

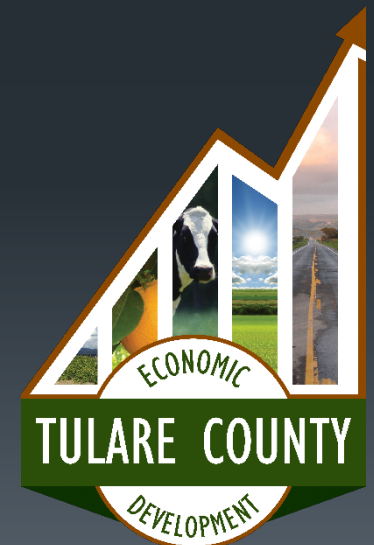
In the Matter of an Appeal and Administrative  
Evidentiary Hearing for the Wonderful Company  
Appealing a Decision by the Tulare County  
Resource Management Agency to issue to ARO  
Pistachio Inc. Building Permit No's A2000938 And  
A2001028  
(Revised)



Board of Supervisors

August 25, 2020

Presented by the  
Tulare County Resource Management Agency



# Overview

- The Resource Management Agency issued building permits A2000938 and A2001028 on May 20, 2020 and June 2, 2020 respectively.
- Building Permit A2000938 would allow ARO Pistachio to install three (3) pistachio storage silos with catwalks and stair system, referencing MIM 17-034.
- Additionally, Building Permit A2000938 would allow for (8) pistachio storage silos, (4) dryers, (1) receiving pit, (1) pre-cleaner, (1) wet huller also referencing MIM 17-034

# Pre-Entitlement History of Site

- a. February 26, 1958: Planning Commission approved Setback Variance No. PSV 687 for the placement of water transmission lines within the setback area (Resolution No. 1345).
- b. 1976: The original pistachio grove was planted on the 78-acre, retired parcel APN 319-130-019.
- c. March 2, 1977: Property was zoned from A-1 to AE-40, as part of the Rural Valley Land Plan (RVLP) Zone Study.
- d. 1983: Operation was lawfully constructed , prior to the use permit requirement of the 1986 Ordinance (Ord. no. 2720).

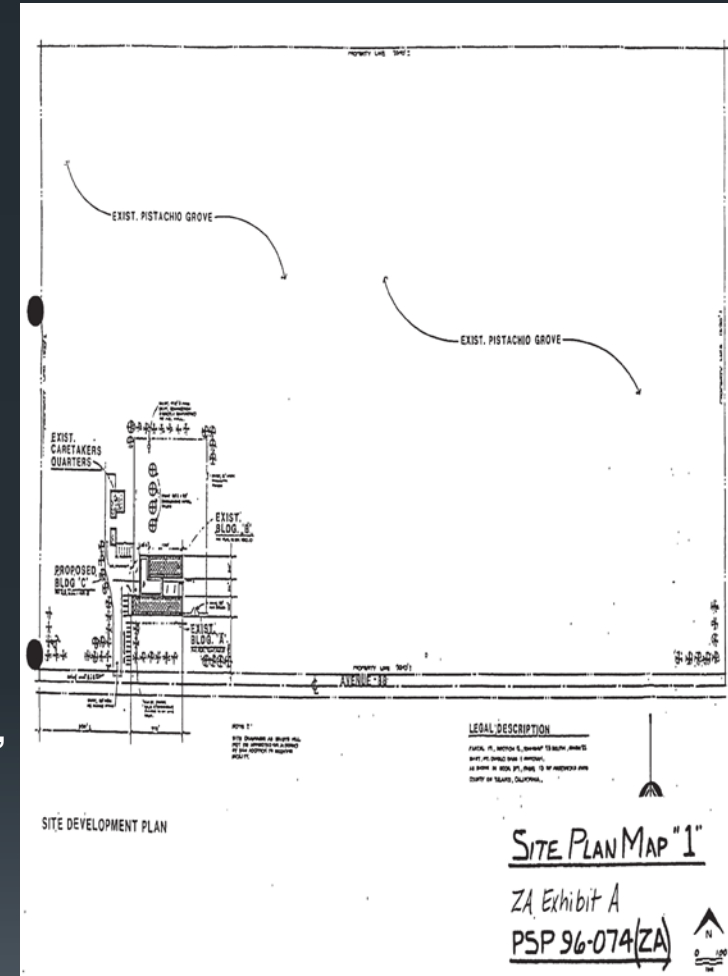
# Site in 1994



# Initial Approval 1996 - 24 years ago

5

- August 5, 1986, the AE-40 Zone amended by Ordinance No. 2720 for the curing, processing, packaging, packing, storage and shipping of agricultural products requiring a use permits.
  - Upon adoption facilities expansions of nonconforming uses required a special use permit.
- September 1996: building permit no. A9602611, while special use permit (PSP 96-074) filed September 17, 1996.
  - No violations in RMA records against this property / applicant was “noticed” they were building at their own risk).
- November 1996: Initial Study / Negative Declaration for PSP 96- 074 approved by George Finney on November 14, 1996.
- December 12, 1996, Zoning Administrator approved PSP 96-074, which included 78 acres in its current use to utilize approximate 3.8 acres portions of the property. Section 16 of ordinance 352, *expansion limitations* heard by the ZA did apply to the non-conforming additions and office building. However, they did not necessarily apply to “storage facilities”, including “silos” under AE-40 Zone Section 9.7.b.3, titled “Incidental and Accessory Structure and Use” (Ordinance No. 2828)
- The ZA PSP’s where more than half of the product is produced by the operator, the use is limited to 11 employees (including owner), or there is an increase by 50% within a 5 year period.
- There are no conditions of approval in PSP 96-074 that coincide with the limitations on the cases the ZA could hear.



# Future Actions & Entitlement Zoning Consistency

- PSP 96-074 was for the already built, building permit A9602611 commenced in 1996. The County has never found a site abandoned, unless done so by the owner or neighbors for Use Permit purposes. And mostly the County treats Use Permits like Maps, and only requires the use is started within 2 years. There is no indication in the Google Earth Maps records, or within any RMA files for any requests to make a finding of abandonment / revocation of the Use Permit.
- Condition of Approval (COA) 4 of PSP 96-074 states, “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 except as modified herein. By approving the Minor Modifications with the locations of the silos noted across the Property lines.
  - **The approved PSP 96-074 Site Plan applied to “both” properties as owned by owners of the company, as it was originally permitted on APN 319-130-019 (which then became 319-130-022 & 319-130-023 per Certificate of Compliance No. PCC 13-003). The County has always allowed deviations from the original site plan and agricultural setbacks for building permits through the plan check process as long as they are reasonable.**
- The 2020 Building Permits do not extend beyond what was originally approved in 2017 through the PSP 96-074, MIM 15-006, MIM 17-034, MIM 18-009.

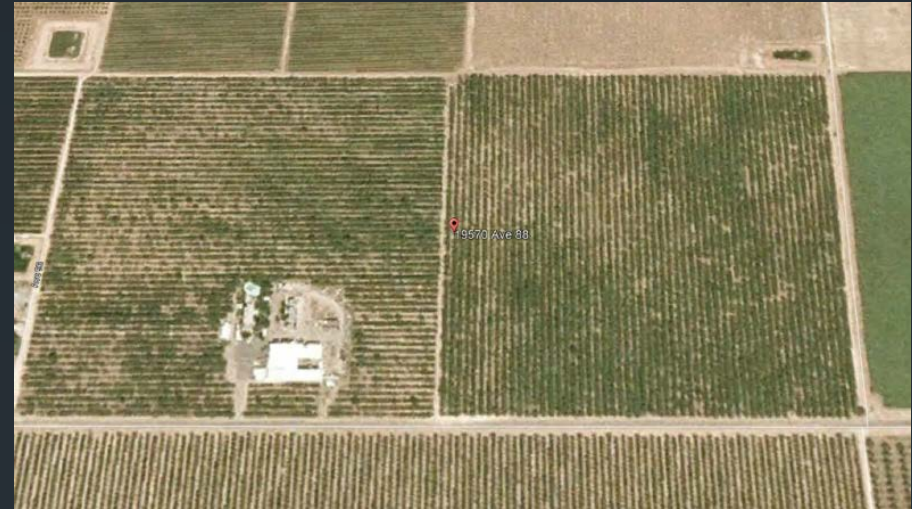


# Constant Use – No Violations at APN

2005



2006



2009



## Cal Env. Quality Act

All Projects had a CEQA document done:

PSP 96-074 – Initial Study /Negative Declaration

MIM 15-006 - NOE

MIM 17-034 – NOE

MIM 18-009 - NOE



# Site in 2018



# Appeal of Building Permits A2000938 And A2001028

Attachment 4-A (Building Permit No's A2000938 and A2001028)



TULARE COUNTY RESOURCE MANAGEMENT AGENCY  
5961 S. Mooney Blvd.  
Visalia, CA 93277-9394

## BUILDING PERMIT

Parcel No: 319-130-022 Permit Issued to: Contractor  
 Permit No: A2001028 Date Issued: 06/02/2020  
 Applicant: Industrial Design and Construction Inc Expiration Date: 11/30/2020  
 17417 Kranenburg Ave  
 Bakersfield, CA 93314  
 Location: 19570 Avenue 88, Terra Bella  
 Construction: New Class Code: 437  
 Type: Building Permit - Tulare County Occupancy: J  
 Description: (8) pistachio storage silos, (4) dryers, (1) receiving pit, (1) pre-cleaner, (1) wet hull  
 (Reference MIM 17-034)  
 IVR Pin Number: 251659 Status: Issued

**WORKERS' COMPENSATION DECLARATION:** I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Labor Code) and a certified copy is filed with this Department.

POLICY NUMBER: \_\_\_\_\_ COMPANY: \_\_\_\_\_

**CONSTRUCTION LENDING AGENCY:** I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec 3097, Civil Code); if none, write "NONE".

LENDER'S NAME: \_\_\_\_\_ LENDER'S ADDRESS: \_\_\_\_\_

**NON-RESIDENTIAL:** The applicant or future building occupant  WILL or  WILL NOT need to comply with the applicable requirements of Sec 25505, 2553, and 25534, Health & Safety Code and the requirements for a permit for construction or modification from the San Joaquin Valley Unified Air Pollution Control District.

**LICENSED CONTRACTOR DECLARATION:** I hereby affirm that I am licensed under provisions of Chapter 9 of Division 3 of the Business and Professions Code, and my license is in full force and effect.

LICENSE CLASS: \_\_\_\_\_ LICENSE NUMBER: \_\_\_\_\_

I certify that I have read this application and state that the above information is correct. I agree to comply with all federal, state and local laws and regulations, including county ordinances, relating to building construction, and hereby authorize representatives of this county to enter upon the above-mentioned property for inspection purposes. I will request a final inspection (CBC 1 10.3. 10) when any structure is completed and ready for occupancy use.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Date

Change in use or character of occupancy shall not be made without first obtaining a permit and a new certificate.



TULARE COUNTY RESOURCE MANAGEMENT AGENCY  
5961 S. Mooney Blvd.  
Visalia, CA 93277-9394

## BUILDING PERMIT

Parcel No: 319-130-022 Permit Issued to: Contractor  
 Permit No: A2000938 Date Issued: 05/20/2020  
 Applicant: Industrial Design and Construction Inc Expiration Date: 05/20/2021  
 17417 Kranenburg Ave  
 Bakersfield, CA 93314  
 Location: 19570 Avenue 88, Terra Bella  
 Construction: New Class Code: 437  
 Type: Building Permit - Tulare County Occupancy: J  
 Description: Install (3) pistachio storage silos with catwalks and stair system, reference MIM  
 17-034  
 IVR Pin Number: 251484 Status: Issued

**WORKERS' COMPENSATION DECLARATION:** I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Labor Code) and a certified copy is filed with this Department.

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*Grant Briese*  
\_\_\_\_\_  
Print Name

*[Signature]*  
\_\_\_\_\_  
Contractor Signature

5/21/20  
\_\_\_\_\_  
Date

Change in use or character of occupancy shall not be made without first obtaining a permit and a new certificate.

## Request that the Board of Supervisors

1. Hold an evidentiary administrative appeal hearing regarding The Wonderful Company's appeal of the Resource Management Agency's issuance of Building Permit Nos. A2000938 and A2001028;
2. At the conclusion of the hearing, close the submission of public testimony and adjourn to closed session to consult with County Counsel; and
3. Following closed session, reconvene in open session, deliberate and make a tentative decision on whether to grant or deny the appeal, and direct staff to prepare written findings in support of the Board's decision, to be presented for Board consideration on September 15, 2020.