



**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 for Vesting Tentative Map for Tract No. 791

REQUEST(S):

That the Board of Supervisors:

Take the following action:

(a) adopt the findings as set forth in Planning Commission Resolution No. 8217;

(b) find there is no substantial evidence that said Tentative Subdivision will have a significant effect on the environment and determine that the Environmental Impact Report prepared for the Kings River Plan adequately addresses Vesting Tentative Subdivision No. TM 791 in compliance with the California Environmental Quality Act of 1970, as amended; and

(c) approve the tentative map for Tract 791 subject to the conditions recommended by the Planning Commission in Resolution No. 8217, and the attached supplemental conditions recommended by staff.

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 private roads), in the R-A-12.5 (Rural Residential-12,500 sq. ft. minimum) Zone on property located on the northeast corner of Avenue 400 (State Hwy. 201) and Road 32, east of Kingsburg. Lot sizes

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range from 12,580 sq. ft. to 20,998 sq. ft. Water supply will be from a common well to be regulated by the County as a Community Water System. Sewage disposal will be by individual septic tank/leach line systems. See attached staff report for further details.

The subdivision is proposed to be served by private streets and drainage facilities to be maintained by a Home Owners Association. Hence, assessment districts for the proposed maintenance of internal streets and drainage are not recommended.

The tentative map proposal includes Exceptions to Sections 7-01-1320 and Section 7-01-1280 of the Subdivision Ordinance regarding double frontage lots and length of cul-de-sac easements, respectively. Lots 2 – 11 are designed as double frontage lots; however, access to or from State Route 201 will be prohibited. The private road ending in a cul-de-sac in the north portion of the site is 750 feet in length which exceeds the maximum length of 660 feet required in non-mountainous areas.

The Planning Commission held a public hearing on April 25, 2007. Timothy and Carol Thiel, adjacent property owners to the east, raised concerns regarding the setback variance and the location of the block wall on State Route 201. Concerns regarding the setback of the block wall on State Route 201 were not resolved to the satisfaction of the Planning Commission and the Setback Variance request was modified to deny the setback request for State Route 201. The setback request for Road 32 and the variance to allow the seven-foot high block wall were deemed appropriate for the design of the subdivision. The Planning Commission recommended conditional approval of TM 791. See attached Planning Commission Resolution No's. 8217 for details.

A Home Owners Association is proposed to be responsible for maintenance of all common areas including, but not limited to landscaping inside and outside the block wall along Road 32 and State Route 201, signage, the community well and water distribution system, the ponding basin, the entrance gate, the golf cart path, and the private streets.

Pursuant to the State Map Act Section 664574.2 and 66498.1, approval of a vesting tentative map confers a "vested right" to develop in substantial compliance with the ordinances, policies and standards in effect when the application was determined complete (November 8, 2006). This means the project would be exempt from any impact fees that may be required in the future. Staff is exploring the feasibility of a condition that requires payment of any future impact fees that may be enacted by the Board of Supervisors before the subdivision is built-out. A report on the issue will be presented to your Board at the day of the hearing.

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FISCAL IMPACT/FINANCING:

N/A

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Approval of the Vesting Tentative Subdivision Map (TM 791) is linked to two initiatives of Tulare County's Strategic Business Plan: Economic Well-Being and Quality of Life, because it is orderly growth in compliance with the general plan and provides housing.

ALTERNATIVES:

Your Board could approve the subdivision, including the exceptions, with modified conditions of approval or deny the subdivision if grounds for denial under Government Code Section 66474 can be shown.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

See consultation referral list in staff report.

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:

- Draft Resolution to approve TM 791
- Modifications and Additions to Conditions of Approval
- Planning Commission Resolution 8217 (TM 791)
- Planning Commission Resolution 8218 (PSV 07-001)
- Staff Report and Initial Study for TM 791

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

In the Matter of Consideration of Vesting)	
Tentative Subdivision TM 791 for)	RESOLUTION NO.
Tom C. & Carolyn Moshier)	

WHEREAS, by Resolution No. 8217, the Tulare County Planning Commission recommended to this Board of Supervisors that the exceptions and tentative map of Tract No. 791 be approved subject to conditions; and

WHEREAS, this is the time hereby fixed for consideration by this Board:

NOW, THEREFORE, BE IT RESOLVED as follows:

(1) This Board hereby adopts all of the findings of fact set forth in Resolution No. 8217 of the Tulare County Planning Commission, copies of which are attached hereto and by reference incorporated herein.

(2) This Board hereby finds that the proposed subdivision will not have a significant effect on the environment and certifies that the Environmental Impact Report prepared for the Kings River Plan, adequately addresses Vesting Tentative Subdivision No. TM 791 in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 and that the Board of Supervisors has reviewed and considered the information contained in the initial study prior to approval of the project.

(3) This Board hereby finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the Tulare County General Plan, as amended.

(4) The applicants, Tom C. and Carolyn Moshier, have agreed to all of the conditions of approval as set forth in Planning Commission Resolution No. 8217 and the attached modifications and additional conditions.

(5) The vesting tentative map of Tract No. 791 is hereby approved subject to all of the recommendations and conditions as set forth in Resolution No. 8217, of the Tulare County Planning Commission, and the supplemental conditions recommended by staff, copies of which are attached hereto.

The foregoing resolution was adopted upon motion of Supervisor
seconded by Supervisor , at a meeting on this 12th day of June, 2007,
by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: C. BRIAN HADDIX
County Administrative Officer/
Clerk of the Board of Supervisors

BY: _____
Deputy Clerk