



**RESOURCE  
MANAGEMENT AGENCY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

CONNIE CONWAY  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** June 12, 2007

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						

CONTACT PERSON: Celeste Perez    PHONE: 559-733-6291

**SUBJECT:** Public Hearing to consider an appeal of the Planning Commission's decision to modify and approve in part Setback Variance No. PSV 07-001

**REQUEST(S):**

That the Board of Supervisors take the following action:

Deny the appeal submitted by Tom C. and Carolyn Moshier (Agent: Lane Engineers, Inc.) and uphold the Planning Commission's modified approval of Setback Variance No. PSV 07-001, which denied the requested variance from State Route 201, subject to the findings and conditions set forth in Planning Commission Resolution No. 8218.

**SUMMARY:**

Tom C. and Carolyn Moshier (Agent: Lane Engineers, Inc.) propose a single family residential subdivision of 9.58 acres into 25 lots (23 residential lots, one ponding basin lot, and a Lot A, which is designated for the private roads), in the R-A-12.5 (Rural Residential-12,500 sq. ft. minimum) Zone on property located on the northeast corner of State Hwy. 201 and Road 32, east of Kingsburg.

The tentative map proposal included a setback and zone variance to allow a seven-foot concrete block wall to be located within the setback area of State Route 201 and Road 32 (42.5 feet from the center line of State Route 201 right of way, as

**SUBJECT:** Public Hearing for an appeal for Setback Variance No. PSV 07-001

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opposed to the required 60 feet, and 30 feet from the center line of Road 32 right of way as opposed to the required 50 feet.)

Timothy and Carol Thiel, adjacent property owners to the east, raised concerns regarding the location of the block wall along State Route 201. Concerns regarding the placement of the block wall on State Route 201 were not resolved to the satisfaction of the Planning Commission and the Setback Variance was modified to deny the setback request for State Route 201. The requested setback variance on Road 32 and the zone variance to allow the seven-foot high block wall and interior fencing were deemed appropriate for the development. (See attached Planning Commission Resolution No. 8218 for details.)

Correspondence dated April 26, 2007, was received from Lane Engineers, Inc., agent for the applicants, filing an appeal to the Planning Commission's denial of the requested set back variance on State Route 201. (See attached correspondence)

**FISCAL IMPACT/FINANCING:**

N/A

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

Approval of the appeal for Setback Variance No. PSV 07-001 is linked to two initiatives of Tulare County's Strategic Business Plan: Economic Well-Being and Quality of Life, as it allows TM 791 to develop as proposed.

**ALTERNATIVES:**

Your Board could approve the appeal submitted by Tom C. and Carolyn Moshier and reverse the Planning Commission's decision to deny the building line setback request on State Route 201, based on additional information received and presented at the public hearing.


**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

See consultation referral list in staff report.

**SUBJECT:** Public Hearing for an appeal for Setback Variance No. PSV 07-001

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**ADMINISTRATIVE SIGN-OFF:**

  
George E. Finney  
Assistant Director, Planning Branch

  
Henry Hash  
Resource Management Agency Director

cc: Auditor/Controller  
County Counsel  
County Administrative Office (2)  
Tom C & Carolyn Moshier, 40090 Road 32, Kingsburg, CA 93631  
Lane Engineers, Inc.

**Attachments:**

- Letter Requesting Appeal
- Draft Resolution to Deny Appeal for PSV 07-001
- Planning Commission Resolution 8218
- Planning Commission Resolution 8217
- Staff Report and Initial Study for TM 791

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

IN THE MATTER OF AN APPEAL BY     )  
TOM & CAROLYN MOSHIER             )  
OF THE APPROVAL OF                 )  
PSV 07-001                            )

RESOLUTION NO.

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY

SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 12, 2007, BY  
THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

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

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Denied the appeal submitted by Tom C. and Carolyn Moshier (Agent: Lane Engineers, Inc.) and upheld the Planning Commission's modified approval of Setback Variance No. 07-001, which denied the requested variance from State Highway 201 subject to the findings and conditions as set forth in Planning Commission Resolution No. 8218.