



**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:** June 2, 2020

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

CONTACT PERSON: Celeste Perez    PHONE: 559-624-7000

**SUBJECT:** Zone Change Initiation No. PZC 20-005, Hein/Visalia

**REQUEST(S):**  
Request that the Board of Supervisors:

Authorize Zone Change Initiation No. PZC 20-005 (Hein/Visalia) to proceed as a Zone Change from Exclusive Agriculture - 20 acre minimum (AE-20) to General Commercial with a Mixed-Use Overlay Combining Zone (C-2-MU) on a 25,034.75-square foot parcel, Assessor's Parcel Number (APN) 126-390-018, located at 27210 Road 108, on the northeast corner of the intersection of Avenue 272 and Road 108 (S. Demaree Street), approximately 1,727 feet south of the City of Visalia.

**SUMMARY:**

The Zone Change Initiation is not an approval of the proposed project or Zone Change Amendment. The Zone Change Initiation allows the applicant to apply for the Zone Change Amendment only, with no guarantee that the amendment will be adopted. A detailed analysis of the project, and its impacts, will be studied upon the Board of Supervisors approving this Zone Change Initiation, and after a subsequent Zone Change application is received and processed by the County.

**Project Description**

The Tulare County Resource Management Agency (RMA) has received a request from the property owner (Martin Hein Ranch Company) to initiate a zoning amendment application on a 25,034.75-square foot parcel, APN 126-390-018, changing the zoning designation from AE-20 to C-2. The site contains an existing office building for a farm management company. The purpose of the project is to facilitate the addition of other

**SUBJECT:** Zone Change Initiation No. PZC 20-005, Hein/Visalia  
**DATE:** June 2, 2020

businesses that are not related to agriculture. The RMA is proposing to add a Mixed-Use Overlay Combining Zone (MU), which would change the zoning designation from AE-20 to C-2-MU.

The site is located at 27210 Road 108, on the northeast corner of the intersection of Avenue 272 and Road 108 (S. Demaree Street), approximately 1,727 feet south of the City of Visalia. The parcels to the north, south, east, and west are zoned AE-20 (Exclusive Agricultural – 20 Acre Minimum) and contain agricultural field crops, orchards, scattered rural residences, and a Southern California Edison Substation.

### **General Plan, Zoning Consistency / Rural Valley Lands Plan Analysis**

The project area is located within the Visalia Urban Area Boundary (UAB), and the Land Use Designation for the project site is “Valley Agriculture.” On July 5, 1983, the Tulare County Board of Supervisors adopted General Plan Amendment No. GPA 83-04A for the Urban Boundaries Element. This plan element established this area within Visalia’s Urban Area Boundary (Attachment #1).

As such and as stated in the City of Visalia and Tulare County Memorandum of Understanding (MOU), dated October 19, 2012, the proposed project is consistent with the provisions related to Urban Area Boundaries (Attachment #2). Specifically, UAB Provision No. 1 states that development may occur on currently zoned non-agricultural land subject to PF-4.19 and 4.21, with exceptions listed in PF 4.18 of the Tulare County General Plan (TCGP). UAB Provision No. 2 states that any future development project is subject to the Rural Valley Lands Plan (RVLP) and subject to PF 4.19 and 4.21, with exceptions listed in PF 4.18 of the TCGP.

The RVLP is typically only advisory within County Adopted City Urban Area Boundaries (CACUABs). However, the MOU makes it less than advisory in the UAB of the City of Visalia. Therefore, staff initiated a RVLP Checklist and Backup Statement for the Board to consider, consistent with the MOU and PF-4.19, which resulted in a total of 8 points for the proposed project (Attachment #3). Policy RVLP-1.4 states, “if the number of points accumulated is 11 or less, the parcel may be considered for non-agricultural zoning.” Per the RVLP analysis, it is noted the property is a little more than a ½ acre, has a non-residential structure on it, and is not in the Williamson Act; so it is not agriculturally viable. In addition, none of the exceptions listed in PF-4.18 would be applicable to the proposed project.

In addition, the proposed project does not include any of the applications listed in PF-4.21. Nonetheless, if at some point in the future an application listed in PF-4.21 is submitted on this property, even after it is rezoned, the RVLP analysis has already been completed as part of the proposed project and found to be consistent with these types of entitlements. Therefore, the proposed project is consistent with PF-4.21.

On March 31, 2020, a Project Review – Consultation Notice for PZC 20-005 was sent to the City of Visalia. In a letter dated April 6, 2020, the City of Visalia stated that its Land Use Element policies do not oppose or discourage the placement of a general commercial land use designation, such as Commercial Mixed Use at this location

**SUBJECT:** Zone Change Initiation No. PZC 20-005, Hein/Visalia  
**DATE:** June 2, 2020

being at the intersection of two arterial-designated roadways (Attachment #4). Therefore, the proposed project is consistent with the City of Visalia's General Plan. Moreover, the requested change of zone has been found to be compatible with the County's established land uses in the surrounding area and is not in conflict with the furtherance of overall County development strategies, plans, and policies.

Based on factors shown above, it can be concluded that the proposed Change of Zone will be consistent with the RVLP and will further the goals, objectives, and policies of the TCGP. In addition, the proposed Change of Zone is consistent with the City of Visalia's General Plan. Accordingly, it is respectfully submitted that the proposed Zone Change Initiation should be approved. However, approval of this Zone Change Initiation in no way guarantees that the ultimate Change of Zone will be approved. Instead, approval of this Zone Change Initiation allows the applicant to submit a Change of Zone application for processing.

**FISCAL IMPACT/FINANCING:**

The applicant cost for a Zone Change Initiation is an initial deposit of \$3,333. If authorized to file a Zone Amendment Application, the applicant will pay an initial deposit of \$6,451 to the Tulare County RMA. Additional fees of \$100 per hour are assessed if the actual cost of processing the Zone Change Initiation application exceeds the deposits. California Environmental Quality Act documentation and compliance for the project is also charged on a full cost recovery basis.

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

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

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

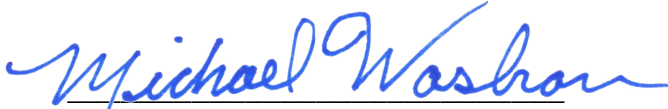
- Providing effective growth management by allowing the existing parcel to be rezoned and developed with additional businesses that are not agriculturally related.

**SUBJECT:** Zone Change Initiation No. PZC 20-005, Hein/Visalia  
**DATE:** June 2, 2020

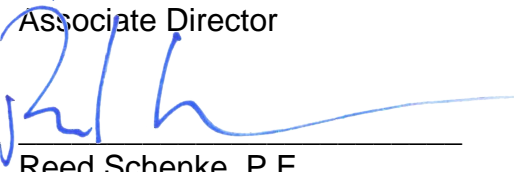
**ADMINISTRATIVE SIGN-OFF:**



Aaron R. Bock, MCRP, JD, LEED AP  
Assistant Director



Michael Washam  
Associate Director



Reed Schenke, P.E.  
Director

cc: County Administrative Office

Attachment 1 – Site Maps

Attachment 2 – City of Visalia MOU

Attachment 3 – Preliminary RVLP Checklist and Backup Statement

Attachment 4 – Consultation and Comment Letters

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

IN THE MATTER OF ZONE CHANGE                                    ) Resolution No. \_\_\_\_\_  
INITIATION NO. PZC 20-005, HEIN/VISALIA                    )

UPON MOTION OF SUPERVISOR \_\_\_\_\_,                    SECONDED        BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD ON JUNE 2, 2020, BY  
THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

That the Board of Supervisors:

Authorized Zone Change Initiation No. PZC 20-005 (Hein/Visalia) to proceed as a Zone Change from Exclusive Agriculture - 20 acre minimum (AE-20) to General Commercial with a Mixed-Use Overlay Combining Zone (C-2-MU) on a 25,034.75-square foot parcel, Assessor’s Parcel Number (APN) 126-390-018, located at 27210 Road 108, on the northeast corner of the intersection of Avenue 272 and Road 108 (S. Demaree Street), approximately 1,727 feet south of the City of Visalia.

# **Attachment “1”**

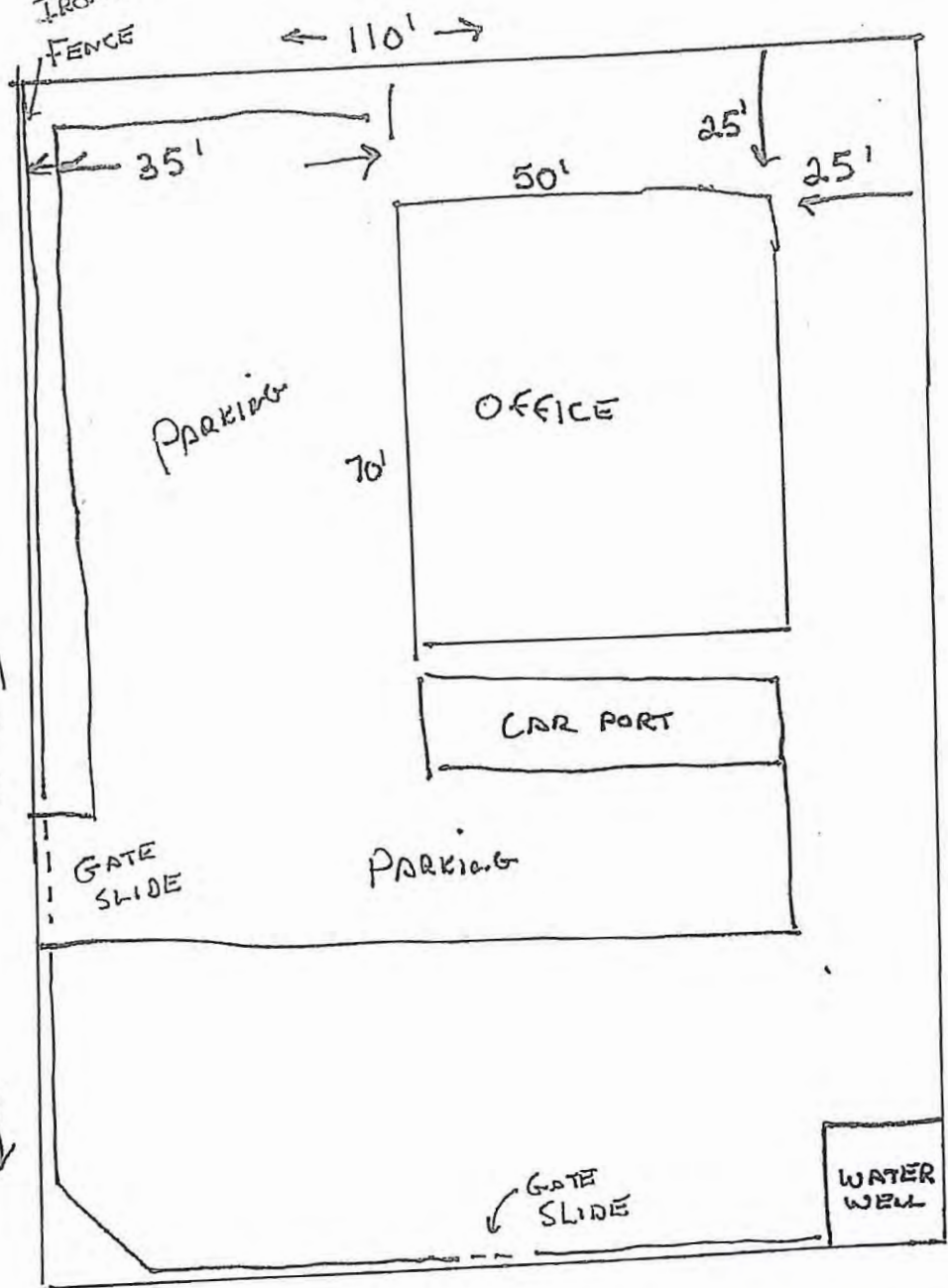
## **Site Maps**

# PLOT PLAN MARTIN HEIN RANCH COMPANY



HOUSE

IRON FENCING ON 10' CENTERS  
FENCE



Road 108

210'

← 110' →

35'

50'

25'

25'

PARKING

OFFICE

70'

CAR PORT

PARKING

GATE SLIDE

GATE SLIDE

WATER WELL

AVE 272

HOUSE



PROPOSED WORK:

\* ALSO SEE COMPANY ESTIMATE  
ATTACHED

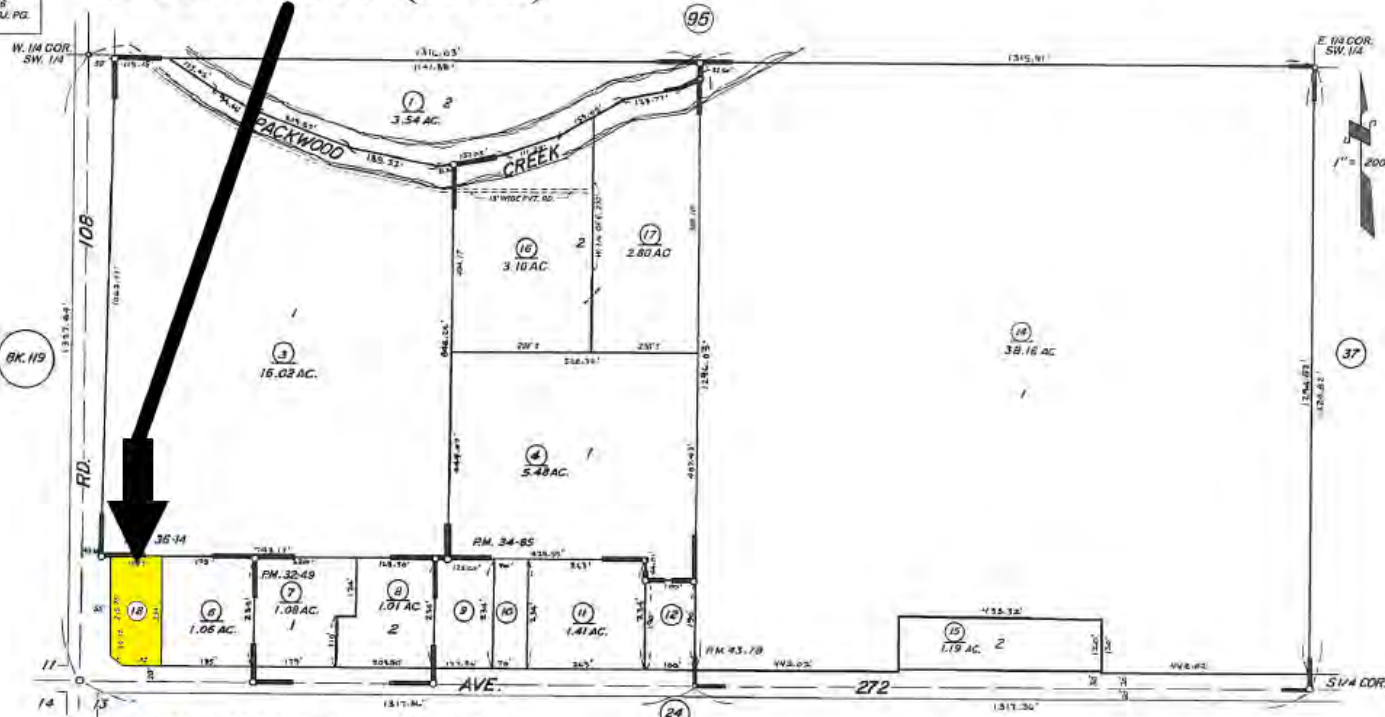
WMA

**DISCLAIMER**  
 THIS MAP WAS PREPARED FOR LOCAL PROPERTY ASSESSMENT PURPOSES ONLY. THE PARCELS SHOWN HEREON MAY NOT COMPLY WITH STATE AND LOCAL SUBDIVISION ORDINANCES. NO LIABILITY IS ASSUMED FOR THE USE OF THE INFORMATION HEREON. R.S.T. CODE SEC. 357, 464A, ETC.  
 REVISED: 06/29/2018  
 REASON: UPDATE ADU. PG.  
 CAD TECH: GL

S 1/2 OF SW 1/4 SEC. 12, T. 19 S., R. 24 E., M.D.B. & M.

TAX CODE AREA 126-39  
105-001  
153-016

# PZC 20-005 (Hein)



PARCEL MAP NO. 3148, P.M. 32-49  
 PARCEL MAP NO. 3383, P.M. 34-85  
 PARCEL MAP NO. 3512, P.M. 36-14  
 PARCEL MAP NO. 4274, P.M. 43-78  
 POR. RECORD OF SURVEY, L.S. 27-69  
 POR. RECORD OF SURVEY, L.S. 30-25 (RD. 108)

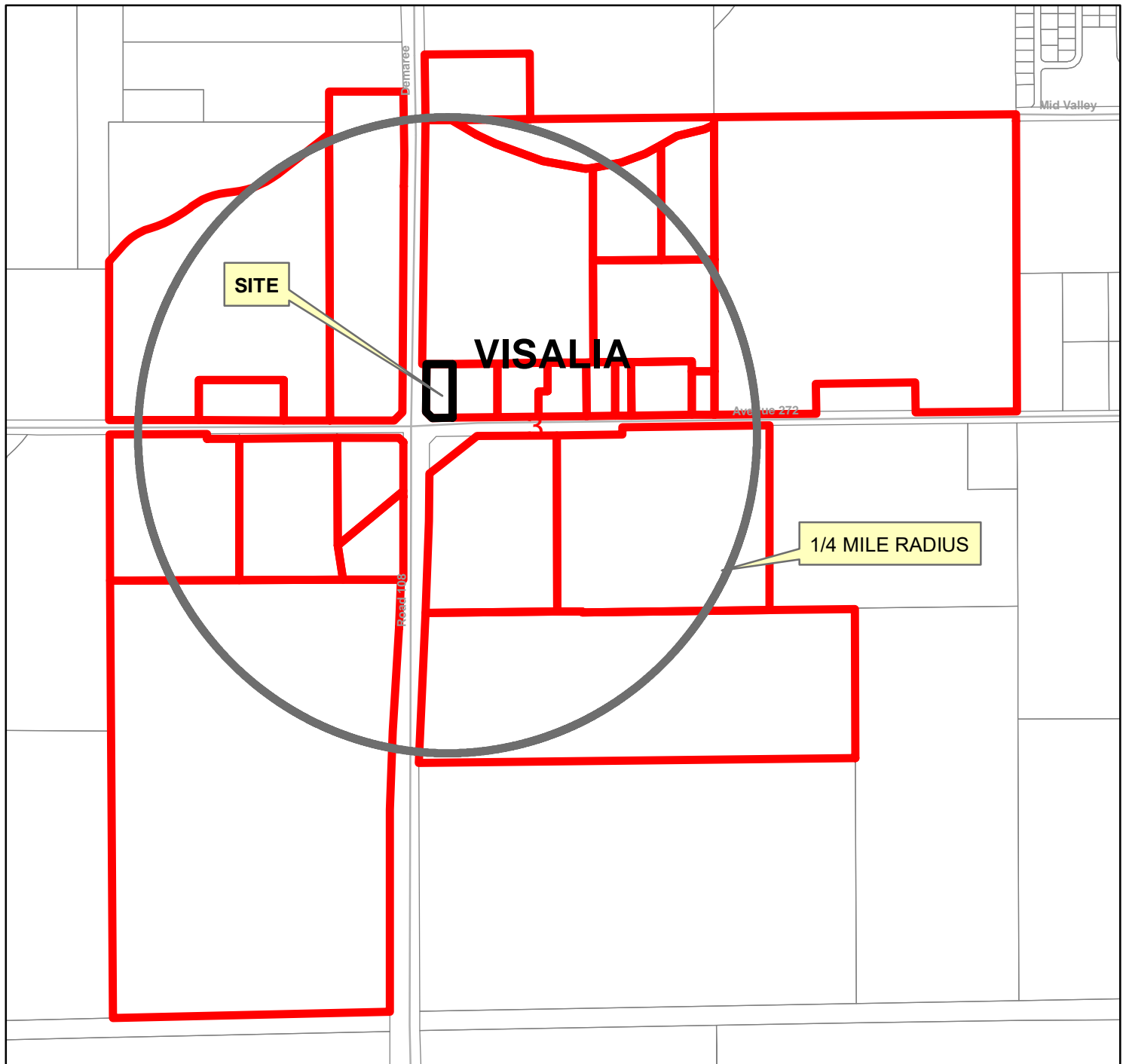
VICINITY OF VISALIA  
 ASSESSOR'S MAPS BK. 126, PG. 39  
 COUNTY OF TULARE, CALIF.

NOTE - ASSESSOR'S BLOCK NUMBERS SHOWN IN ELLIPSES  
 ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES






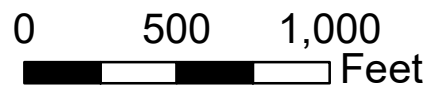


# 1/4 mile Radius Vicinity Map for PZC 20-005



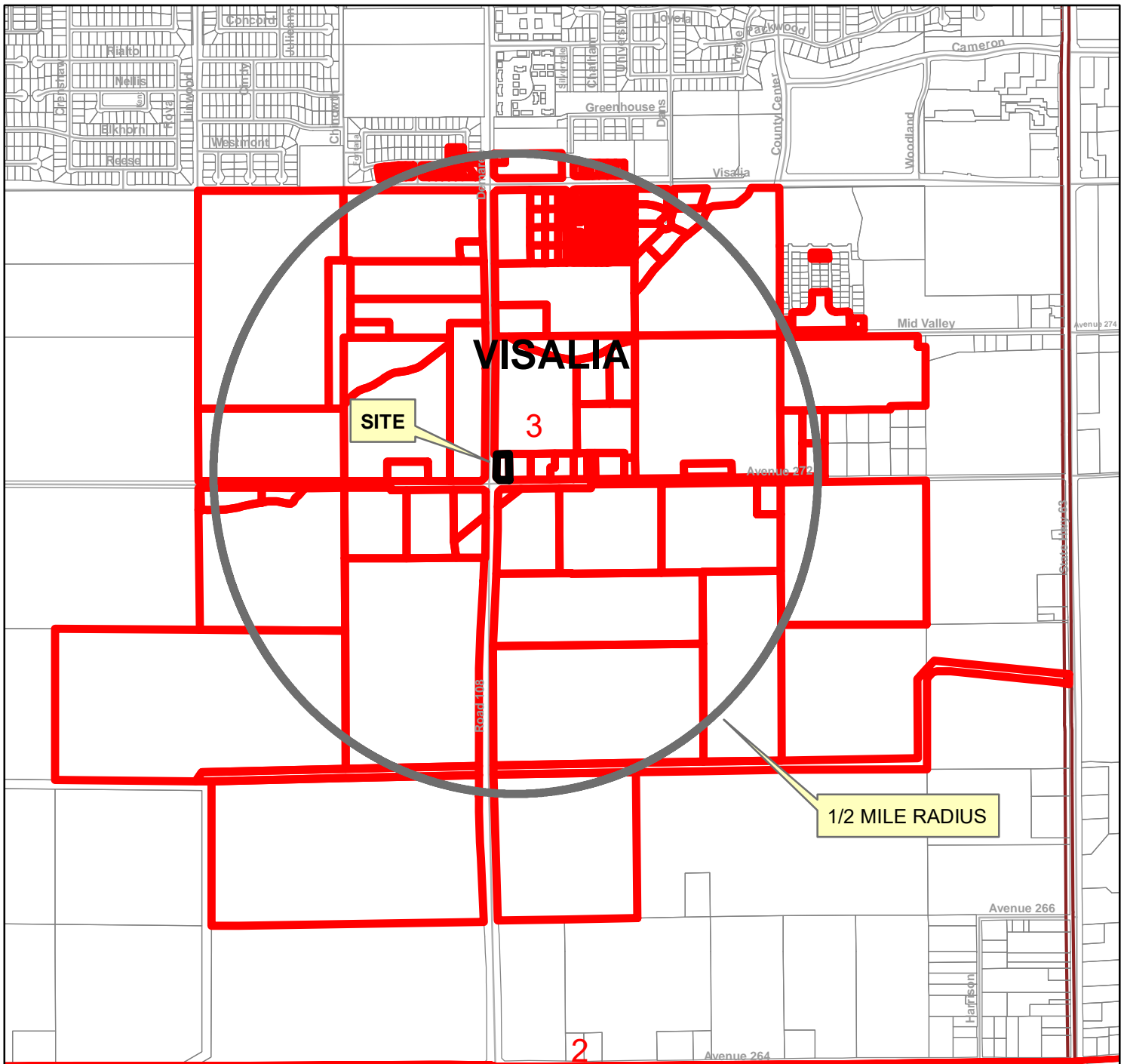
Supervisorial District: 3

-  SITE
-  1\_4 mile radius
-  Supervisorial Districts








# 1/2 mile Radius Vicinity Map for PZC 20-005



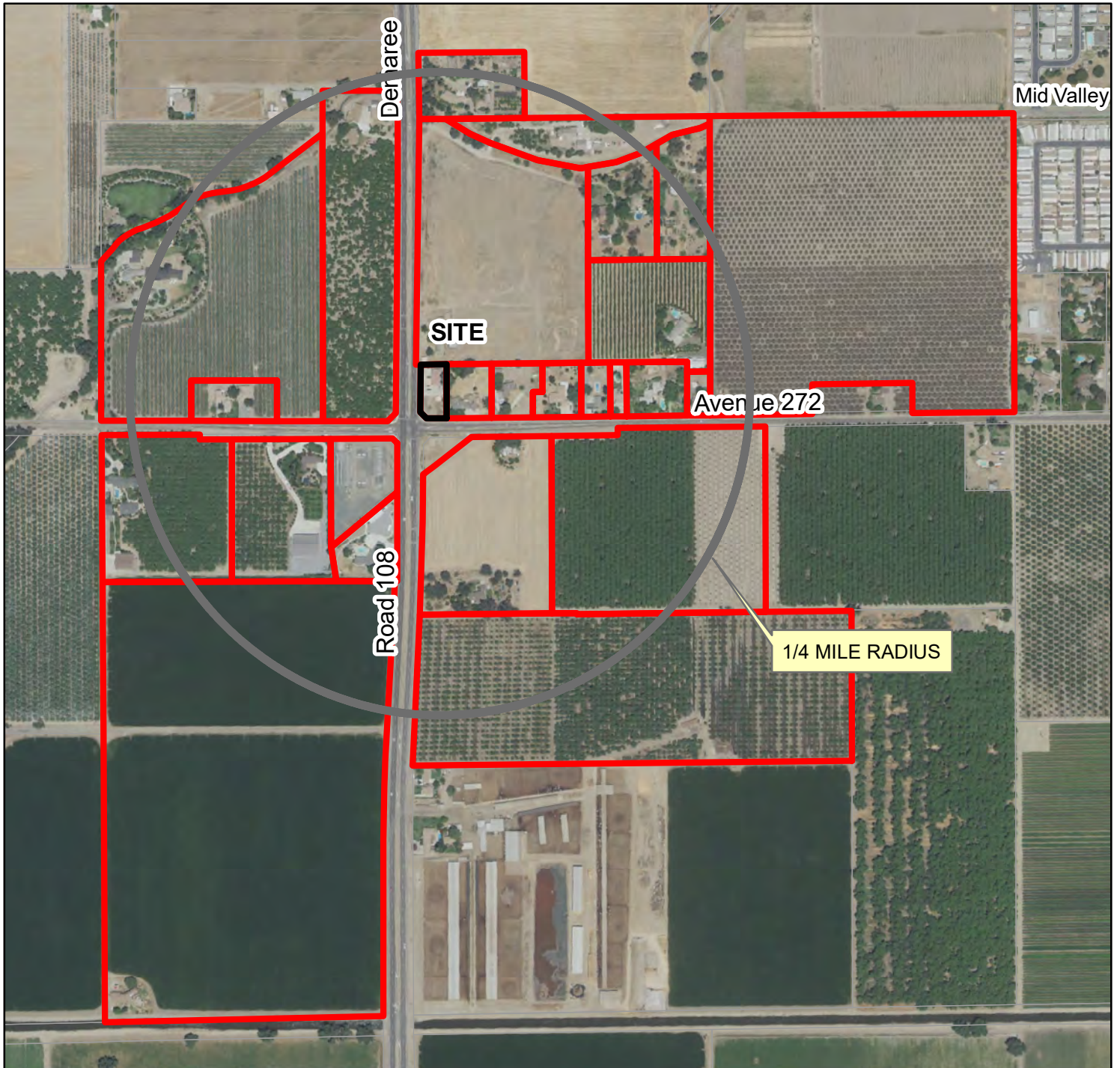
Supervisory District: 3

-  SITE
-  1/2 mile radius
-  Supervisory Districts

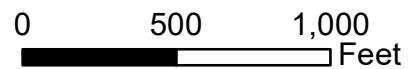




# 1/4 mile Radius Aerial Photograph for PZC 20-005



Owner: Martin Hein  
 Address: 27210 Road 108  
 City, State, ZIP: Visalia, CA 93277  
 Applicant: same  
 Agent: N/A  
 Supervisorial District: 3  
 Assessors Parcel: 126-390-018

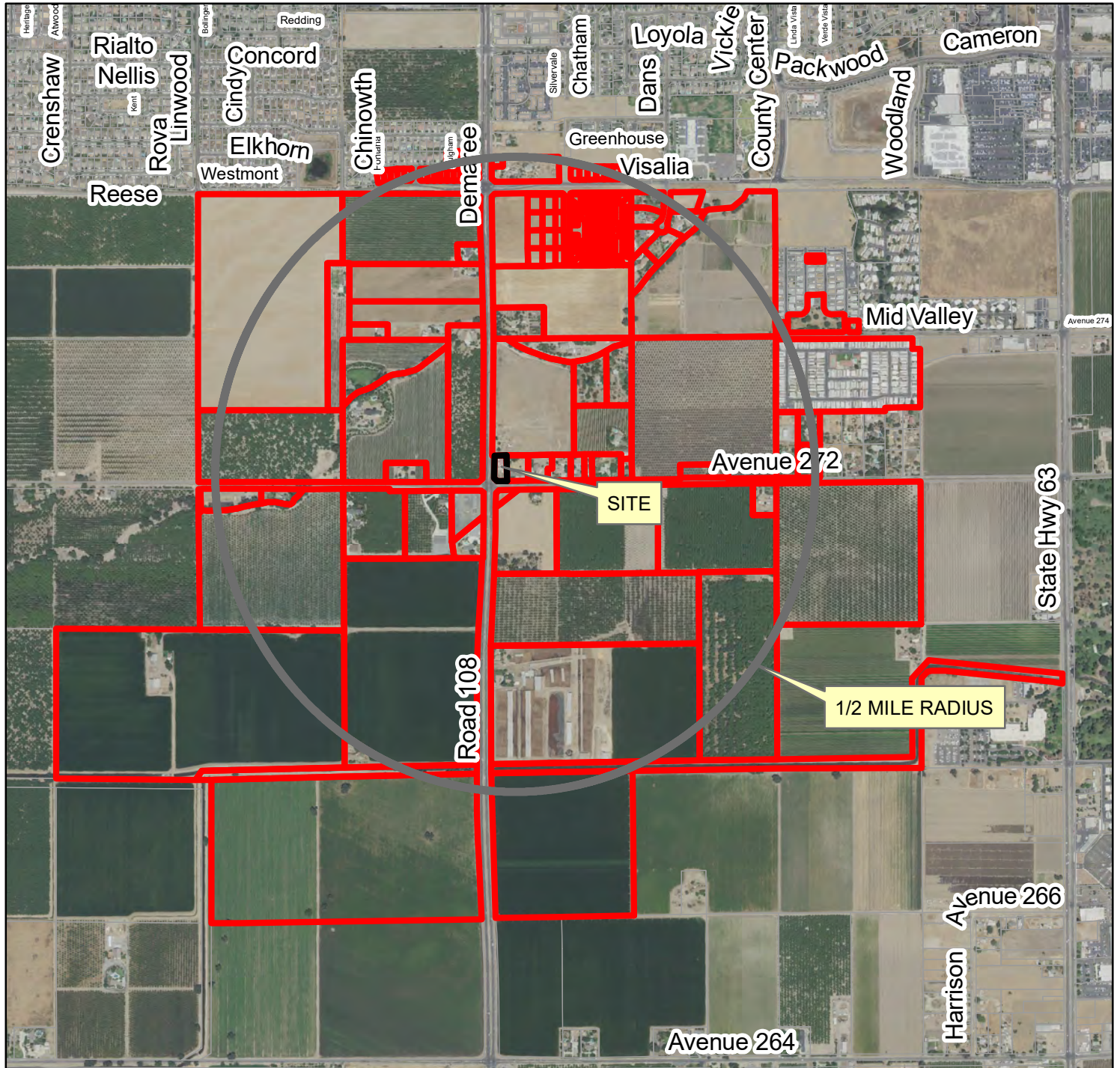


-  Project Site
-  1/4 mile radius

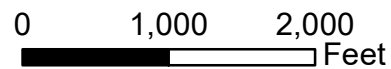




# 1/2 mile Radius Aerial Photograph for PZC 20-005



Owner: Martin Hein  
 Address: 27210 Road 108  
 City, State, ZIP: Visalia, CA 93277  
 Applicant: same  
 Agent: N/A  
 Supervisorial District: 3  
 Assessors Parcel: 126-390-018

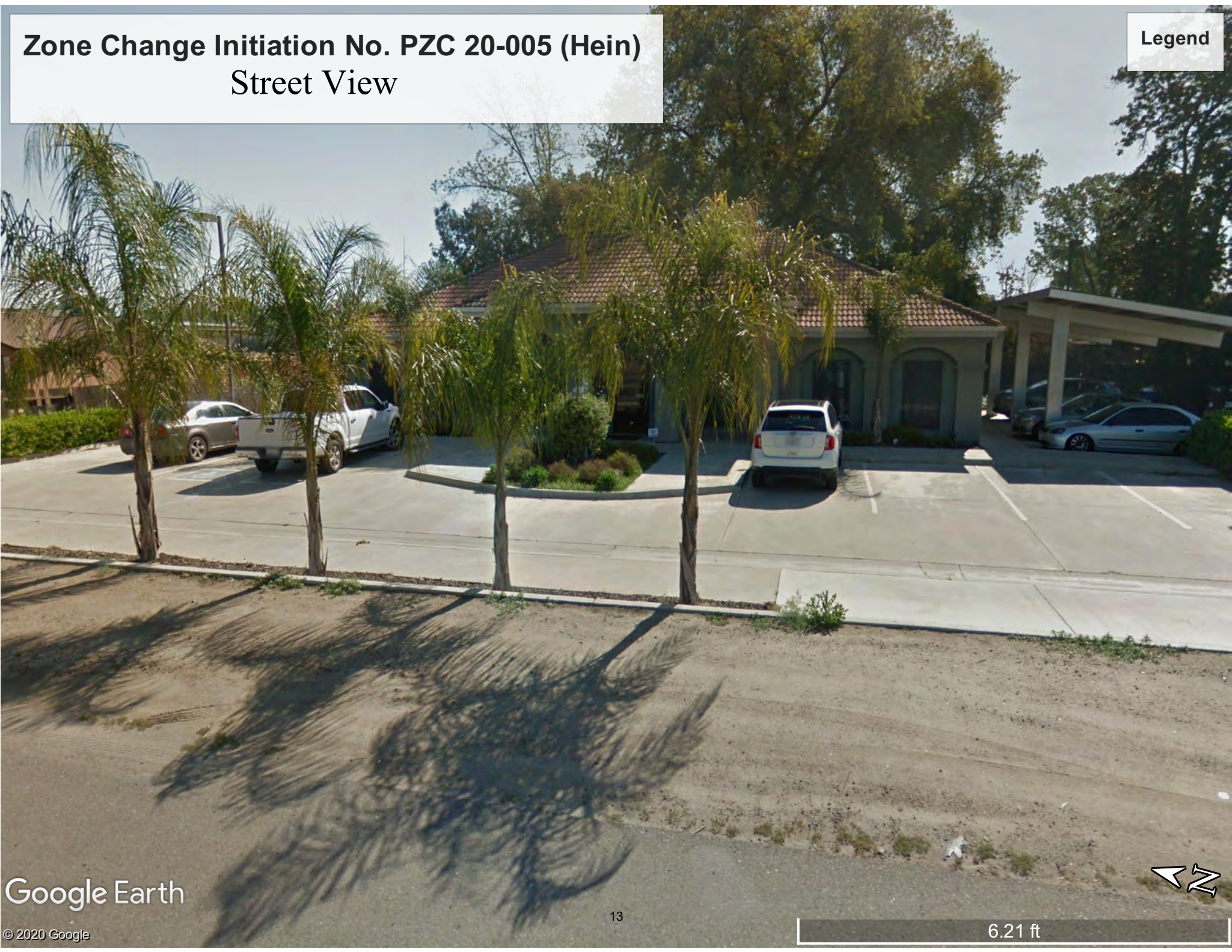


-  Project Site
-  1/2 mile radius



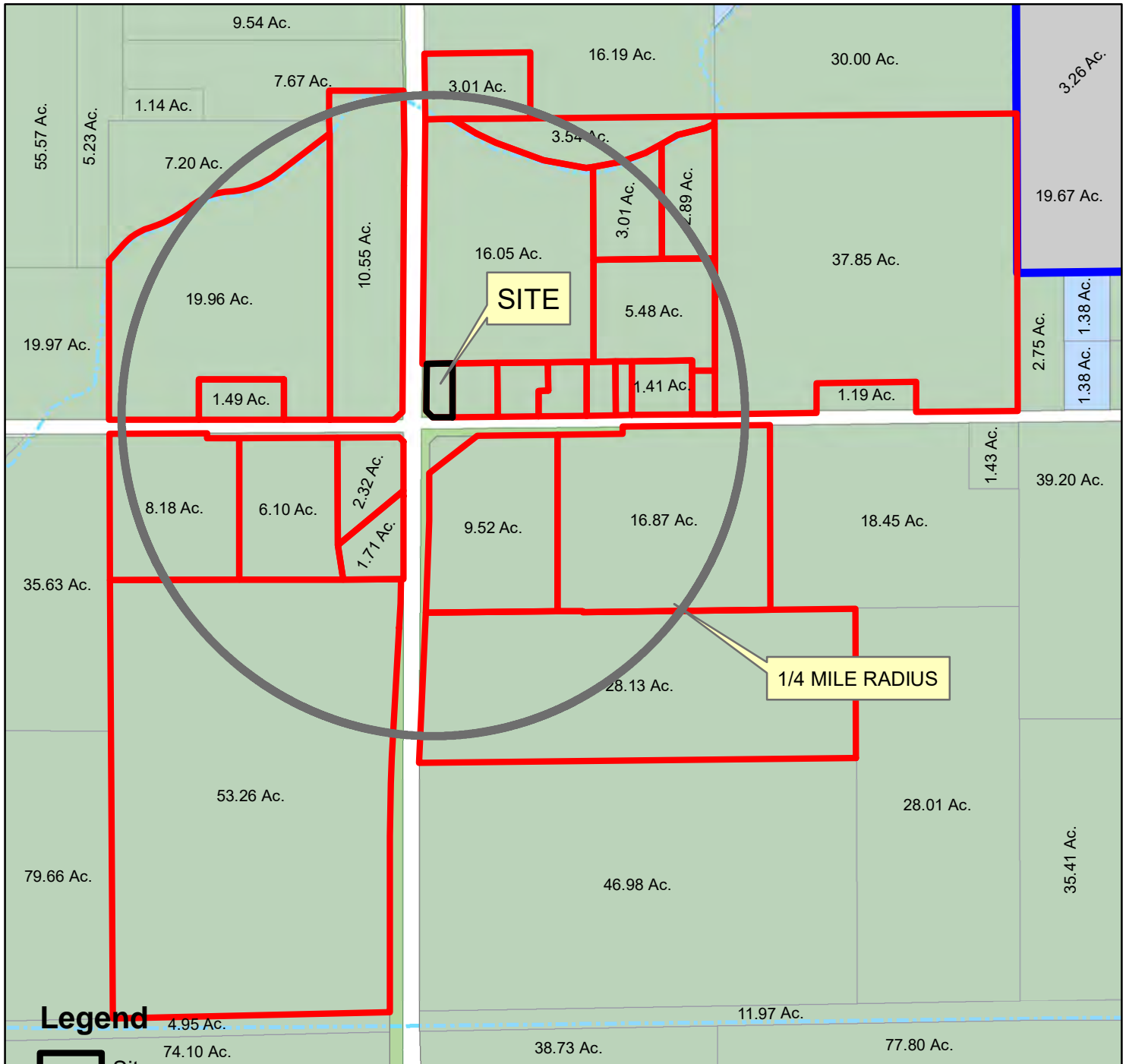
# Zone Change Initiation No. PZC 20-005 (Hein) Street View

Legend





# 1/4 mile Radius Acreage Plan Map for PZC 20-005



## Legend

- Site
- 1-4 mile Radius
- Urban Area Boundaries
- Urban Development Boundaries
- City Limits
- Parcels

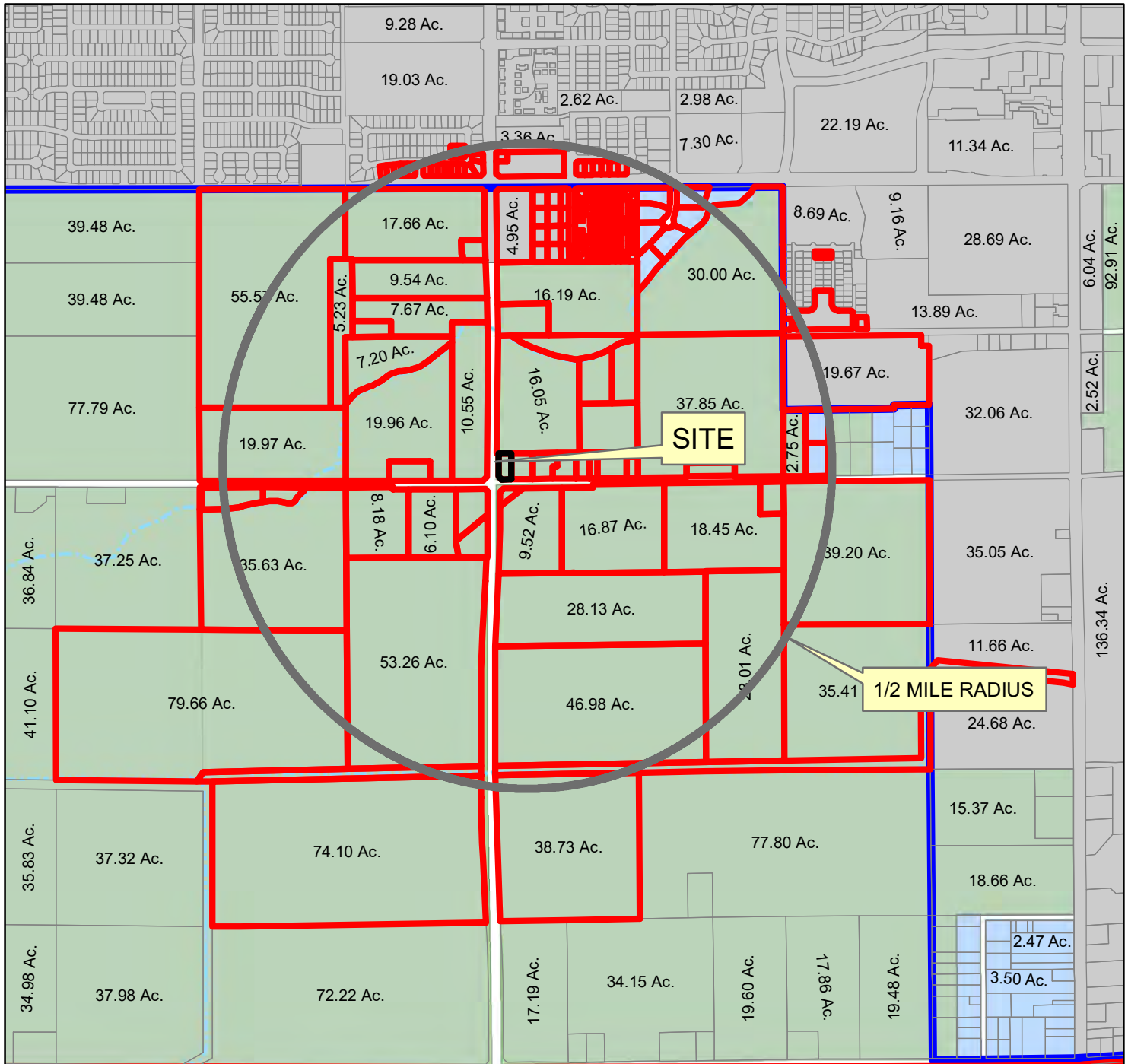
## Legend

- 1-4 mile Radius
- Parcels
- Gen\_Zoning**
- Agriculture
- Commercial
- Manufacturing
- Residential





# 1/2 mile Radius Acreage Plan Map for PZC 20-005



### Legend

- Site
- 1/2 mile Radius
- Parcels
- Urban Area Boundaries
- Urban Development Boundaries
- City Limits

### Legend

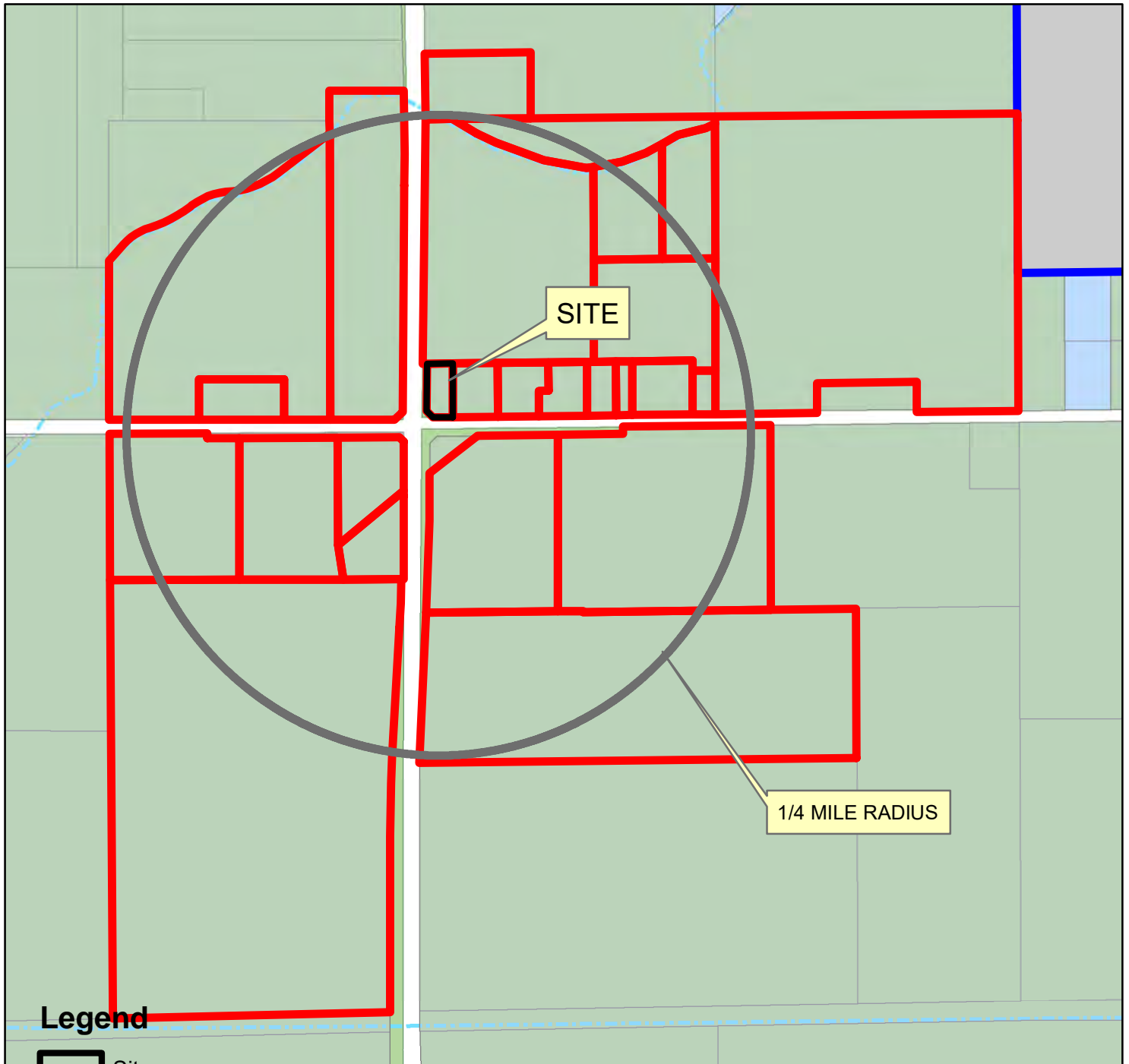
- 1/2 mile Radius
- Parcels
- Gen\_Zoning**
- Agriculture
- Commercial
- Manufacturing
- Residential

0 1,000 Feet





# 1/4 mile Radius General Plan Land Use Map for PZC 20-005



## Legend

- Site
- 1\_4 mile\_radius
- Urban Area Boundaries
- Urban Development Boundaries
- City Limits
- Parcels

## Legend

- Site
- Parcels
- Agriculture
- Commercial
- Manufacturing
- Residential

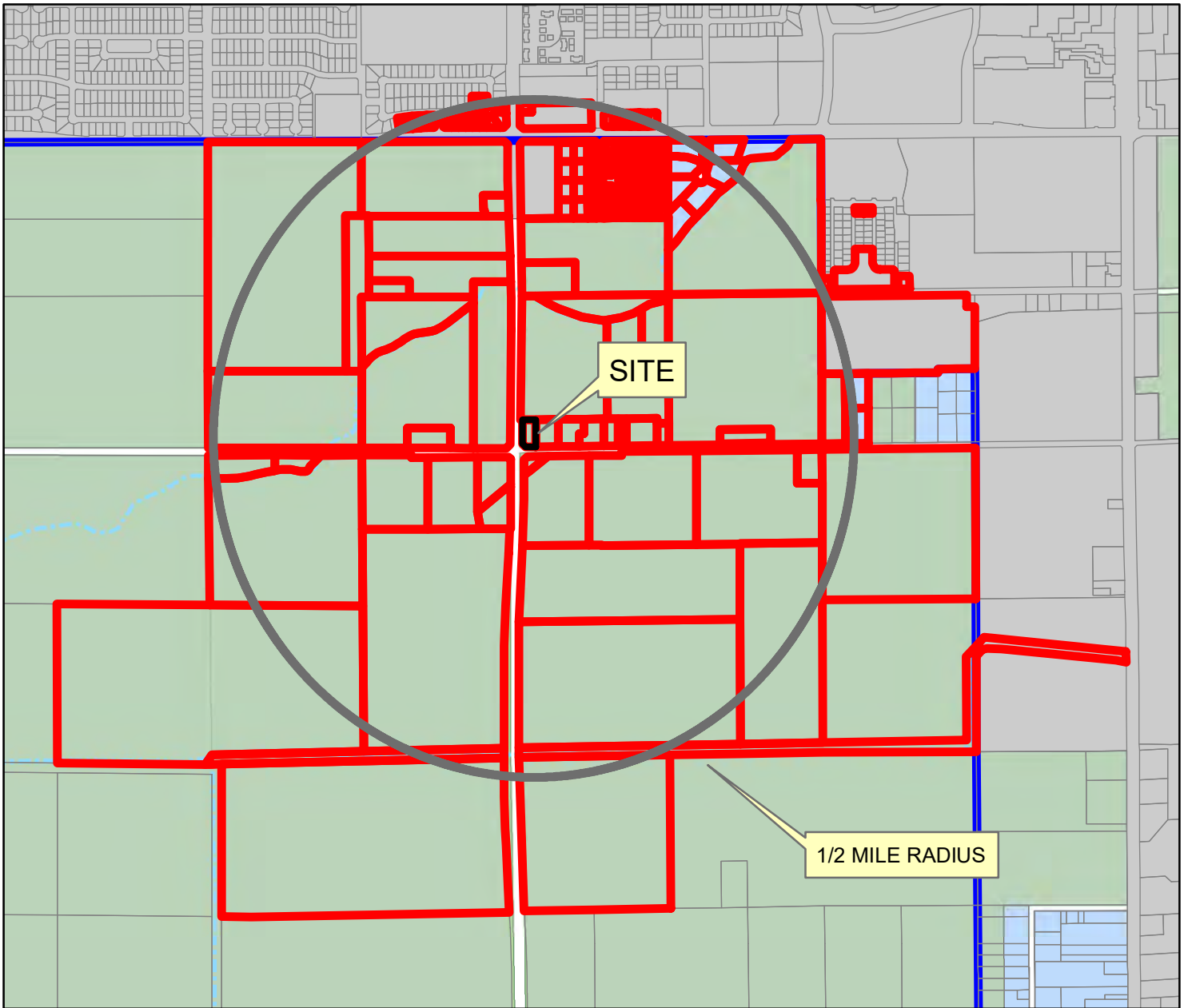
0 1,000 Feet











# 1/2 mile Radius General Plan Land Use Map for PZC 20-005



## Legend

-  Site
-  1\_2 mile\_radius
-  Parcels
-  Urban Area Boundaries
-  Urban Development Boundaries
-  City Limits

## Legend

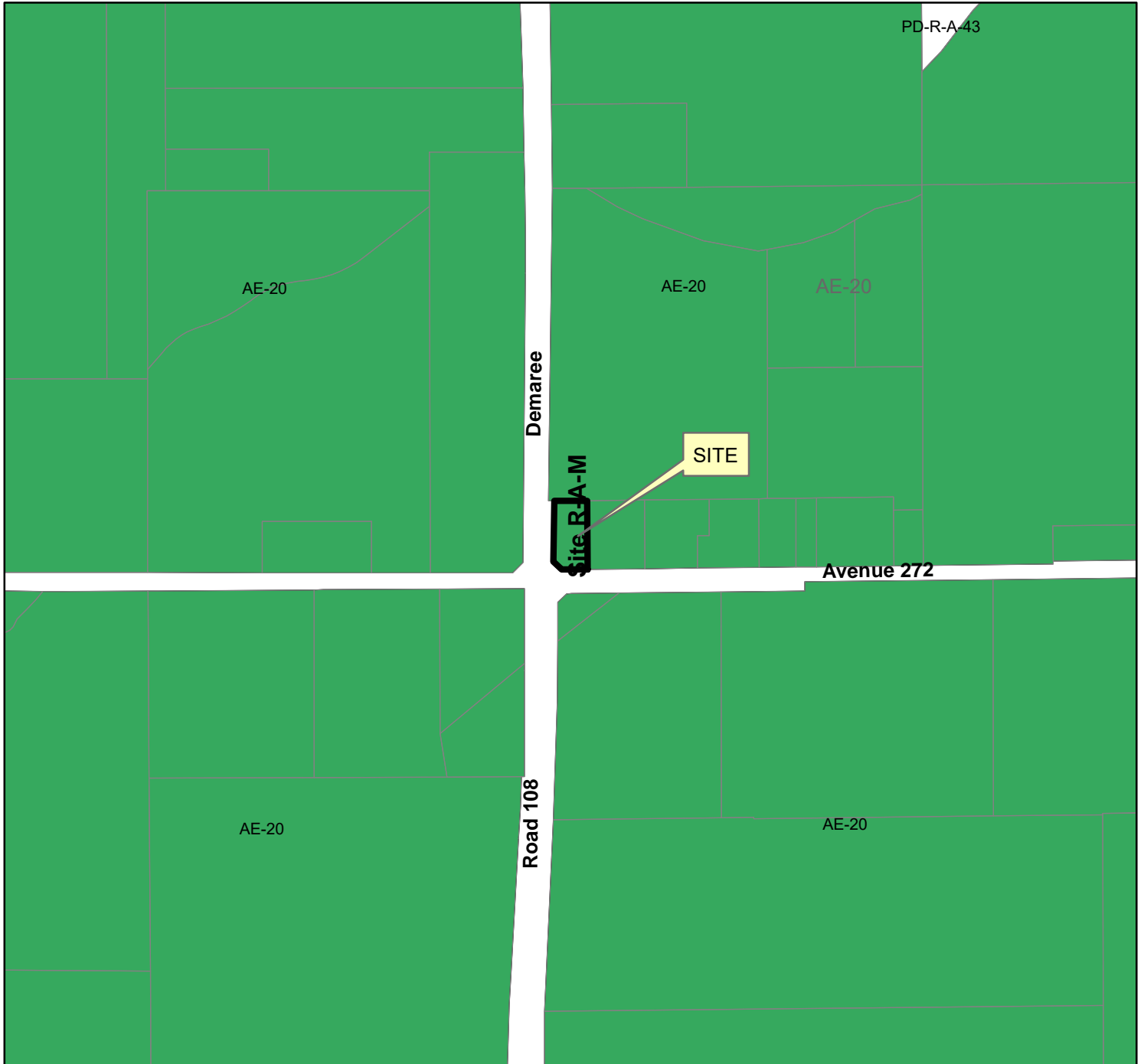
-  Site
-  Parcels
-  Agriculture
-  Commercial
- Gen\_Zoning**
-  Manufacturing
-  Residential

0 1,000  
Feet

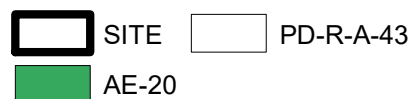
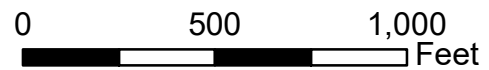




# Existing Zoning Map for PZC 20-005

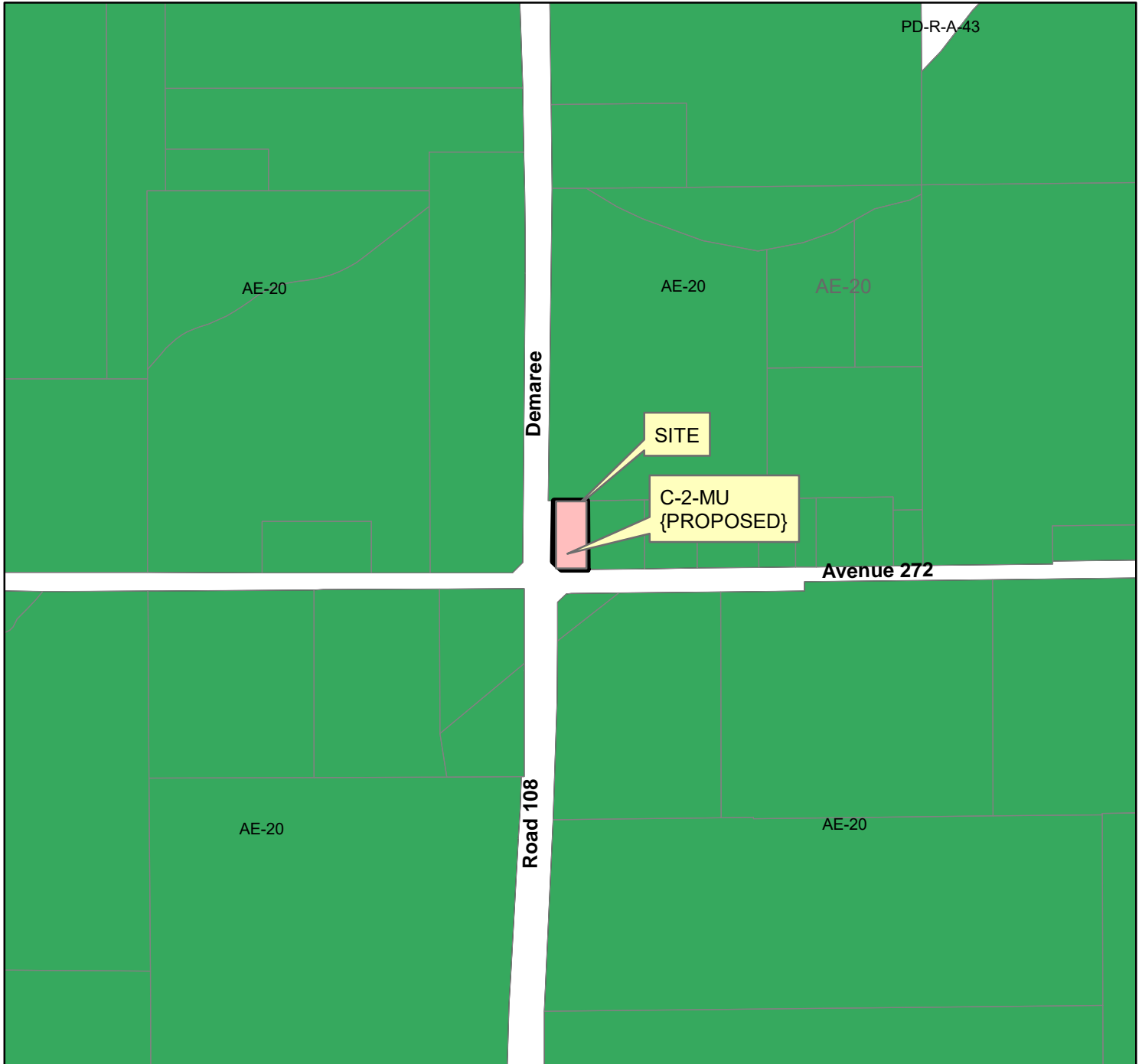


Owner: Martin Hein  
 Address: 27210 Road 108  
 City, State, ZIP: Visalia, CA 93277  
 Applicant: same  
 Agent: N/A  
 Supervisorial District: 3  
 Assessors Parcel: 126-390-018

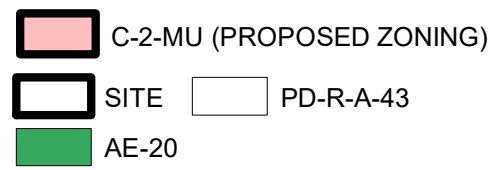
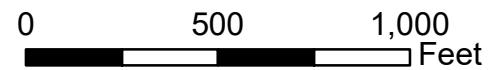




# Proposed Zoning Map for PZC 20-005

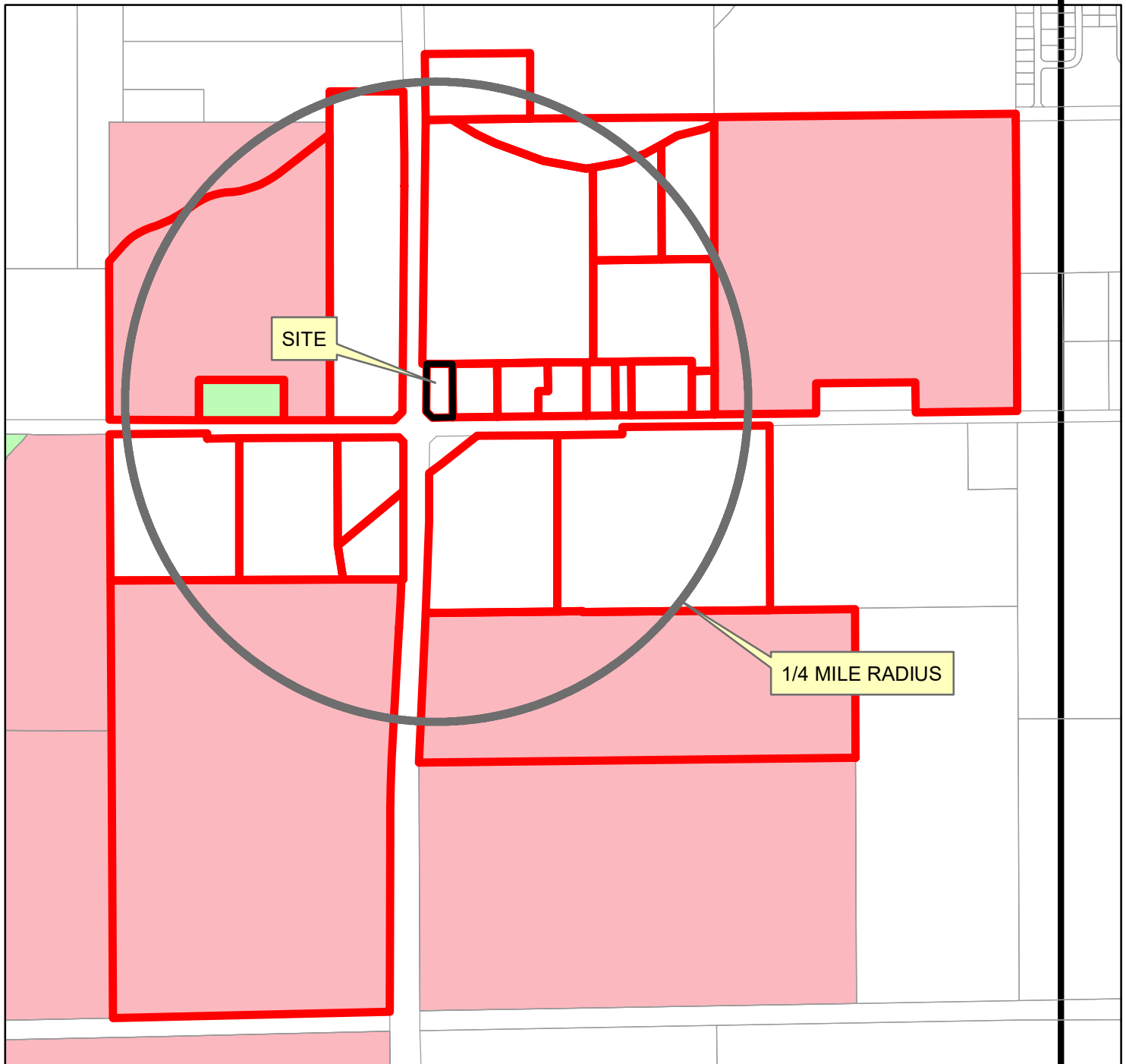


Owner: Martin Hein  
 Address: 27210 Road 108  
 City, State, ZIP: Visalia, CA 93277  
 Applicant: same  
 Agent: N/A  
 Supervisorial District: 3  
 Assessors Parcel: 126-390-018










# 1/4 mile Radius Ag. Preserve Map Non Renewal For PZC 20-005



Owner: Martin Hein  
 Address: 27210 Road 108  
 City, State, ZIP: Visalia, CA 93277  
 Applicant: same  
 Agent: N/A  
 Supervisorial District: 3  
 Assessors Parcel: 126-390-018

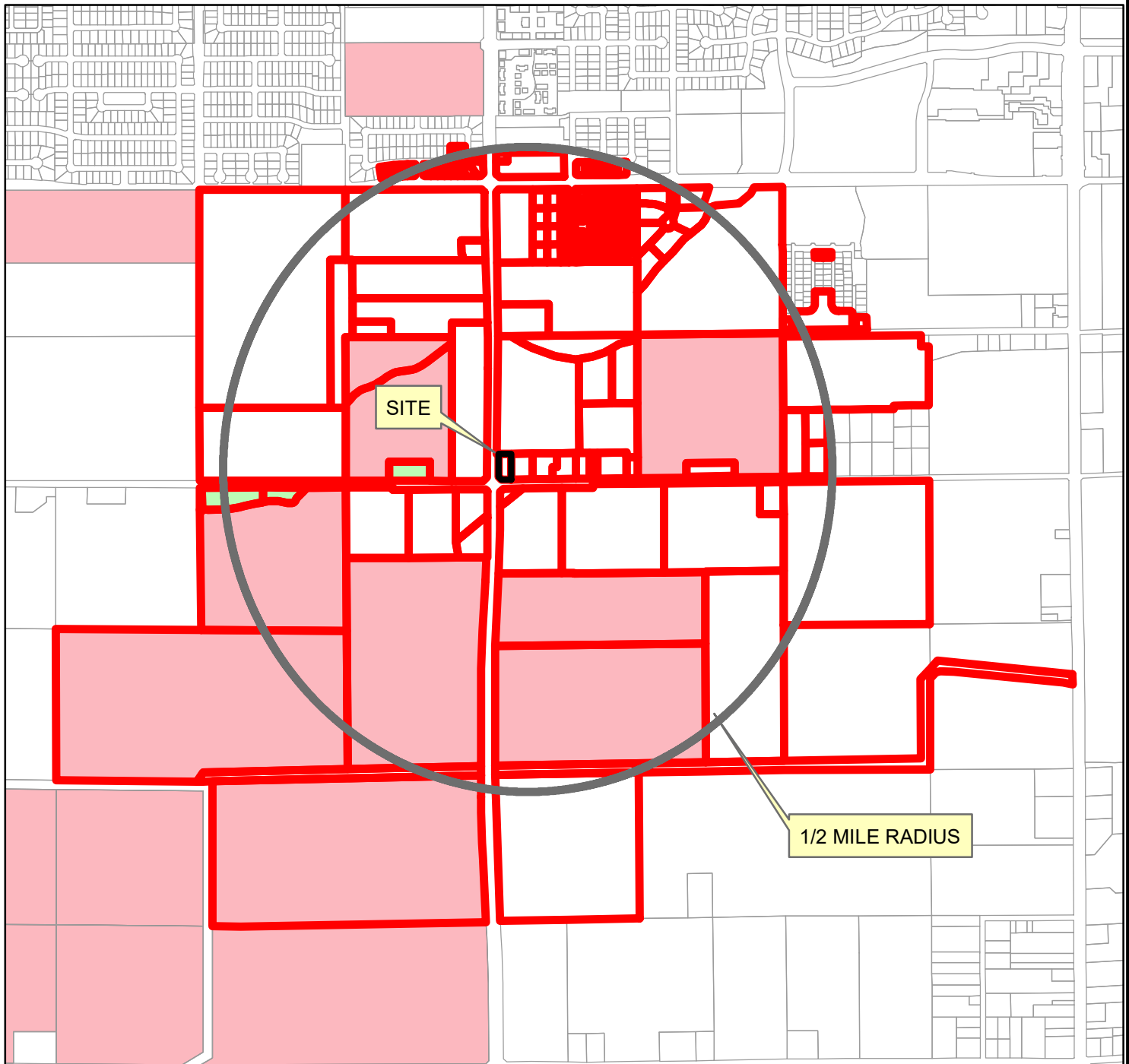
-  Site
-  1\_4\_mile\_radius
- Ag. Preserves 2019**
-  Williamson Act Preserves
-  Williamson Act Preserves - Non Renewal
-  Farm and Security Zone Contracts

0  1,000 Feet








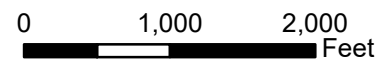


# 1/2 mile Radius Ag. Preserve Map Non Renewal For PZC 20-005



Owner: Martin Hein  
 Address: 27210 Road 108  
 City, State, ZIP: Visalia, CA 93277  
 Applicant: same  
 Agent: N/A  
 Supervisorial District: 3  
 Assessor's Parcel: 126-390-018

-  Site
-  1\_2\_mile\_radius
- Ag. Preserves 2019**
-  Williamson Act Preserves
-  Williamson Act Preserves - Non Renewal
-  Farm and Security Zone Contracts



# **Attachment “2”**

**City of Visalia MOU**

**CITY OF VISALIA AND TULARE COUNTY  
MEMORANDUM OF UNDERSTANDING**

Nov. 19, 2012

This Memorandum of Understanding (MOU) is entered into as of ~~Nov. 19, 2012~~ by and between the City of Visalia (“City”), and the County of Tulare (County), hereinafter collectively referred to as the “Parties”, with reference to the following recitals.

**Recitals**

- A) The Parties agree that development within City impacts County facilities and services and that development within a County adopted City Urban Development Boundary may impact city facilities and services.
- B) The Parties agree that the territory within a City’s Sphere of Influence (SOI), as fixed by the Tulare County Local Agency Formation Commission (LAFCo) under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, is unincorporated, County territory and the County has jurisdiction to approve land use entitlements within that area until the area is annexed to the City subject to consultation with each individual City.
- C) The Parties also agree that City is an interested party as to any urban development that may be approved by the County within the City’s SOI because such development may impact or limit the City’s ability to implement its desired land use planning practices by the time such area is annexed to the City.
- D) The Parties agree that urban uses generally need a higher level or standard of government service than agricultural uses and it may best serve the interests of the City and County if proposed urban development is generally directed to areas that can be or are served by urban level infrastructure.
- E) The Parties recognize and agree that the intents expressed below may require further legislative or quasi-judicial actions by one or both Parties and that this MOU does not abrogate either Parties’ authority to legislate in the future but reserves to each Party the discretion to appropriately carry out its duties and obligations to the public.
- F) The Parties desire to work together to develop mutually beneficial and coordinated fiscal and land use planning practices.

Accordingly, with the execution of this MOU, the Parties agree to the following principles, practices and obligations:

**1. The Terms and Conditions as summarized in Attachment 1 through 3**

The Parties agree to those terms and conditions set forth in paragraphs 5 and 7 of this MOU. The Parties agree to the general principles, practices and obligations pertaining to land use planning set forth in Attachments 1 through 3, contingent upon and subject to the City and the County reaching a mutual agreement upon the collection of public facilities development impact fees as provided in paragraph 4 of this MOU. Attachment 1 was prepared by County Counsel and was

modified to reflect the positions mutually agreed upon by the County and City and refers to and incorporates by reference the policies in the “City Section” of the County’s proposed General Plan 2030 Update, set out in Attachment 3, as well as other policies in other sections of the County’s General Plan 2030 Update and identified by citations to that document. The subject of corridors is addressed in the “City Section” Policy-4.18(a) in section PF-4A of Attachment 3 and provides that a corridor node will not be located in a City UDB or SOI unless within a community UDB or Hamlet HBD or unless mutually agreed by the City and the County. Other opportunities are provided for mutual agreement that could include corridors in section PF-4A of the City Section.

## **2. Consideration**

The principles, practices and obligations agreed in this MOU are in exchange and in consideration for this MOU and the Parties’ promise to negotiate in good faith for more specific agreements between the Parties as to the matters specified in paragraph 3. The parties agree that final binding agreement has not been reached on all the details related to paragraph 3 although the parties have reached agreement in concept as to the matters expressed.

## **3. Cooperation between the County and the City**

The City has a duly adopted General Plan. The County will cooperate with the City to establish a new 20-year UDB adopted by both the County and the City, which the Parties will use their best efforts to make coterminous with the SOI set by LAFCO. The County will work with the City to manage urban development within the County Adopted City Urban Development Boundary (City UDB) and the County Adopted City Urban Area Boundary (City UAB) for the City as provided in Attachment 1 through work programs as described in the County General Plan 2030 policies set in Attachment 3. The Parties acknowledge that additional legislative actions may be necessary to implement these provisions.

## **4. City and County Development Impact Fees**

a) The County will work with the City and the City will work with the County to consider the adoption, imposition and/or collection for payment to the County and/or the City pursuant to an agreement for Development Impact Fees within the City and/or the City UDB, as may be proposed and adopted by the City or County from time to time to offset the impacts of development on County and/or City facilities. To the extent allowed by law, the same type impact fees proposed by the Party for collection in the other Party’s jurisdiction will be equal to or be consistent with the impact fees the Party collects in its own jurisdiction.

b) Each Party will propose, provide evidence to support (including the nexus study), pay the other Party’s costs of consideration and adoption (including but not limited to staff time, notice and hearing costs), negotiate and enter into a fee participation agreement with the other Party. The proposing Party will hold harmless, defend and indemnify the other Party in any challenge to that Party’s adoption or collection of Development Impact Fees on behalf of the proposing Party.



- c) The proposing Party agrees to take all steps necessary to comply with, and assist the collecting Party in complying with, the Mitigation Fee Act. As required by the Mitigation Fee Act, Chapter 5, Government Code sections 66000 et seq., the nexus study provided by the proposing Party will identify the purpose of the fee and identify the use to which the fee is to be put, including the public facilities to be financed.
- d) To further clarify the process to which the Parties have committed pursuant to this Paragraph 4, the Parties have prepared Attachment 4, “Mutual Development Impact Fee Adoption Process”. The terms and conditions of Attachment 4 are hereby incorporated in and made a part of this MOU.

## **5. Transient Occupancy and Sales Tax**

- a) The City agrees to pay the County eight (8) percentage of any transient occupancy tax; and an increased three (3) percentage of General Sale Taxes (which excludes any locally adopted sales tax overrides all of which goes to the adopting respective City) , for a total of eight (8) percentage including the five (5) percentage Bradley-Burns provision, generated in any areas outside of the County’s adopted City UDB, unless the City and County agree to a different boundary, as determined in #3 above, once that area is annexed in accordance with the requirements of the State Franchise Tax Board through the use of a pass-through agreement executed between the City and Tulare County. For example, on a \$100 per night hotel/motel stay, the City would charge a 10% TOT, or \$10; the County’s 8% share of the \$10 would be \$.80. Similarly, on a \$100 purchase of taxable goods, the City current General Sales Tax share of the sale is 1%, or \$1.00, of which the County currently receives 5%, or \$0.05; under this agreement the County’s share would be increased to 8%, or \$0.08, which is an increase of 3%, or \$0.03.
- b) To clarify, the pass-through agreement referred to in subsection (a) is a ministerial act to implement this provision of this MOU. To further clarify, the County’s adopted City UDB referred to in subsection (a) is the current County adopted UDB for each city except or unless the City and the County enter into a limited, separate agreement to this MOU specifying either use of a Sphere of Influence line adopted by LAFCo on a specific date or an amended County adopted UDB adopted on a specific date.
- c) The provisions of the Master Property Tax Sharing Agreement is not subject to this MOU. Additionally, the parties agree that any other revenue sharing conditions that may be imposed by LAFCo regarding future annexations concerning sales tax and transit occupancy tax will be satisfied by the provisions of this section. All future annexations shall be subject to the 1978 Master Property Tax Agreement or as may be amended.

## **6. Legislative and Quasi-Judicial Actions**

The City will propose, provide evidence to support, pay the County costs of consideration and adoption (including but not limited to staff time, notice and hearing costs) and hold harmless,

defend and indemnify the County in any challenge to the adoption or implementation of any changed County regulations proposed by the respective City under this MOU. The County will propose, provide evidence to support, pay the City costs of consideration and adoption (including but not limited to staff time, notice and hearing costs) and hold harmless, defend and indemnify the City in any challenge to the adoption or implementation of any changed City regulations proposed by the County under this MOU.

**7. The County General Plan 2030 (County General Plan Update)**

The City may comment on Tulare County General Plan 2030 (General Plan Update) policies during the adoption process but agrees to not challenge, directly or indirectly, the County's adoption of its General Plan 2030 (General Plan Update). The City as a member of Council of Cities will withdraw the letter commenting upon the Tulare County General Plan 2030 (General Plan Update) dated May 26, 2010 upon execution of this MOU. The City waives any rights to, and agrees to not, further comment on or challenge, directly or indirectly, the County's compliance with the California Environmental Quality Act (CEQA) for the Tulare County General Plan 2030 (General Plan Update) project as currently proposed. This would include, for the duration of the County's adoption process (including any subsequent challenge in court), supporting, funding, gifting or granting public funds including, but not limited to any public or private organization, association, entity or individual

In the event that City's outside counsel seeks to represent a third party in any action to invalidate the County General Plan Update or its EIR, and there is a conflict of interest, the City agree to cooperate with the County should the County elect to file a motion to disqualify City's outside counsel or similar action. County agrees to reimburse City for the reasonable cost and fees of cooperating on such motion or action.

Upon execution of this MOU, should County enter into an agreement for City's outside counsel, that prepared prior comments to the proposed General Plan Update or applicable CEQA review for the Council of Cities, the City as a member of the Council of Cities agrees to grant a conflict of interest waiver if such waiver is necessary to allow for such representation. Further, the City as a member of the Council of Cities agrees that City will not agree to waive an actual conflict of interest involving representation of a third party by that outside Counsel.

**8. Definitions and General Terms and Provisions:**

The terms and phrases used herein shall be defined as set out in Attachment 2 unless the context otherwise demands. The general contract terms, conditions and provisions set out in Attachment 1 shall apply to this MOU.

**9. Attachments and Recitals:**

The recitals and the attachments to this MOU are fully incorporated into and are integral parts of this MOU, and the definitions contained in the attachments carry the same meaning in this MOU as they do in the attachments.

**10. Term:**

This MOU will remain in effect until such time as the Parties enter into a permanent agreement or agreements replacing this MOU, and/or implementation under this MOU is accomplished.

**11. Execution:**

This MOU shall be executed in duplicate originals, with each Party to retain a fully-executed original. Facsimile or electronically scanned signatures shall be considered as binding as original signatures.

///

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

Date: 11/19/2012

BY [Signature]  
Allen Ishida, Chairman, Board of Supervisors

ATTEST: JEAN ROUSSEAU  
County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare

By [Signature]  
Deputy Clerk



CITY OF VISALIA

Date: 11-5-12

BY [Signature]  
Amy Shuklian, Mayor, City Council

ATTEST: Steve Salomon  
City Manager/City Clerk

By [Signature]  
Deputy City Clerk

- Attachment 1 - Summary of Positions Mutually Agreed on by the County and the City
- Attachment 2 - Definitions and General Provisions
- Attachment 3 - City Section of the General Plan 2030
- Attachment 4 - Mutual Development Impact Fee Adoption Process

APPROVED AS TO FORM:  
COUNTY COUNSEL

By [Signature]  
Deputy 11/19/12

## **ATTACHMENT #1**

### **SUMMARY OF POSITIONS MUTUALLY AGREED ON BY THE COUNTY OF TULARE AND THE CITY OF VISALIA**

#### **Urban Area Boundary (UAB) Provisions**

1. Development may occur on currently zoned non-agricultural land subject to PF 4.19 and 4.21 with exceptions listed in PF 4.18 of the Tulare County General Plan (TCGP).
2. Any future development project is subject to the Rural Valley Lands Plan (RVLP) and subject to PF 4.19 and 4.21 with exceptions listed in PF 4.18 of the TCGP.
3. The County will work with the City of Visalia to tighten up exceptions to the AE Zone (PF 4.19 of the TCGP).
4. Expansions of Agricultural Processing Facilities are subject to PF 4.19 and 4.21 of the TCGP, a special use permit, city consultation and a consent to annex to the City when contiguous (PF 4.24 d of the proposed TCGP).
5. Infrastructure planning as per PF4.14 of the TCGP will honor adopted City facility plans, plan lines, setback standards and facility plans.
6. Regionally Significant Projects –Deleted from General Plan Discussion.

#### **Urban Development Boundary (UDB) Provisions**

7. The County will work with the City to adopt City land use designations in the UDB (PF 4.18 and 4.19 of the TCGP).
8. Future development may occur on currently zoned non-agricultural lands subject to PF 4.20 of the TCGP with exceptions listed in PF 4.18.
9. Any future development project is subject to the RVLP and subject to PF 4.20 with exceptions listed in PF 4.18 of the TCGP.
10. The County will work with the City of Visalia to tighten up exceptions to the AE Zone (PF 4.18 of the TCGP).
11. Expansions of Agricultural Processing Facilities are subject to PF 4.20 and 4.21 of the TCGP, a special use permit, city consultation and a consent to annex to the City when contiguous (PF 4.24 d of the TCGP).
12. Development may occur on land currently zoned for non-agricultural uses subject to the application of City development standards, financing mechanisms and consents to annex when contiguous to the City (PF 4.24.d of the TCGP).
13. Future development may occur on lands designated in the future by the City General plan and subsequently adopted by the County subject to PF 4.20 of the TCGP.

The City of Visalia and the County agrees that Corridors within the city’s UDB or SOI (unless within a Community UDB or Hamlet HDB) as presently described or as amended, shall not be identified or subject to Part II Chapter 2. Corridors Framework Plan, Policy C-1.2 Urban Corridor Plans and Part II Figure 2.1, Corridors of the proposed Tulare County General Plan, unless mutually agreed between the City of Visalia and the County.

## ATTACHMENT 2: Definitions and General Provisions

### 1. DEFINITIONS:

a) City UDB: The County adopted City Urban Development Boundary. The area in the City UDB is the unincorporated County territory between the City's incorporated boundary and the County adopted City UDB line.

b) City UAB: The County adopted City Urban Area Boundary. The area in the City UAB is the unincorporated County territory between the County adopted City UDB line and the County adopted City UAB line.

c) City SOI: The area within the City Sphere of Influence line adopted from time to time by the Tulare County Local Agency Formation Commission under its authority from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et seq., or any successor acts.

d) Consultation: Notice and the opportunity to comment on proposed land use entitlements either within the UAB or the UDB / SOI.

e) Development Impact Fees: Fees adopted by the County or City pursuant to the Mitigation Fee Act, Government Code section 66000 et seq., or any successor acts (the Act). For purposes of this MOU, the Development Impact Fees under consideration are for impacts on public facilities; Development Impact Fees for regional transportation improvements and facilities are outside the scope of this MOU. For purposes of specificity, the following distinctions are made and definitions applied to the following categories of Development Impact Fees:

(1) Local Development Impact Fees (Local DIFs): are those fees adopted by the County or a city, respectively the "enacting agency", pursuant to the Act and exacted in connection with development projects in the enacting agency's jurisdiction to pay the capital facilities required because of new development projects within the enacting agency's jurisdiction.

(2) Regional Development Impact Fees (Regional DIFs): are those fees adopted by the County or by a City and exacted from new development projects for capital facilities and improvements as identified by the nexus study. For purposes of this definition only, the Regional Development Impact Fees (RDIF's) collected by the County on behalf of a City shall be transmitted to the City for its implementation of the specific improvements. The RDIF's collected by a City on behalf of the County shall be transmitted to the County for its implementation of the specific improvements.

f) Tulare County General Plan: The current Tulare County General Plan or proposed amendments thereto or any successor Tulare County General Plan such as the Tulare County General Plan 2030 (commonly known as the Tulare County General Plan Update).

g) LAFCo: The Tulare County Local Agency Formation Commission established by the Tulare County Local Agency Formation Commission under its

authority from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et seq., its predecessor acts and any successor acts.

**2. GOVERNING LAW:** This MOU shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. The Parties agree that this contract is made in and shall be performed in Tulare County, California.

**3. FURTHER ASSURANCES:** To the extent allowed by law, each party will execute any additional documents and perform any further acts that may be reasonably required to affect the purposes of this MOU.

**4. CONSTRUCTION:** This MOU reflects the contributions of all undersigned Parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any alleged uncertainty or ambiguity.

**5. HEADINGS:** Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning or intent of the provisions under the headings.

**6. NO THIRD-PARTY BENEFICIARIES INTENDED:** Unless specifically set forth, the Parties to this MOU do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

**7. WAIVERS:** The failure of either party to insist on strict compliance with any provision of this MOU shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party of either performance or payment shall not be considered to be a waiver of any preceding breach of the MOU by the other party.

**8. CONFLICT WITH LAWS OR REGULATIONS/SEVERABILITY:** This MOU is subject to all applicable laws and regulations. If any provision of this MOU is found by any court or other legal authority, or is agreed by the parties to be, in conflict with any code or regulation governing its subject matter, only the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the MOU to either party is lost, the MOU may be terminated at the option of the affected party. In all other cases the remainder of the MOU shall continue in full force and effect.

**9. ENTIRE MOU REPRESENTED:** This MOU represents the entire agreement between the City and the County as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this MOU may be modified without the written consent of both Parties.

## 2. Planning Framework

### 2.4 Cities

Figure 2.4-1 shows the locations of all eight incorporated cities within Tulare County and Figures 2.4-2 through 2.4-9 show the County Adopted City Urban Development Boundaries (CACUDBs) and County Adopted City Urban Area Boundaries (CACUABs) for each city:

- Dinuba
- Exeter
- Farmersville
- Lindsay
- Porterville
- Tulare
- Visalia
- Woodlake

In addition, two cities outside of the County share a common border with the County and there has been urban development in adjacent County unincorporated areas. These two cities are Delano and Kingsburg. The County has established UDBs for these cities/areas as shown in Figures 2.4-10 and 2.4-11.

The following goal and policies are designed to foster a cooperative planning environment between the County and each city with respect to development within the fringe areas of the cities.

#### PF-4

To direct urban development within UDBs of existing incorporated cities and ensure that all development in unincorporated areas adjacent to incorporated cities is well planned and adequately served by necessary infrastructure and other public facilities and furthers countywide economic development goals.

##### PF-4.1 CACUABs for Cities

The County shall establish CACUABs which define the area where land uses are presumed to have an impact upon the adjacent incorporated city, and within which the cities' concerns may be given consideration as part of the land use review process. The lands within the UAB are considered to be the next logical area in which urban development may occur and the area within which UDBs may ultimately be expanded.

Although it is the policy of the County that this area will at some time become appropriate for urban development, generally no public purpose is served by permitting intensive development therein. As communities grow and expand, it is logical to assume the UDBs may be correspondingly expanded or established until they coincide with the ultimate UAB. The land lying between the Urban Development Boundary and the Urban Area Boundary will generally have an agricultural land use designation or rural residential land use designation in conformity with Land Use Policy LU 3.8: Rural Residential Interface.

##### PF-4.2 CACUDBs for Cities – Twenty Year Planning Area

The County shall establish CACUDBs which define the anticipated twenty-year planning areas around incorporated cities in which the County and cities may coordinate plans, policies, and standards relating to building construction, subdivision development, land use and zoning regulations,



street and highway construction, public utility systems, environmental studies, water supply availability and sufficiency, and other closely related matters affecting the orderly development of areas adjacent to incorporated cities. It is recognized that these boundaries provide an official definition of the interface between future urban and agricultural land uses.

Within this boundary, the County may also establish planning areas representative of shorter time periods in order to assist in more precise implementation of plans and policies.

**PF-4.3 Modification of CACUABs and CACUDBs**

The County may consider modification of CACUABs and CACUDBs at such time as the land use plan for a city is revised to reflect changing needs and circumstances over an extended time frame. Preservation of productive agricultural lands and operations shall be one consideration when considering such modifications. Cities may examine existing CACUAB and CACUDB lines and recommend changes to the Board of Supervisors, as appropriate.

**PF-4.4 Planning in CACUDBs**

The County acknowledges that the cities have an interest in planning for growth within a CACUDBs and will in the future become ultimately responsible for urban development and the provision of urban services within those areas upon annexation.

**PF-4.5 Spheres of Influence**

CACUDBs and the SOI as administered by LAFCo may be consistent insofar as it is feasible and appropriate to do so.

**PF-4.6 Orderly Expansion of City Boundaries**

When the County is considering outward expansion of CACUDBs, the following criteria shall be encouraged:

1. The city has demonstrated a need for additional territory after documenting a good faith effort to implement programs for infill development and/or increased efficiency of development and minimize conversion of agricultural lands.
2. UDBs should not be expanded onto Prime Farmland if Farmland of Statewide Importance or of lesser quality is available and suitable for expansion.
3. Emphasis shall be placed upon reasonable expectations for the provision of urban services within the next twenty years as reflected in LAFCo's Municipal Service Reviews when determining the location of UDBs.

**PF-4.7 Avoiding Isolating Unincorporated Areas**

The County may oppose any annexation proposal that creates an island, peninsula, corridor, or irregular boundary. The County will also encourage the inclusion of unincorporated islands or peninsulas adjacent to proposed annexations.

**PF-4.8 Updating Land Use Diagram in CACUDBs**

Following city adoption of a General Plan update or amendment that reflects the area within a CACUDB, the County shall update Part III (Community Plans, Kings River Plan, Mountain Sub-Area Plans, and CAC General Plans), if applicable, to reflect the city's modified plan. Any unresolved conflicts between the County and city plans shall be identified for the Board of Supervisors. The County shall establish and maintain land use controls on unincorporated lands within the UDB consistent with the policies of the County General Plan.

**PF-4.9 Transition to Agricultural Use**

The County shall encourage cities to adopt land use policies that minimize potential conflicts with agricultural operations and other agricultural activities at the urban edge through the provision of appropriate buffers or other measures.

**PF-4.10 Urban Improvement Areas for Cities**

All Urban Improvement Areas established in the 1974 Urban Boundaries Element for cities and adjacent cities in adjacent counties, are hereby converted to Urban Development Boundaries.

**PF-4.11 Coordination with Cities in Adjacent Counties**

The policies set forth in this Section (PF-4: Cities) shall also apply to planning and development within the UDBs of adjacent cities in adjacent counties (Corcoran, Delano, Kingsburg, Orange Cove, and Reedley), except Policy PF-4.4: Planning in UDBs.

**PF-4A**

To provide the means to further manage urban development within CACUDBs and CACUABs of existing incorporated cities while ensuring that the limitation on development is in the best interests of the County and its residents in both the incorporated and unincorporated areas and enhances the County's ability to provide adequate County facilities and countywide social, health, safety and welfare services impacted by development in the cities and County.

The following policies will become applicable upon mutually adopted agreement between the County and each city regarding the collection of public facilities impact fees in accordance with policies PF-4.16 and PF-4.27.

**PF-4.12 General Plan Designations Within City UDBs**

On land that is within a CACUDB, but outside a city's incorporated limits, the County may maintain General Plan land use designations that are compatible with the city's adopted General Plan.

**PF-4.13 City Design Standards**

Where the Board of Supervisors finds that it is consistent with General Plan objectives to approve development within the UDBs of incorporated cities, the County may require the project to substantiate sufficient water supply and meet the County adopted city development standards of the city in question.

**PF-4.14 Compatible Project Design**

The County may ensure proposed development within CACUABs is compatible with future sewer and water systems, and circulation networks as shown in city plans.

**PF-4.15 Coordination with Cities on Development Proposals**

The County shall ensure that urban development only take place in CACUDBs if one of the following has occurred:

1. The adjacent city does not consent to annex the property for development purposes (as evidenced through pre-zoning, development agreements, etc.); it shall be conclusively presumed that a city has not consented if it has not submitted an annexation proposal to LAFCo within six months from the date a request to annex is submitted to the city; or
2. Annexation is not possible under the provisions of State law, but it is determined by the County that development of the site does not constitute incompatible development.

**PF-4.16 Revenue Sharing**

As an incentive for directing urban growth into cities when applications are proposed within the CACUDBs, the County shall promote revenue sharing as an element of negotiation whenever:

1. A city updates its General Plan and requests the County to update its CAC General Plan.
2. When establishment or amendment to Spheres of Influence are proposed.
3. Annexations are proposed by cities, or joint development or redevelopment projects are proposed by any city and the County.

As an additional incentive for directing urban growth into cities, any city proposing changes to a CAC General Plan or other County land use regulations shall pay to the County its cost in considering and implementing such proposal.

**PF-4.17 Cooperation with Individual Cities**

The County may use the policies set forth under this goal (PF-4A: Cities: Continued) to work with individual cities to further manage development within that CACUDB or CACUAB to the extent that the financial needs of the County are met and the County's ability to provide facilities and County services used by all of the residents in the County and cities is enhanced. The County and Cities will establish a working committee to facilitate the policies identified in this section 4A.

**PF-4.18 Future Land Use Entitlements in a CACUDB**

The County may work with an individual city to limit any General Plan amendments to change the land use designations of any parcel or any amendments to the County zoning ordinance to add uses to a current zoning

classification or change the zoning district designation of any parcel within a CACUDB except as follows:

1. This policy will not apply to amendments or changes to a County unincorporated UDB, Hamlet Development Boundary (HDB), including where the boundary line may increase an outward expansion of the overlap area with a CACUDB area that is not coterminous to the city's Urban Development Boundary/Sphere of Influence (UDB or SOI), or to any General Plan amendment adopting a new County unincorporated UDB, an HDB, or Planned Community. County Corridor development nodes will not be located inside a city's UDB or SOI unless mutually agreed by the City and County.
2. This policy will not apply where the General Plan land use designation or the zoning district classification of a particular parcel is inconsistent with an existing special use permit, or legal non-conforming use.
3. As determined by the RVLP checklist, the County shall encourage beneficial reuse of existing or vacant agricultural support facilities for new businesses (including non-agricultural uses), and for which the city cannot or will not annex as per PF-4.24.
4. This policy will not apply where the effect of the amendments to the General Plan land use designation or of the rezoning is to designate or zone the parcel to an agricultural designation or zone except where the effect of the amendment creates a less intensive agricultural designation or zone.
5. This policy will not apply where amendments to the General Plan land use designations or the zoning classifications apply only to that portion of a CACUDB that is overlapped (where exterior UDB's are coterminous) by a County unincorporated UDB, Hamlet Development Boundary (HDB), or Corridor Plan area.
6. This policy will not apply where amendment to the General Plan land use designation or the zoning classification is required to bring the County regulations into compliance with more restrictive State or Federal statutes or regulations.
7. This policy will not apply where amendments to the Zoning Ordinance are part of a comprehensive modernization or restructuring of the processes or procedures set out in the Zoning Ordinance or part of a comprehensive update to the text of the zoning classifications to bring the Zoning Ordinance procedures and text into consistency with the General Plan update. [This comprehensive modernization, restructuring or update would not include any rezonings outside that allowed in this policy. However, revision of processes and procedures and simplification of existing ordinances may occur.]
8. This policy would not apply to a comprehensive update of a CAC General Plan, including rezoning there under, in cooperation with the affected city.
9. This policy would not apply where the County has worked with the city to identify and structure a mutually acceptable alternative General Plan land use designation or zoning classification.

**PF-4.19 Future Land Use Entitlements in a CACUAB**

As an exception to the County policies that the Rural Valley Lands Plan (RVLP) does not apply within CACUDBs and is only advisory within CACUABs, the County may work with an individual city to provide that no General Plan amendments or rezonings will be considered to change the current land use designation or zoning classification of any parcel within a CACUAB unless appropriate under the requirements of the Rural Valley Lands Plan (RVLP) or similar checklist or unless the County has worked with the city to identify and structure an acceptable alternative General Plan land use designation or zoning classification. This policy will not apply to amendments or changes to a County unincorporated UDB, Hamlet Development Boundary (HDB), or Corridor Plan area boundary line, including where the boundary line may increase an overlap area with a CACUDB area, or to any General Plan amendment adopting a new UDB, an HDB, or Corridor Plan area that may fall within a CACUDB area. This policy shall not apply within a County unincorporated UDB, an HDB, or Corridor Plan area where that area overlaps a CACUAB area. Development of County corridor development nodes in an affected city's UAB would only occur after the County has provided written consultation and has allowed for a reasonable timed response from the affected city prior to decision making and before the adoption of the Corridor Plan. New development in a city's UAB would be subject to adopted plan lines and setback standards. Adopted facility plans and legally adopted General Plans will be considered during the development review process. Small "stand alone," non urban projects which are defined as residential projects of four or fewer lots or non-residential projects smaller than two acres do not need city standards but shall respect city utility and street master plans for setbacks. Large urban-style projects include residential projects of five or more lots averaging less than one acre per lot and non-residential projects two acres or larger will use uniform urban development standards, financing mechanisms, consent to annexation, application of reciprocal development impact fees and city streets/utility setbacks/disclosure requirements unless the County and the city have identified and structured acceptable alternatives that will reasonably ensure that these projects should conform to city development standards upon future annexation.

**PF-4.20 Application of the RVLP Checklist to Control Development in a CACUDB**

As an exception to the County policies that the Rural Valley Lands Plan does not apply within CACUDBs, the County may work with an individual city to provide that the requirements of the RVLP or similar checklist will apply to applications for special use permits (including special use permits for the expansion of a non-conforming use), variances considered under Government Code § 65906, or to the extent allowed by law, divisions of land within a CACUDB except in those areas that overlap with a County unincorporated UDB, an HDB, or Corridor Plan area. Such a special use permit, variance, or division of land will be reviewed in light of impacts on such regional concerns as water and sewage disposal availability and preservation of transportation and utility corridors as well as compliance with any County adopted urban or city development standards and with the city's General Plan policies as reflected in the CAC General Plan.

**PF-4.21 Application of the RVLP Checklist to Control Development in a CACUAB**

As an exception to the County policies that the Rural Valley Lands Plan is only advisory within CACUABs, the County may work with an individual city to provide that the requirements of the RVLP will apply to applications for special use permits (including special use permits for the expansion of a non-conforming use), variances considered under Government Code § 65906, or to the extent allowed by law, divisions of land within a CACUAB except in those areas that overlap with a County unincorporated UDB, an HDB, or Corridor Plan area. Such a special use permit, variance, or division of land will be reviewed in light of impacts on such regional concerns as water and sewage disposal availability and preservation of transportation and utility corridors.

**i** Also see Part II-Policy RVLP-1.4: Determination of Agriculture Land and Section 1.3: Rural Valley Lands Plan Criteria and Evaluation Matrix.

**PF-4.22 Reuse of Abandoned Improvements in a CACUDB**

In accordance with other policies in this General Plan, the County may work with a city to provide that any alternative land uses within a CACUDB not otherwise allowed under a particular zoning classification but which are allowed by County policies due to the existence of abandoned structures or improvements with no other available, viable economic uses on the parcel will be reviewed in light of impacts on such regional concerns as water and sewage disposal availability and preservation of transportation and utility corridors. For agricultural related uses, reoccupation and/or expansion is limited not to exceed 20% of the site and/or building square footage subject to special use permit with city consultation. Conversion to non-agricultural uses requiring a zone change is limited not to exceed 20% of the site and/or building square footage or as mutually agreed upon by the city and County. Any expansions are subject to a special use permit.

**PF-4.23 Reuse of Abandoned Improvements in a CACUAB**

In accordance with other policies in this General Plan, the County may work with a city to provide that any alternative uses within a CACUAB not otherwise allowed under a particular zoning classification but which are allowed by County policies due to the existence of abandoned structures or improvements with no other available, viable economic uses on the parcel will be reviewed in light of impacts on such regional concerns as water and sewage disposal availability and preservation of transportation and utility corridors expansion or re-occupation will require irrevocable consents to annex, and accommodation for setbacks and other standards for future streets and utilities. The RVLP will be used to determine if non-agricultural use is appropriate.

**PF-4.24 Annexations to a City within the CACUDB**

In addition to the County's current policies on development within a CACUDB, the County may work with a city to provide that urban development projects within a city's Sphere of Influence (SOI) as set by the Tulare County

Local Agency Formation Commission will be referred to the affected city for consideration of annexation in accordance with, but not limited to, the following concepts:

1. Urban development projects, to which the referral policy applies, would be those projects for which a discretionary permit is required. Any urban development project not subject to special use permit requirements would still comply with County adopted city development standards, CAC General Plans and zoning and any County adopted city long-range infrastructure plan.
2. The referral would, at least, be subject to the requirement that the city inform the County within three (3) months that it is or is not able and willing to commence annexation proceedings to accommodate the project; or the city is willing and able to commence annexation proceedings, the County would not take action to approve the project unless the applicant has submitted a completed application for annexation and city fails to take action on such application within six months;
3. If the affected city is not willing or able to commence annexation proceedings, approval by the County of the project would be conditioned on conformance with County adopted city development standards, County Adopted City General Plans and zoning and any County adopted city long-range infrastructure plan adopted.
4. The County may, as part of this policy, require a consent to future annexation be recorded concurrent with approval of the project special use permit for development within the County.

**PF-4.25 Sphere of Influence Criteria**

In addition to the County current policies on annexations and city growth lines, the County may work with one or more cities to propose criteria to the Tulare County Local Agency Formation Commission (LAFCo) for use in the adoption of city Sphere of Influence (SOI) lines consistent with the concept that the SOI is a twenty year city growth boundary including the city's "communities of interest" as defined by LAFCo, and that an affected city should seek approval of amendment by LAFCo of its current SOI lines to reflect such criteria. Communities of interest not included within the SOI may be considered and included in a fifty year growth boundary. If such a criteria is adopted, the County, as a city SOI is brought into compliance with such criteria, may consider amendment of its general plan to make the CACUDB identified in the County general plan, to the extent appropriate, consistent or conterminous with the LAFCo adopted SOI.

**PF-4.26 City 50 Year Growth Boundaries**

In addition to the County current policies on city boundary lines, the County may work with one or more of the cities to propose that LAFCo consider the adoption of a fifty year growth boundary for each city and to propose criteria to LAFCo for adoption of that boundary. If LAFCo adopts fifty year growth boundaries consistent with such criteria, the County may consider amendments to its general plan to make the CACUAB, to the extent

appropriate, consistent or conterminous with the city's LAFCo adopted fifty year growth boundary.

**PF-4.27 Impacts of Development within the County on City Facilities and County Facilities**

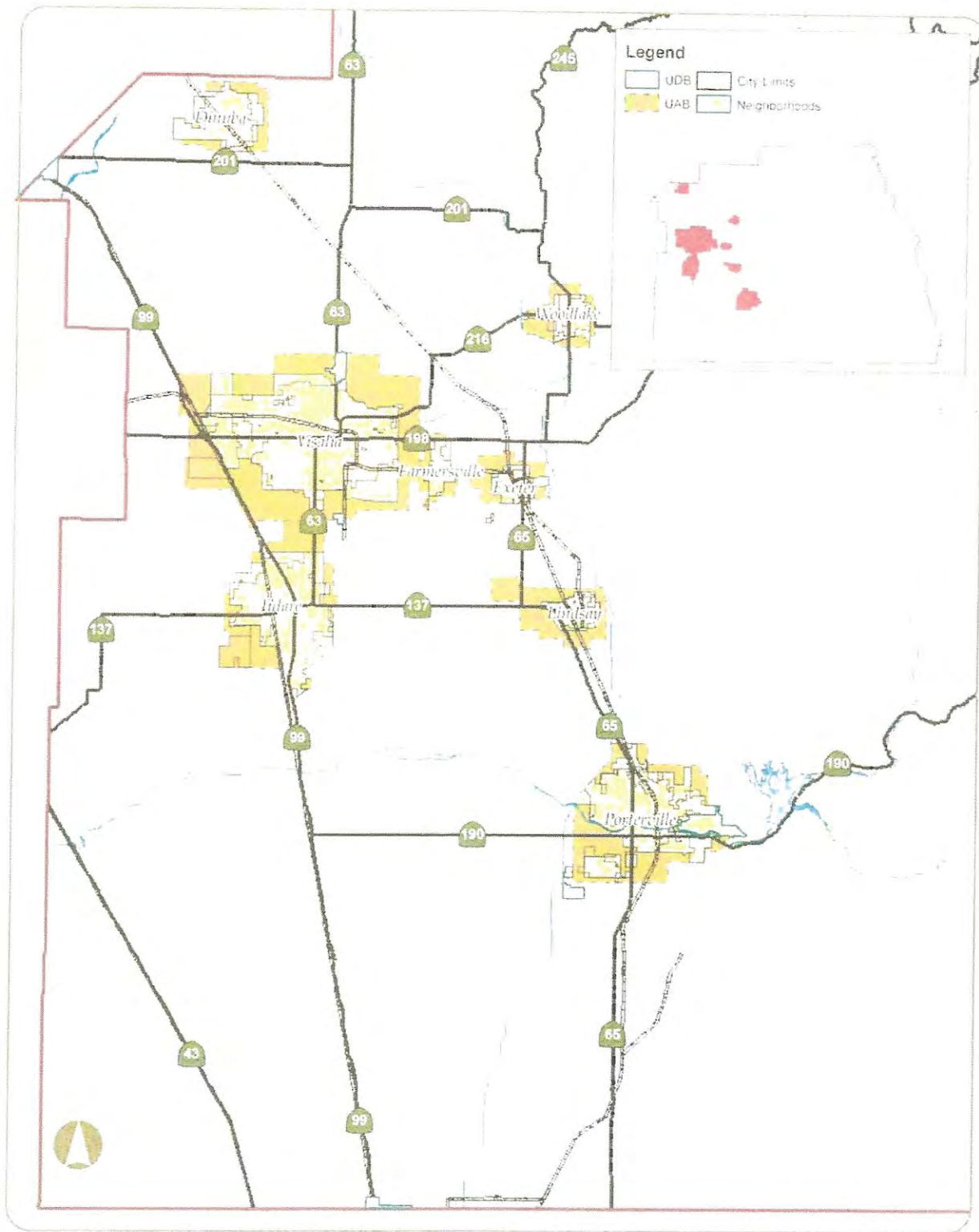
The County may work with a city to consider the adoption, imposition and collection for payment to the city pursuant to agreement Development Impact Fees within the CACUDB, as may be proposed by the city from time to time to offset the impacts of development in the County on city facilities.

Reciprocally and under the same conditions, the city will consider the collection of Development Impact Fees within the city to offset the impact of development within the city on County facilities.

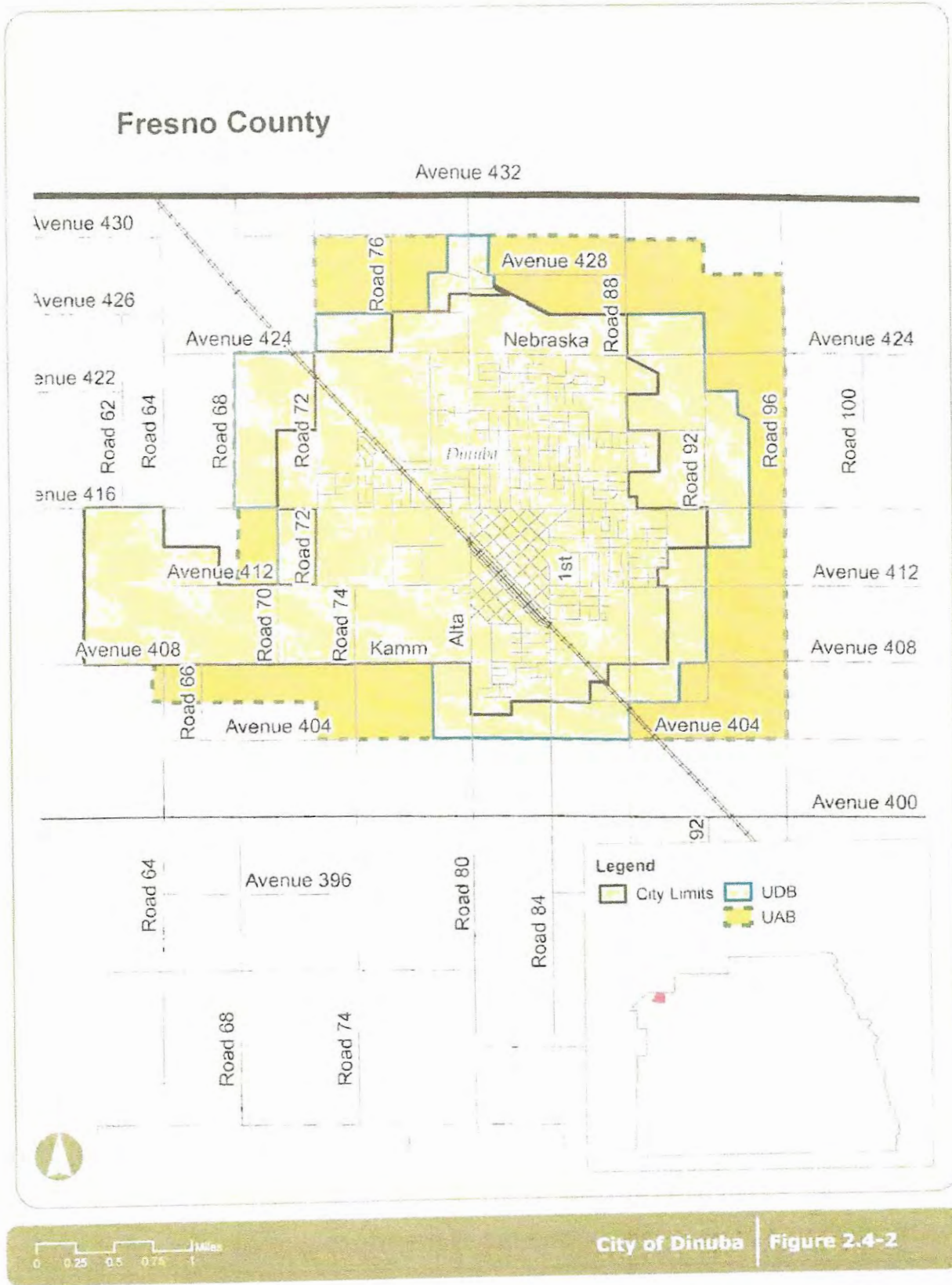




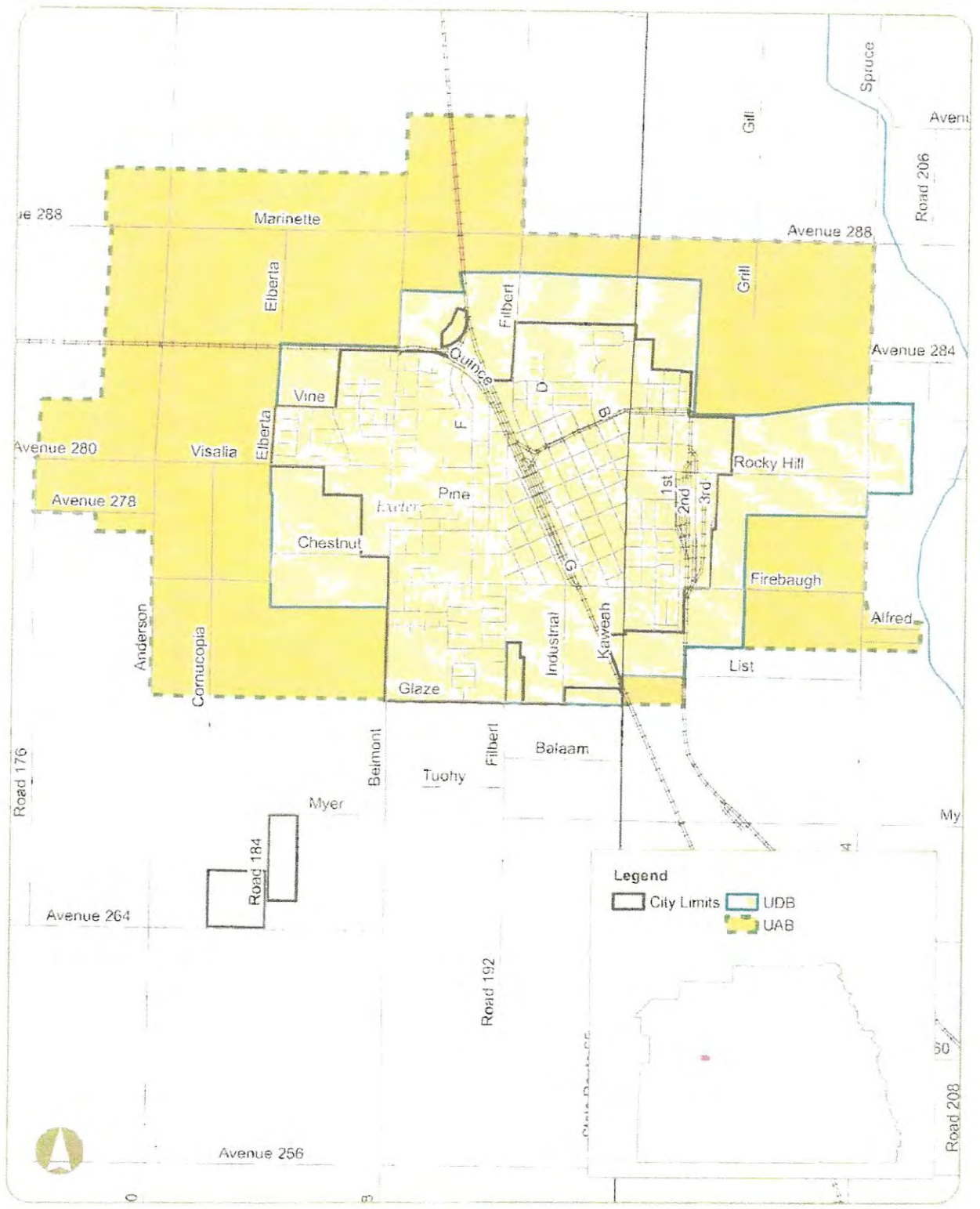
# Tulare County General Plan



0 5 10 15 20 Miles  
**Tulare County Cities** | **Figure 2.4-1**

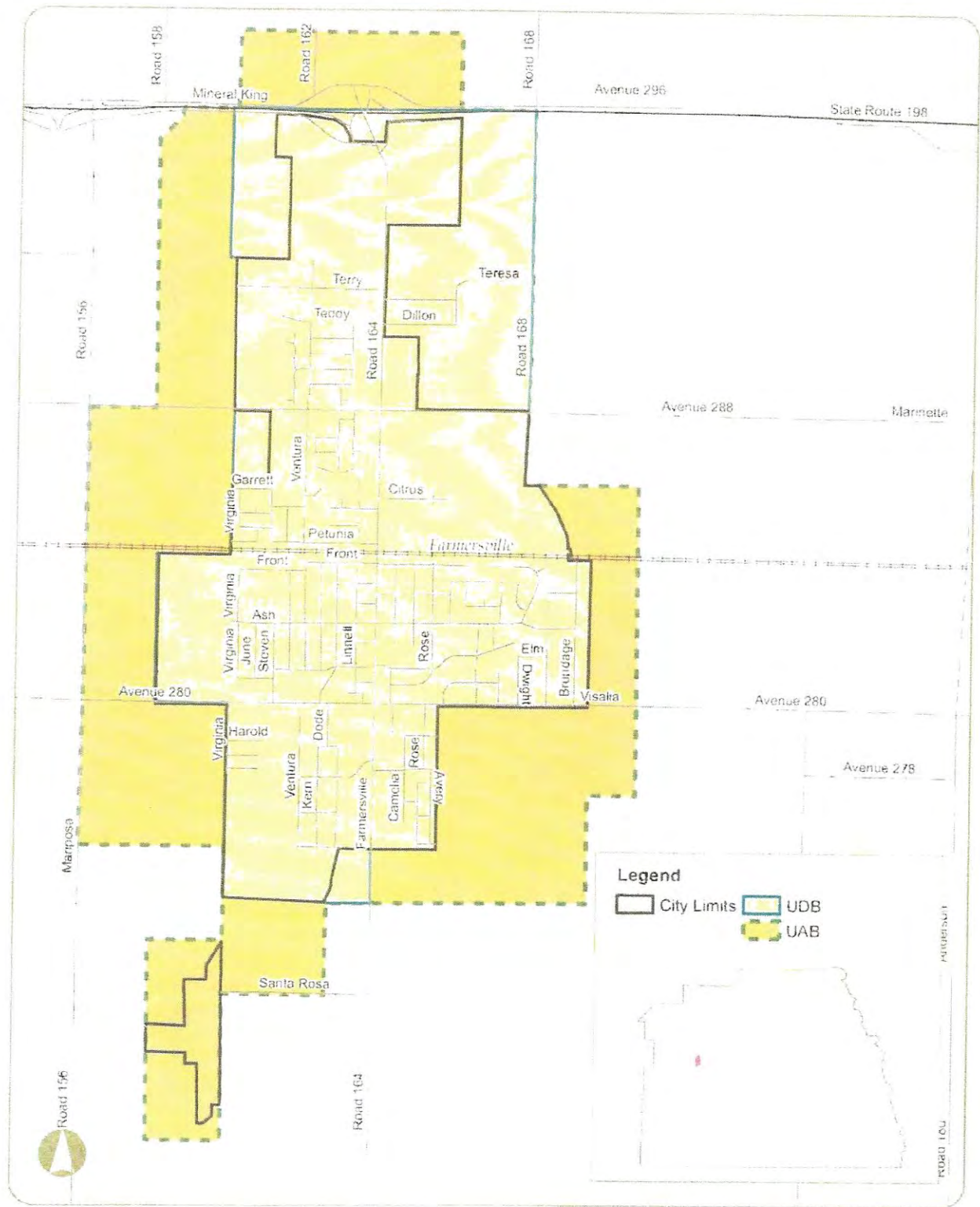


# Tulare County General Plan



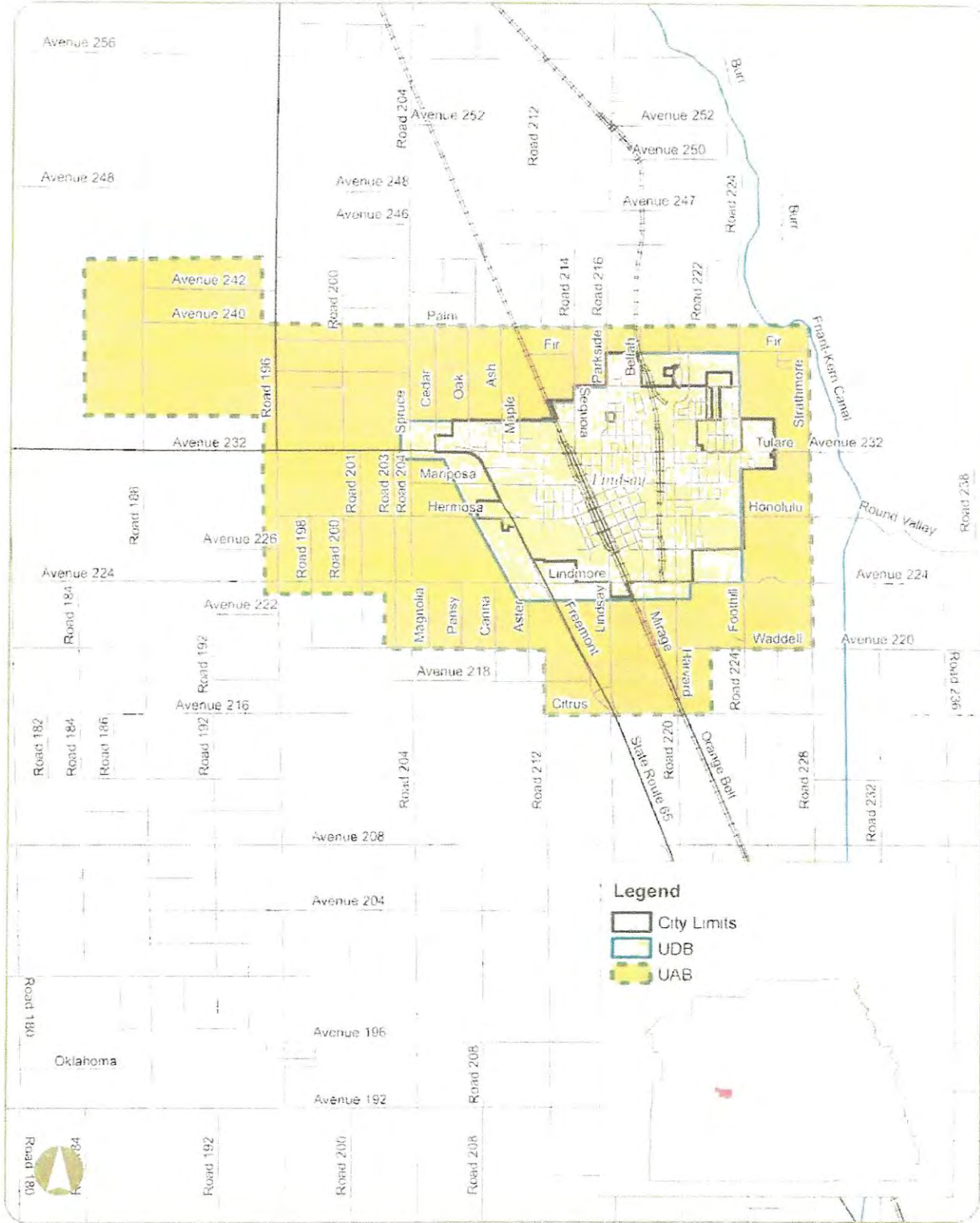
City of Exeter | Figure 2.4-3

## 2. Planning Framework



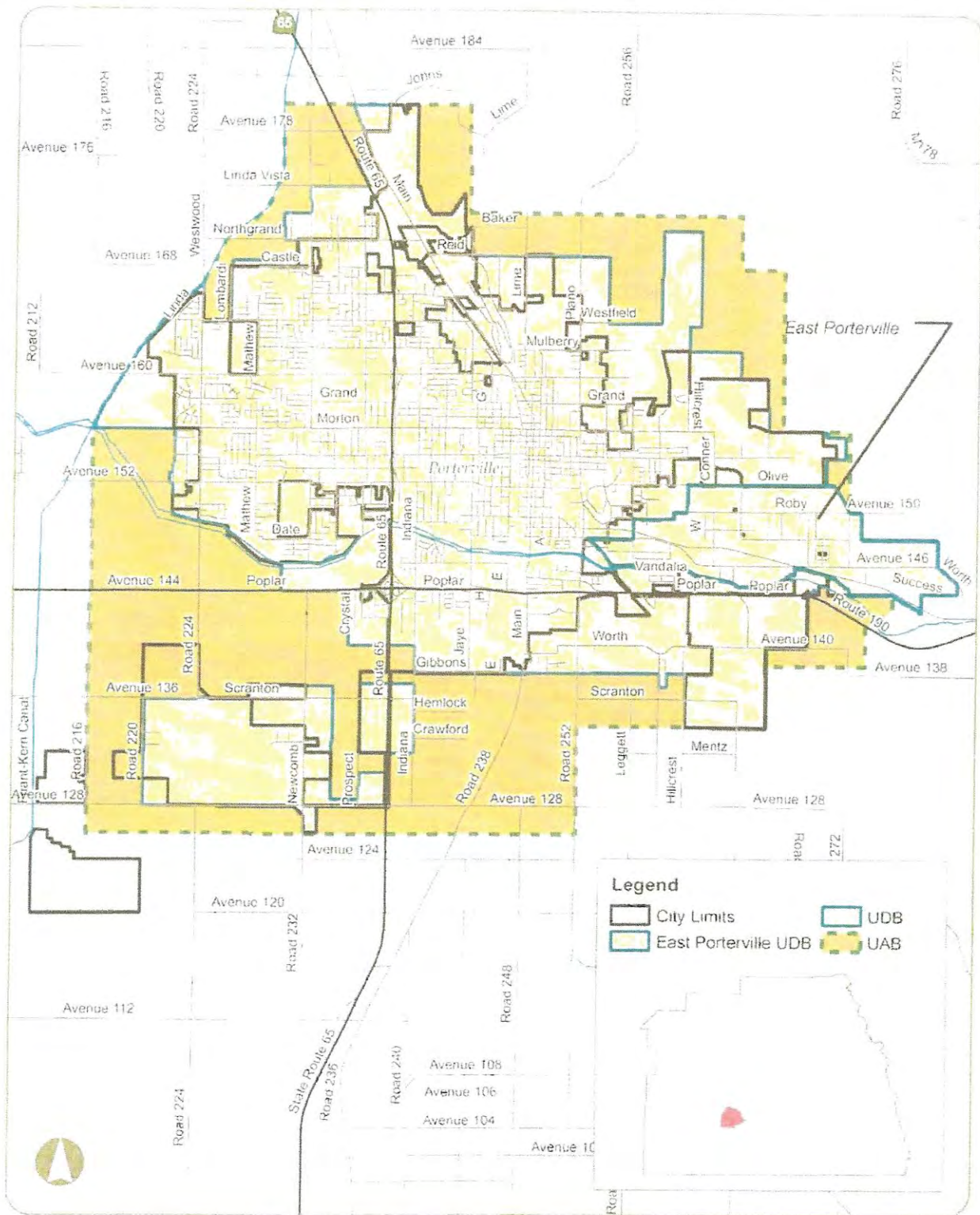
City of Farmersville | Figure 2.4-4

# Tulare County General Plan



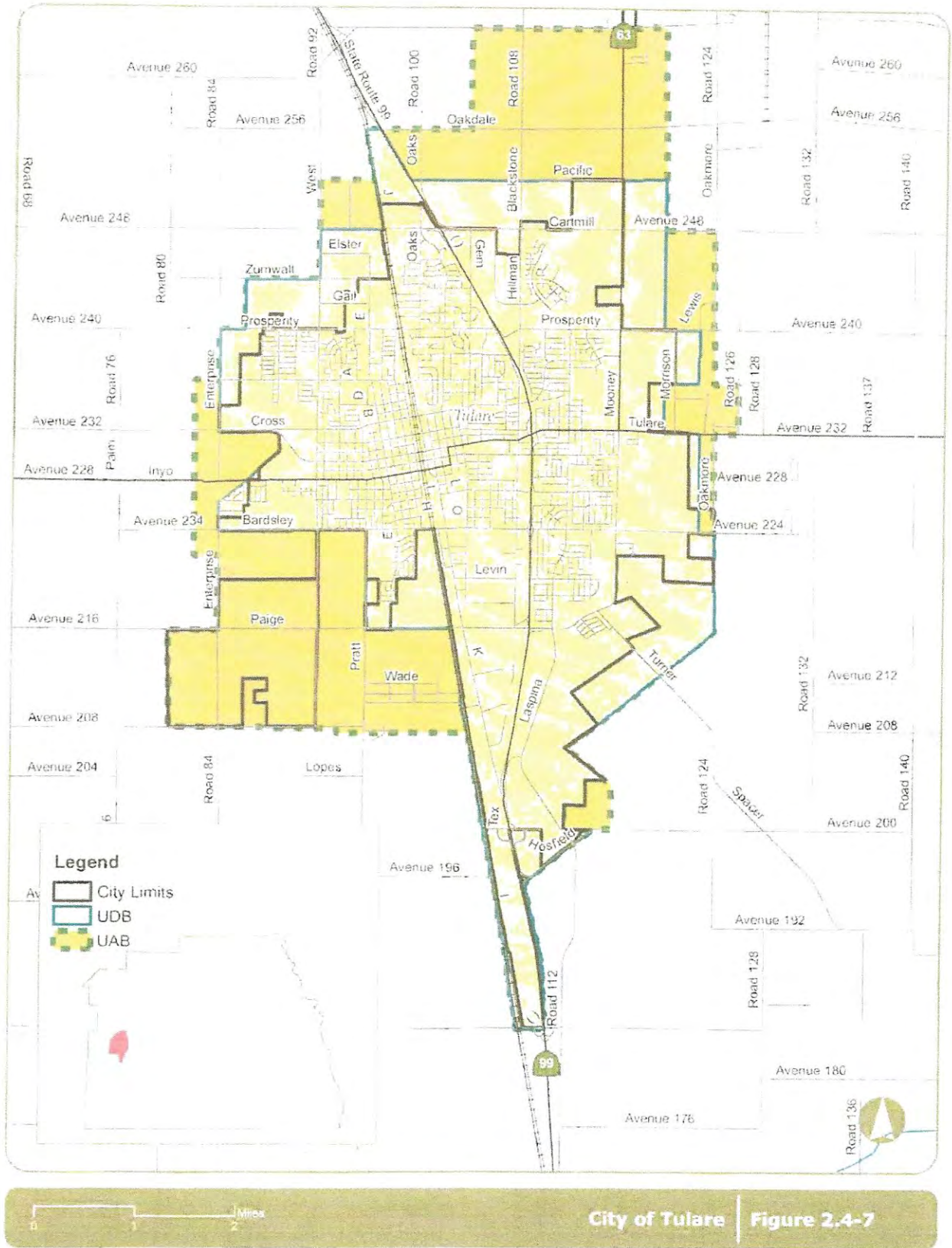
0 0.5 1 1.5 2 Miles  
**City of Lindsay | Figure 2.4-5**

## 2. Planning Framework



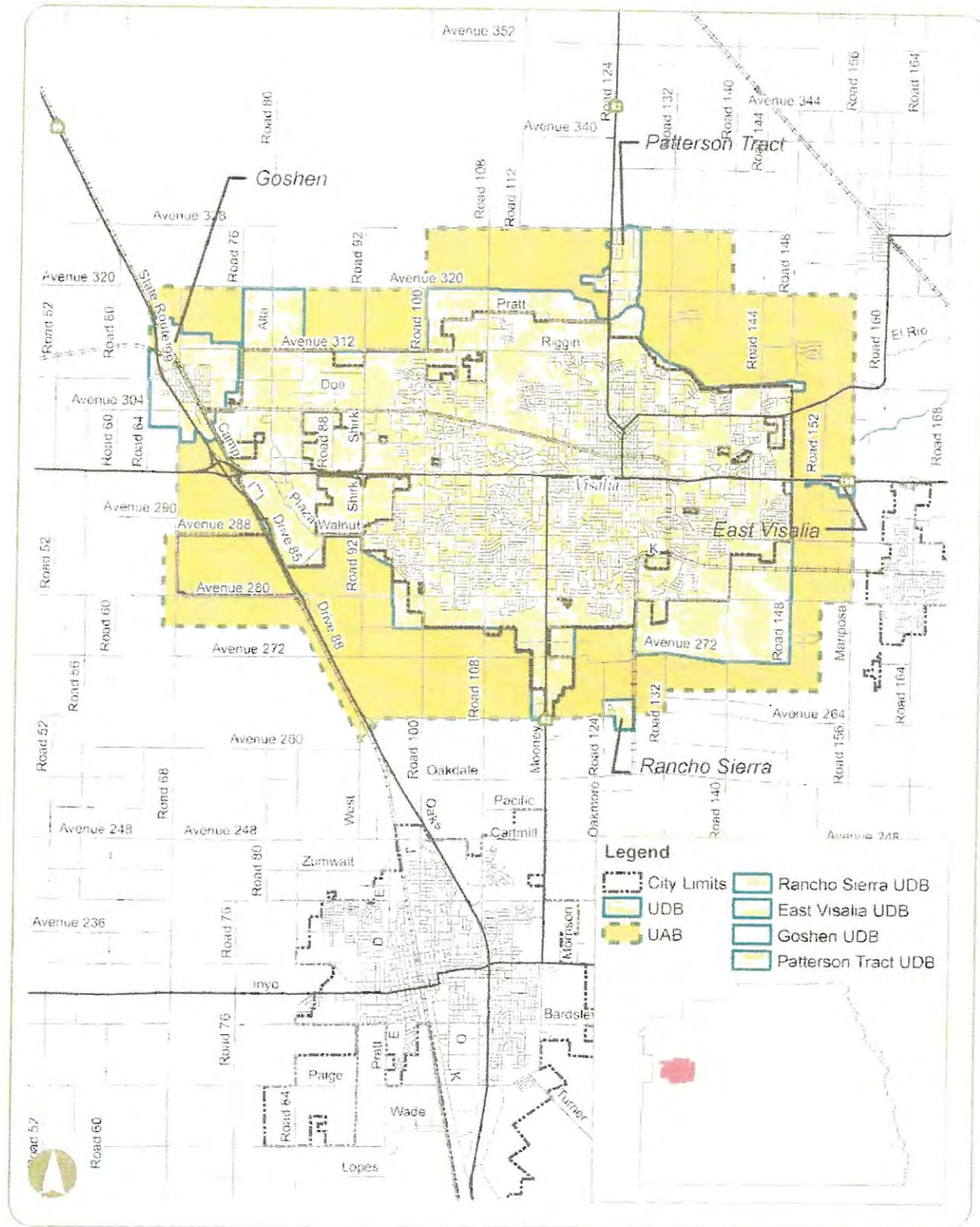
City of Porterville | Figure 2.4-6

# Tulare County General Plan



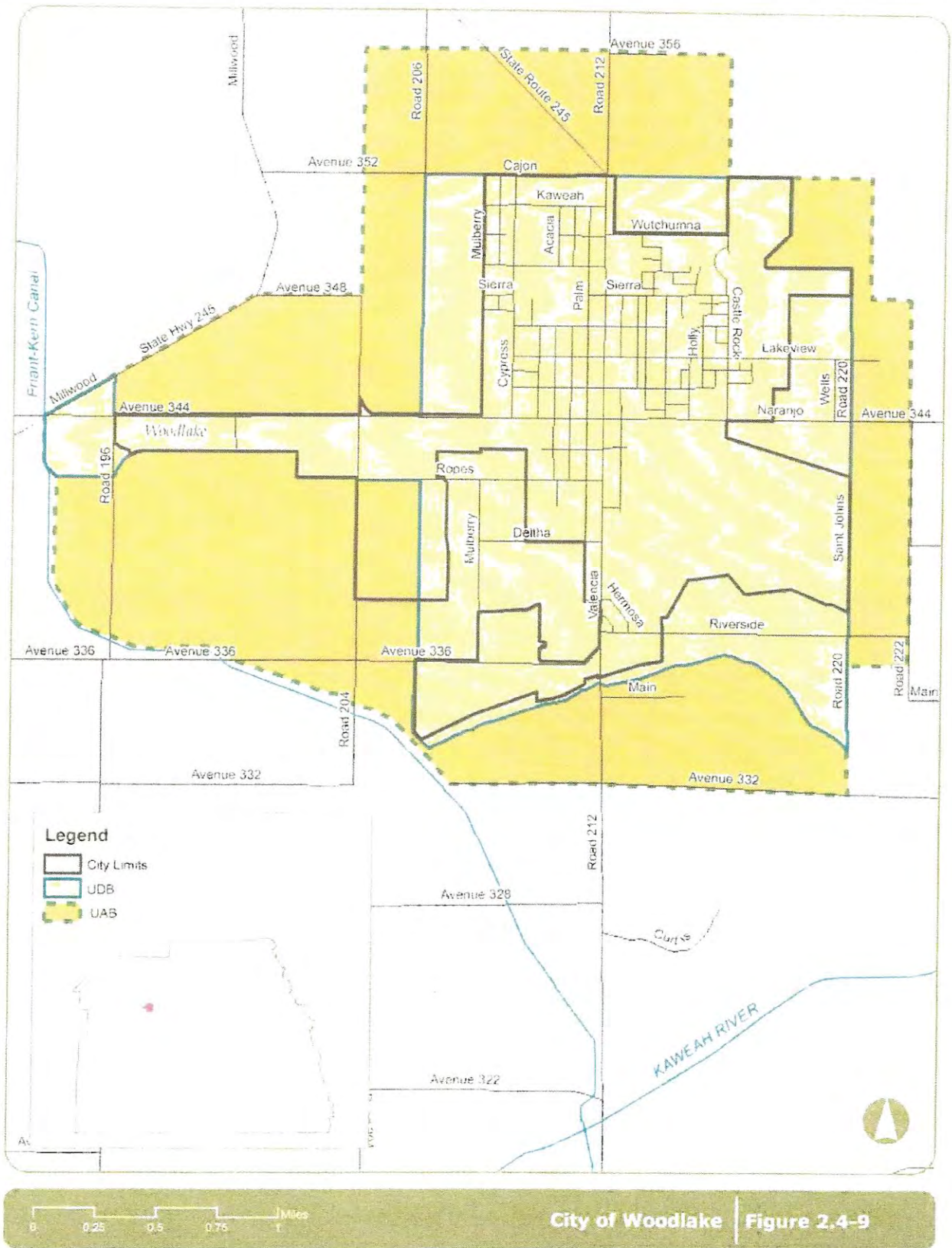


## 2. Planning Framework

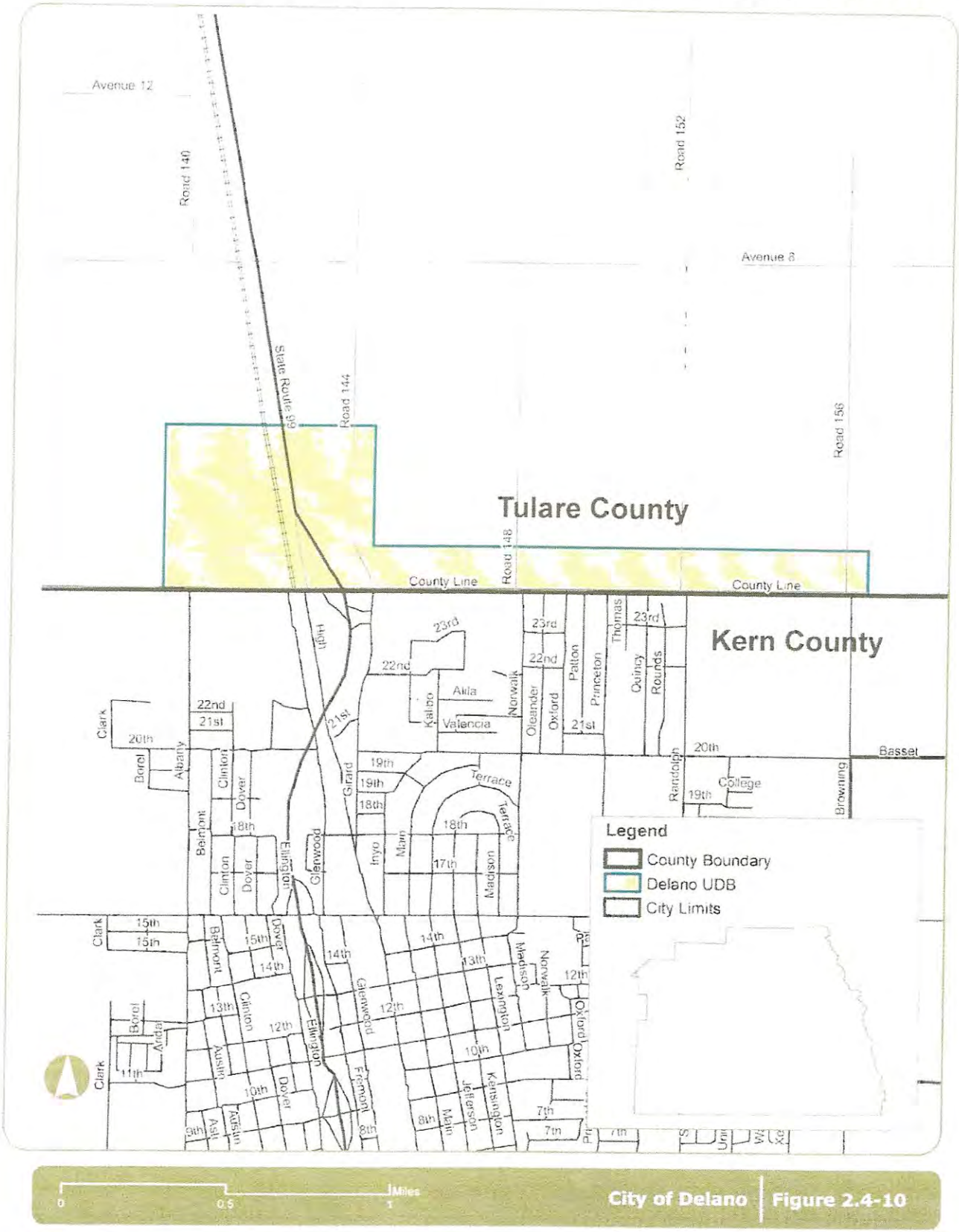


City of Visalia | Figure 2.4-8

# Tulare County General Plan

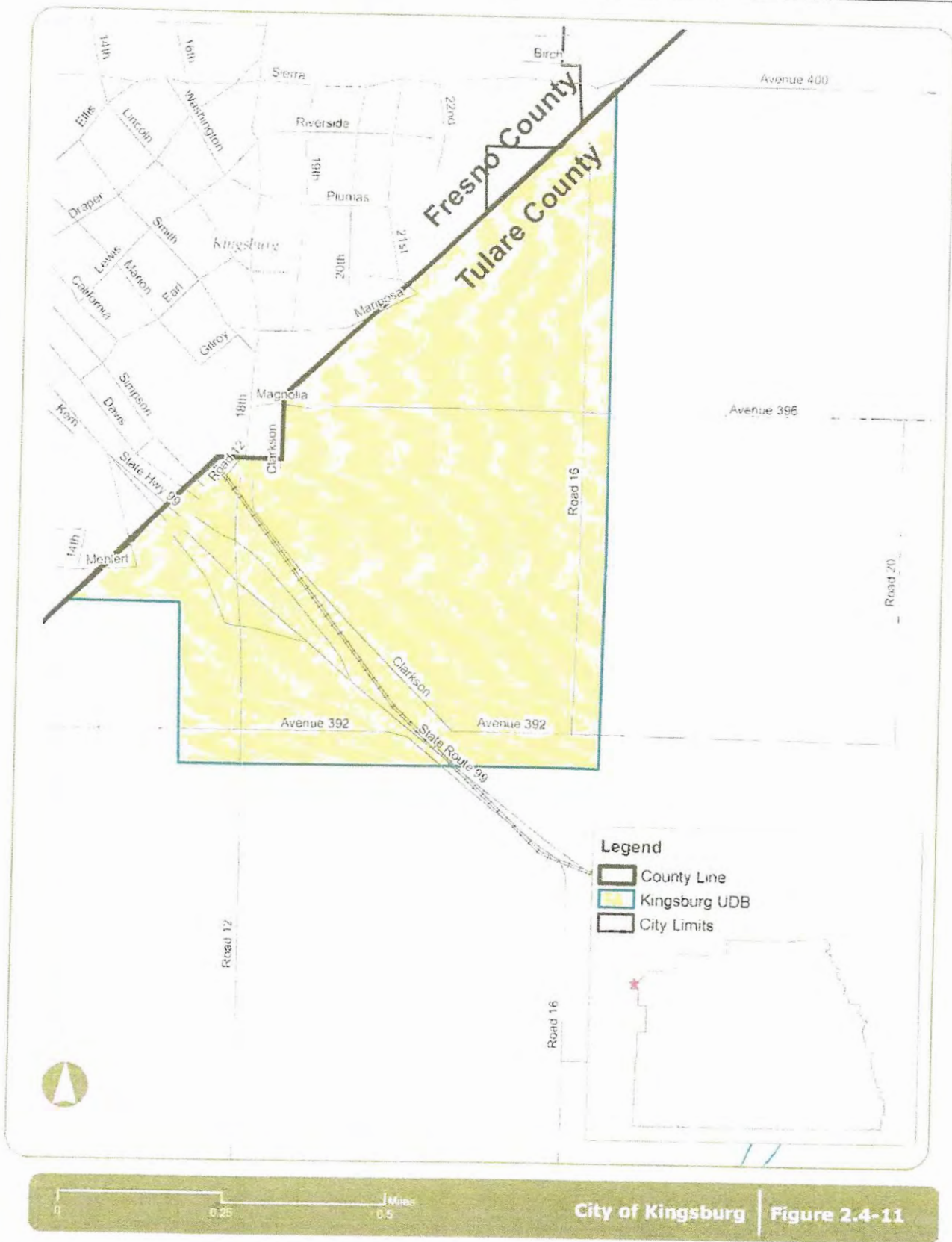


2. Planning Framework



City of Delano | Figure 2.4-10

# Tulare County General Plan



#### **Attachment 4 Mutual Regional Development Impact Fee Adoption Process**

Tulare County Board of Supervisors and City, have mutually agreed to solicit the Tulare County Council of Government (TCAG) to facilitate the review and discussions regarding the Tulare County Public Facilities Impact Fee Study. The TCAG Board has authorized the TCAG Staff to act as the facilitator among the County, cities, and other interested parties relating to the Tulare County Public Facilities Impact Fee Study (also referred to herein as the “Public Facilities Fee Study” or “Nexus Study”). The TCAG Board has authorized TCAG to pursue a Regional Transportation Impact Fee study on behalf of Tulare County and City Members. The Regional Transportation Impact Fee study is not a part of the City/County MOU.

TCAG Staff, in coordination with Tulare County Staff and Tulare County’s consultant, are to schedule meetings with city representatives and other interested parties to review the Draft Public Facility Fee Report. These meetings are intended facilitate discussions and provide exchange of information as to the methodology and source of documentation relating to the conclusions of the Nexus Study.

TCAG Staff will host these meetings at the TCAG conference room located at 100 Church Street, Visalia, CA or other designated location.

The facilitation process will be as follows:

1. Tulare County submits Public Facilities Fee Study to TCAG Staff, City, and other interested parties for their information and review.
2. TCAG Staff schedule meeting(s) with county staff, county consultant, City, and other interested parties.
3. County Staff and Consultant prepare presentation materials, methodology utilized for the proposed public facility needs and proposed fee and distributes prior to the scheduled meeting by TCAG Staff.
4. TCAG Staff facilitates the scheduled meeting and agenda. County Staff and County Consultant present the information and responds to questions. Questions raised at the meetings will be responded to in writing where needed. Should future research be needed to respond to questions raised, County Staff will research and provide responses to TCAG Staff. TCAG Staff will assist in solidifying the issues and upon receipt of the research materials shall facilitate a meeting to insure that the concerns identified are appropriately discussed. Where diverse opinions are identified and not resolved at the committee level, TCAG Staff shall refer the issues to the TCAG Board for review and a non-binding recommendation to the Board of Supervisors for their direction.
5. Steps 1 through 4 will be repeated until all sections of the Public Facilities Fee Study have been reviewed and discussed.

6. Upon conclusion of all meetings, TCAG Staff in conjunction with County Staff and County Consultant prepare a report of findings and recommendations that:
  - a. summarizes the questions raised during the review process;
  - b. provide responses to each question raised;
  - c. provide report(s) relating to additional research conducted;
  - d. provide report that addresses the conclusions to the research that needed additional investigation; and
  - e. provide report to the TCAG Board for their consideration.
8. The TCAG Board will consider taking action to refer the report and their recommendations to the Board of Supervisors
9. Where a city proposes a Regional Fee, the process noted above may be followed or an alternative process as may be mutually agreed to between the County and the City.
10. Such fee amounts may be adopted by the County or by a City by resolution(s), provided the authorizing ordinance or other authority under law so provides.
11. Effect of Adoption, Non-Adoption.

Should a city on behalf of the County or the County on behalf of a city (County/City) adopt the Development Impact Fee, the respective agency shall be deemed to have waived any claim, pursuant to CEQA or otherwise, that development within the jurisdiction is creating or will create impacts related to facilities addressed by the Nexus Study and no further mitigation will be required.

Should the County/City not adopt the development impact fee(s) as identified in the Nexus Study within 60 days of the County/City submittal of the fee and supporting documentation to the County/City and the fee does not become effective within 30 days of adoption by the County/City the County/City may pursue appropriate remedies, through CEQA or otherwise available by law.

# **Attachment “3”**

## **Preliminary RVLP Checklist and Backup Statement**

**Rural Valley Lands Plan - Parcel Evaluation Checklist – 03/19/2020**

**A. RESTRICTED TO AGRICULTURE VALUES**

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

VALUE

- 1. Agricultural Preserve Status -----(0)
- 2. Limitations for Individual Waste Disposal Facilities -----(0)

**B. VARIABLE POINT VALUE**

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

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

For the following factor, determine the land capability ratings) of the parcel under review and award its corresponding 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 VALUE CATEGORY**

- 1. Existing Parcel Size (use gross acreage figure) -----( 0 )
- 2. Existing land Use/Suitability for Cultivation -----( 0 )

**THREE POINT VALUE CATEGORY**

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

**TWO POINT VALUE CATEGORY**

- 1. Level of Ground Water and Soil Permeability -----( 0 )

**ONE POINT VALUE CATEGORY**

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

---

TOTAL POINTS -----( 8 )



BACK-UP STATEMENT FOR RVLV EVALUATION CHECKLIST  
FOR  
PZC 20-005 - Hein

PARCELS EVALUATED: The site is approximately 0.57-acres (25,034.75 square feet) in size and it was evaluated under the RVLV point evaluation checklist system. The parcel involved is assessor parcel number (APN) 126-390-018.

A. RESTRICTED TO AGRICULTURAL VALUES

1. Agricultural Preserve Status:

The subject site is not restricted to agriculture since it is not restricted by a California Land Conservation Act (Williamson Act) contract.

2. Limitation for Individual Waste Disposal Facilities:

The subject site is not restricted to agriculture since employing an individual waste disposal system will not result in the contamination of the groundwater table.

B. VARIABLE POINT VALUE

1. Land Capability:

The Soil Conservation Service has rated the agricultural capability of the soil, Nord Fine Sandy Loam, as Class I (irrigated) and Class IVc (non-irrigated). The site has met the Highest Relative Suitability because the soil class is I, II, or III; therefore, this factor received an allocation of 4 points.

C. POINT VALUES

4 POINT VALUE

1. Existing parcel size:

The subject site is approximately 0.57-acres (25,034.75 square feet) in size. This factor meets the criteria for lowest relative suitability because it is less than 5 acres gross: 0 points allocated.

2. Existing Land Use/Suitability for Cultivation:

The subject site is approximately 0.57-acres (25,034.75 square feet) in size, is not currently under cultivation and has not been under cultivation

since at least 1994. The property contains an existing office building that is occupied by a farm management company. The site does not have access to surface water and an existing domestic well provides domestic water; lowest relative suitability has been met: 0 points allocated.

### 3 POINT VALUE

1. Surrounding Parcel Size:

There are 29 parcels within one-quarter mile of the subject site and 14 of those parcels are 5 acres or greater, which is equivalent to 48% ( $14/29 = 48\%$ ). Since more than 35% ( $15/29 = 52\%$ ) of the properties within one-quarter mile of the perimeter of the site are devoted to parcels smaller than five acres in size, the lowest relative suitability has been met: 0 points allocated.

2. Surrounding Land Uses:

The site is abutted on two sides with non-agricultural uses (there is a rural residence to the east and a substation on the southwest corner of the intersection) and within one-quarter mile of the perimeter of the site, only 7 percent (7%) of the area (18 acres out of 257 acres) is devoted to non-agricultural uses; therefore, the site meets the criteria for the highest relative suitability factor: 3 points allocated.

3. Proximity to Inharmonious Uses:

The site is not within proximity (one-quarter mile) of any listed inharmonious uses; therefore, the weighting criterion for highest relative suitability has not been met: 0 points allocated.

4. Proximity to Lands Within Agricultural Preserves:

The site is not abutting an agricultural preserve; and within one-quarter mile of the perimeter of the site, approximately 57% of the land (147 acres out of 257 acres) is within agricultural preserve. The weighting criterion for highest relative suitability has not been met since less than 64% of the area is in agricultural preserves: 0 points allocated.

### 2 POINT VALUE

1. Level of Groundwater and Soil Permeability:

The Groundwater Information Center Interactive Map Application for Fall 2018, which is the most recent groundwater data for the site, indicates that the depth to groundwater is approximately 150 feet. The onsite soil is

Nord Fine Sandy Loam with a moderate permeability rating. The site has met the lowest relative suitability because the water table is lower than twenty feet from the ground surface and the soil is not highly permeable: 0 points allocated.

### 1 POINT VALUE

1. Proximity to Fire Protection Facilities:

The subject site is approximately 1.7 miles from the Visalia fire station (Station No. 52) and 3.2 miles from the Tulare fire station (Station No. 63), both of which are within the five-mile response distance from fire protection facilities. Lowest relative suitability has been met: 0 points allocated.

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

The site has direct access to Road 108 (S. Demaree Street) and Avenue 272, both are County maintained roads. Lowest relative suitability has been met: 0 points allocated.

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

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

4. Flood Prone Areas:

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

5. Availability of Community Domestic Water:

In the case of a proposed commercial zone change, the highest relative suitability is met if the requirements of the Tulare County Fire Flow Ordinance cannot be met. The project site cannot meet the requirements of the Tulare County Fire Flow Ordinance since it doesn't have accessibility to community domestic water and a water storage tank doesn't exist on-site to provide fire flow for the existing office. The Fire Department has been consulted and they have stated that the existing office is legal/non-conforming. Highest relative suitability has been met: 1 point allocated.

6. Surface Water Irrigated Lands:

Applicant states that the water supply for the site is from a domestic well. The site does not have rights to surface irrigation water. Lowest relative suitability has been met: 0 points allocated.

7. Groundwater Recharge Potential:

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

# **Attachment “4”**

## **Consultation and Comment Letters**

**CASE NO. PZC 20-005 (Martin Hein)  
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
- \_\_\_\_\_ Oroshi Substation
- \_\_\_\_\_ Pixley Substation
- \_\_\_\_\_ Porterville Substation
- Agricultural Commissioner
- Education Department
- Airport Land Use Commission (Jason Garcia-LoBue)
- Supervisor District
- Assessor
- Don Dwyer

**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 Visalia \*
- County of \_\_\_\_\_ \*
- Tulare Lake Basin Water Storage Dist\*
- \_\_\_\_\_ Advisory Council\*
- \_\_\_\_\_ Fire District\*
- \_\_\_\_\_ Mosquito Abatement\*
- \_\_\_\_\_ Kaweah Delta Water Cons. District\*
- SJV Air Pollution Control District
- Kings River Conservation District\*

**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)



# TULARE COUNTY FIRE DEPARTMENT

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

Charlie Norman  
FIRE CHIEF

February 19, 2020

Attn: David Alexander,

Tulare County Fire Department has conducted a plan check on plans #PRC 20-005, the following is a check list of requirements.

Please advise if you would like to schedule a meeting to discuss one or more of the line items below.

- Fire apparatus access minimum 20' wide.
- Gates shall be set back 30' from the edge of the Public road and open inward towards the building.
- Posted address on the driveway, min. 4" tall x 3" wide by .5" line width, Visible from roadway.
- Knox box for gates and buildings.
- Fire lanes shall be marked and painted.
- Fire final - All fire protection features shall be installed and inspected before fire final.

*\*Note, this checklist does not exclude builder / owner from all required applicable codes. If something was missed in the plan check process, the owner / builder will be expected to comply with the applicable code, regulation or ordinance.*

Respectfully,

Gilbert Portillo  
Fire Inspector – Plans Examiner  
Tulare County Fire Department  
(559)624-7003



TULARE COUNTY  
HEALTH & HUMAN SERVICES AGENCY

Timothy W. Lutz, MBA  
Agency Director

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

April 1, 2020

SANDY ROPER  
RESOURCE MANAGEMENT AGENCY  
5961 SOUTH MOONEY BLVD  
VISALIA CA 93277

**RE: ZONE CHANGE INITIATION, PZC 20-005**

Dear Mr. Roper:

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 blue ink, appearing to read "Ted Martin".

Ted Martin  
Environmental Health Specialist  
Environmental Health Services Division



# RESOURCE MANAGEMENT AGENCY



## INTEROFFICE MEMORANDUM

---

April 13, 2020

**TO:** David Alexander, Project Planner

**FROM:** Craig Anderson, Engineer III

**SUBJECT:** Case No. PZC 20-005

**OWNER:** Martin Hein

**APN:** 126-390-018

The subject Case No. PZC 20-005 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. 937. The subject site is located within Zone X (0.2 percent chance flood).

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

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

The subject site lies on the north side of Avenue 272 and the side of Road 108. The existing right of way on Avenue 272 is variable and on Road 108 is 110 feet (55 feet on the west side and 55 feet on the east side). Ultimate right of way on Avenue 272 is 60 feet and on Road 108 is 110 feet.

Memorandum

Page 2 of 2

**Road Information:**

According to the county's maintained mileage maps, Avenue 272 is a county maintained road. Road 108 is a county maintained road.

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

CA



April 6, 2020

County of Tulare  
Resource Management Agency  
Sandy Roper, Project Planner  
5961 South Mooney Boulevard  
Visalia, CA 93277

RE: Consultation of Zone Change Initiation PZC 20-005

This letter is to inform you that the City of Visalia received a request for comments and recommendations regarding the above-referenced Zone Change Initiation application. The project is located within the City's Tier III Urban Growth Boundary that extends southerly to Avenue 272. The City is currently operating within its Tier I Urban Development Boundary.

The project is a request to change the County zoning designation from AE-20 (Exclusive Agriculture) to C-2 (General Commercial). The property currently has a City General Plan land use designation of Residential Low Density, which would apply a zoning designation of R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size) upon future annexation. The application to designate this property to support the use of commercial land uses would not be consistent with the City's residential land use and zoning designations, as commercial land uses are not an allowed use in the zoning district. Therefore, the City would not be in support of the Zone Change Initiation at this location. **The City would note, however, that its Land Use Element policies do not oppose or discourage the placement of a general commercial land use designation, such as Commercial Mixed Use, at this location being at the intersection of two arterial-designated roadways.**

The City requests that any development at this location meet the City's minimum setback requirements for residential zoning districts, and would recommend that any future development on the site be consistent with County plans, polices, and ordinances.

If you have any questions or concerns, please feel free to contact me at (559) 713-4636 or at [brandon.smith@visalia.city](mailto:brandon.smith@visalia.city). Thank you for the opportunity for the City of Visalia to comment on the proposed project.

Sincerely,

Brandon Smith, AICP  
Senior Planner  
City of Visalia Community Development Department

Cc: File