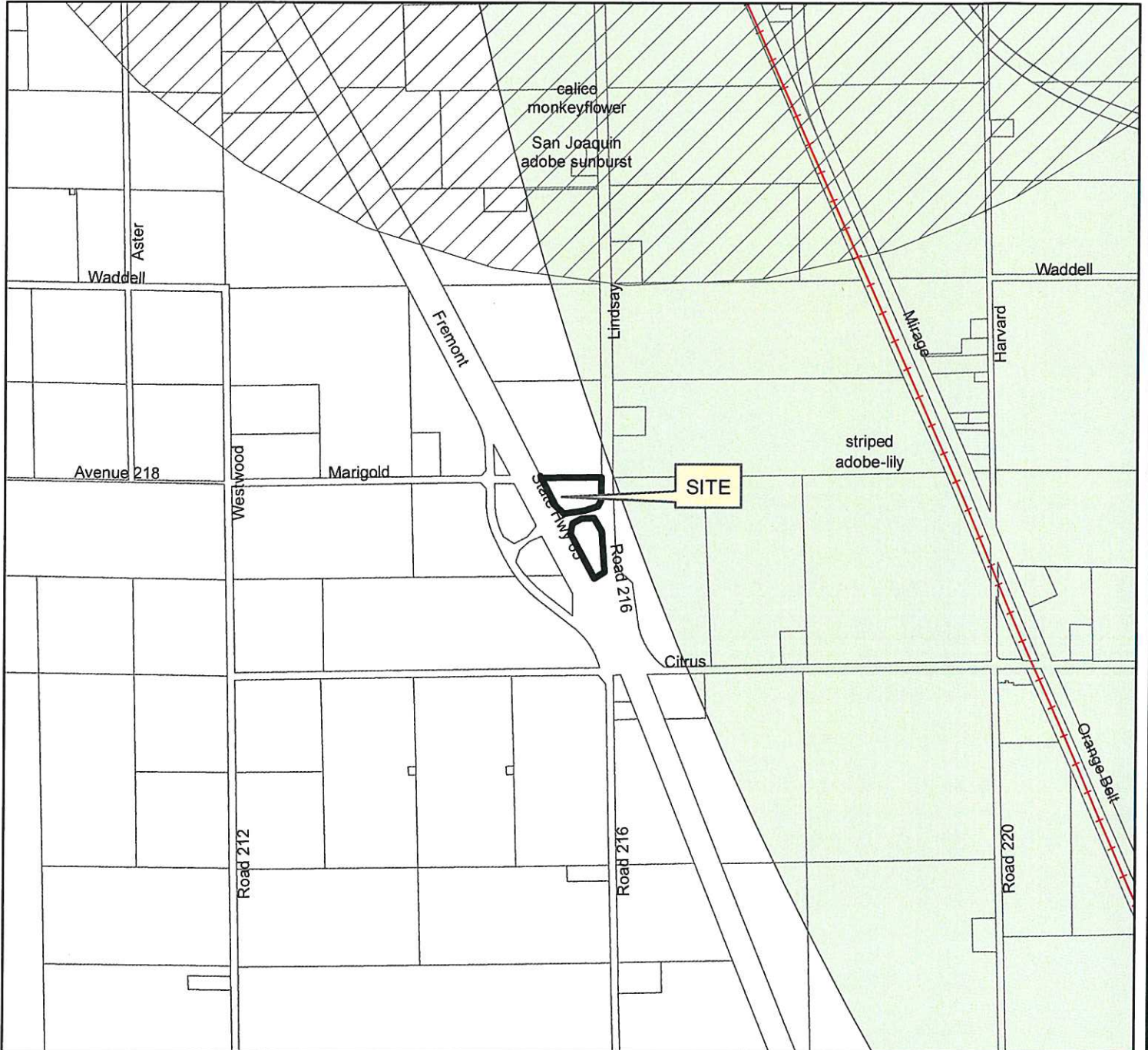


PZC 19-011 Initiation / PZC 19-012 - Zone Change

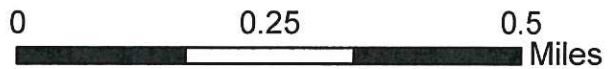
Site Plan
Illustration
PZC 19-012



Species of Concern for PZC 19-012



CNDDDB (data file last updated on 11/5/2019)



 SITE **Species of Concern (CNDDB)**  striped adobe-lily

 Parcels  Various Species*

*calico monkeyflower

*San Joaquin Adobe Sunburst



Waterways Map for PZC 19-012



- Waterways
- SITE
- Parcels

0 1,000 Feet





Wetlands Map For PZC 19-012



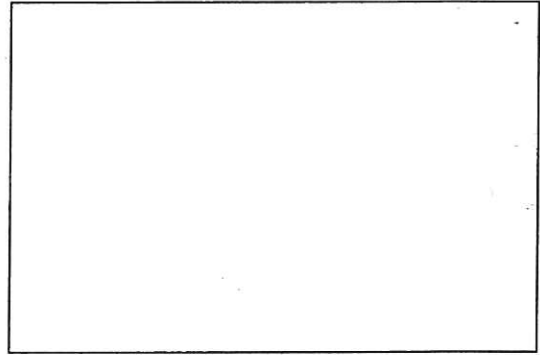
- | | |
|---------|------------------------------------|
| SITE | National Wetlands Inventory |
| Parcels | Freshwater Emergent Wetland |
| | Freshwater Forested/Shrub Wetland |
| | Freshwater Pond |
| | Lake |
| | Riverine |
| | Uplands (No Wetlands) |



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; (559-624-7000)
Attn: hguerra@co.tulare.ca.us

Applicant(s): William Haas, 4401 W. Leighson, Visalia CA 93291 (559-471-8362)

Project Title: Zone Change No. PZC 19-012

Project Location-Specific: Between State Route 65 and Road 216 (Lindsay Boulevard), approximately 650 feet north of Avenue 216, near the City of Lindsay. (APN 208-120-041)

Project Location: Section 18, Township 20S, Range 27E, MDB&M

Project Location – City: n/a. Unincorporated area near Lindsay. Project Location – County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: A proposed Change of Zone from A-1 (Agricultural) to M-1 (Light Industrial) on a 2.88-acre parcel, located inside the County-Adopted City of Lindsay Urban Area Boundary, subject to the Rural Valley Lands Plan and designated Valley Agriculture.


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));
- Common Sense Rule: CEQA guidelines 15061 (b) (3)
- Categorical Exemption: 15303-New Construction and Conversion of Existing Structures
- Statutory Exemptions:

Reasons why project is exempt: The project does not have the potential for causing a significant effect on the environment, and therefore, is not subject to CEQA. The project will not result in significant impacts and will not require additional public services. Therefore, the use of Section 15061(b) (3) is applicable and appropriate.

Name of Public Agency Approving Project: County of Tulare, Resource Management Agency

Activity / Project Representative: April Hill Area Code/Telephone: 559-624-7108

Signature:  - Hector Guerra Date: 12/4/19 Title: Chief Environmental Planner

Signature: _____ - Reed Schenke Date: _____ Title: Environmental Assessment Officer
RMA Director

Signed by Lead Agency

Statement Regarding Zone Change No. PZC 19-012 (William Haas) and a Categorical Exemption per Section 15061 (b) (3) from the California Environmental Quality Act (CEQA)

Aesthetics – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the aesthetics of the area. Based on a search for County and Caltrans Scenic highways on 11/12/19, the project is not located within a scenic corridor and would not impact scenic resources 15300.2 (d). See http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm. The property is currently vacant land between a State Route 65, an Expressway, and Road 216 (Lindsay Boulevard), in an agricultural area of the county. The applicant requested a Change of Zone from the A-1 (Agricultural) Zone to the M-1 (Light Manufacturing) Zone, which would allow a proposed outdoor advertising sign (billboard) by right. Sign sizes are 14' high x 48' wide, 10' high x 40' wide, 10'6" high x 26' wide, etc. Surrounding properties include agriculture (orchards) and scattered rural residences. Screening is not normally required for M-1 uses. A standard condition of approval requires exterior lighting to be directed away from public roadways and adjacent properties. Therefore, the project would result in No Impact to the Aesthetics resource.

Agriculture & Forestry – No Impact. The proposal will not interfere with existing agricultural operations in the surrounding area. Based on a search of Department of Conservation, Farmland Mapping and Monitoring Program (FMMP) maps on 11/12/19, the project site is located on Farmland of Statewide Importance, which is described as similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date. See ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/tul10_so.pdf. Google Earth aerial photos show no agricultural production in the past 25 years. Regarding forestry resources, the subject property does not meet the definition in Public Resources Code Section 4526 of timberland, as it is not commercially growing trees for lumber. The site is fallow, with no trees. The subject parcel is not within an Agricultural Preserve under Land Conservation Contract.

The subject is subject to the Rural Valley Lands Plan (RVLP), which designates the area for Valley Agriculture. For a project site to be rezoned to a non-agricultural use, the RVLP policies and checklist are used to determine the agricultural viability of the site. The subject 2.88-acre property is smaller than the five-acre minimum set by the evaluation criteria for economically feasible agricultural use. The property is bisected by a County-maintained road (Marigold) into two portions, each approximately one-acre in size. The groundwater level is estimated to be at 160 feet per the State Department of Water Resources - Groundwater Information Center website Spring 2018 depth map, deeper than the desirable 20 feet for agriculture. The subject site has direct access to paved public roads, is within the 5-mile response distance area of the County Fire Station located in Lindsay. An RVLP checklist was conducted and concluded that the parcel would receive nine (9) RVLP points. Policy RVLP-1.4 states, "if the number of points accumulated is 11 or less, the parcel may be considered for non-agricultural zoning." The project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have an impact on the Agricultural resource.

Air Quality - No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the air quality resources of the area. As noted earlier, the applicant plans to erect an outdoor advertising structure

(billboard) on a 2.88 acre parcel. The number of billboards on the site is limited by Caltrans, due to its location by a State Route. After reviewing the construction activities and operations of this project, and all temporary construction and operational activities, there were no emissions that will have a significant effect. The facility is required to comply with applicable San Joaquin Valley Air Pollution Control District (Air District) rules and regulations, including Rule 4102 (Nuisance), including odors; Regulation VIII (Fugitive PM10 Prohibitions) and associated Rules 8021, 8031, 8041, 8051, 8061, and 8071; Rule 4002 (National Emission Standards for Hazardous Air Pollutants), Rule 4103 (Open Burning); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); Rule 4702 (Internal Combustion Engines – Phase 2).

The proposed billboards will generate traffic temporarily during construction. Because the project generates less than 1,506 vehicle trips per day, it falls below the Air District's Small Project Analysis Level (SPAL) with regard to assessing Air Quality Impacts. The project is not a source of toxic air contaminants and does not store hazardous materials, per the applicant. Based on these analyses, the project will result in No Impact to Air Quality.

Biological Resources – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the biological resources of the area. The California Natural Diversity Database of June 2019 shows no Species of Concern on the subject site. There have been sightings of striped adobe-lily on the east side of Road 216 and of San Joaquin adobe sunburst and calico monkeyflower approximately 0.25 miles north. The project site does not contain wetlands, creeks, waterways, a waterfowl refuge or riparian habitat and is not in the planning area of a Conservation Plan. The Project will result in No Impact to the Biological resource.

Cultural Resources – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the cultural resources of the area. No cultural resources assessment has been conducted for this site. No cultural resources are known to be on or near the site. The property and surroundings have been under commercial, agricultural and residential use for decades. The site is not near a natural watercourse or on a bluff or hill with rock outcrops, where a California Historical Resource Information System (CHRIS) search would be warranted, or where archaeological or paleontological resources could occur. Therefore, there will be No Impact on the Cultural resources.

Energy – No Impact. The proposed project will not have a direct or cumulative impact, or create wasteful, inefficient, or unnecessary consumption of energy resources during project construction. It will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The applicant proposes erecting one billboard on the 2.88-acre subject property. Construction will be short term, as most billboards are on a single pole. No additional construction is anticipated. Any future construction must comply with State energy requirements. Therefore, there will be No Impact on the Energy resource.

Geology/Soils – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the geology / soils of the area. Based on a search of the Tulare County Seismic Safety Element in the County General Plan on 11/12/19, the Project is not located in a seismic hazard zone. No earthquake faults are known near the site. Standard billboards are mounted on a single pole, which minimizes impacts on geology.

The construction will require little or no grading or fill. The on-site soil is Exeter Loam, 0-2% slope, Non-Prime Class III if irrigated, with low shrink-swell potential and severe septic tank absorption. The requirements of the Uniform Building Code Zone II are adequate for normal facilities on these soils. Therefore, there will be No Impact on the Geology/Soils resource.

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

Hazards & Hazardous Materials – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will introduce hazards or hazardous material to the area. An online Cortese Act / Envirostor search conducted by County staff on 11/12/19 indicated that there are no known hazardous or toxic sites in the vicinity of the project. (See <http://www.envirostor.dtsc.ca.gov/public/>.) The site is in the Local Responsibility Area. The County Fire Department requires fire department access and a posted address. Any electrical hookup to the sign must meet current electrical codes. Future development shall comply with current Fire and Building Codes. All new construction would require the submittal of plans for fire department review, and would be required to meet construction methods in accordance with Chapter 7A of the 2016 California Building Code. No public or private airstrips are located within two miles of the subject site. The subject site has direct access to Road 216 and SR 65 and does not impair the implementation of any adopted emergency response plan or evacuation plan. Therefore, the project will result in No Impact by Hazard and Hazardous Materials.

Hydrology & Water Quality – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the hydrology /water quality of the area. The project will not impact the quality or quantity of water or waterways above any known threshold for water quality or affect water rights, including impacting water ways of the United States under Section 404, and 401 of the Clean Water Act. A search of the United States Geographic Survey (USGS) quadrant maps on 11/12/19 shows that there are no areas marked as blue (signifying wetlands) that will be impacted by this project. See County GIS Wetlands Map. There are no waterways on or near the site.

The property is not located within a water service district; however, the proposed billboards will not need a water source. The water table at the subject site is approximately 160 feet, per the California Department of Water Resources, Spring 2018 Groundwater Information Center Interactive Map Application Map of the State Department of Water Resources.

Tulare County Public Works/Engineering Branch staff commented on August 1, 2019 that the subject property is within Flood Hazard Zone X, per Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number

065066 dated June 16, 2009, Panel No. 1315. Construction of buildings within a Zone X requires no specific flood mitigation measures.

Prior to any septic system construction for this parcel, an engineered septic design report must be submitted to the TCEHSD for review. Such a design report may be submitted by the following qualified individuals: a Professional Engineer, Engineering Geologist, Professional Hydrogeologist, and other approved individuals. Existing septic system will be subject to the Local Agency Management Program requirements per Part VII, Chapter 1, Articles 1-9, Ordinance of Tulare County, pertaining to Sections 7-01-1320 through 7-101-1740. Based on the above discussion of the project improvements and requirements and the low-level use of the site, there will be No Impact to Hydrology or Water Quality.

Land Use & Planning – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the land uses, zoning, or planning of the area. As noted earlier, the project is a Change of Zone from the A-1 (Agricultural) Zone to the M-1 (Light Manufacturing) Zone, on a 2.88-acre parcel.

Per Section 10 of the County Zoning Ordinance, the A-1 (Agricultural) Zone is a transitional zone, with a purpose being to insure that such areas develop in a manner consistent with the General Plan and the public health, safety and general welfare, and to prevent the introduction of incompatible commercial, manufacturing, subdivision, and other urban uses into predominantly agricultural areas of the County. The A-1 Zone does not allow outdoor advertising display signs or off-site signs. The applicant proposes installing an outdoor advertising display sign (billboard), which would be allowed by right in the M-1 Zone.

Per Section 13 of the Zoning Ordinance, the M-1 Zone would also allow by right such uses as “auto dismantling and used parts storage when operated or maintained wholly within a building”, “manufacture of ceramic products”, “public utility structure”, or “transfer facilities limited to assemblage and temporary storage of glass, metal and plastic beverage containers collected at recycling collection centers for transport to other sites for recycling, processing, manufacture or treatment.” The M-1 Zone also allows any use permitted in the C-3 (Service Commercial) and the C-2 (General Commercial) Zones. Due to the small size of the parcel (2.88 acres), its bisection by a public road into two one-acre portions, the proximity to State Route 65, other uses are unlikely to be installed on the subject site.

The subject site is located inside the County-adopted City of Lindsay Urban Area Boundary and is subject to the Rural Valley Lands Plan (RVLP), with a Land Use Designation of Valley Agricultural. For a project site to be rezoned to a non-agricultural use, the RVLP policies and checklist are used to determine the agricultural viability of the site. An RVLP checklist was conducted and concluded that the parcel would receive nine (9) RVLP points. Policy RVLP-1.4 states, “if the number of points accumulated is 11 or less, the parcel may be considered for non-agricultural zoning.” With an approved Change of Zone, the proposed project will be consistent with the zoning regulations for the subject site and the Development Standards applicable to the proposed use.

The following General Plan Elements and policies apply to the project: Land Use Element Policies LU-1.10 Roadway Access and LU-4.3 Commercial Service Locations; Economic Development Element Policy ED-2.5 Small Business; Air Quality Element – Policy AQ-1.5 California Environmental Quality Act Compliance; Health and Safety Element Policies HS-1.9 Emergency Access; HS-6.7 Water Supply

System, HS-8.6 Noise Level Criteria, and HS-8.18 Construction Noise; Water Resources Element Policy WR-2.1 Protect Water Quality; Public Facilities and Services Element Policies PFS-3.1 Private Sewage Disposal Standards, PFS-4.2 Site Improvements, Capabilities, and PFS-7.2 Fire Protection Standards; and Rural Valley Lands Plan Policy RVLP-1.4 Determination of Agriculture Land. No traffic study or noise study are required.

Because the subject site is inside the Lindsay Urban Area Boundary, the Rezone Project is subject to the City/County Memorandum of Understanding (MOU). The City did not respond to consultation requests. The City/County MOU states that development may occur on non-agriculturally zoned lands; however, per Planning Framework Element Policy PF 4.19, as a non-residential project on a parcel greater than two acres, the project may be required to meet City of Lindsay Zoning Code Section 18.14.040.B., particularly regarding Section 18.14.040.B.11 regarding Outdoor Advertising Signs. The property is vacant. Surrounding properties contain agriculture (orchards) and scattered rural residences. Therefore, the project will result in No Impact to Land Use and Planning.

Mineral Resources – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the mineral resources of the area. Based on a search of the CGS Mineral Zone website and the County General Plan, the area is not delineated as a resource zone; and hence, it is unlikely that there are important mineral reserves in the vicinity. No valuable minerals or mature timber trees are in the vicinity (per the County’s Environmental Resources Management Element). Therefore, there will be No Impact to Mineral Resources as a result of the Project.

Noise – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on noise levels in the area. The site is located on State Route 65, which has a designated noise corridor in the segment near the site, between Linda Vista Avenue (in the north end of Porterville) to Avenue 228, about 1.75 miles north of the subject site. The distance from the roadway centerline of SR 65 to the 60 Ldn contour is 313 feet. Manufacturing facilities possible in the M-1 Zone could generate noise. However, any noise generated by the applicant’s proposed billboards would be temporary, during construction. Normally acceptable noise levels for agricultural uses are up to 70 dB. Due to the agricultural zoning and character of the area, sensitivity to noise impacts is relatively lower than other more populated urban areas of the County. Any noise generated by the facility is less than agriculture-related equipment and will have no impact on noise levels. As the Project does not exceed operational Noise standards outlined in the General Plan there will be No Impact to the Noise resource.

Population/Housing – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the population, or housing of the area. As noted earlier, adjacent land uses are agricultural, with scattered rural residences. The project will not displace an existing population or induce population growth. Therefore, there will be No Impact to Population/Housing.

Public Services – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the public services of the area. The site is outside any utility service district. The proposed use will not require water or a septic system. At the building permit stage, the County Fire Department will require that the applicant provide all-weather access that complies with Local Responsibility Area standards.

Any electrical service to the sign must meet current Electrical Code. Any future development shall comply with current Fire and Building Codes. Police protection is provided to the area by the Tulare County Sheriff Department's ~Porterville Patrol Substation. As the project will not result in the need for additional housing for an increased number of children or adults, the Project will not result in the need for new or expanded school or park facilities. Also, see the Population/Housing and Recreation resources discussed above and below, respectively. Based on a review of the project's demands, the project will not significantly impact the capacity of the following services: Police, Fire, Schools, Parks or other Public Facilities. Therefore, there will be No Impact to Public Services.

Recreation – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the recreational facilities in the area. This project will not affect the amount of new housing in order to generate the need for new recreational facilities, under the Quimby Act. Therefore, there will be No Impact to Recreation.

Transportation / Traffic - No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the Countywide, or Statewide roadway facilities in the area. The subject parcel has frontage on county-maintained Road 216 and on state-maintained State Route 65. Road 216 has an 80-foot existing right of way (40 feet on the west side and 40 feet on the east side). Ultimate right of way on Road 216 is 84 feet. Based on the 2018 Pavement Management System database, the pavement width is 24 feet and pavement type is asphalt concrete. Average Daily Trips are 340. The vacant triangular 2.88-acre parcel is located between SR 65 and Road 216 and is bisected by a County-maintained road (Marigold), which separates the parcel into two portions, each approximately one-acre in size.

The segment of SR 65 in the vicinity of the proposed project is currently 4-lane expressway and ultimately planned to be a 4-lane freeway with a median, within a total 170 feet of right of way (85 feet from the centerline), per comments from the California Department of Transportation (Caltrans), dated August 7, 2019.. Caltrans right of way maps show this segment of SR 65 existing at 155 feet, with 77.5 feet from the centerline on the east side of SR 65. Caltrans recommends that the nearest edge of the proposed billboard sign be set back, at a minimum of 85 feet from the SR 65 right of way centerline, to match the right of way width of 170 feet for the ultimate freeway concept.

The subject site has adequate parking, vehicular ingress and egress, and internal circulation. The proposed billboard would be situated so traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is not adversely affected. The proposed billboard will generate traffic temporarily during construction. Average Daily Trips on Road 216 are 340, per the 2018 Pavement Management System. The segment of SR 65 between Hermosa and Grand is a Level of Service "B" Expressway with 20,700 Average Annual Daily Trips, per the Tulare County General Plan 2030 Update – Recirculated Draft Environmental Impact Report. The average daily trips generated by construction will be less than the 100 trips that would require a detailed traffic analysis. Therefore, there will be No Impact to Transportation/Traffic.

Tribal Cultural Resources - No Impact. As noted earlier, no cultural resources assessment has been conducted for this site. The proposed Activity/Project will not have a significant direct or cumulative impact, or create an unusual circumstance that will cause the proposed Activity/Project to have a significant effect on tribal cultural resources in the area. Pursuant to AB 52, consultation notification to

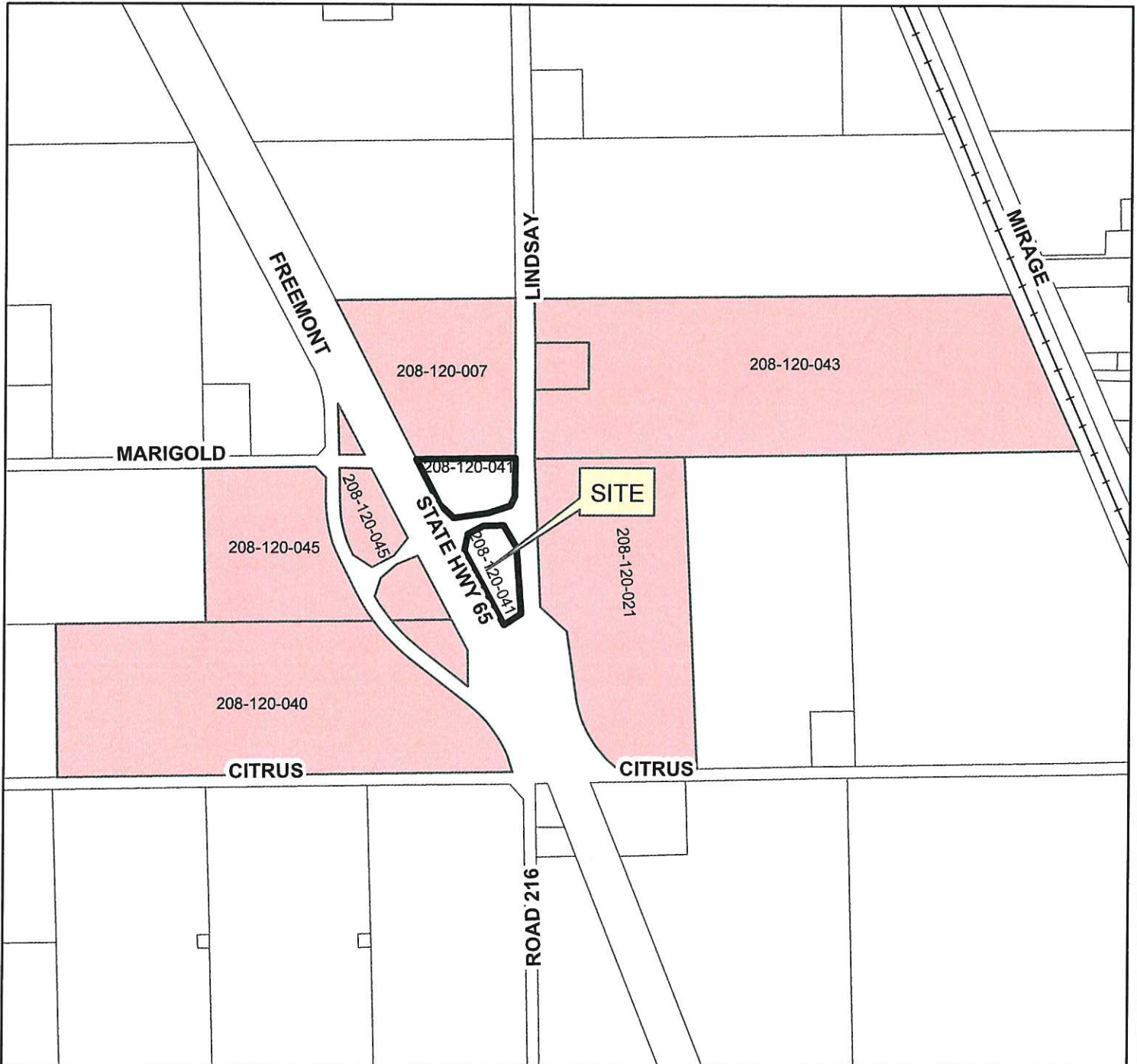
Native American Tribes is not required for this Project because a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report will not be prepared. Pursuant to SB 18, consultation notification to Native American Tribes is not required for this Project because it does not include an amendment or adoption of a general plan or a specific plan or designation of open space. The Activity/Project will be required to comply with the State CEQA Guidelines, Public Resources Code (§5097.94), and California Health and Safety Code (§7050.5) in connection with addressing any archeological resources, Native American cultural resources, and human remains in the unlikely event of accidental discovery during construction-related activities. The proposed billboard structure would be mounted on one or two poles, minimizing soil disturbance. New structures are not eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). No cultural resources are known to be on or near the site. Surrounding properties have been under agricultural and residential use for decades. The site is not near a natural watercourse or on a bluff or hill with rock outcrops, where a California Historical Resource Information System (CHRIS) search would be warranted, or where archaeological or paleontological resources could occur. Therefore, there will be No Impact to Tribal Cultural Resources.

Utilities / Service Systems – No Impact. The proposed project will not have a direct or cumulative impact, or create an unusual circumstance that will cause the proposed project to have a significant effect on the infrastructure / facilities in the area. The proposed project will not have an impact on Water (Quality or Quantity), Wastewater, Storm Drainage, or Solid Waste. The subject site is outside any community service district or public utilities district. The proposed billboard will not generate enough demands on the facilities or infrastructure to impact the infrastructure level of service thresholds. This project will not impact the level of service provided by any utility agencies or franchises operating in the area. Therefore, there will be No Impact to Utilities/Service Systems.

Wildfires – No Impact. The subject site is in the Local Responsibility Area. The project does not impair the implementation of any adopted emergency response plan or evacuation plan. The project will not exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, due to slope, prevailing winds, and other factors. The project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The project will not expose people or structures to significant risks, including downslope or downstream flooding, or landslides, as a result of runoff, post-fire slope instability, or drainage changes. As noted earlier, at the building permit stage for the proposed billboard, the County Fire Department requires all-weather access and a posted address. Any electrical service to the sign must meet current Electrical Code. Any future development shall comply with current Fire and Building Codes. Therefore, there will be no impact to the Wildfires resource.



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

Location and Property Ownership Map for Hearing Notification for PZC 19-012



Owner: Alfred Haas
 Address: 429 W. Citrus
 City, State, ZIP: Lindsay CA 93247
 Applicant: William Haas
 Agent: None
 Supervisorial District: 5
 Assessor's Parcel: 208-120-041



-  SITE
-  Prop within 300'
-  Parcels



Attachment No. 5

ATTACHMENT NO. 5

locations which are easily accessible and convenient to park residents.

b. Recreation areas shall be landscaped and maintained, with all landscaped areas to be irrigated by an automatic underground system.

c. Pedestrian ways shall be provided throughout the mobile home park, connecting all mobile home sites with each other and with common recreation areas. Such pedestrian ways shall be provided where possible at locations away from the interior street system to avoid conflict in pedestrian and vehicle traffic.

d. The calculation of common recreation areas shall not include yard areas, pedestrian ways, management offices, laundry and tenant storage areas and parking areas.

9. Signs. No more than one identification sign shall be erected displaying the name of the mobile home park. Such signs shall be located near the park entrance drive and shall not exceed thirty-two square feet in total readable surface area, or eight feet in height. Such sign shall be installed within the front yard area of the mobile home park, parallel to the abutting street, with landscaping at its base. Additional directional and identification signs may be installed within the mobile home park subject to the approval of the community development director.

10. Landscaping and Screening. Mobile home parks shall provide permanently maintained landscaped areas and site screening as follows:

a. A landscaped border along the entire street frontage yard area and along the rear yard if such yard is adjacent to a public street.

b. Ornamental screen wall or fencing, seven feet in height, along all interior side property lines, along all rear property lines which do not abut a public street, and along street side yard and street front yard setback lines.

11. Other Requirements.

a. Each mobile home park shall provide: (1) a laundry building equipped for clothes washing and drying; (2) an outdoor clothes drying area screened from view from other areas of the mobile home

park by an ornamental screen fence or wall and landscaped area; and (3) trash enclosures at locations along the interior street system which are convenient to all residents and to municipal refuse trucks, integrated with parking areas.

b. Applications for mobile home parks shall be subject to site plan review under the provisions of Chapter 18.18.

12. Placement and Sale of Mobile Homes.

a. At the time of placement on the site, all mobile homes shall be fitted with appropriate skirts to obscure stands, pads, and under-carriage equipment.

b. Mobile homes may be displayed and sold within a mobile home park similar to the sale of model homes within a residential subdivision; provided, that such mobile homes are not sold for delivery to any location other than within the mobile home park in which sold, and that all mobile homes are placed on mobile home sites and connected to all utility services. No more than four mobile homes shall be offered for sale at any one time, and advertising for sale shall be limited to one nonilluminated sign not exceeding eight square feet in area on the site of each mobile home offered for sale. (Ord. 437 § 1 (part), 1989)

18.14.040 Regulation of signs and outdoor advertising.

A. Purposes and Application. In order to maintain and enhance the attractiveness and orderliness of the city's appearance, and to protect the public safety and general welfare, the location, size, height, illumination and maintenance of signs and outdoor advertising structures are regulated as set forth herein.

B. General Provisions and Exceptions.

1. Application. The provisions set forth in this section shall be applicable to all signs permitted by this Title.

2. Computation of Sign Area or Display Surface. For purposes of this section, measurements for computing the areas of a given sign shall be made as follows:

a. For signs comprised of individual letters attached to the business structure, including module letters and logo graphic symbols, the effective sign area shall mean any area(s) enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines which fully contains all extremities of each word and/or logo graphic symbol of the sign. Each word and/or logo graphic symbol shall be measured separately in computing total sign area. Shadow box borders and other border trims which are an intrinsic part of the building, either architecturally or structurally, shall not be included in such area computations.

b. Where the sign consists of module letters only, and such letters are separated a minimum distance of one and one-half times the width of the individual module, the space between such letters shall not be included when computing sign area.

c. For single unit signs containing letters or logo graphic symbols on cabinets or panels, the effective sign area shall mean the area enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines which fully contains the perimeter of the cabinet or panel sign.

d. For projecting signs and freestanding detached signs containing letters and/or logo graphic symbols, the "effective sign area" means the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contains all extremities of the sign, exclusive of its supports and/or ornamental and decorative trim on cabinets or support columns.

e. For freestanding and projecting signs intended to be read from either side along a single frontage, both sides of the sign shall be counted in computing the total sign area for that frontage.

f. The effective sign area of a ball or sphere shall be seventy-five percent of the surface area of the ball or sphere.

3. Projection and Height.

a. No sign shall project more than fourteen inches beyond the property line, except that a freestanding sign shall not extend beyond the property line. The minimum height clearance for any free-

standing sign, projecting building sign or sign located on a building marquee shall be not less than eight feet as measured from ground level to the lowest portion of the sign display area.

b. No sign other than a directional sign shall project more than twelve inches into a required rear yard or interior side yard.

c. In an RCO, UR, RA, R, RM or PO district, a sign attached to a building shall not project above the parapet or roof line, whichever is higher.

4. Number of Freestanding Signs. Not more than one freestanding on-premises sign, or freestanding outdoor advertising structure, may be located on each parcel of property within a zoning district in which a freestanding sign or freestanding outdoor advertising structure is permitted.

5. Traffic Hazards.

a. No sign or outdoor advertising structure shall be placed within thirty feet of the intersecting curb lines of a street intersection, unless placed on a single pole with a ground clearance of at least ten feet, or unless placed so that the top of the sign and its supporting structure is a maximum of two and one-half feet above the ground.

b. No red, green or amber lights or illuminated signs or outdoor advertising structures illuminated by or including flashing lights, shall be placed in such position that they reasonably could be expected to interfere with or be confused with any official traffic-control device, traffic signal or official directional guide sign.

6. Movement. A moving sign shall be permitted only in C or I districts; provided, that movement shall be slow (not to exceed ten r.p.m.) and shall not simulate effects obtained by varying the intensity, color, pattern or illumination.

7. Utility Lines and Easements. No sign or outdoor advertising structure shall be located within a utility easement, or erected or located in a manner which will reduce the vertical or horizontal clearance from communication lines or energized electric power lines as required by laws, rules and regulations of the state and agencies thereof.

8. **Special Signs—Exceptions.** The following types of signs shall be exempt from the provisions of this section:

a. Signs for the posting or display of official notices by a public agency or official, or by a person giving legal notice:

b. Signs erected or maintained by a public agency or official, or signs required by law to be displayed by a public utility for directional, warning or informational purposes:

c. Temporary signs or displays of an emergency, patriotic, religious, or community nature. Such signs shall be removed within seven calendar days after the date of an advertised event.

d. Signs announcing garage or yard sales. Such signs shall be removed immediately after the completion of the sale.

9. **Special Signs—Prohibition.** Animated signs, the movement of which is simulated by variations in the intensity, color, pattern or illumination of the sign, and flashing signs, shall be prohibited in all districts, subject to the following exceptions:

a. A sign changing so as to show time and/or temperature.

b. An on-premises barber pole.

10. **Area Identification Signs.** Area identification signs intended to identify a neighborhood, subdivisions, shopping or industrial district, complex or other area composed of multiple ownerships, shall be limited to a maximum single surface area of twenty-five square feet, and total sign area not exceeding fifty square feet.

11. **Outdoor Advertising Signs.** Outdoor advertising signs are signs having part or all of their area devoted to directing attention to a business, profession, commodity, product or service that is not the primary business, profession, commodity, product or service sold, manufactured, conducted or offered on the site on which the sign is located, and shall be subject to the following conditions:

a. Outdoor advertising signs shall not be permitted in the RCO, UR, R, RM, PO or C districts.

b. The maximum single surface area per site of an outdoor advertising structure in the I district shall be five hundred square feet; the maximum aggregate

area per site of outdoor advertising signs in the I district shall be one thousand square feet. No outdoor advertising signs shall be placed within two hundred feet of another such sign on the same side of a street or highway.

12. **Sign Permit Requirement.**

a. Except as otherwise noted within this chapter, it is unlawful for any person to erect, relocate or alter electrically or structurally, any sign in the city without first obtaining a valid sign permit or building permit, if required.

b. No permit is required for the following signs:

i. Permitted temporary or portable signs;

ii. Address numbers;

iii. Window letters not exceeding twenty-five percent of total window surface area for business identification (name of business, hours of operation, address, phone);

iv. Public safety signs.

c. Sign permit applications shall be made upon forms provided by the city and shall be filed with the community development department. Should the community development department determine that the proposed sign does not comply with provisions of this chapter, the applicant shall be promptly notified. Upon a finding by the community development department that the proposed sign is in total compliance with the provisions of this chapter and all applicable codes, the city shall issue a sign permit.

13. **Murals.** Murals are painted wall signs which have a majority of the sign area comprised of non-commercial content, and which generally have artistic, historic or cultural themes. New murals shall require the prior review and approval of the mural review committee (hereafter "committee") and the city council. The council may approve a new mural if it finds that the proposed mural is consistent with applicable city policies and ordinances, and that the mural would not be detrimental to the public health, safety, or welfare. Commercial content of murals shall be subject to all applicable sign limitations of the underlying zone district. Murals shall be subject to the following standards and review process:

a. Murals may be located on the sides of buildings or walls within any zone district, except residential zoning districts.

b. Prior to painting or installation of a new mural, or the modification of an existing mural, an application must be submitted for the review and approval by the committee. All applications for new or modified murals shall be referred to the committee for review.

c. Approval of a mural design shall occur only after public notice and an opportunity to comment has been provided to any interested party. Interested parties may provide comment on proposed murals in writing or in person to the committee or city council. The city council shall consider any public comments during their review of proposed murals.

d. The committee shall apply the following design criteria in reviewing proposed murals:

i. The subject matter shall be of historical significance regarding the growth and development of the city and its surrounding region. The mural may also contain other subject matter deemed by the committee to be significant and of high quality.

ii. Paints and other materials used for murals shall be appropriate for outdoor use and artistic rendition, and shall be permanent and long-lasting. Super-bright or fluorescent colors shall be discouraged.

iii. Murals shall be designed and painted by professional mural artists who possess demonstrated knowledge and expertise in the design, materials, and execution of murals.

iv. To the extent feasible, the mural shall be vandal and graffiti resistant.

v. To the extent possible, trompe l'oeil shall be the method of choice for mural creation.

e. The city council may, from time to time, by resolution, adopt additional mural design criteria and guidelines.

f. The city council may set, by resolution, a fee for the application and/or mural permit issuance.

14. Quality of sign construction, design, fabrication and installation of signs shall reflect standards of high quality and professional workmanship.

a. Signs that are generally considered consistent with this standard include:

i. Signs constructed of durable, all-weather materials such as metal, glass, Plexiglas, or redwood.

ii. Individual lettered or cabinet signs with machine, laser, or die cut components.

iii. Proportional letter and word sizes and spacing.

iv. Sign placement that is proportional to and centered upon the building surface.

v. Integrated sign borders that define the sign copy area.

vi. Professionally carved or routed redwood signs.

vii. Other professionally prefabricated signs.

b. Signs that are generally not considered to be consistent with this standard include:

i. Signs constructed of nondurable materials such as paper, cardboard or plywood.

ii. Hand-stenciled painted signs with broken line segments.

iii. Handpainted plywood signs.

iv. Mass-manufactured dimensional molded plastic signs.

v. Changeable copy signs, except changeable copy signs for:

(a) Quasi-public announcement and bulletin boards;

(b) Time and temperature devices; or

(c) Theater marquees.

These standards shall be applied by the community development department in the review of any sign permit.

15. Temporary Commercial Signs. Temporary commercial signs are defined as outdoor advertising signs visible from the public right-of-way which are made of nondurable materials, such as

paper, canvas, plastic or cloth. Such signs shall be permitted, subject to the following limitations:

a. A maximum of one temporary commercial sign may be displayed at a time, on developed non-residential properties located in commercial or industrial districts.

b. Temporary commercial signs advertising grand openings of new businesses may be displayed for a maximum of thirty days in any single calendar year.

c. Temporary commercial signs for all other promotions may be displayed a consecutive maximum of thirty days and a cumulative maximum of sixty days in any single calendar year.

d. Temporary commercial signs shall not exceed thirty-two square feet in total sign area.

e. Temporary commercial signs shall be located entirely within the property lines of the subject property, and shall not encroach into the public right-of-way.

f. Temporary commercial signs shall be building mounted, flush against the surface plane of the building wall, and shall not extend above the plane of the building roof. Temporary commercial signs shall not be mounted on freestanding or portable signs, outdoor advertising structures, light poles, utility poles, or landscaping features.

g. Temporary commercial signs shall be maintained and kept in a high quality state of appearance at all times. Temporary commercial signs which are visibly faded, torn, stained, illegible, or damaged shall not be displayed.

16. Political Campaign Signs. Political campaign signs are defined as temporary outdoor advertising signs visible from the public right-of-way, which are intended for political or political campaign purposes.

a. Political campaign signs may be erected after the final campaign filing date for an election, typically eighty-eight days prior to the election, and shall be removed within fifteen days after such election.

b. Political campaign signs may not be attached to trees, fence posts, or utility poles. Political

campaign signs may be ground-mounted or attached to a building.

c. Political campaign signs may not be attached or erected on public property or within the public right-of-way. Political campaign signs may not be located within thirty feet of the intersecting curb lines of a street intersection or obstruct sight line visibility at intersections.

d. In cases where political campaign signs are not removed within fifteen days after an election, the city shall cause to be removed those signs which remain. The expense of sign removal shall be paid by the candidate.

e. Political campaign signs in violation of this section shall be removed immediately upon notice of violation by the city.

17. Temporary Construction Signs. One nonilluminated temporary construction sign shall be permitted on the site of a permitted construction project. Temporary construction signs may have a single surface area of not more than sixteen square feet in the RCO, UR, RA, R, RM and PO districts, and thirty-two square feet in all other districts. Temporary construction signs shall be removed at the owner's expense at the time of project completion.

C. Signs in the RCO, UR, RA, R, RM and PO districts. No sign of any character shall be permitted in the RCO, UR, RA, R, RM or PO districts, except as follows:

1. One nameplate, not directly illuminated, with a maximum of two square feet in area, containing the name or names of occupants of a residence or office.

2. One identification sign, not directly illuminated, located flat against a wall and not projecting above the roof line, with a single surface area of not more than sixteen square feet pertaining to a permitted or conditional use conducted on the site.

3. One nonilluminated sign, with a single surface area of not more than eight square feet, pertaining to the sale, lease, rental or display of a structure or site.

4. Nonilluminated directional signs, with a single surface area of not more than six square feet, pertaining to vehicular or pedestrian traffic directions and located along a driveway or within a parking lot. Arrows painted on pavement are not included in this regulation.

5. One bulletin board, not directly illuminated, with a single surface area of not more than twenty square feet, located on the site of a church, school, auditorium or other similar place of public assembly.

6. One nonilluminated temporary construction sign, with a single surface area of not more than sixteen square feet, on the site of a construction project, which shall be removed at the owner's expense at the time of project completion.

7. One temporary subdivision sales sign, not directly illuminated, with a single surface area of not more than thirty-two square feet, on the site of a residential subdivision.

8. Freestanding Signs. In the PO district only, on improved commercial or office sites, one freestanding sign shall be permitted. Permitted freestanding signs shall not have an area exceeding sixteen square feet per sign face and thirty-two square feet in total sign area and shall not exceed six feet in height. Permitted freestanding signs may be externally illuminated and shall not be internally illuminated.

D. Regulation of Signs Within the C Districts.

1. Purposes and Application. The purpose of sign regulation within the C districts is to avoid unsightly, inharmonious, competing, cluttered and hazardous location and appearance of signs, and to encourage the replacement of existing non-conforming signs. Sign regulations of this section shall apply to any permitted or conditional use listed within a C district.

2. Maximum Total Aggregate Area in the CN and CC Districts.

a. Primary Frontage. An allowable minimum sign area of up to fifty square feet shall be permitted for each primary building frontage (portion of building occupied by the business and facing a

street), regardless of the width of such primary building frontage. A maximum total sign area, not to exceed three hundred fifty square feet, shall be permitted for each primary building frontage based on two square feet of sign area for each lineal foot of primary building frontage occupied by the business.

b. Secondary Frontage. An allowable minimum sign area of up to thirty-five square feet shall be permitted for each secondary building frontage (portion of building occupied by the business and facing an alley, an adjacent building, parking lot or the like), regardless of the width of such secondary frontage. A maximum total sign area, not to exceed two hundred square feet, shall be permitted for each secondary frontage based on one square foot of secondary building frontage occupied by the business.

3. Maximum Total Aggregate Area in the CS and CH Districts.

a. Primary Frontage. An allowable minimum sign area of up to one hundred square feet shall be permitted for each primary business frontage along a street, regardless of the width of such primary business frontage. A maximum total sign area, not to exceed five hundred square feet, shall be permitted for each primary building frontage based on two square feet of sign area for each lineal foot of primary business frontage occupied by the business.

b. Secondary Frontage. An allowable minimum sign area of up to fifty square feet shall be permitted for each secondary business frontage, regardless of the width of such secondary frontage occupied by the business. A maximum total sign area, not to exceed two hundred square feet shall be permitted for each secondary business frontage based on two square feet of sign area for each lineal foot of secondary business frontage occupied by the business.

4. Directional Signs. Directional signs for off-street parking and off-street loading facilities shall not exceed six square feet for each sign; parking

lot identification signs shall not exceed six square feet per face of sign.

5. **Sale, Lease and Rental Signs.** Signs pertaining to the sale, lease, rental or display of a structure or land shall not exceed thirty-two square feet per single face of sign.

6. **Projecting Signs.** No sign, other than a directional sign, shall project more than twenty-four inches into a required rear yard or required interior side yard. No sign, other than a sign required by law or a marquee sign, shall project more than fourteen inches into a public right-of-way.

7. **Signs Attached to Buildings.** Signs attached to buildings shall be installed parallel with the building, with no more than a fourteen-inch projection from the wall except where permitted under subsection (D)(8) of this section, and/or attached directly to the vertical or sloped face of the marquee.

8. **Marquee or Canopy Signs.** Signs attached below the marquee or canopy shall not exceed six square feet per face of sign and shall have a minimum ground clearance of seven feet above the sidewalk grade in order not to impede or interfere with pedestrian traffic and safety. Where the marquee or canopy is attached at an angle from a building, signs may be affixed to the sloped portion above the horizontal extension of the marquee or canopy as an integral part of the facade.

9. **Painted Wall Signs.** Within each of the C districts, signs painted upon a wall exterior surface shall be included when computing the allowable sign area.

10. **Freestanding Signs.**

a. New freestanding signs shall have a permanently landscaped area at their bases, and shall be maintained with live plant materials around the base of such signs equal to at least ten percent of the total sign area, and with a minimum landscaped area of ten square feet.

b. Freestanding area identification signs displaying the name and/or logo graphic symbol of a shopping center and/or the names of other groupings of businesses, offices, services or combina-

tions thereof, shall not exceed a total sign area of three hundred fifty square feet.

11. **Temporary Signs.** Temporary commercial signs shall be subject to the provisions and limitations of subsection (B)(15) of this section.

12. **Announcement and Bulletin Boards.** Announcement and bulletin boards or structures for any public, philanthropic, civic, religious or charitable organization or agency, nonilluminated or illuminated by indirect lighting only, may not exceed thirty-two square feet in area in any district when appurtenant to the premises on which they are located.

13. **Public Service Signs.** Electronic public service signs displaying such information as time of day, temperature or events of community interest, with the purpose of augmenting on-premises identification shall be permitted. The area of such signs shall be included when computing the total sign area of a business or site.

14. **Portable Signs.** A maximum of one portable sign not exceeding a total height of six feet and total sign area of thirty-two square feet per face, shall be permitted per property. Portable signs shall not be placed in the public right-of-way (e.g. public streets, alleys, curbs, or sidewalks) or within thirty feet of a street intersection. Portable signs shall not encroach upon or obstruct any pedestrian walkway, fire lane, or paved parking space. Portable signs are defined as signs which are not attached to a building or freestanding base with a permanent foundation.

15. **Public Utility Signs.** Nonadvertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety and welfare of the general public, including but not limited to the following: informational signs for public telephone facilities or marking the location of underground facilities, directional signs for public utility services, signs notifying the public of "danger," "emergency," "construction" and similar conditions. No sign or other item shall be attached to private utility company poles and/or light standards or supports without

prior written approval from the utility company to which such poles belong.

16. **Sight Distance at Intersections.** No sign permitted by this section shall be placed within thirty feet of a street intersection (intersecting curb lines) unless placed so that the top of the sign is at a maximum of three feet above the ground or unless the bottom of the sign is a minimum of ten feet above the ground level.

17. **Height of Signs.** The height of signs within the CN and CC districts shall not exceed the height of the structure which houses the business being advertised, and in no case shall such sign exceed the height limitations of the district in which it is located.

18. **Signs Expressly Prohibited.**

a. No red, green or amber light or illuminated sign may be placed in such a position that it could reasonably be expected to interfere with, or be confused with, any official traffic-control device, traffic signal or official directional guide sign.

b. Outdoor advertising structures shall not be permitted.

c. Glaring, flashing and scintillating signs shall not be permitted.

d. Open letter signs which may be viewed from the reverse shall not be permitted.

e. Except in the CS and CH districts, canvas, plastic, cloth, paper or other types of banners or streamers suspended across public or private property, buildings or structures shall not be permitted, except temporary banners announcing civic events such as parades and homecomings which extend over or across a street.

19. **Brand Name Advertising.** Up to thirty percent of the sign area on any frontage may be devoted to advertising or identification of an individual brand or brands of products. This provision shall not apply to the identification of one primary brand name identifying a service station.

20. **Design of Signs.** All signs shall be designed in scale and harmony with the architectural design of the buildings and uses they are intended to relate

to or identify, and shall be consistent with the criteria of subsection (B)(14) of this section.

21. **Alteration and Removal.** Achieving the alteration or removal of dangerous, obsolete and nonconforming signs is a major policy of this section. To this end, certain signs are declared to be dangerous, obsolete or nonconforming, and shall be removed or altered to conform as follows:

a. A dangerous sign is defined as any sign which is an immediate peril or a potential menace to the safety of persons or property. The building inspector shall give a written order for the repair or removal of any unsafe or dangerous sign to the owner of the real property upon which such sign is located. If such owner shall fail to remove or repair such sign or advertising structure, within thirty days of notification by the building inspector, the building inspector may cause the removal of such sign and may enter upon such property for such purpose. Any cost accrued by the city in the removal of such sign shall be charged to the owner of the real property upon which such sign is located and added to the real taxes thereon for the ensuing tax year or be collected in civil action at the option of the city.

b. Any sign hereafter existing which no longer advertises a bona fide business conducted or product sold on the premises where such sign exists shall be removed or made to conform by the owner of the building, structure or property upon which such sign is located within ninety days after written notification by the building inspector, or the building inspector may cause the removal of such sign. Any cost accrued by the city shall be treated in the same manner as provided above, for dangerous or unsafe signs.

c. Signs which are nonconforming because of their lighting, movement or animation shall be made to conform or be removed within one hundred twenty days after written notification by the building inspector.

22. **Appeals Procedure.**

a. If, because of any ambiguity, inadvertent omission or error, the interpretation of the provi-

sions and/or intent of this section by the director of community development is disputed, the applicant or any aggrieved person may appeal, in writing, setting forth his reason for such appeal to the city council. The appeal shall be filed with the director of community development within fifteen days after an adverse decision of the director. The appeal shall be placed on the regular meeting agenda of the city council at the first opportunity.

b. The council shall review the sign proposal and shall approve, approve with conditions, or disapprove it, based on the findings set forth in Section 18.21.060 of this code.

E. Regulation of Signs within the I Districts. No sign, outdoor advertising structure or display of any character shall be permitted in the I districts, except as follows:

1. Outdoor advertising signs in accordance with the district limitations and standards prescribed in subsection (B)(11) of this section.

2. Regulation of Signs Within the I District. The maximum permissible area of all faces of all signs pertaining to a permitted use or conditional use, excluding outdoor advertising signs, directional signs and signs identifying products within a window display area, shall be as follows: one square foot of sign area per lineal foot of property line adjoining a street, or one hundred square feet per acre of site area in use, whichever is greater, to a maximum of six hundred square feet of sign area.

3. Temporary Signs. Temporary signs shall be subject to the provisions and limitations of subsection (B)(15) of this section.

4. One nonilluminated sign, not exceeding a single surface area of thirty-two square feet, pertaining to the sale, lease, rental or display of a structure or site.

5. Nonilluminated directional signs along driveways or within parking lots, not exceeding a single surface area of six square feet, pertaining to vehicular and pedestrian traffic direction.

6. One bulletin board not directly illuminated, not exceeding a single surface area of twenty square feet located on the site of a place of public assembly.

7. One nonilluminated temporary construction sign, not exceeding a single surface area of thirty-two square feet, on the site of a construction project, to be removed at the owner's expense at the time of project completion.

F. Nonconforming Signs and Nonconforming Outdoor Advertising Structures. Nonconforming signs and nonconforming outdoor advertising structures shall be subject to the regulations prescribed in Chapter 18.15.

G. Abandoned and Dilapidated Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which has been abandoned or which is physically dilapidated. Any such sign shall be promptly removed by the owner or such other person. Any sign located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or his business, or any sign which pertains to a time, event or purpose which no longer is applied, shall be presumed to have been abandoned. A sign shall be considered to be "physically dilapidated" if the sign copy is removed or obscured so that it is substantially illegible from the public right-of-way, or if the sign is in a state of visibly obvious structural disrepair affecting at least twenty-five percent of the sign area.

H. Authority to Modify Sign Regulations. Notwithstanding other provisions of this chapter, the city council has the authority to modify or adjust regulations of this chapter in order to prevent or lessen practical difficulties or unnecessary physical hardships inconsistent with the objectives of the zoning code and the purpose of this section as would result from a strict or literal interpretation and enforcement of certain of the regulations of this chapter.

I. Public Utility Signs. Nonadvertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety and welfare of the general public, including but not limited to the following: the location of underground facilities, directional signs for public utility services, signs notifying the public of "danger," "emergency," "construction" and similar condi-

tions. No signs or other items shall be attached to private utility company poles and/or light standards or supports, without prior written approval from the affected utility company. (Ord. 509 § 1, 2003; Ord. 489 §§ 1 (part), 2 (part), 1998; Ord. 486 §§ 9—16, 1997; Ord. 437 § 1 (part), 1989)

18.14.050 Regulation of manufactured housing within residential districts.

A. Application. The provisions of this section shall apply to all single family dwellings and mobile homes on permanent foundations listed as permitted uses within UR, RA, R, RM and PO districts.

B. Developmental/Architectural Standards. All single-family dwellings and mobile homes on permanent foundations shall meet the following developmental/architectural standards:

1. Garages or Carports. A garage or carport shall be provided for every dwelling located on a lot which is not a part of a mobile home subdivision.

2. Minimum Floor Area. The minimum floor area for every dwelling located which is not a part of a mobile home subdivision, shall be eight hundred square feet, excluding the area of the garage or carport.

3. Roof Overhang. All main buildings shall have a pitched roof with a minimum twelve-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.

4. Roofing Material. All main buildings, and all detached garages and carports located on the front half of the lot shall have a roof constituted of either wood shakes, asphalt, composition or wood shingles, clay, tile, concrete or metal tile, slate or built-up asphalted-gravel materials.

5. Siding Material. All main buildings and all detached garages located on the front half of the lot shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

6. Foundations. All main buildings shall be placed on a permanent foundation which meets applicable building code requirements and/or the provisions of Section 18551 of the California Health and Safety Code, such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.

7. Minimum Width. The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty feet.

8. Surrender of Registration. Subsequent to applying for a building permit, and prior to occupancy of a mobile home on a permanent foundation, the owner shall request a certification of occupancy be issued by the building official pursuant to Section 18557(a)(2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certificate of registration issued by a state agency is to be surrendered to the issuing state agency. Any mobile home on a permanent foundation must bear a California insignia or Federal label pursuant to Section 18550(b) of the California Health and Safety Code.

9. Tow Bars, Wheels and Axles. All mobile home tow bars, wheels and axles shall be removed when the dwelling is installed on a residential lot.

10. Deviations. The community development director may approve deviations from one or more of the standards of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the director may be appealed to the city council in accordance with the provisions of Section 18.16.050 of this code. (Ord. 437 § 1 (part), 1989)

18.14.060 Second dwelling units.

A. Applicability. The provisions of this section shall apply to all second dwelling units approved on or after the effective date of the ordinance codified in this section. This section provides standards by which the city shall evaluate building permit applications for permitted second dwelling units in the UR, RA, R, RM, and PO zoning districts.