



**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: July 21, 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: General Plan Amendment No. GPA 20-007, Zone Change No. PZC 20-002, Tentative Subdivision Map No. TSM 20-001 Aguilar/Tulare

REQUEST(S):
That the Board of Supervisors:

1. Hold a Public Hearing at 9:30 a.m. or shortly thereafter.
2. Adopt the Planning Commission’s recommendations and findings of approval for General Plan Amendment No. GPA 20-007, Change of Zone No. PZC 20-002 and Tentative Subdivision Map No. TSM 20-001 to change the zone on one 12-acre parcel from Exclusive Agriculture – 40 acre minimum (AE-40) to Rural Residential – 87,000 sq. ft. minimum (R-A-87) , east of Tulare, as set forth in Planning Commission Resolutions No. 9731, 9732, and 9733.
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 15303, Class 3, pertaining to New Construction or Conversion of Small Structures.
4. Direct the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map for PZC 20-002.

SUMMARY:
The Tulare County Resource Management Agency (RMA) has received a request from Gamaliel Aguilar (Applicant) to change the County’s land use designation on approximately 12 acres (APN: 184-030-024) from “Valley Agriculture” to “Mixed Use”. The RMA proposes to expand the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet northward and encompass approximately 79 acres and to change the County’s land use designation on approximately 79 acres from “Valley

SUBJECT: General Plan Amendment No. GPA 20-007, Zone Change No. PZC 20-002, Tentative Subdivision Map No. TSM 20-001 Aguilar/Tulare

DATE: July 21, 2020

Agriculture” to “Mixed Use”. The Applicant also proposes to change the zone district on one 12-acre parcel from AE-40 to R-A-87; and Tentative Subdivision Map No. TSM 20-001 proposes to subdivide the 12-acre parcel into six 2.0-acre lots.

On November 5, 2019, the Board of Supervisors adopted Resolution No. 2019-0942, which approved General Plan Initiation No. GPI 19-003 and allowed the projects to proceed as applications.

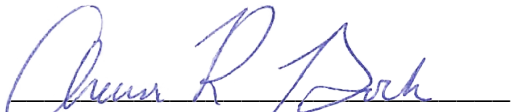
FISCAL IMPACT/FINANCING:

No Net County Cost to the General Fund. The Applicant cost for a General Plan Amendment was an initial deposit of \$10,321 to the RMA. Additional fees of \$100 per hour are charged if actual cost of processing the General Plan Amendment and Zone Change application exceeds the deposit. The Applicant cost for a Tentative Subdivision Map was an initial deposit of \$3,798 to the RMA. Additional fees of \$100 per hour are charged if actual cost of processing the Tentative Subdivision Map application exceeds the deposit. CEQA documentation and compliance for the project is \$58 because the project is exempt from CEQA.

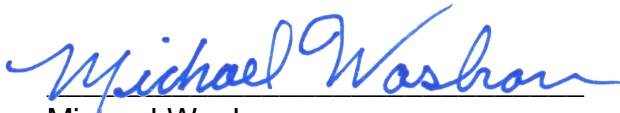
LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County’s five-year strategic plan includes the “Economic Well Being Initiative – to promote economic development opportunities, effective growth management and a quality standard of living.” The requested general plan, zone change amendment, and tentative parcel map help encourage growth consistent with the County General Plan.

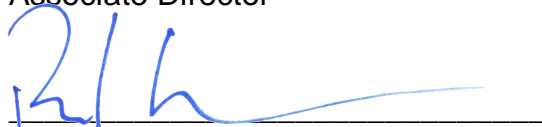
ADMINISTRATIVE SIGN-OFF:



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

SUBJECT: General Plan Amendment No. GPA 20-007, Zone Change No. PZC 20-002, Tentative Subdivision Map No. TSM 20-001 Aguilar/Tulare

DATE: July 21, 2020

Attachments:

Attachment No. 1 – Planning Commission GPA 20-007 Resolution No. 9731

Attachment No. 2 – Planning Commission PZC 20-002 Resolution No. 9732

Attachment No. 3 – Planning Commission TSM 20-001 Resolution No. 9733

Attachment No. 4. –Maps and Graphics

Attachment No. 5 – Notice of Exemption

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

IN THE MATTER OF GENERAL PLAN) Resolution No. _____
 AMENDMENT NO. GPA 20-007, CHANGE) Ordinance No. _____
 OF ZONE NO. PZC 20-02, TENTATIVE)
 SUBDIVISION MAP NO. TSM 20-001)
 AGUILAR/TULARE)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
 SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD
 OF SUPERVISORS, AT AN OFFICIAL MEETING HELD ON JULY 21, 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. Adopted the Planning Commission’s recommendations and findings of approval for General Plan Amendment No. GPA 20-007, Change of Zone No. PZC 20-002 and Tentative Subdivision Map No. TSM 20-001 to change the zone on one 12-acre parcel from Exclusive Agriculture – 40 acre minimum (AE-40) to Rural Residential – 87,000 sq. ft. minimum (R-A-87) , east of Tulare, as set forth in Planning Commission Resolutions No. 9731, 9732, and 9733.
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 15303, Class 3, pertaining to New Construction or Conversion of Small Structures.
4. Directed the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map for PZC 20-002.

Attachment “1”

Planning Commission GPA 20-007 Resolution No. 9731

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF GENERAL PLAN)
AMENDMENT NO. GPA 20-007) RESOLUTION NO. 9731
AGUILAR – EAST TULARE VILLA HAMLET)

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors approve a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures; and approve General Plan Amendment No. GPA 20-007, requested by Gamaliel Aguilar, 13198 Avenue 232, Tulare, CA 93274 (Agent: Jesus Gutierrez, Skylab Residential Designs, Inc., 1004 W. Main Street, Suite A, Visalia, CA 93291), to expand the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet and to change the County’s land use designation on approximately 79-acres from “Valley Agriculture” to “Mixed Use”, located at 13198 Avenue 232, on the north side of the intersection of Avenue 232 (State Hwy. 137) and Road 132, east of Tulare; Assessor Parcel Number (“APN”) 184-030-024.

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

WHEREAS, staff has made such investigation of fact bearing upon the proposed General Plan Amendment to assure action consistent with the procedures and purposes set forth in the California Government Code, the State General Plan Guidelines, and the Tulare County General Plan; and

WHEREAS, staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this proposed General Plan Amendment; and

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

WHEREAS, on April 29, 2020, a Notice of Public Hearing for General Plan Amendment No. GPA 20-007 was duly published in the Sun-Gazette, a newspaper of general circulation in Tulare County; and

WHEREAS, a duly noticed public hearing was held, and an opportunity for public testimony was provided, at a regular meeting of the Planning Commission on May 13, 2020; and

WHEREAS, at that meeting of the Planning Commission public testimony was received and recorded from Jesus Gutierrez from Skylab Residential Designs, Inc. in support of the project and from no one in opposition to the project.

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby recommends that the Board of Supervisors certify that the Board has reviewed and considered the information contained in the Staff Report for the proposed project together with any comments received during the public review process, in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970 prior to taking action on the General Plan Amendment.

B. This Planning Commission hereby recommends that the Board of Supervisors adopt the following findings of fact as to the reasons for approval of this General Plan Amendment:

1. The applicants have requested General Plan Amendment No. GPA 20-007 to change the County's land use designation on approximately 12 acres (APN: 184-030-024) from "Valley Agriculture" to "Mixed Use". The Resource Management Agency (RMA) proposes to expand the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet northward and encompass approximately 79 acres and to change the County's land use designation on approximately 79 acres from "Valley Agriculture" to "Mixed Use", located on the north side of the intersection of Avenue 232 (State Hwy. 137) and Road 132, east of Tulare; Assessor Parcel Number ("APN") 184-030-024. Zone Change No. PZC 20-002 and Tentative Subdivision Map No. TSM 20-001 have been submitted in conjunction with, and are being processed concurrently with, GPA 20-007.
2. On November 5, 2019, the Tulare County Board of Supervisors adopted Resolution No. 2019-0942, which approved General Plan Initiation No. GPI 19-003 and authorized the Applicant to proceed with the project by filing an application for a General Plan Amendment.
3. The subject parcel, APN: 184-030-024, is presently zoned Exclusive Agriculture – 40-acre minimum. The site is has not been actively farmed since August of 2012. Proposed Parcel Numbers 1 through 5 are vacant. Proposed Parcel No. 6 contains an existing residence. Properties to the north and east are zoned AE-40 (Exclusive Agricultural – 40 Acre Minimum) and contain row crops, orchards, and scattered rural residences. Properties to the west zoned AE-40 (Exclusive Agricultural – 40 Acre Minimum) and R-A-100 (Rural Residential with a 100,000 square foot

minimum) and contain vacant land, orchards, and scattered rural residences. Properties to the south are zoned AE-40 (Exclusive Agricultural – 40 Acre Minimum), C-2-MU (General Commercial with a Mixed-Use Overlay Combining Zone), and R-A-65 (Rural Residential with a 65,000 square foot minimum) and contain vacant land, scattered rural residences, and a rural residential subdivision.

4. The environmental determination is a Categorical Exemption in accordance with the California Environmental Quality Act and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. The property contains one single family residence on a 12-acre parcel. Limited numbers of residences are allowed by the Zoning Ordinance. The project will not result in significant impacts and will not require additional public services. The use of Section 15303 is applicable and appropriate because, upon project approval, only one by-right residential structure would be allowed on each of the six (6) newly-created parcels without further review.
5. The project site is located within the Rural Valley Lands Plan (RVLP) and the General Plan Land Use designation is currently Valley Agriculture.
 - a. The County's General Plan Amendment Policy provides that *the Board shall give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, and policies of the general plan and not obstruct their attainment* (Policies and Procedures 391). Because a request has been made by the applicant for a subdivision of real property (TSM 20-001), the proposed modification of the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet is consistent with General Plan Policy PF-3.2. RLVP Policy RVLP-1.2 requires the County to consider the re-zoning of existing parcels less than the minimum required by agricultural zoning, if found to not be viable for agricultural purposes as per the RVLP checklist and if such re-zoning would not impinge upon current or future agricultural uses in the area. The project received a preliminary RVLP evaluation of 12 points (See Finding 5.a. below).
 - b. The Mixed Use land use designation establishes areas appropriate for the planned integration of some combination of retail; office; single and multi-family residential; hotel; recreation; limited industrial; public facilities or other compatible use. Mixed Use areas allow for higher density and intensity development, redevelopment, or a broad spectrum of compatible land uses ranging from a single use on one parcel to a cluster of uses. These areas are intended to provide flexibility in design and use for contiguous parcels

having multiple owners, to protect and enhance the character of the area. The consideration of development proposals in Mixed Use areas should focus on compatibility between land uses, and the development potential of a given area compared to the existing and proposed mix of land uses and their development impacts. Density bonuses for residential units of 25 % to 35% may be granted, according to the Density Bonus.

The proposed GPA and project are consistent with the Tulare County General Plan; would further the goals, objectives, and policies of that Plan; and would not obstruct their attainment.

6. The applicant also filed Change of Zone No. PZC 20-002, Planning Commission Resolution No. 9732, to recommend that the Board of Supervisors change the zone district from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum).
 - a. Policy RVLP-1.2 of the Rural Valley Lands Plan (RVLP) requires the County to consider the re-zoning of existing parcels less than the minimum required by agricultural zoning, if found to not be viable for agricultural purposes as per the RVLP checklist and if such re-zoning would not impinge upon current or future agricultural uses in the area. A RVLP Parcel Evaluation was performed for the only parcel included in the zone change at this time. After all the factors were applied to the parcel, the project received a preliminary RVLP evaluation of 12 points. According to Policy RVLP-1.4 “Determination of Agriculture Land”, if the number of points accumulated is between 12 to 16 points, then it 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.*
 - b. Applicant requests that the zone district be changed concurrently with the General Plan Amendment. Currently, the parcel is zoned AE-40 (Exclusive Agriculture – 40 acre minimum). The proposed zone is R-A-87 (Rural Residential – 87,000 sq. ft. minimum). The Rural Residential Zone is intended for one-family dwellings of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system. Private garages to accommodate not more than three (3) cars. Transitional/Supportive Housing. Growing and harvesting of field crops and the raising of farm animals.

The existing residence, and the residences that could result from TSM 20-001, would be compatible with the R-A Zone because they are one-family dwelling units.

7. The applicant also filed Tentative Subdivision Map No. TSM 20-001, Planning Commission Resolution No. 9733, to recommend that the Board of Supervisors approve the subdivision of a 12 acre parcel into six 2.0-acre lots.
8. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution No. 2010-2927, a Notice of Intent to Collect Tulare County Public Facilities Fees, also known as Developer Impact Fees; therefore, new development may be subject to County Development Impact Fees.

C. This Planning Commission, after considering all of the evidence presented, found that the proposed General Plan Amendment will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.


AND, BE IT FURTHER RESOLVED as follows:

D. This Planning Commission hereby recommends the Board of Supervisors approve General Plan Amendment No. GPA 20-007 (Exhibit "A") to expand the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet and to change the County's land use designation on approximately 79 acres from "Valley Agriculture" to "Mixed Use".

The foregoing resolution was adopted upon motion of Commissioner McElroy, seconded by Commissioner Pearson, at a regular meeting of the Planning Commission on May 13, 2020, by the following roll call vote:

AYES: McElroy; Pearson; Whitlatch; Elliott; Millies; Dias
NOES: None
ABSTAIN: None
ABSENT: None
RECUSED: Aguilar

TULARE COUNTY PLANNING COMMISSION



Michael Washam, Secretary

Exhibit "A"

AMENDMENT TO THE TULARE COUNTY GENERAL PLAN LAND USE PLAN AND URBAN BOUNDARIES ELEMENT EAST TULARE VILLA HAMLET PLAN GPA 20-007

I. INTRODUCTION

This document amends the Land Use Element of the Tulare County General Plan for the Community of East Tulare Villa by revising the general plan land use designation of 13 parcels comprising approximately 79 acres, located at 13198 Avenue 232, on the north side of the intersection of Avenue 232 (State Hwy. 137) and Road 132, east of Tulare; from “Valley Agriculture” to “Mixed Use”, Assessor Parcel Number (“APN”) 184-030-024 in Section 5, Township 20 South, Range 25 East, Mount Diablo Base & Meridian.

II. BACKGROUND

The County adopted the East Tulare Villa Hamlet Plan with General Plan Amendment No. 17-016 on December 5, 2017, by Resolution No. 2017-0976.

Because the subject site lies outside of an Urban Development Boundary, there is a requirement to process a General Plan Initiation or a Zone Change Initiation. On November 5, 2019, the Tulare County Board of Supervisors adopted Resolution No. 2019-0942, which approved General Plan Initiation No. GPA 19-003 and authorized the Applicant to proceed with the project by filing an application for a General Plan Amendment.

The general plan amendment and associated Change of Zone (PZC 20-002) and Tentative Subdivision Map (TSM 20-001) have been requested by Gamaliel Aguilar to change the land use designation from “Valley Agriculture” to “Mixed Use” and to expand the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet northward to encompass approximately 79 acres, to change the zone district from Exclusive Agriculture – 40 acre minimum (AE-40) to Rural Residential – 87,000 sq. ft. minimum (R-A-87); and to subdivide the 12-acre parcel into six 2.0-acre lots.

III. SUPERSEDEURE

This general plan amendment supersedes the 2017 East Tulare Villa Hamlet Plan, insofar as General Plan Land Use Designation is concerned, for the approximately 79 acres. No other map changes are hereby made to the East Tulare Villa Hamlet Plan.

IV. LAND USE DESIGNATION

This amendment changes the land use designation for 13 parcels comprising approximately 79 acres from “Valley Agriculture” to “Mixed Use”.

V. POLICIES

This amendment does not supersede any portion of the text of the existing East Tulare Villa Hamlet Plan as established by GPA 17-016, as amended. There are no specific policies in the East Tulare Villa Hamlet Plan that are modified by this amendment. All policies in the East Tulare Villa Hamlet Plan pertaining to mixed uses are hereby applicable to the approximately 79 acres that are subject to this amendment. The compatible County Zoning is R-A-87.

VI. COMPLIANCE WITH SENATE BILL 18

Senate Bill 18 (SB 18, Chapter 905, Statutes of 2004) requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space. A Sacred Lands Search was requested on February 11, 2020. The records search had negative results. The Native American Heritage Commission sent a consultation list of California American Native Tribes traditionally and culturally affiliated with the project location. In compliance with SB 18, Project Notifications were mailed on February 27, 2020, to that consultation list, with a project description and a map, via certified mail, with return receipt requested and a 90 day comment period, until May 27, 2020. No consultation requests were received by the County

VII. REVIEW AND REVISION

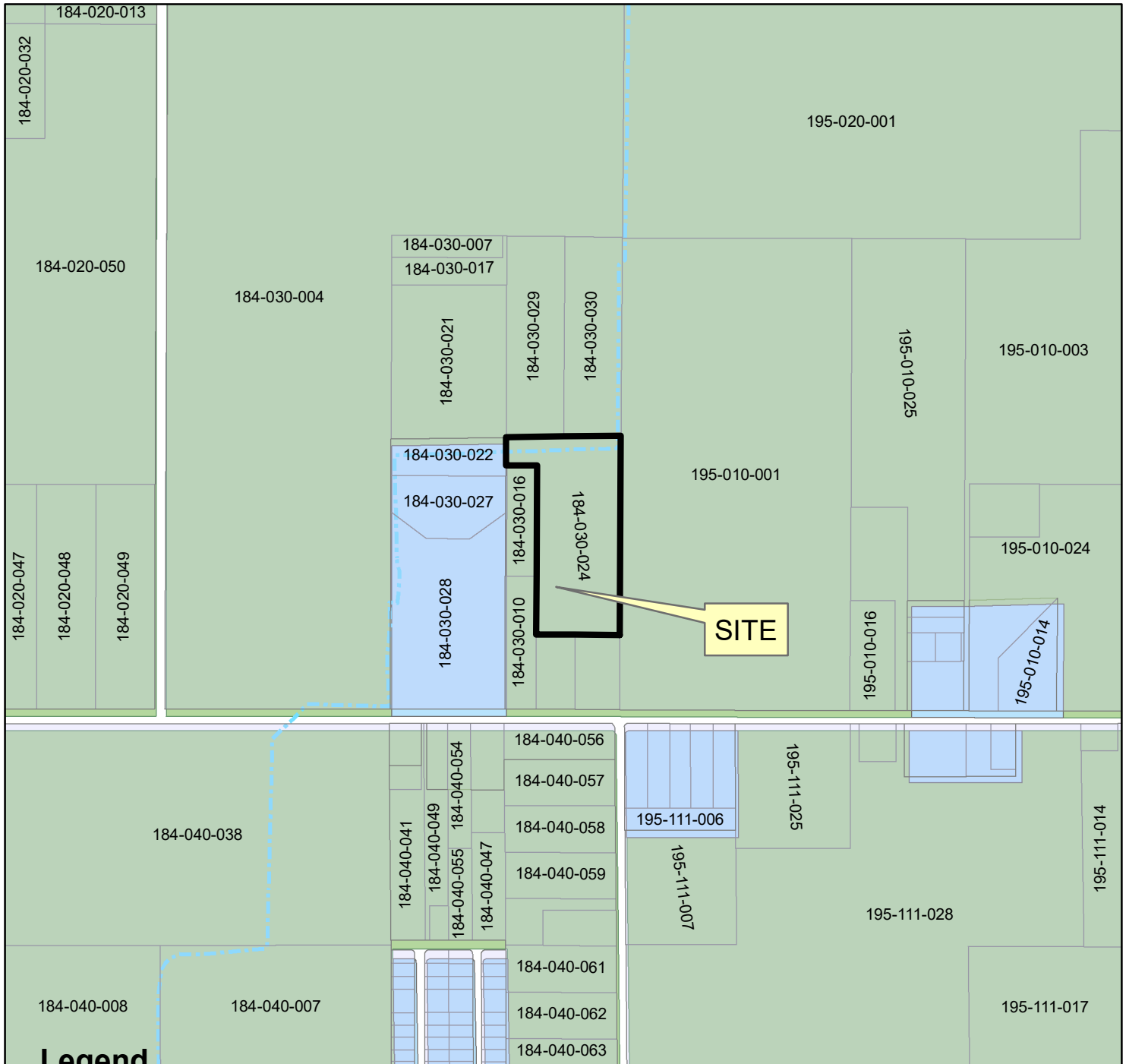
General Plan land use designations and urban boundaries are subject to periodic review.

VIII. IMPLEMENTATION

Concurrent with this general plan amendment, the zoning will be changed to Rural Residential – 87,000 sq. ft. minimum (R-A-87), in order to implement the land use designation, as recommended by Planning Commission Resolution No. 9731 and as approved by the Board of Supervisors in Resolution No. 2020-_____, Ordinance No. _____. (Reference Case No. PZC 20-002 and TSM 20-001)




Existing General Plan Map for GPA 20-007



Legend

-  Site
-  Urban Area Boundaries
-  Urban Development Boundaries
-  City Limits
-  Parcels

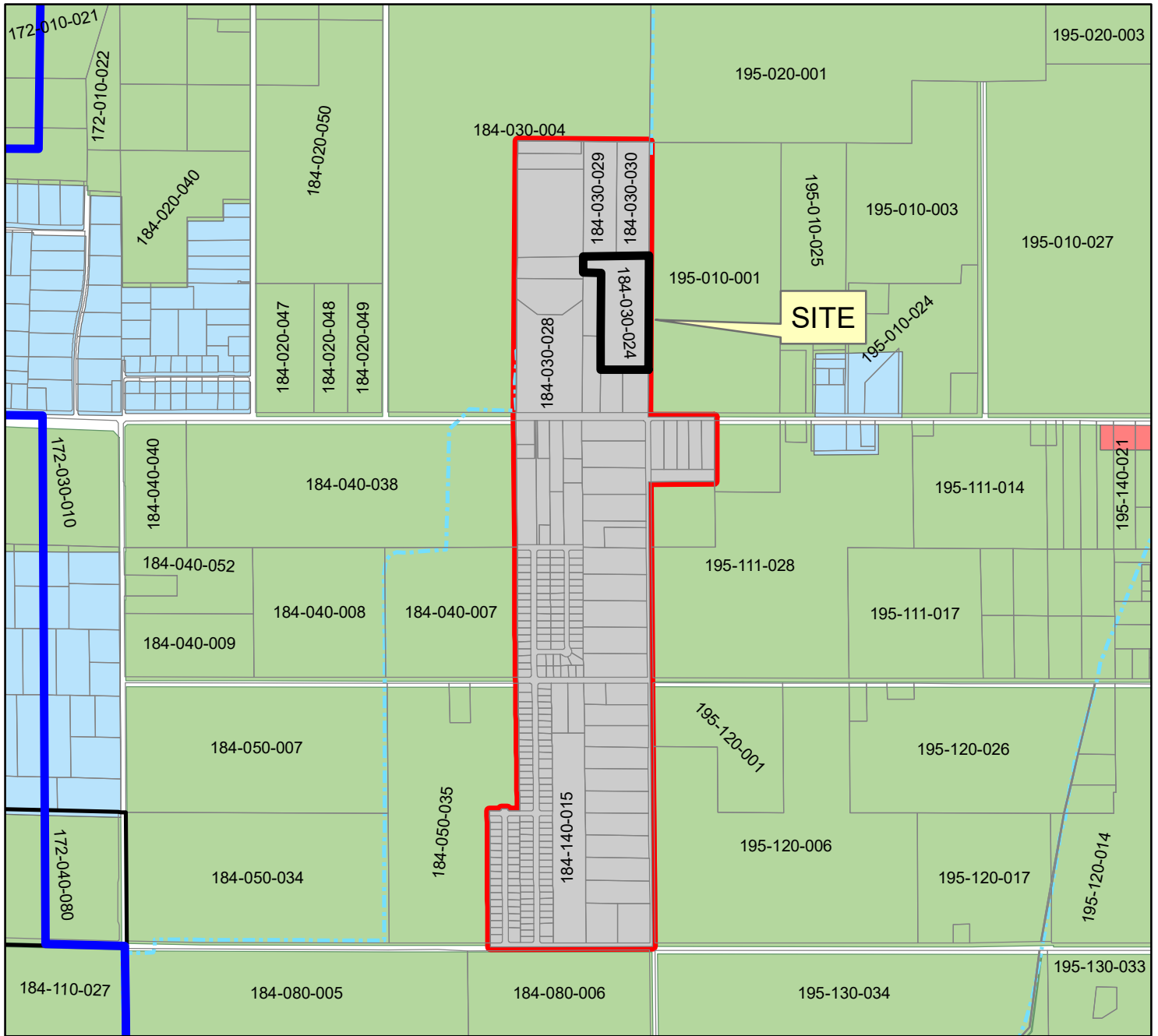
Legend

-  Parcels
-  Agriculture
-  Commercial
-  Manufacturing
-  Residential










Proposed General Plan Map for GPA 20-007

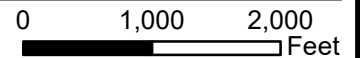


Legend

-  Site
-  Urban Development Boundaries
-  City Limits
-  Parcels
-  East Tulare Villa HDB

Land-Use Designation

-  Mixed-Use
-  Agriculture
-  Commercial
-  Manufacturing
-  Residential



Attachment “2”

Planning Commission PZC 20-002 Resolution No. 9732

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE)	
ZONING REGULATIONS, CASE NO. PZC 20-002)	RESOLUTION NO. 9732
AGUILAR – EAST TULARE VILLA HAMLET)	

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures; and approve Change of Zone No. PZC 20-002, requested by Gamaliel Aguilar, 13198A Avenue 232, Tulare, CA 93274 (Agent: Jesus Gutierrez, Skylab Residential Designs, Inc., 1004 W. Main Street, Suite A, Visalia, CA 93291), to change the zone district on one 12-acre parcel from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum), located at 13198 Avenue 232, on the north side of the intersection of Avenue 232 (State Hwy. 137) and Road 132, east of Tulare; Assessor Parcel Number (“APN”) 184-030-024).

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

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

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

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

WHEREAS, on April 29, 2020, 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 May 13, 2020; and

WHEREAS, at that meeting of the Planning Commission public testimony was received and recorded from Jesus Gutierrez from Skylab Residential Designs, Inc. in support of the project and from no one in opposition to the project.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby recommends that the Board of Supervisors certify that the Board has reviewed and considered the information contained in the Categorical Exemption that was prepared for the project and is applicable to the project site and the Change of Zone, together with any comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the Change of Zone.

B. This Planning Commission hereby recommends that the Board of Supervisors determine that the following findings are relevant in evaluating this application:

1. The applicants have requested a Change of Zone No. PZC 20-002 to change the zone district on one 12-acre parcel from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum), located on the north side of the intersection of Avenue 232 (State Hwy. 137) and Road 132, east of Tulare; Assessor Parcel Number (“APN”) 184-030-024.
 - a. Policy RVLP-1.2 of the Rural Valley Lands Plan (RVLP) requires the County to consider the re-zoning of existing parcels less than the minimum required by agricultural zoning, if found to not be viable for agricultural purposes as per the RVLP checklist and if such re-zoning would not impinge upon current or future agricultural uses in the area. A RVLP Parcel Evaluation was performed for the only parcel included in the zone change at this time. After all the factors were applied to the parcel, the project received a preliminary RVLP evaluation of 12 points. According to Policy RVLP-1.4 “Determination of Agriculture Land”, if the number of points accumulated is between 12 to 16 points, then it 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.*
 - b. Applicant requests that the zone district be changed concurrently with General Plan Amendment No GPA 20-007. Currently, the parcel is zoned AE-40 (Exclusive Agriculture – 40 acre minimum). The proposed zone is R-A-87 (Rural Residential – 87,000 sq. ft. minimum). The Rural Residential Zone is intended for one-family dwellings of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system. Private garages to accommodate not more than three (3) cars. Transitional/Supportive Housing. Growing and harvesting of field crops and the raising of farm animals.

The existing residence, and the residences that could result from TSM 20-001, would be compatible with the R-A Zone because they are one-family dwelling units.

2. On November 5, 2019, the Tulare County Board of Supervisors adopted Resolution No. 2019-0942, which approved General Plan Initiation No. GPI 19-003 and

authorized the Applicant to proceed with the project by filing an application for a General Plan Amendment, Zone Change, and Tentative Subdivision Map.

3. The subject parcel, APN: 184-030-024, is presently zoned Exclusive Agriculture – 40-acre minimum. The site is has not been actively farmed since August of 2012. Proposed Parcel Numbers 1 through 5 are vacant. Proposed Parcel No. 6 contains an existing residence. Properties to the north and east are zoned AE-40 (Exclusive Agricultural – 40 Acre Minimum) and contain row crops, orchards, and scattered rural residences. Properties to the west zoned AE-40 (Exclusive Agricultural – 40 Acre Minimum) and R-A-100 (Rural Residential with a 100,000 square foot minimum) and contain vacant land, orchards, and scattered rural residences. Properties to the south are zoned AE-40 (Exclusive Agricultural – 40 Acre Minimum), C-2-MU (General Commercial with a Mixed-Use Overlay Combining Zone), and R-A-65 (Rural Residential with a 65,000 square foot minimum) and contain vacant land, scattered rural residences, and a rural residential subdivision.
4. The environmental determination is a Categorical Exemption in accordance with the California Environmental Quality Act and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. The property contains one single family residence on a 12-acre parcel. Limited numbers of residences are allowed by the Zoning Ordinance. The project will not result in significant impacts and will not require additional public services. The use of Section 15303 is applicable and appropriate because, upon project approval, only one by-right residential structure would be allowed on each of the six (6) newly-created parcels without further review.
5. General Plan Amendment No. GPA 20-007 was processed concurrently with this project to expand the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet and to change the County’s land use designation on approximately 79-acres from “Valley Agriculture” to “Mixed Use”. The Planning Commission recommended the Board of Supervisors approve GPA 20-007 on May 13, 2019, by Resolution No. 9731.
6. The project site is located within the Rural Valley Lands Plan (RVLP) and the General Plan Land Use designation is currently Valley Agriculture.
 - a. The County’s General Plan Amendment Policy provides that *the Board shall give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, and policies of the general plan and not obstruct their attainment* (Policies and Procedures 391). Because a request has been made by the applicant for a

subdivision of real property (TSM 20-001), the proposed modification of the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet is consistent with General Plan Policy PF-3.2. RLVP Policy RVLP-1.2 requires the County to consider the re-zoning of existing parcels less than the minimum required by agricultural zoning, if found to not be viable for agricultural purposes as per the RVLP checklist and if such re-zoning would not impinge upon current or future agricultural uses in the area. The project received a preliminary RVLP evaluation of 12 points (See Finding 1.a. above).

- b. The Mixed Use land use designation establishes areas appropriate for the planned integration of some combination of retail; office; single and multi-family residential; hotel; recreation; limited industrial; public facilities or other compatible use. Mixed Use areas allow for higher density and intensity development, redevelopment, or a broad spectrum of compatible land uses ranging from a single use on one parcel to a cluster of uses. These areas are intended to provide flexibility in design and use for contiguous parcels having multiple owners, to protect and enhance the character of the area. The consideration of development proposals in Mixed Use areas should focus on compatibility between land uses, and the development potential of a given area compared to the existing and proposed mix of land uses and their development impacts. Density bonuses for residential units of 25 % to 35% may be granted, according to the Density Bonus.

The proposed GPA and project are consistent with the Tulare County General Plan; would further the goals, objectives, and policies of that Plan; and would not obstruct their attainment.

7. The applicant also filed Tentative Subdivision Map No. TSM 20-001, Planning Commission Resolution No. 9733, to recommend that the Board of Supervisors approve the subdivision of a 12 acre parcel into six 2.0-acre lots.
8. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution No. 2010-2927, a Notice of Intent to Collect Tulare County Public Facilities Fees, also known as Developer Impact Fees; therefore, new development may be subject to County Development Impact Fees.

C. This Planning Commission, after considering all of the evidence presented, hereby recommends that the Board of Supervisors find that the proposed Ordinance amendment and Zoning Map (Exhibit A) is consistent with the purpose of Ordinance No. 352 and further find that the petition is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

D. This Commission hereby recommends that the Board of Supervisors find that the Categorical Exemption is the appropriate environmental determination and approve an Amendment to the Tulare County Zoning Ordinance, No. 352 via Case No. PZC 20-002 from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum).

The foregoing resolution was adopted upon motion of Commissioner McElroy, seconded by Commissioner Elliott, at a regular meeting of the Planning Commission on May 13, 2020, by the following roll call vote:

AYES: McElroy; Elliott; Whitlatch; Millies; Dias; Pearson
NOES: None
ABSTAIN: None
ABSENT: None
RECUSED: Aguilar

TULARE COUNTY PLANNING COMMISSION



Michael Washam, Secretary

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ORDINANCE NO. _____

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

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

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of a portion of Section 5, Township 20 South, Range 25 East, Mount Diablo Base and Meridian, being a subdivision of Part 246 of the Official Zoning Maps. A map showing Zone Change No. PZC 20-002 approved for approximately 12 acres is attached hereto and incorporated herein by reference. The new zoning will be R-A-87 (Rural Residential – 87,000 sq. ft. minimum).

Section 2. The property affected by the zoning reclassification from AE-40 (Exclusive Agriculture – 40 acre minimum), filed as is briefly described as follows: Being a 12-acre site, located on Tulare County Assessor Parcel Number (APN) 184-030-024. The subject property is located at 13198 Avenue 232, on the north side of the intersection of Avenue 232 (State Hwy. 137) and Road 132, east of Tulare.

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 _____ day of _____, 2020, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

Exhibit "A"

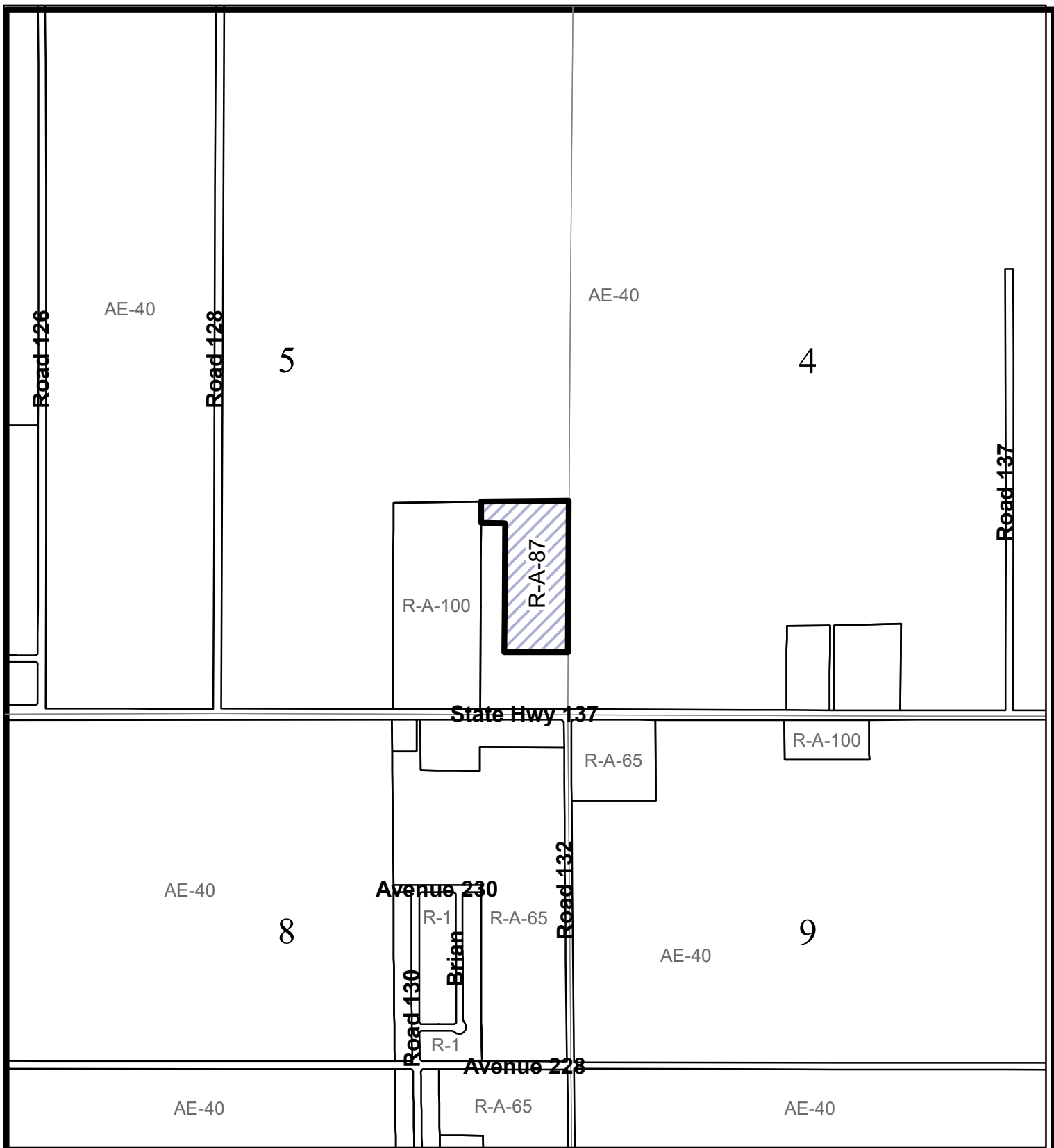
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AYES:
NOES:
ABSENT:

Chairman, Board of Supervisors

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

By: _____
Deputy



APN: 184-030-024,
 APROX. 12 Acres
 Zone Change from AE-40 to R-A-87
 (PZC 20-002)

0 1,000 Feet



ORDINANCE NO. _____
 AMENDING A PORTION OF MAP PART _____,
 PART OF SEC. 5, T 20 S, R 25 E, M.D.B. & M.
 OF

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

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

Attachment “3”

Planning Commission TSM 20-001 Resolution No. 9733

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF TENTATIVE)
SUBDIVISION MAP NO. TSM 20-001) RESOLUTION NO. 9733
FOR GAMALIEL AGUILAR)

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors approve Tentative Subdivision Map No. TSM 20-001, submitted by Gamaliel Aguilar, 13198A Avenue 232, Tulare, CA 93274 (Agent: Jesus Gutierrez, Skylab Residential Designs, Inc., 1004 W. Main Street, Suite A, Visalia, CA 93291), to expand the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet and to change the County’s land use designation on approximately 79-acres from “Valley Agriculture” to “Mixed Use”, located at 13198 Avenue 232, on the north side of the intersection of Avenue 232 (State Hwy. 137) and Road 132, east of Tulare; Assessor Parcel Number (“APN”) 184-030-024.

WHEREAS, a tentative subdivision map was filed pursuant to the regulations contained in Sections 7-01-1000 to 7-01-2850 (formerly Sections 7000-7125) of the Ordinance Code of the County of Tulare pertaining to the subdivision of land; and

WHEREAS, staff has conducted such investigations and surveys of fact bearing upon the proposed subdivision to assure action consistent with the purposes of sections 7-01-1000 to 7-01-2850 (formerly Sections 7000-7125) of the Ordinance Code of Tulare County and the State Subdivision Map Act, and prepared a written report (made a part hereof); and

WHEREAS, staff recommended approval of this Tentative Subdivision Map subject to conditions; and

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

WHEREAS, on April 29, 2020, a Notice of Public Hearing for Tentative Subdivision Map No. TSM 20-001 was duly published in The Sun-Gazette, a newspaper of general circulation in Tulare County; and

WHEREAS, a public hearing was held and public testimony was received and recorded at a regular meeting of the Planning Commission on May 13, 2020; and

WHEREAS, at that meeting of the Planning Commission public testimony was received and recorded from Jesus Gutierrez from Skylab Residential Designs, Inc. in support of the project and from no one in opposition to the project.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby recommends that the Board of Supervisors certify that the Board has reviewed and considered the information contained in the Categorical Exemption that was prepared for the project, and is applicable to the project site and the Tentative Subdivision Map, together with any comments received during the public review process, consistent with the

California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the Tentative Subdivision Map.

B. This Planning Commission, after considering all the evidence presented, hereby recommends that the Board of Supervisors determine that the following findings are relevant in evaluating this application:

1. The applicants have proposed Tentative Subdivision Map No. TSM 20-001 to subdivide a 12-acre parcel into six (6) 2.0-acre lots, located on the north side of the intersection of Avenue 232 (State Hwy. 137) and Road 132, east of Tulare; Assessor Parcel Number (“APN”) 184-030-024.
2. On November 5, 2019, the Tulare County Board of Supervisors adopted Resolution No. 2019-0942, which approved General Plan Initiation No. GPI 19-003 and authorized the Applicant to proceed with the project by filing an application for a General Plan Amendment, Zone Change, and Tentative Subdivision Map.
3. The subject parcel, APN: 184-030-024, is presently zoned Exclusive Agriculture – 40-acre minimum. The site has not been actively farmed since August of 2012. Proposed Parcel Numbers 1 through 5 are vacant. Proposed Parcel No. 6 contains an existing residence. Properties to the north and east are zoned AE-40 (Exclusive Agricultural – 40 Acre Minimum) and contain row crops, orchards, and scattered rural residences. Properties to the west zoned AE-40 (Exclusive Agricultural – 40 Acre Minimum) and R-A-100 (Rural Residential with a 100,000 square foot minimum) and contain vacant land, orchards, and scattered rural residences. Properties to the south are zoned AE-40 (Exclusive Agricultural – 40 Acre Minimum), C-2-MU (General Commercial with a Mixed-Use Overlay Combining Zone), and R-A-65 (Rural Residential with a 65,000 square foot minimum) and contain vacant land, scattered rural residences, and a rural residential subdivision.
4. The environmental determination is a Categorical Exemption in accordance with the California Environmental Quality Act and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Title 14, Cal. Code Regulations Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures. The property contains one single family residence on a 12-acre parcel. Limited numbers of residences are allowed by the Zoning Ordinance. The project will not result in significant impacts and will not require additional public services. The use of Section 15303 is applicable and appropriate because, upon project approval, only one by-right residential structure would be allowed on each of the six (6) newly-created parcels without further review.
5. This tentative map will create six (6) parcels that are each 2.0 acres in size. The project site is currently zoned AE-40; however, a Zone Change (PZC 20-002) has been submitted in conjunction with TSM 20-001 and proposes to change the zone to R-A-87. The Rural Residential Zone is for one-family dwellings of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system. Private garages to accommodate not more than

three cars are allowed. The uses allowed by-right in the R-A Zone are: growing and harvesting of crops; raising and slaughter of fur bearing animals; raising and slaughter of poultry; raising of domesticated quadrupeds; keeping of household pets. The maximum building height is 2½ stories, or 35 feet to the uppermost part of roof. There shall be a front yard of not less than 25 feet; a side yard of not less than 5 feet; and a rear yard of not less than 25 feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry shall be 40 feet.

6. Access to Proposed Parcel Numbers 1 through 5 is direct to Road 132. Access is proposed to Proposed Parcel No. 6 is via a proposed 20 foot wide access easement to Avenue 232 (Tulare – Lindsay Highway). However, Caltrans has stated that access will not be allowed to SR 137 via the proposed 20-foot wide access easement. See the Caltrans Conditions section below.
7. General Plan Amendment No. GPA 20-007 was processed concurrently with this project to expand the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet and to change the County’s land use designation on approximately 79-acres from “Valley Agriculture” to “Mixed Use”. The Planning Commission recommended the Board of Supervisors approve GPA 20-007 on May 13, 2019, by Resolution No. 9731.
8. The project site is located within the Rural Valley Lands Plan (RVLP) and the General Plan Land Use designation is currently Valley Agriculture.
 - a. The County’s General Plan Amendment Policy provides that *the Board shall give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, and policies of the general plan and not obstruct their attainment* (Policies and Procedures 391). Because a request has been made by the applicant for a subdivision of real property (TSM 20-001), the proposed modification of the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet is consistent with General Plan Policy PF-3.2. RLVP Policy RVLP-1.2 requires the County to consider the re-zoning of existing parcels less than the minimum required by agricultural zoning, if found to not be viable for agricultural purposes as per the RVLP checklist and if such re-zoning would not impinge upon current or future agricultural uses in the area. The project received a preliminary RVLP evaluation of 12 points (See Finding 9.a. below).
 - b. The Mixed Use land use designation establishes areas appropriate for the planned integration of some combination of retail; office; single and multi-family residential; hotel; recreation; limited industrial; public facilities or other compatible use. Mixed Use areas allow for higher density and intensity development, redevelopment, or a broad spectrum of compatible land uses ranging from a single use on one parcel to a cluster of uses. These areas are intended to provide flexibility in design and use for contiguous parcels having multiple owners, to protect and enhance the character of the area. The

consideration of development proposals in Mixed Use areas should focus on compatibility between land uses, and the development potential of a given area compared to the existing and proposed mix of land uses and their development impacts. Density bonuses for residential units of 25 % to 35% may be granted, according to the Density Bonus.

The proposed GPA and project are consistent with the Tulare County General Plan; would further the goals, objectives, and policies of that Plan; and would not obstruct their attainment.

9. The applicant also filed Change of Zone No. PZC 20-002, Planning Commission Resolution No. 9732, to recommend that the Board of Supervisors change the zone district from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum).
 - a. Policy RVLP-1.2 of the Rural Valley Lands Plan (RVLP) requires the County to consider the re-zoning of existing parcels less than the minimum required by agricultural zoning, if found to not be viable for agricultural purposes as per the RVLP checklist and if such re-zoning would not impinge upon current or future agricultural uses in the area. A RVLP Parcel Evaluation was performed for the only parcel included in the zone change at this time. After all the factors were applied to the parcel, the project received a preliminary RVLP evaluation of 12 points. According to Policy RVLP-1.4 “Determination of Agriculture Land”, if the number of points accumulated is between 12 to 16 points, then it 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.
 - b. Applicant requests that the zone district be changed concurrently with the General Plan Amendment. Currently, the parcel is zoned AE-40 (Exclusive Agriculture – 40 acre minimum). The proposed zone is R-A-87 (Rural Residential – 87,000 sq. ft. minimum). The Rural Residential Zone is intended for one-family dwellings of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system. Private garages to accommodate not more than three (3) cars. Transitional/Supportive Housing. Growing and harvesting of field crops and the raising of farm animals.

The existing residence, and the residences that could result from TSM 20-001, would be compatible with the R-A Zone because they are one-family dwelling units.

10. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Tentative Subdivision Map No. TSM 20-001; or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the

County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition.

C. This Planning Commission further recommends that the Board of Supervisors determine that the proposed subdivision project, together with the provisions for its design and improvements, is consistent with the Tulare County General Plan, as amended, and

D. This Planning Commission, after considering all evidence presented, recommends that the Board of Supervisors find that approval of said tentative subdivision map will promote the orderly growth of the County and will assure the health, safety and welfare of the people of the County.

AND, BE IT FURTHER RESOLVED as follows:

E. This Commission hereby recommends that the Board of Supervisors find the Categorical Exemption is the appropriate environmental determination and approve Tentative Subdivision Tract No. TSM 20-001 subject to the following conditions:

GENERAL CONDITIONS

1. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission (Exhibit "A") and with the Site Plan Development Standards pertaining to a use of this type adopted by the Planning Commission on February 20, 1970.
2. Regardless of Condition No. 1 above, the Planning Director is authorized to approve minor modifications to the approved plans upon a request by the applicant, or his successors, as long as said modifications do not materially affect the determination of the Planning Commission. Such modifications shall be noted on the approved plans and shall be initialed by the Planning Director.
3. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
4. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures.
5. If there are conditions set down herein which require construction of improvements, they shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises,

and the traveling public, shall be protected. The Planning Commission may grant exceptions to this condition upon request by the applicant.

6. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of TSM 20-001: or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition."
7. Failure to cause the recording of a final map within two (2) years after the date of its approval or conditional approval shall cause the tentative subdivision map to expire, in accordance with the Tulare County Subdivision Ordinance. However, upon application by the owner or his authorized agent, the time at which the approval of tentative subdivision map expires may be extended for a period or periods not exceeding a total of five years by the Board of Supervisors.

Engineering Conditions:

8. All improvements serving this subdivision shall be constructed in accordance with the Tulare County improvement standards. The Private Vehicular Access Easement (PVAE), also the prolongation of Road 132, serving Parcels 1 through 6 shall be improved to a paved width of twenty-four (24) feet within a 30-foot wide right-of-way extending to the north line of Parcel 5 with a Caltrans standard drive approach connecting the PVAE to Avenue 232 (SR 137). A county standard turnaround shall be constructed at the terminus of the PVAE on Parcel 5. Access to Parcel 6 shall be constructed to a one-parcel standard PVAE from the proposed 30-foot wide PVAE.
9. Right-of-way shall be dedicated to the county for the 30-foot wide PVAE pursuant to Section 7-01-2235 of the Ordinance Code. The dedication shall be in the form of an irrevocable offer and shall cover the same alignment as the PVAE and shall be shown on the final map.
10. All utility easements shall be shown on the final map.
11. All water, sewer, gas, electric, telephone, cable television, storm drain, and related infrastructure to be extended along any road in the subdivision, or adjacent to the subdivision, shall be constructed prior to surfacing of roads.

12. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County.
13. A registered civil engineer shall prepare improvement plans. The improvement plans shall address all aspects of constructing the required public improvements and shall identify existing topography, lot grading and proposed contours for the development, road improvement details, drop inlets, top of curb elevations, storm drain lines and storm drainage system details, sewer and water system details, street sign locations, utility relocations and any other details relevant to constructing the public improvements. All water lines, sewer lines and storm drain lines and related infrastructure shall be located within public road rights-of-way. The improvement plans shall be submitted to and approved by the Tulare County RMA before initiation of construction.
14. The subdivider or his contractor shall obtain all necessary encroachment permits from Caltrans before performing work within the state road right-of-way of Avenue 232 (SR 137).

TC Fire Department Conditions:

15. Access road shall meet a 75,000 lb. weight limit.
16. Access road shall have a minimum 16' lane.
17. Access to parcel 6 shall be a dedicated road off Road 132.
18. The dedicated road shall end in a bulbous type turn around with a 40' radius at the property line of parcel 5 and parcel 6.
19. Access roads shall maintain a 15' vertical clearance.
20. A Knox box shall be installed for gates accessing any of the parcels.
21. Address shall be posted at the private access road or driveways to each parcel.
22. Fire final once improvements have been completed.

Environmental Health Services Conditions:

23. Installation of new on-site septic systems will require a site evaluation and soils testing. This evaluation must be done by a Qualified Professional. Qualified Professionals must possess the appropriate licensure (PE, PG, CHG, REHS or CPSS). The report of this evaluation must be submitted to the Tulare County Environmental Health Services Division (TCEHSD) for review, before approval can be granted for any building permits.

Caltrans Conditions:

24. The Project application indicates that the Project will 'expand' the Hamlet Development Boundary of the East Tulare Villa Hamlet, located south of SR 137.
25. The Project site does not have direct frontage along SR 137. There are 2 side by side parcels, each developed with a single-family residence between the 12- acre Project site and SR 137. The existing 12-acre Project site is developed with one (1) single-family residence at the rear of the property.
26. The subdivision map shows a proposed 20-foot wide access easement along the west side of the Project site and an existing 30-foot wide paved private road along the east side of the Project site, which aligns with Road 132.
27. Aerial mapping shows Road 132 ending on the southside of SR 137 and then continuing 3 miles north at Oakdale Avenue (Avenue 256).
28. Caltrans **will not allow** access to SR 137 via the proposed 20-foot wide access easement. Caltrans in its effort to minimize traffic conflicts attempts to limit the number of access points to the main line.
29. Caltrans recommends all access to the 6 (six) newly created lots be provided from the existing 30-foot paved road (Road 132 alignment) on the east side of the Project site.
30. Caltrans recommends that the Project upgrade Road 132 alignment along the Project's east boundary to County Road standards.
31. Caltrans recommends that the Project improve the north leg of Road 132 at the intersection with SR 137 to provide adequate access, sight distance and stop control for vehicles turning onto SR 137, similar to the south leg of the Road 132 intersection at SR 137.
32. Intersection improvements on Road 132 at SR 137 may require additional right-of-way dedications to Caltrans.
33. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway right-of-way. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. 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. Only the legal

property owner or his/her authorized agent can pursue obtaining an encroachment permit.

34. Upon Project approval by the local public agency and prior to an encroachment permit application submittal, the project proponent is required to schedule a "Pre-Submittal" meeting with District 6 Encroachment Permit Office. **Please contact District 6 Encroachment Permit Office at (559) 488-4058 to schedule this meeting. Please review the permit application checklist at:**

<https://forms.dot.ca.gov/v2Forms/servlet/FormRenderer?frmid=TR0402&distpath=MAOTO&brapath=PERM>

35. According to the Caltrans Transportation Concept Report (TCR), segment 9 of SR 137 in the vicinity of the proposed project is currently planned as a 2-lane conventional highway and ultimately planned to be a 4-lane facility within a total of 146 feet of right-of-way (73 feet from the centerline). Caltrans right-of-way maps shows this segment of SR 137 existing at 80 feet with 30 feet from the centerline on the north side of SR 137.
36. Future dedications to Caltrans for 43 feet of right-of-way will be needed to accommodate the ultimate configuration of SR 137.

Planning Conditions:

37. In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, the content of the Right to Farm Notice shall be placed in a prominent location on the final map for acknowledgment by the subdivider; or, the Notice itself shall be signed by the subdivider and recorded as a separate sheet to accompany the final map (Exhibit B).
38. If, during construction or grading activities on the site, any resources of an historic or prehistoric nature are discovered, the applicant, his heirs and assigns shall ensure that all construction or grading is immediately ceased and the Tulare County Resource Management Agency Director is immediately notified of the discovery. Further development shall not continue until the Tulare County Resource Management Agency Director determines that appropriate and necessary recovery measures have been completed.
39. General Plan Amendment No. GPA 20-007 and Zone Change No. PZC 20-002 shall be approved by the Tulare County Board of Supervisors prior to recording the final map for Tentative Subdivision Map No. TSM 20-001.
40. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.

The foregoing resolution was adopted upon motion of Commissioner McElroy, seconded by Commissioner Elliott, at a regular meeting of the Planning Commission on May 13, 2020 by the following roll call vote:

AYES: McElroy; Elliott; Whitlatch; Millies; Dias; Pearson
NOES: None
ABSTAIN: None
ABSENT: None
RECUSED: Aguilar

TULARE COUNTY PLANNING COMMISSION



Michael Washam, Secretary

TENTATIVE SUB-DIVISION MAP - 2 AC. MIN.

OWNER/APPLICANT: GAMALIEL AGUILAR
 13198A AVE. 232
 TULARE CA. 93274
 559-318-7486

SITE ADDRESS: 13198A AVE. 232
 TULARE CA. 93274

A.P.N.: 184-030-024
 PARCEL SIZE: 12.79 AC.

FLOOD ZONE: "X"

EXIST. ZONING: AE-40

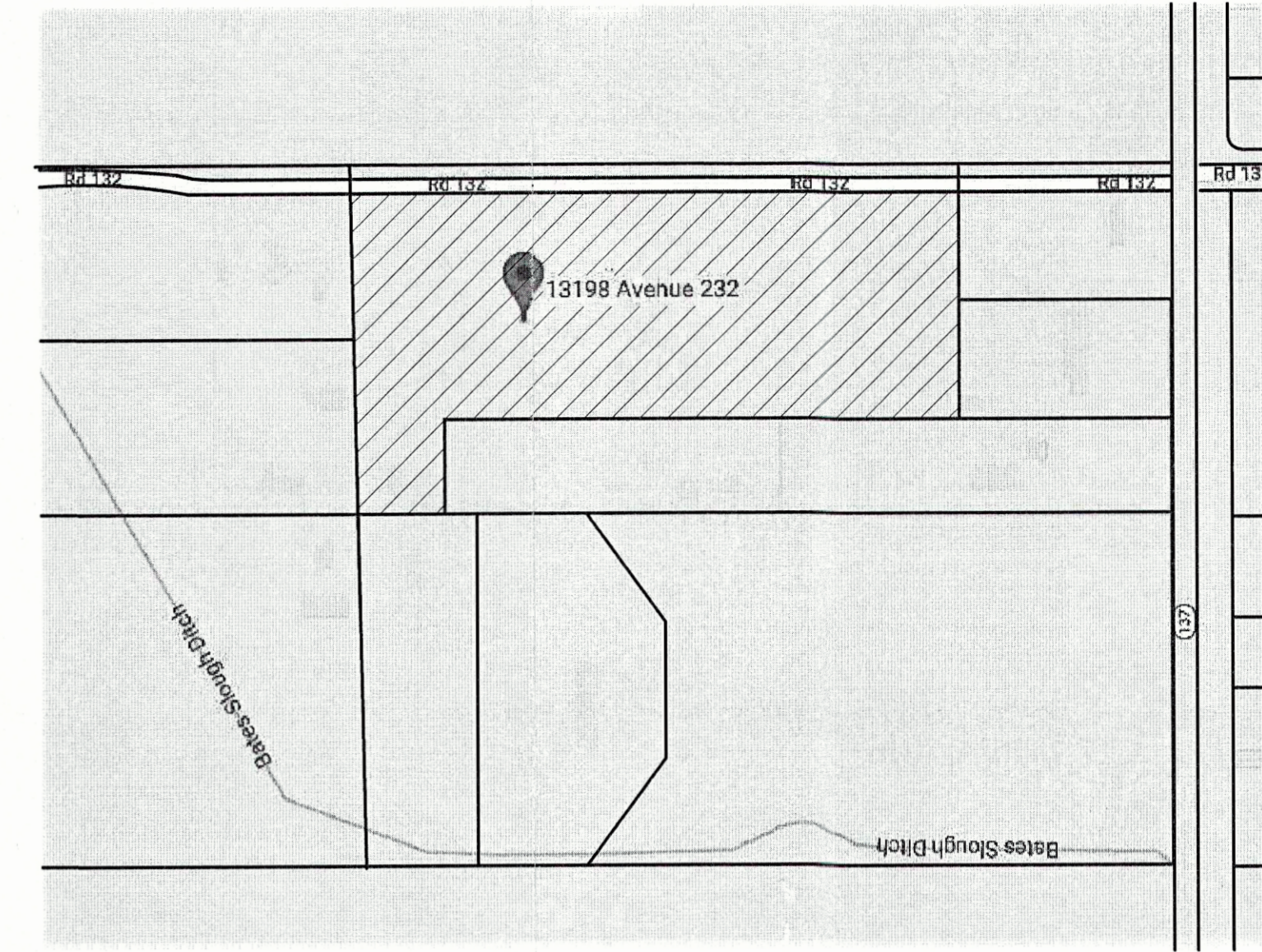
PROPOSED ZONING: RA (2 AC. MIN.)

WILLIAMS ACT. NO

PROPOSED UTILITIES:

SEWER: SEPTIC SYSTEMS
 WATER: INDIVIDUAL WELLS
 POWER: EDISON
 GAS: PROPANE
 SOLID WASTE:

Exhibit "A"



VICINITY MAP N.T.S.

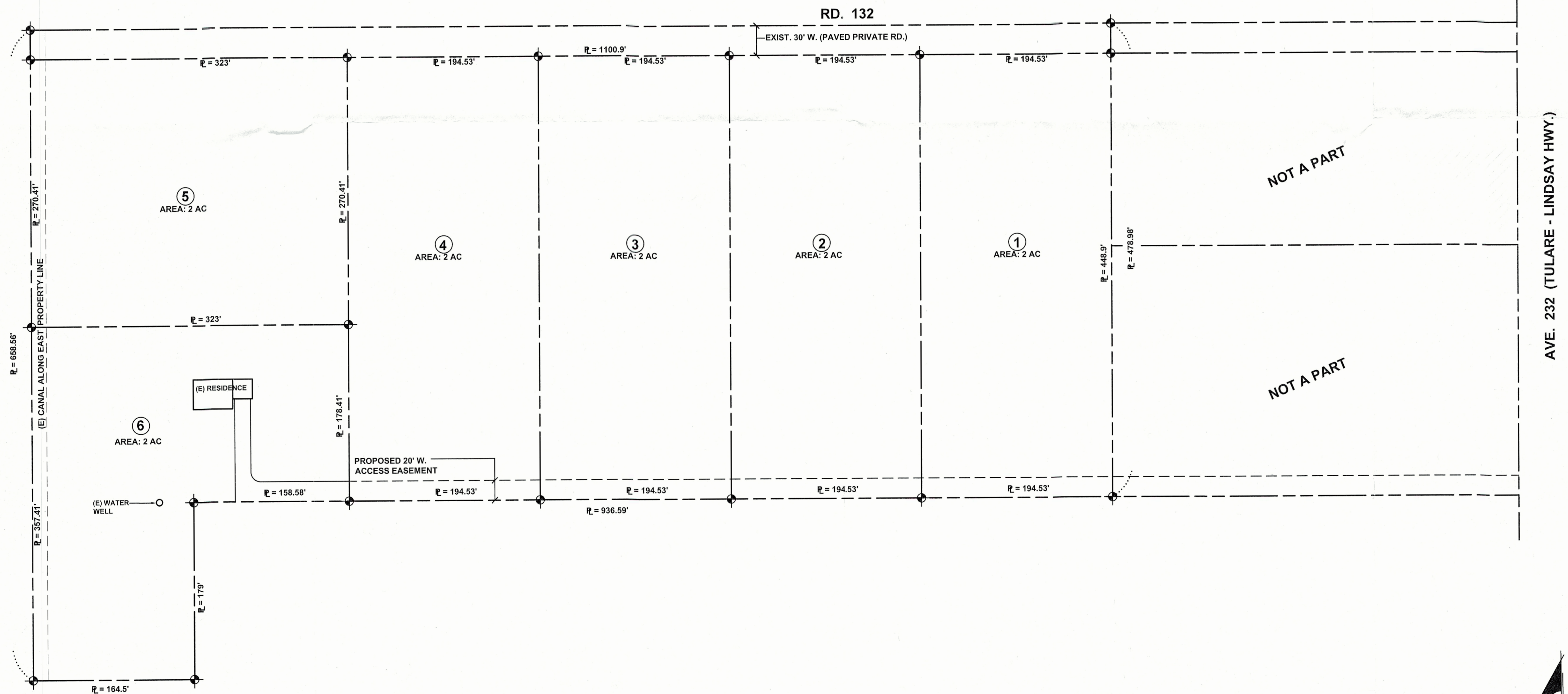


Jesus R. Gutierrez, President
SKYLAB, Inc.
 RESIDENTIAL DESIGNS

1004 W. Main St. Suite A
 Visalia, Ca. 93291
 Ph. (559) 625-9150
 Fax (559) 625-9153
 skylab1004@sbcglobal.net

This is an unpublished work and may not be duplicated, published or otherwise used in whole or part without written consent of SkyLab Residential Designs

REVISIONS
 REVISED 4-30-2019



SITE PLAN

SCALE: 1"=60'-0"



TENTATIVE SUB-DIVISION MAP FOR:

GAMALIEL AGUILAR

13198A AVE. 232 TULARE CA. 93274

DO NOT SCALE

Date: 04-29-2019
 Drawn by: JI
 Checked by: J.G.
 Scale: AS NOTED
 Job #
 Sheet

G 1

PLOTTED ON 07/25/2019

Exhibit "B"

RIGHT TO FARM NOTICE

RE: Use Permit No. _____

or

Parcel Map No. _____

or

Subdivision Map No. TSM 20-001

or

Mining and Reclamation Plan No. _____

In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code; and as a condition of approval of the above-referenced use permit, parcel map, subdivision map or mining and reclamation plan, the undersigned hereby acknowledges that:

It is the declared policy of Tulare County to conserve, enhance and encourage agricultural operations within the County. Residents of property on or near agricultural land should be prepared to accept the inconveniences and discomfort associated with agricultural operations, including, but not necessarily limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Consistent with this policy, California Civil Code Section 3482.5 provides that no agricultural operation, as defined and limited by that section, conducted and maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

Dated: _____

(Signature)

(Print Name)

Dated: _____

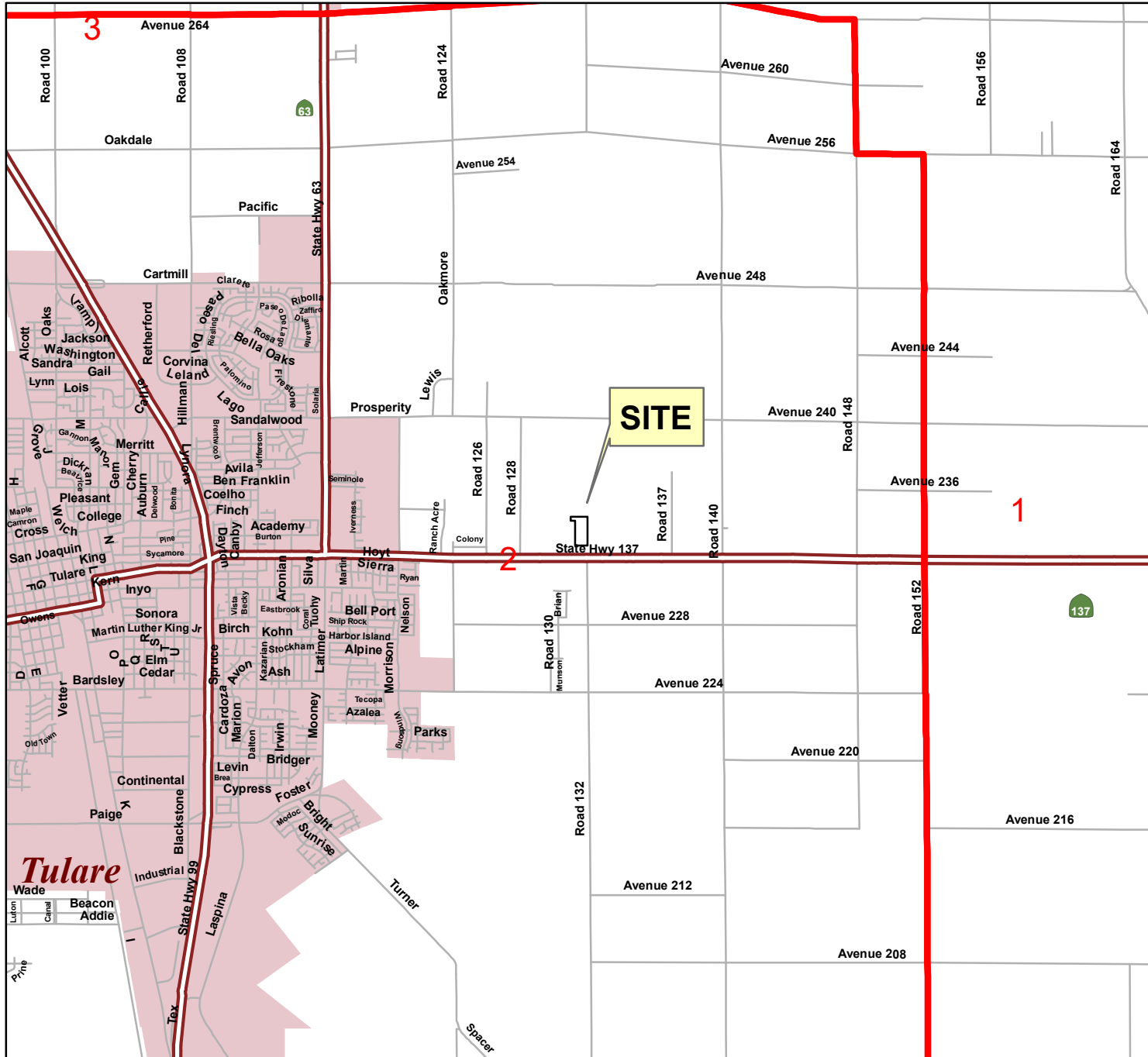
(Signature)

(Print Name)

Attachment “4”

Maps and Graphics

Vicinity Map for GPA 20-007, PZC 20-002 and TSM 20-001



Supervisorial District: 2



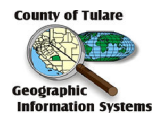
- SITE
- Supervisorial Districts



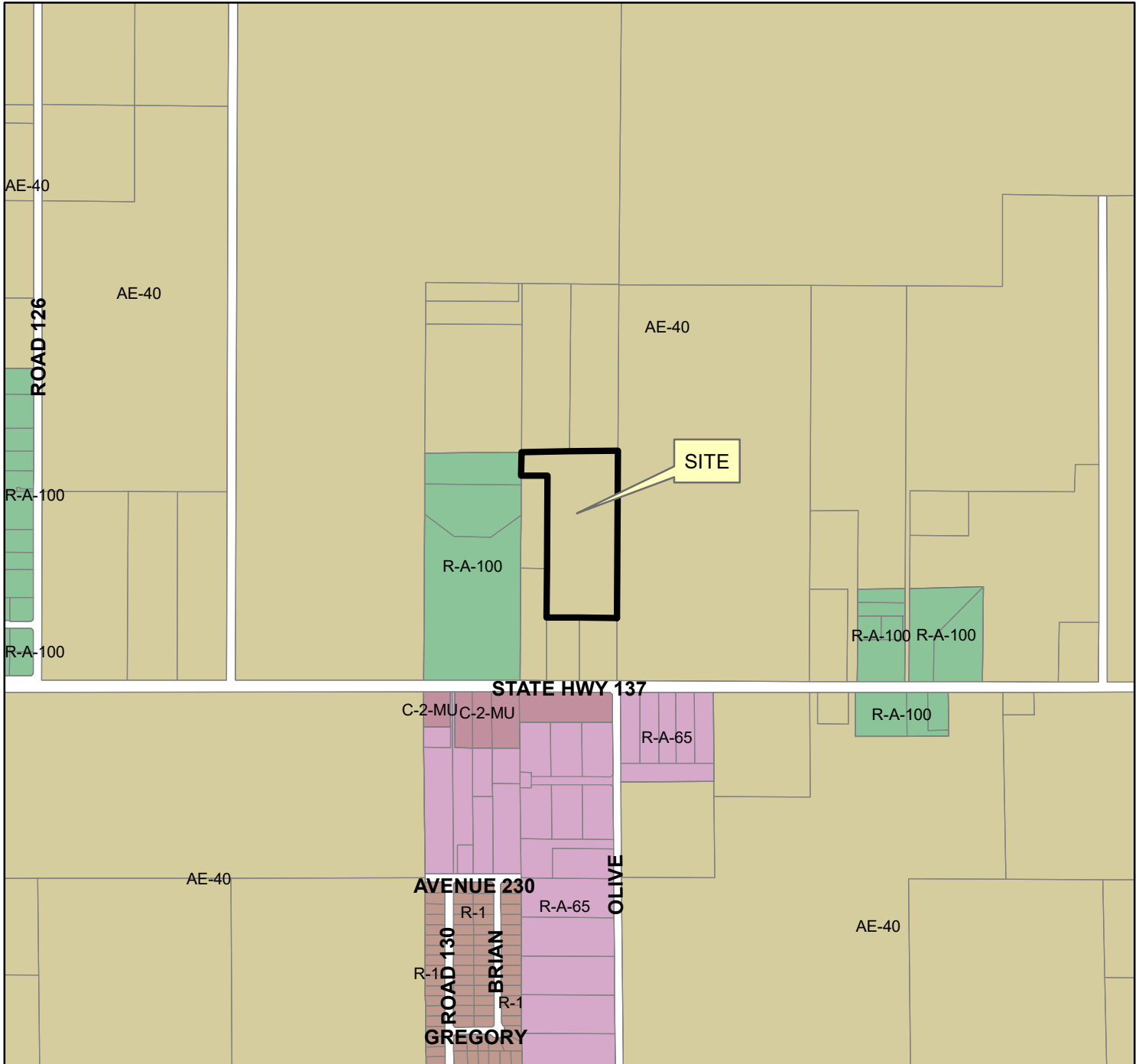
Aerial Photograph for GPA 20-007, PZC 20-002 and TSM 20-001



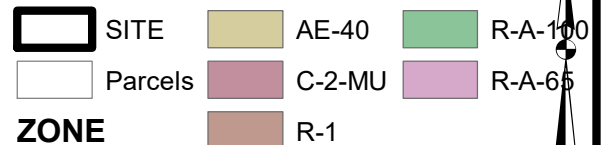
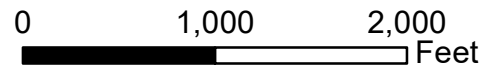
Owner: Gamaliel Aguilar
 Address: 13198A Avenue 232
 City, State, ZIP: Tulare, CA 93274
 Applicant: N/A
 Agent: Jesus Gutierrez
 Supervisorial District: 2
 Assessors Parcel: 184-030-024



Existing Zoning Map for GPA 20-007, PZC 20-002 and TSM 20-001

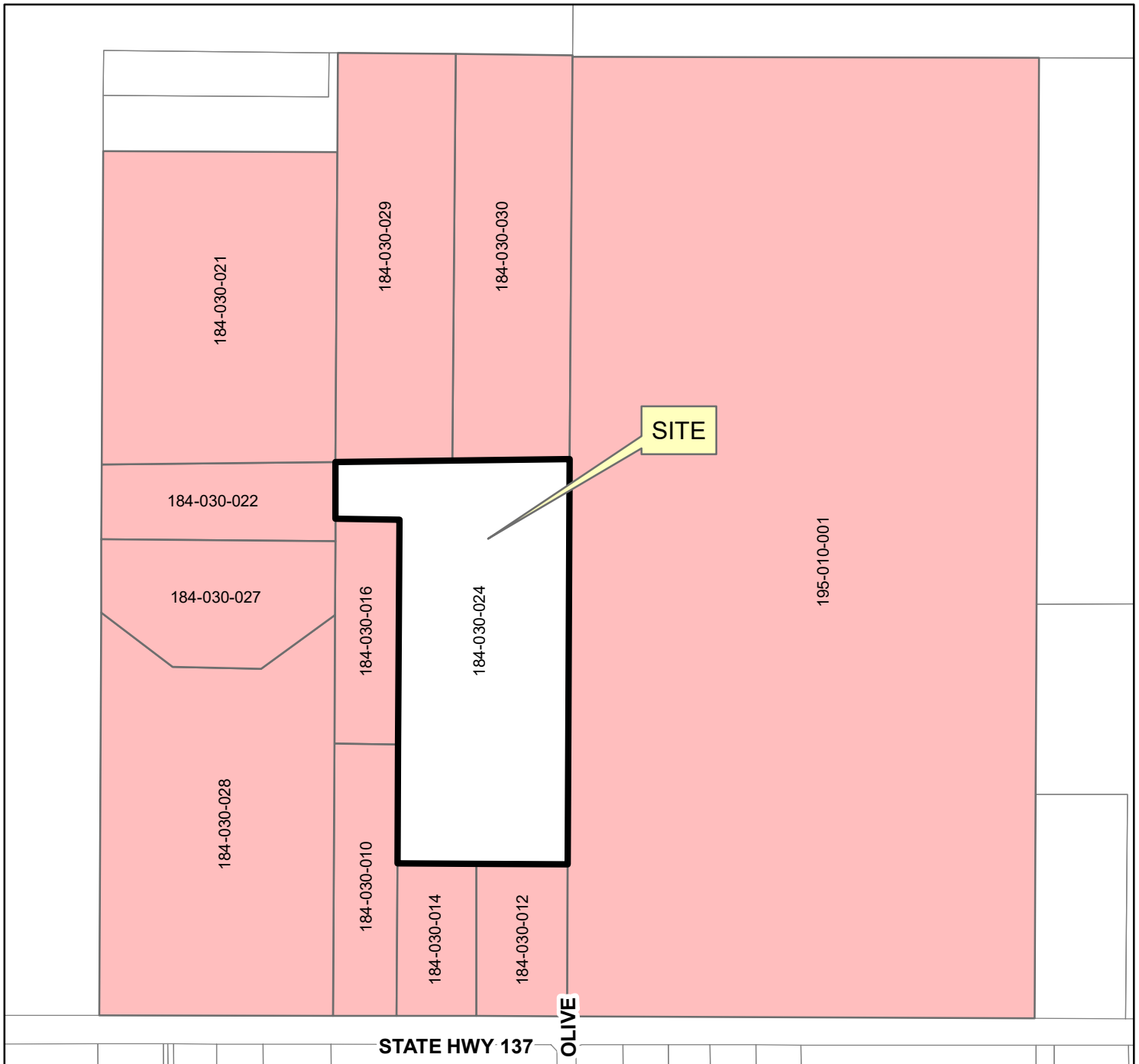


Owner: Gamaliel Aguilar
 Address: 13198A Avenue 232
 City, State, ZIP: Tulare, CA 93274
 Applicant: N/A
 Agent: Jesus Gutierrez
 Supervisorial District: 2
 Assessors Parcel: 184-030-024

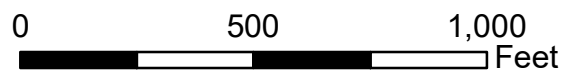







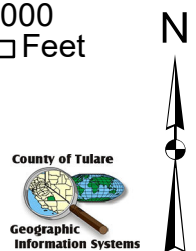
Location and Property Ownership Map for Hearing Notification for GPA 20-007, PZC 20-002 and TSM 20-001



Owner: Gamaliel Aguilar
 Address: 13198A Avenue 232
 City, State, ZIP: Tulare, CA 93274
 Applicant: N/A
 Agent: Jesus Gutierrez
 Supervisorial District: 2
 Assessors Parcel: 184-030-024



-  SITE
-  Prop within 300'
-  Parcels



Attachment “5”

Notice of Exemption

Notice of Exemption

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

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

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

Applicant(s): Keith Wilson/Wilson Farms
4731 Avenue 400
Dinuba, CA 93618
Ph: 559-596-2040

<i>Date Filed with Tulare County Clerk</i>

Project Title: General Plan Amendment No. GPA 20-007/Zone Change No. PZC 20-002/Tentative Subdivision Map No. TSM 20-001

Project Location: The project sited is located at 13198 Avenue 232, on the north side of the intersection of Avenue 232 (State Hwy. 137) and Road 132, east of Tulare; Assessor Parcel Number ("APN") 184-030-024.

Activity/Project Location- Section, Township, Range: APN: 184-030-024, Section 5, Township 20 South, Range 25 East, MDB&M.

Project Location - City: N/A

Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: General Plan Amendment No. GPA 20-007 proposes to change the County's land use designation on approximately 12 acres (APN: 184-030-024) from "Valley Agriculture" to "Mixed Use". The Resource Management Agency (RMA) proposes to expand the Hamlet Development Boundary (HDB) of East Tulare Villa Hamlet northward and encompass approximately 79 acres and to change the County's land use designation on approximately 79 acres from "Valley Agriculture" to "Mixed Use"; Zone Change No. PZC 20-002 proposes to change the zone district on one 12-acre parcel from AE-40 (Exclusive Agriculture – 40 acre minimum) to R-A-87 (Rural Residential – 87,000 sq. ft. minimum); and Tentative Subdivision Map No. TSM 20-001 proposes to subdivide the 12-acre parcel into six 2.0-acre lots.

Exempt Status: *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- General Rule: CEQA guidelines (14 Cal. Code Regs. Section 15061 (b)(3)) (No Possibility of Significant Impact)
- Categorical Exemption: Title 14, Cal. Code Regulations Guideline § 15303, Class 3 pertaining to New Construction or Conversion of Existing Structures
- Statutory Exemptions:

Reasons Why Activity/Project is exempt from CEQA: The use of Section 15303 is applicable and appropriate because, upon project approval, only one by-right residential structure would be allowed on each of the six (6) newly-created parcels without further review.

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

Activity/Project Representative Sandy Roper Area Code/Telephone: (559) 624-7101

Signature: Aaron Bock Date: _____ Title: Assistant Director

Signature: Aaron Bock for Reed Schenke, P.E. Date: _____ Title: Environmental Assessment Officer

Signed by Lead Agency

Date received for filing at OPR: N/A