

AGENDA DATE: June 6th, 2006



Se

Planning

Services

Services

RESOURCE MANAGEMENT AGENCY

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5961 SOUTH MOONEY BLVD.

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AGENDA ITEM

ITEM NO. _____
District 2

SUBJECT:

Preliminary review of PZI 05-006 (Galaviz), a change of zone from the AE-20 Zone (Exclusive Agriculture-20 Acre Minimum) to the C-3 Zone (Service Commercial) on 1.38 acres of land (Assessor Parcel Number 021-170-034) located on the north side of Avenue 416, east of Road 100, west of Sultana.

REQUEST(S):

Authorize the applicant to apply for a change of zone from the AE-20 Zone (Exclusive Agriculture-20 Acre Minimum) to the C-3 Zone (Service Commercial) on 1.38 acres of land (Assessor Parcel Number 021-170-034) located on the north side of Avenue 416, east of Road 100, west of Sultana.

SUMMARY:

The Tulare County Resource Management Agency has received a request from Mr. Jesus Galaviz, the property owner of Assessor's Parcel Number 021-170-034, for a change of zone from the AE-20 Zone to the C-3 Zone. The property owner currently operates a custom auto body and paint shop. The site is not within any flood plains and is not within a Williamson Act contract. The General Plan land use designation for the project area is "Agriculture" under the Rural Valley Lands Plan (RVLP).

The Service Commercial Zone (C-3) *is intended for wholesale establishments and establishments engaged in repairing and servicing equipment, materials and products, but which do not involve the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sales* (Zoning Ordinance Section 12.5, pg. 1).

The property owner recently purchased the property, which the previous owner used as an automotive shop. The applicant bought the shop assuming that the parcel was zoned for commercial. (Note; The applicant's request for a change of zone is not in response to any code or zoning violation). The current owner is requesting that the shop be brought into compliance with the Tulare County Zoning Ordinance.

ANALYSIS:

Outside of UAB's the RVLP is the controlling factor for approval or denial of urban type development. A preliminary RVLP checklist indicated the site would receive 11 RVLP points (see attached RVLP checklist). Since the points are less than 17, the site could be considered for rezoning to a non-agricultural classification.

If the number of points accumulated is 17 or more, then the parcel shall remain agriculturally zoned. If the number of points accumulated is eleven (11) or less, the parcel may be considered for nonagricultural zoning. A parcel receiving 12 -16 points shall be determined to have fallen within a gray area in which no clear cut decision is readily apparent. In such instances, the Planning Commission or the Board of Supervisors shall make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by the RVLP (GPA 94-08, RVLP pg. 2).

The parcels to the northeast and west contain an agricultural packing business and storage. Upon a reconnaissance of the site it appears that the project site was previously used as part of the adjoining agricultural operations at some point. Prior to 1986 packing sheds and other agriculture industrial uses were allowed in agricultural zones without a Special Use Permit. The building was constructed prior to 1986.

The preliminary documents for the County General Plan Update (GP 2030) indicate that the parcel is within the proposed Hamlet Boundary for Sultana. The proposed Hamlet and Community Boundaries may be used to define developable areas around certain communities in the county. The applicant's parcel is within one of these boundaries and therefore upon completion of the GP 2030 Update could be eligible for non-agricultural development. Although policies have not been developed to date, it's likely that areas within Hamlet Boundaries could be rezoned without being subject to the RVLP checklist.

FINDINGS:

The RVLP checklist score of 11 indicates that the applicant could apply for a change of zone. The parcel's existing use, size, and location also makes it an unlikely location for agriculture. If the site were to remain zoned for agriculture its possible uses would be limited. Furthermore, the GP 2030 may contain policies that create Hamlet and Community Boundaries around certain areas in the County expanding the available areas where development could occur. This site is presently within the proposed Sultana Hamlet Boundary.

FINANCING:

If authorized to file a Zone Change application, the applicant will pay an initial fee to the Tulare County Resource Management Agency. The initial deposit for a Zone Change is \$3,173.00. Upon completion of the Zone Change and prior to submittal to the Planning Commission for action, the Department will bill the applicant for the actual cost of preparing the amendment if in excess of the deposit plus 10%. Payment will be required prior to setting the Planning Commission public hearing date.

ALTERNATIVES:

1. That the Board of Supervisors denies PZI 05-006. The applicant might still qualify for a Special Use Permit if the proposed use is found to be an agricultural service.

2. That the Board of Supervisors hold PZI 05-006 until the completion of the General Plan 2030 Update and hamlet boundaries are approved and established around Sultana.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

The Tulare County Environmental Health Divisions, Caltrans, Tulare County Fire Department, San Joaquin Valley Air Pollution Control District, Planning Commission, and the City of Dinuba were notified of the proposal.

SIGNATURE REQUIREMENTS:

County Administrative Officer/Clerk of the Board of Supervisors or authorized Deputy to attest to the Resolution.

ADMINISTRATIVE SIGN OFF:

RESOURCE MANAGEMENT AGENCY

**George Finney
Assistant Director
Long Range Planning**

**Henry Hash
Director**

cc: Applicant
 Caltrans
 Planning Commission
 Fire Department
 Sheriffs Department
 Environmental Health
 Roads Division
 Development Services
 Countywide Planning

BEFORE THE BOARD OF SUPERVISORS

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF PRELIMINARY)
REVIEW OF PZI 05-006 (AUTHORIZE TO)
APPLY FOR A CHANGE OF ZONE FROM)
AGRICULTURE EXCLUSIVE 20 ACRE) RESOLUTION NO. _____
MINIMUM (AE-20) TO SERVICE)
COMMERCIAL ZONE (C-3) TO PARCEL 021-)
170-034).)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR
_____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD ON THE 6th DAY OF JUNE, 2006, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: C. BRIAN HADDIX
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY:
Deputy Clerk

* * * * *

Authorized the applicant to apply for a change of zone from the AE-20 Zone (Exclusive Agriculture-20 Acre Minimum) to the C-3 Zone (Service Commercial) on 1.38 acres of land (Assessor Parcel Number 021-170-034) located on the north side of Avenue 416, east of Road 100, west of Sultana.

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RURAL VALLEY LANDS PLAN - PARCEL EVALUATION CHECKLIST

A. RESTRICTED TO AGRICULTURAL VALUES

If a following factor meets the "Restricted to Agriculture" criteria, place an "R" in the value column and stop the evaluation; if the factor meets the "Non-agricultural" criteria, place a "0" in the value column and continue 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 USDA 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 rating(s) of the parcel under review and award its corresponding point value.

Class I, II, or III	4 points	4	Class III
Class IV	2 points	0	Tujunga Loamy
Class V, VI or VII	0 points	0	Sand

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".

- | | | |
|--|---|------------|
| 1. Existing Parcel Size (use gross acreage figure) | 0 | 1.38 Acres |
| 2. Existing Land Use/Suitability for Cultivation | 0 | |

D. 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 | 11 95%< 5 acres |
| 2. Surrounding Land Use | 3 | 11.11%Non-Ag |
| 3. Proximity of Inharmonious Uses (NOTE: Flexible Point Value applicable in some cases) | 0 | |
| 4. Proximity to Lands in Agricultural Preserve | 3 | 90 95% Will. Act. |

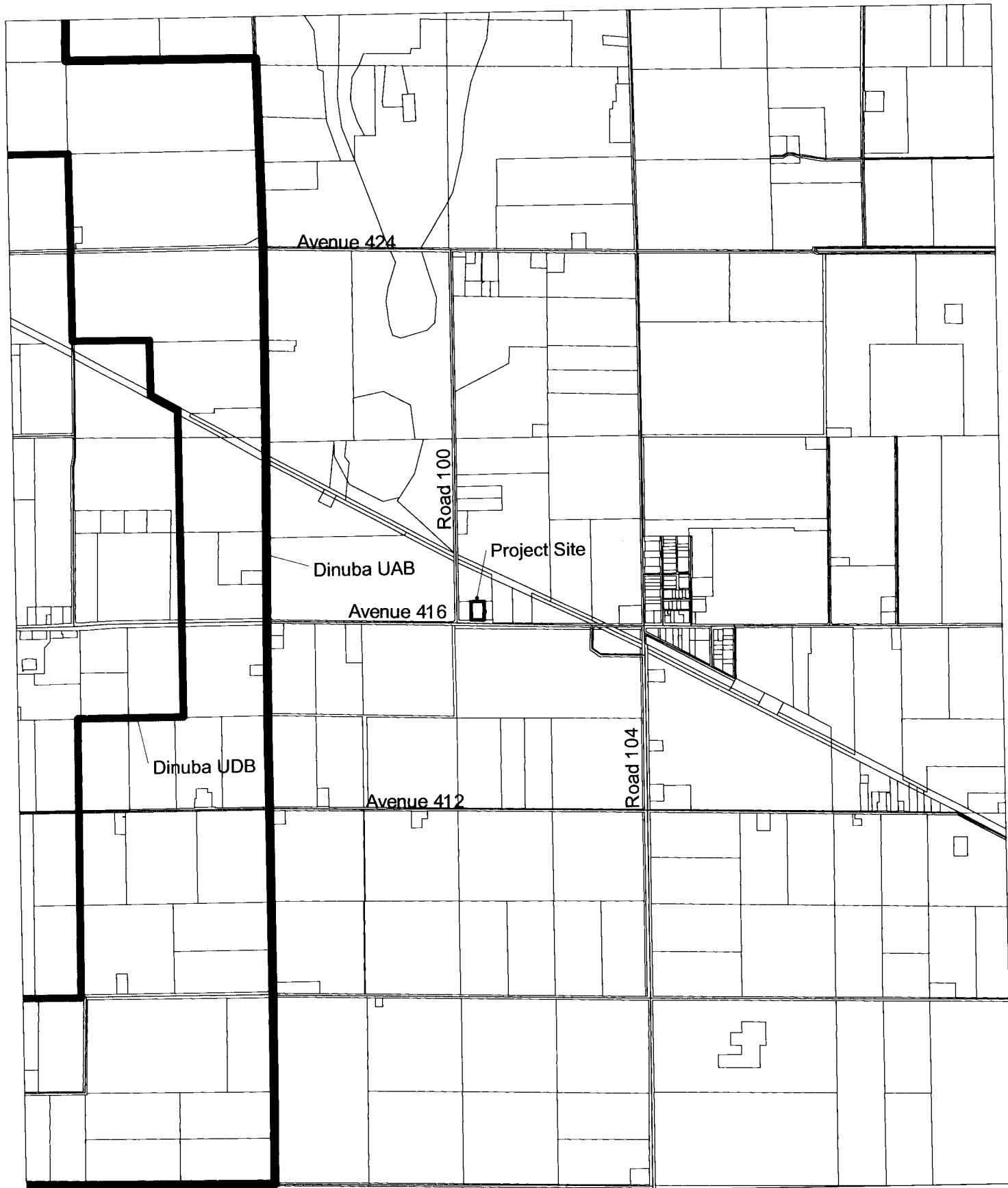
E. TWO POINT VALUE CATEGORY






- | | | |
|---|---|------------|
| 1. Level of Groundwater and Soil Permeability | 1 | 50-60 Feet |
|---|---|------------|

F. ONE POINT VALUE CATEGORY

- | | | |
|---|---|----------|
| 1. Proximity to Fire Protection Facilities (NOTE: Three Point Value applicable in some cases) | 0 | Dinuba |
| 2. Access to Paved Roads | 0 | Ave. 416 |
| 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 | 0 | |
| 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 "0" in such cases) | 0 | |

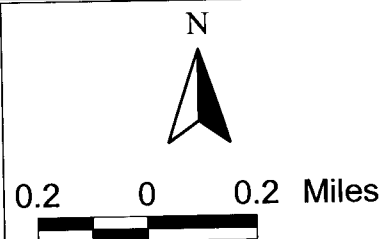
TOTAL POINTS**11**

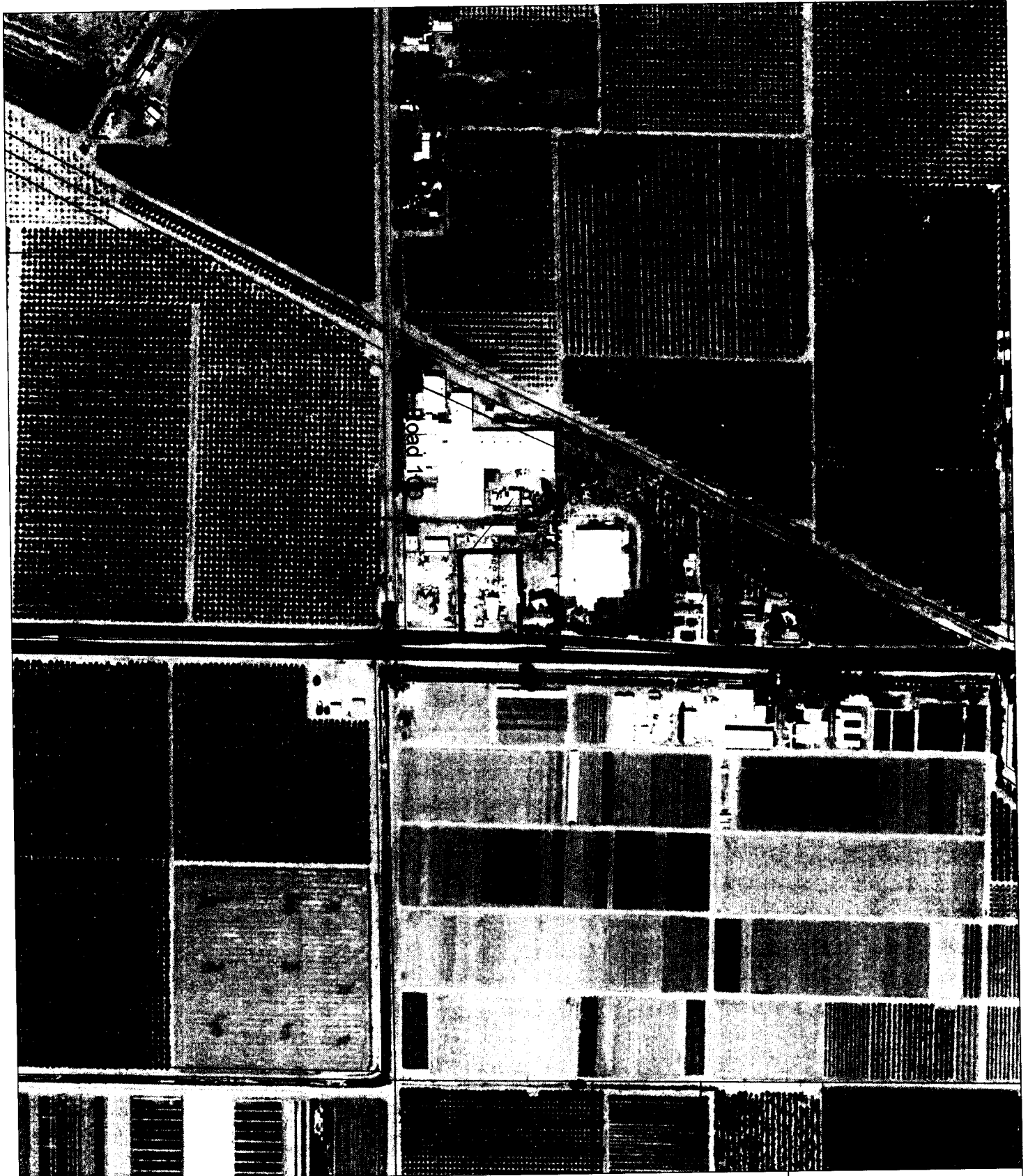


-  Project Site
-  Dinuba UDB
-  Dinuba UAB
-  Parcels
-  Streets

Regional View

PZI 05-006
Galaviz

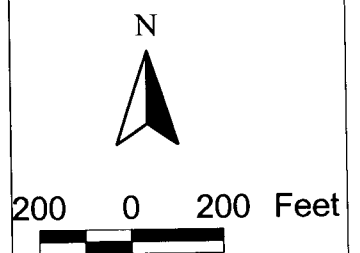


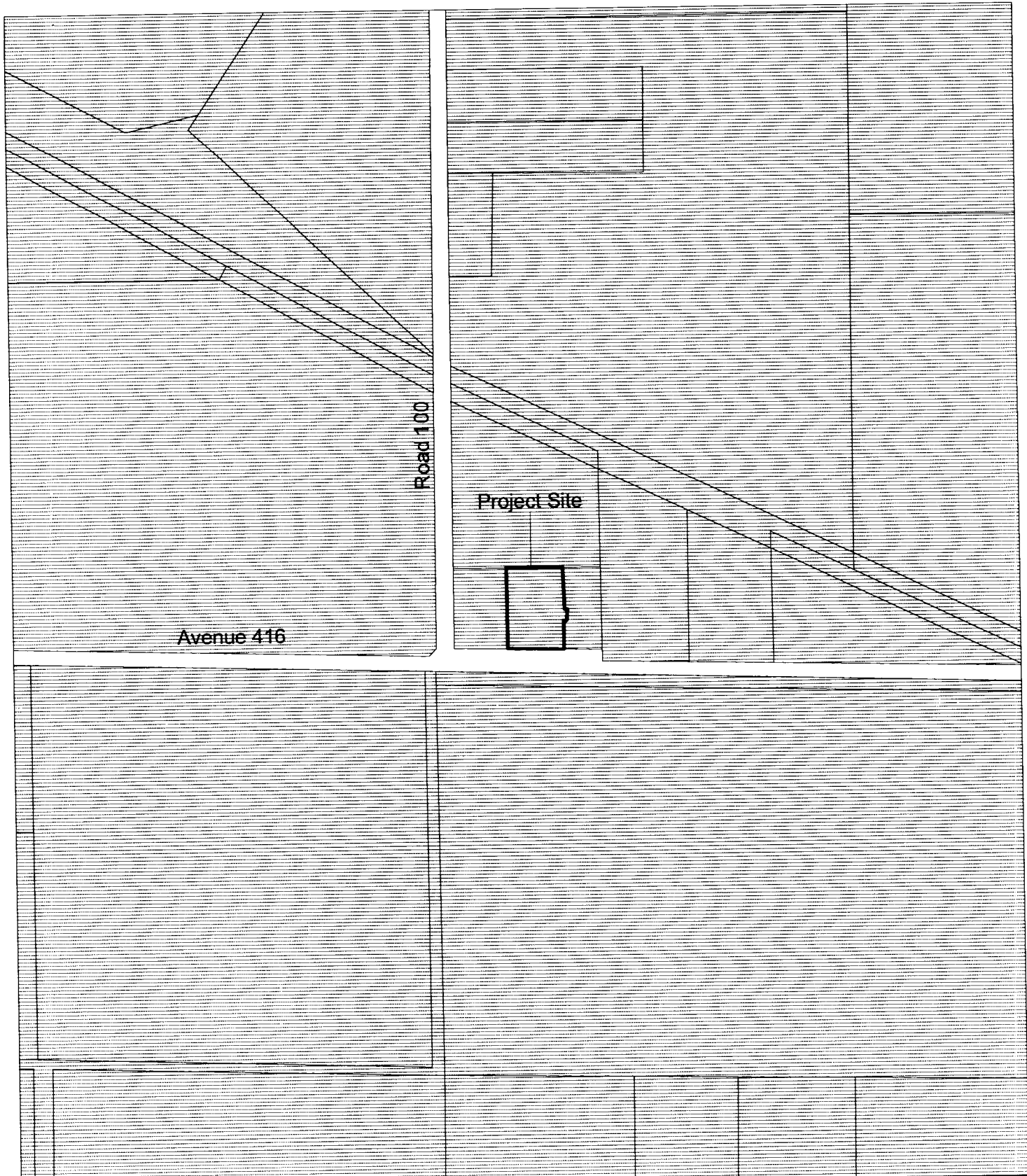





Aerial Photo

PZI 05-006

Galaviz

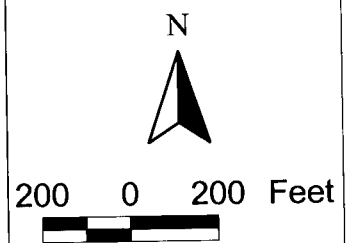


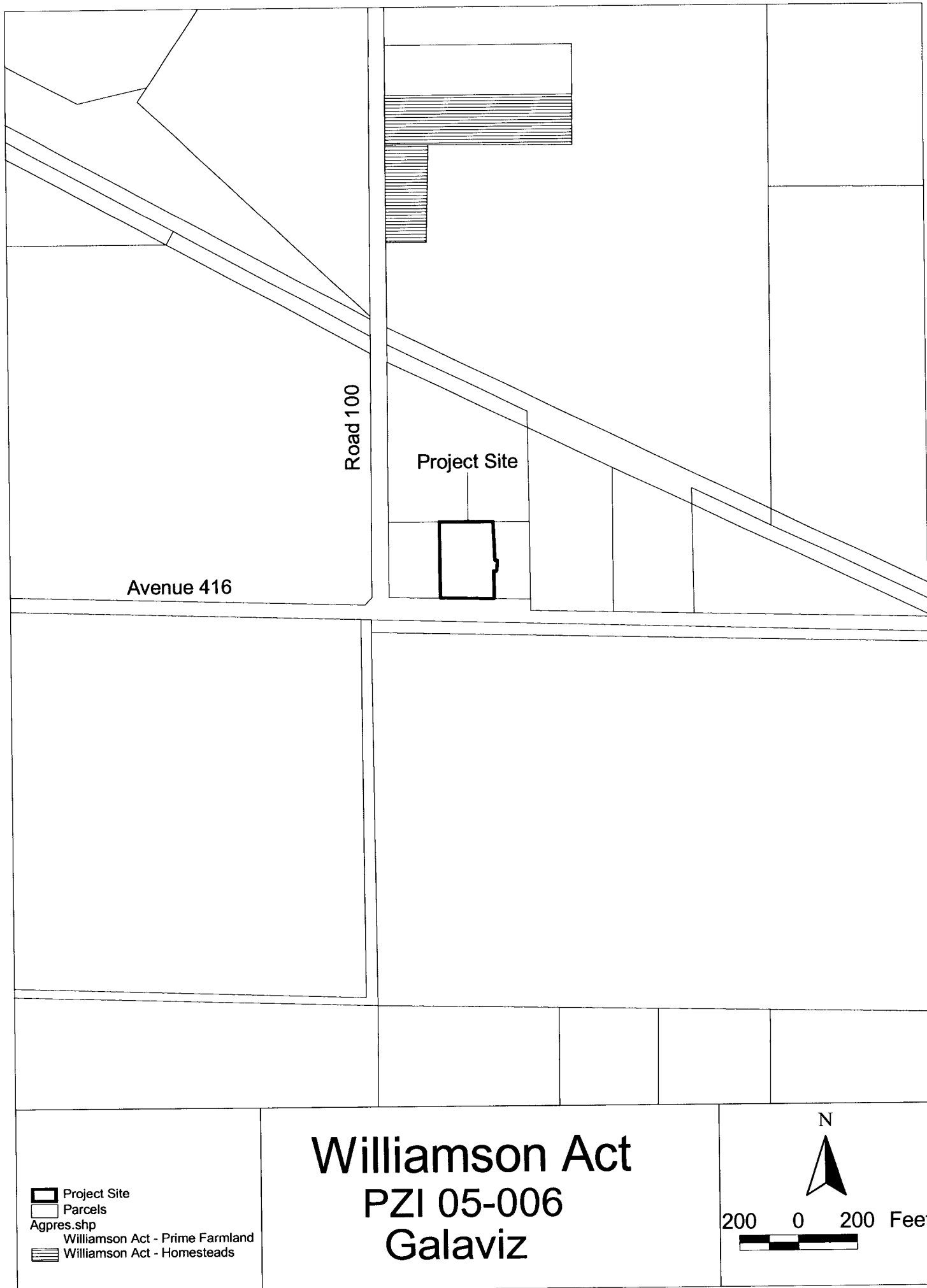


-  Project Site
-  Parcels
- Zoning**
-  AE-20

Zoning

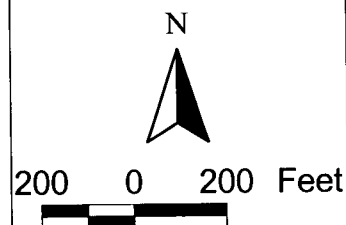
PZI 05-006
Galaviz





Williamson Act
PZI 05-006
Galaviz

- Project Site
- Parcels
- Agpres.shp
- Williamson Act - Prime Farmland
- Williamson Act - Homesteads





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HENRY HASH, DIRECTOR

THOMAS W. SHERRY, ASSOCIATE DIRECTOR

April 26, 2006

Tulare Co. HHS - Environmental Health
Tulare Co. RMA - Engineering Div.
Tulare Co. RMA - Development Services
Tulare County Planning Commission
City of Dinuba

Supervisor Worthley
Tulare Co. Fire Dept.
San Joaquin Valley Air Pollution
Caltrans

RE: Zoning Initiation PZI 05-006/Galaviz

Enclosed is a copy of a request to initiate a Zoning Amendment by Jesus Galaviz. The request is for a change of the zoning designation from Exclusive Agriculture 20 acre minimum (AE-20) to Service Commercial (C-3). The parcel is 1.38 acres (Assessor Parcel Number 021-170-034) located on Avenue 416 just east of Road 100 on the west side of Sultana. The applicant proposes to use the existing building as an auto body and paint shop.

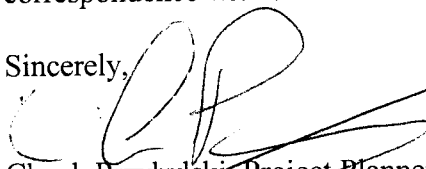
Please review this proposal and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation.

This stage of the proposal is a request to authorize the applicant to submit an application for a Zoning Amendment. If so authorized, a formal environmental review consultation will be sent to all interested agencies.

The request is anticipated to be heard before the Board of Supervisors on Tuesday, June 13th, at 2400 West Burrell Avenue, Visalia, CA.

All comments must be received by our office by **May 21st** in order to be included in the packet for review by the Board of Supervisors prior to their meeting. All other correspondence with substantial comment will be presented at the meeting.

Sincerely,



Chuck Przybylski, Project Planner
Countywide Division

10-7-05

My name is Jesus Galaviz the reason why I'm writing this letter is to notify you that I wanted to change the zoning from agriculture to commercial the property was sold as a commercial property when it is really a agriculture property I want to use the property as a shop for painting tractors, sprayers, and all agriculture machines, the reason why is because there is no shop in the area that specializes in painting agriculture machines. I'm coming from Salinas, CA and I was looking for a good location to start a business because Dinuba, CA is a small city but is progressing commercial wise and I want to be a part of it but in order to do that, I must first change the zoning of the location to make it legal. That is the reason why I'm putting in this applications to make everything legal and continue to try to receive permits for the location. Like I've mentioned before Dinuba CA is progressing commercial wise and is heading the direction where I am located at. It has been explained to me that saying for these applications is a risk because there is no guarantee that I will receive the permits or my money back, but if you would consider what I wrote in this letter and please try to help me in achieving my goal.

021-170-34

, thank you

Jesus Galaviz

PZ105-006

\$116

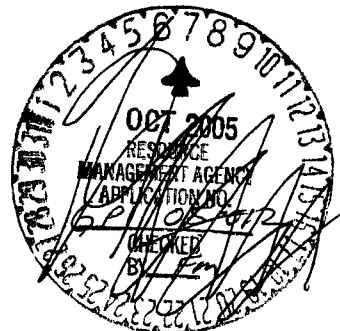
CASH

Rec.# R0505680

RECEIVED
TULARE COUNTY

OCT 07 2005

RESOURCE
MANAGEMENT
AGENCY



S1/2 SEC. 10, T. 16 S., R. 24 E., M. D. B. & M.

AP 021-170-01 & 02 ACREAGE
TAKEN FROM R.R. MAP SBE 804-54-12F-2

BARRIS HILL

Project Site

PARCEL MAP 1183 P.M. 12-84
PARCEL MAP 2431 P.M. 25-32
RECORD OF SURVEY L.S. 20-6

ASSESSOR'S MAPS BK.21, PG.17
COUNTY OF TULARE, CALIF

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