



**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: September 18, 2007 - **REVISED**

Public Hearing Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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: Preliminary review of GPI 07-002 (Penn/Porterville).

REQUEST(S):

That the Board of Supervisors:

Authorize the applicant to file a General Plan Amendment to change the land use designation on a 2.3 acre portion located at 1550 South Main Street (Assessors Parcel Number 270-120-019) from Rural Residential-Five Acre Minimum to Industrial, and include the portion north of the Campbell Moreland Ditch inside the Porterville Urban Development Boundary.

SUMMARY:

BACKGROUND: The Tulare County Resource Management Agency has received a request from Mr. Steve Penn, to change the Porterville Community Plan (1990) land use designation from Rural Residential-five acre minimum to Industrial. The proposed amendment consists of a 2.3 acre portion of APN 270-120-019. The applicant wishes to extend the Industrial designation south to the Campbell-Moreland Ditch to expand the recycling yard.

The existing use of the site north of the ditch is a recycling yard, which has been in operation for the last seven years and vacant land. Prior to the recycling operation this northern area used to be a wrecking yard that began operations approximately

SUBJECT: Preliminary review of General Plan Initiation 07-002 Penn/Porterville.

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in the late 1970's. In the 1990's the site containing the wrecking yard was designated Industrial as a part of the Porterville Community Plan (GPA 87-06) and zoned M-1 as a part of PZ 89-008. The southern 2/3's of the parcel (including the 2.3 acres) was designated Rural Residential-Five Acre Minimum and zoned Rural Residential 217,000 square foot minimum (R-A-217). The site is outside and adjacent to the Urban Development Boundary (UDB) for the City of Porterville and within the Porterville Urban Area Boundary (UAB). Please see Exhibit A for maps of the site.

The parcel is divided roughly in half by the Cambell-Moreland Ditch. Commercial, industrial, and residential units exist to the north. Agricultural, commercial and residences lie west. Agriculture operations and residences lie to the south and east of the site. The site is not within a Williamson Act Contract and the northern half is within the 100-year flood zone. The nearest Porterville City boundary is 198 feet north of Gibbons Ave; hence, the site is not adjacent to the city.

GENERAL PLAN POLICIES: The County's General Plan Amendment Policy provides that *the Board shall, among other considerations give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, policies and the general plan and not obstruct their attainment* (Policies and Procedures 391).

The Porterville Community Plan

The Porterville Community Plan is the principle County General Plan document that would be applicable to the project. The Porterville Community Plan was adopted by the Board on September 25, 1990 by Resolution Number 90-1202. The Urban Boundaries Element also applies to the project. Please see Exhibit B for General Plan Policies and Zoning Definitions that would apply to the site.

General Plan Update

The Draft Goals and Policy Report (July, 2007) reinforces existing policy with respect to development in the unincorporated area in proximity to cities. Policy PF-1.2 reads in relevant parts as follows:

PF-1.2 Location of Urban Development

The County shall ensure that urban development only take place in the following areas:

- 1. Within incorporated cities. As an exception to this policy, the County may consider proposals for urban development within UABs or UDBs for cities if all the following criteria are met:*

SUBJECT: Preliminary review of General Plan Initiation 07-002 Penn/Porterville.

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a. *One of the following has occurred:*

- i. *The adjacent city does not consent to annex the property for development purposes (as evidenced through pre-zoning, development agreements, etc.); or*
 - ii. *Annexation is not possible under the provisions of State Law, but it is determined of the site does not constitute leapfrog or noncontiguous development.*
- b. *The County finds that the public service impacts of the development are within the service capabilities of the County and affected special district; and*
- c. *The use and density proposed are determined to be consistent with the adopted General Plan of the County and compatible with the adopted general plan of the affected city.*

The foregoing policy does not prevent the County from considering general plan changes within city UABs. However, no change from a rural to an urban designation may take place unless the affected site is included within the city UDB. Further, once that occurs, no rezone or development entitlement may be granted until annexation has been ruled out and the findings can be made with respect to service capability and plan consistency.

Other applicable policies in the Draft Goals and Policy Report include:

PF-4.10 City Design Standards

Where the Board of Supervisors finds that it is consistent with General Plan objectives to approve development within the UDBs of incorporated cities, the County shall require the project to meet the development standards of the city in question.

PF-4.13 Coordination with Cities on Development Proposals

The County shall promptly notify a city whenever activities requiring discretionary actions in unincorporated areas fall within a city's UAB. The opinions and recommendations voiced by the city should be given strong weight in rendering the final decision.

FINDINGS: There is no specific policy in the Porterville Community Plan that would hinder this application. Since there is no Community Plan, Urban Boundaries Element or RVLP policies that would conflict with this application the project can proceed to a General Plan Amendment.

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Furthermore, Policy 7.3 of the Porterville plan states that areas between the UAB and the City limits shall be zoned for urban uses to reflect existing development. There has been an industrial use on the northern 1/3 of the parcel since the late 1970's. The extension of the existing operation within the same property south to the ditch would not be considered a conflict with the General Plan.

The City of Porterville has been given a copy of the proposed General Plan Amendment. However, RMA has yet to receive any city comments regarding GPI 07-002.

FISCAL IMPACT/FINANCING:

If authorized to file a General Plan Amendment the applicant will pay an initial fee of \$4,343 and a \$200 fee for ordinance publishing (this fee includes cost of zone change if processed concurrently). Additional fees of \$100 per hour may be charged if County planners exceed the \$4,343 deposit.

Upon completion of a General Plan Amendment/Zone Change and prior to submittal to the Planning Commission and Board of Supervisors for action, the Department will bill the applicant for the actual cost of preparing the amendment. Payment will be required prior to setting the Planning Commission public hearing date.

The fees charged are designed to recoup all costs; therefore, there will be no net County cost.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

General Plan and Zoning Initiations are linked to Strategic Initiative 2: Economic Well-Being—Promote economic development opportunities, effect growth management and a quality standard of living.

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ALTERNATIVES:


Your Board could deny or modify the request.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

Staff referred the applicant's proposal to Caltrans, Tulare County Sheriffs Department, Tulare County Environmental Health, Tulare County Fire Department, City of Porterville, San Joaquin Valley Air Pollution Control District, and the Tulare County Planning Commission for comments/recommendations.

ADMINISTRATIVE SIGN-OFF:

RESOURCE MANAGEMENT AGENCY


George Finney
Assistant Director
Planning


Henry Hash
Director

cc:

Auditor/Controller
County Administrative Office (2)
Applicant
Fire Department
Planning Department

County Counsel
Agent
Sheriffs Department
City of Porterville

Attachments: Exhibit A: Excerpts from the Tulare County General Plan and Zoning Ordinance
Exhibit B: Maps
Exhibit C: Initial Consultation Letter
Exhibit D: Comment Letters

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

IN THE MATTER OF PRELIMINARY)
REVIEW OF GENERAL PLAN) RESOLUTION NO. _____
INITIATION 07-002, PENN) AGREEMENT NO. _____
PORTERVILLE, CA)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD SEPTEMBER 18,
2007, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Authorized the applicant to file a General Plan Amendment to change the land use designation on a 2.3 acre portion located at 1550 South Main Street (Assessors Parcel Number 270-120-019) from Rural Residential-Five Acre Minimum to Industrial, and included the portion north of the Campbell Moreland Ditch inside the Porterville Urban Development Boundary.

EXHIBIT A:
EXCERPTS FROM THE TULARE COUNTY
GENERAL PLAN AND ZONING ORDINANCE

Excerpts from the Tulare County General Plan.

Porterville Community Plan (1990)

Land Use

Rural Residential:

This designation provides for a maximum density of one residential unit per acre north of the Tule River, and a maximum density of one residential unit per five acres south of the Tule River. This designation is intended to allow large lot development around the periphery of the community, between the UDB and the UAB, as a transition between agricultural/open areas and more intensive urban uses. Rural Residential development may incorporate on-site domestic water and on-site wastewater disposal systems if the extension of community water and sewer are deemed economically infeasible. It is not intended that this land use category must support a uniform density of one or five units per acre, as long as the overall density is not exceeded. Densities may be transferred to other residentially designated properties within the UAB in exchange for preservation of areas identified as Significant Natural Habitat in Map II-6 of this plan. Agricultural uses are allowed on lands with this designation, consistent with the Tulare County Zoning Ordinance (page IV-14).

Industrial

This land use designation is intended to provided to accommodate the development and operation of a variety of manufacturing, assembly, processing and packaging uses. Industry should be located away from residential areas and near transportation facilities. Industrial uses which create excessive smoke, dust, noise, light or vibration should be buffered from other nearby uses. The designation of industrial areas also takes into account the existing or potential availability of adequate utilities and other infrastructure to serve prospective uses (page IV-16).

Goals, Objectives and Policies

Policy 7.1 Properties within the UDB are not already developed with urban uses shall be place in a residential zone with a 5-acre minimum parcel size, or the AE-10 or AE-20 (Exclusive Agriculture – 10 or 20 acre minimum parcel size, respectively) zones as a holding action, until such time as the property is annexed to the City for development purposes, or qualifies for development in the County under the exception procedure.

Policy 7.3 Areas between the city limits and the UAB shall only be zoned for urban purposes to reflect existing urban development, except for properties which qualify under the exception procedure set forth in the Urban Boundaries Element, or properties which were rezoned under the "Statement of Policy" provision of the General Plan, where that category of use is still in existence. However, no new changes of zone will be approved based on the Statement of Policy (page IV-5).

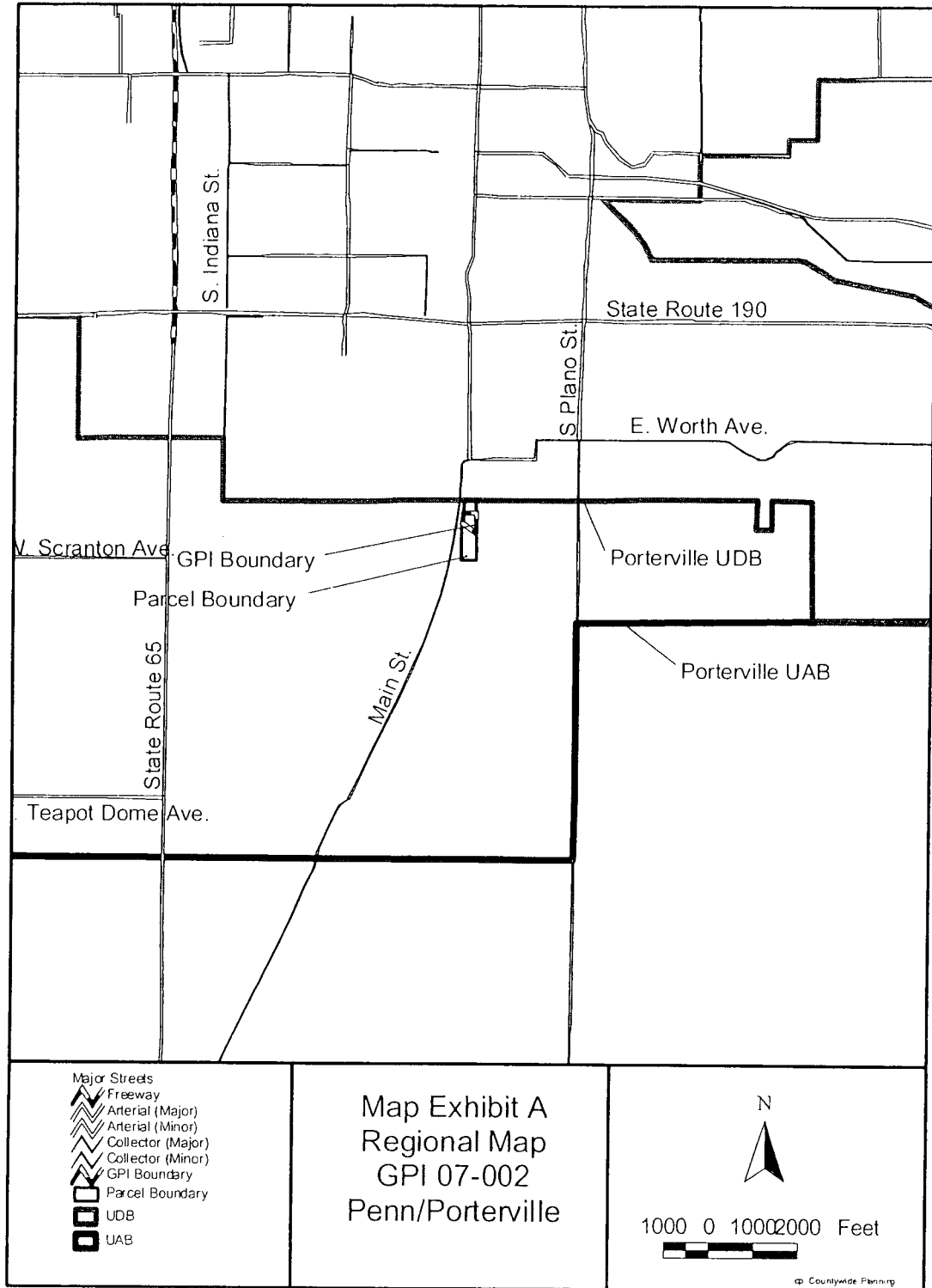
7.3a *"Urban" development is defined as industrial or commercial development, offices or public buildings, urban parks or residential development at a greater density than one dwelling unit per acre.*

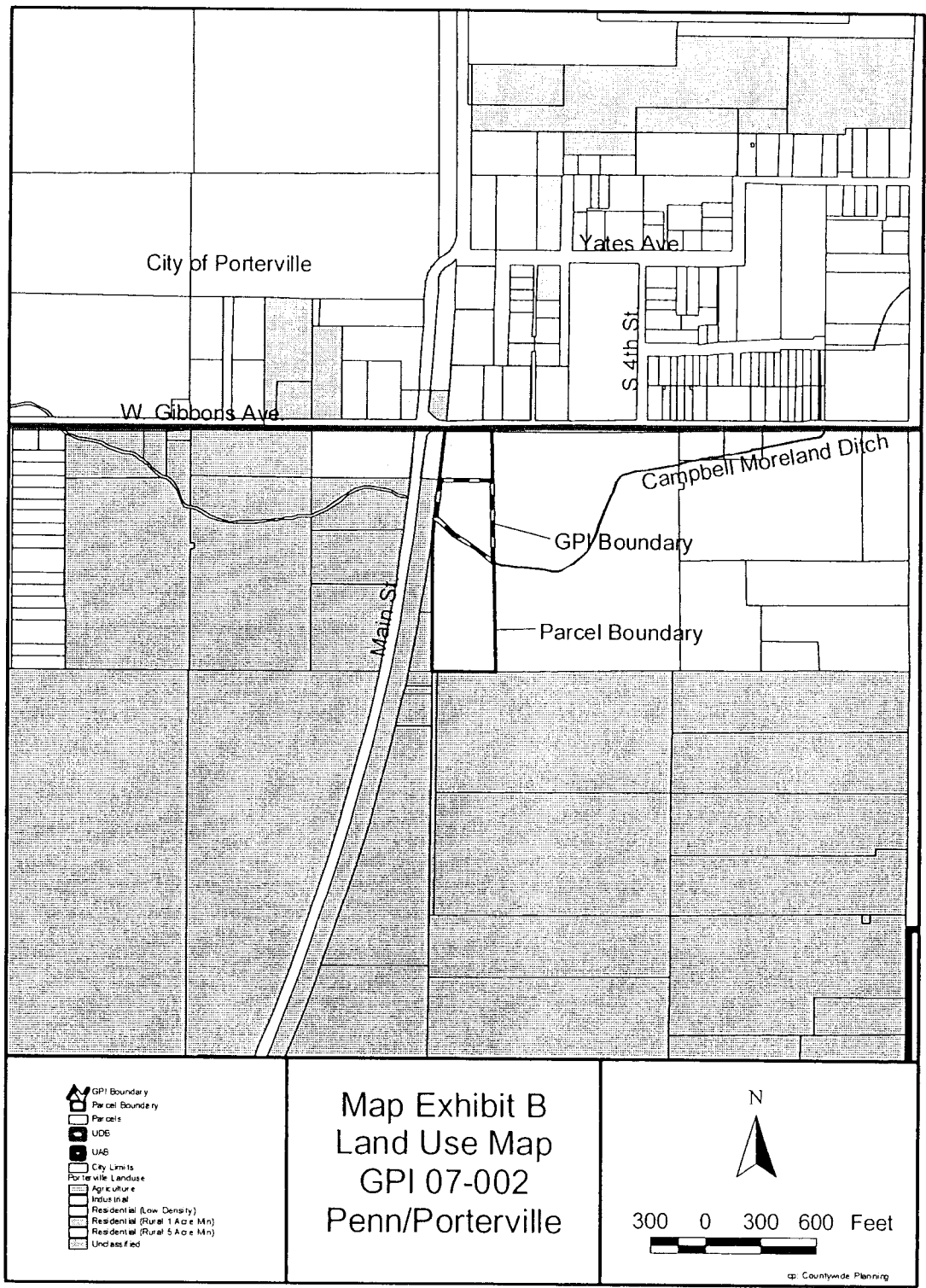
Zoning Ordinance

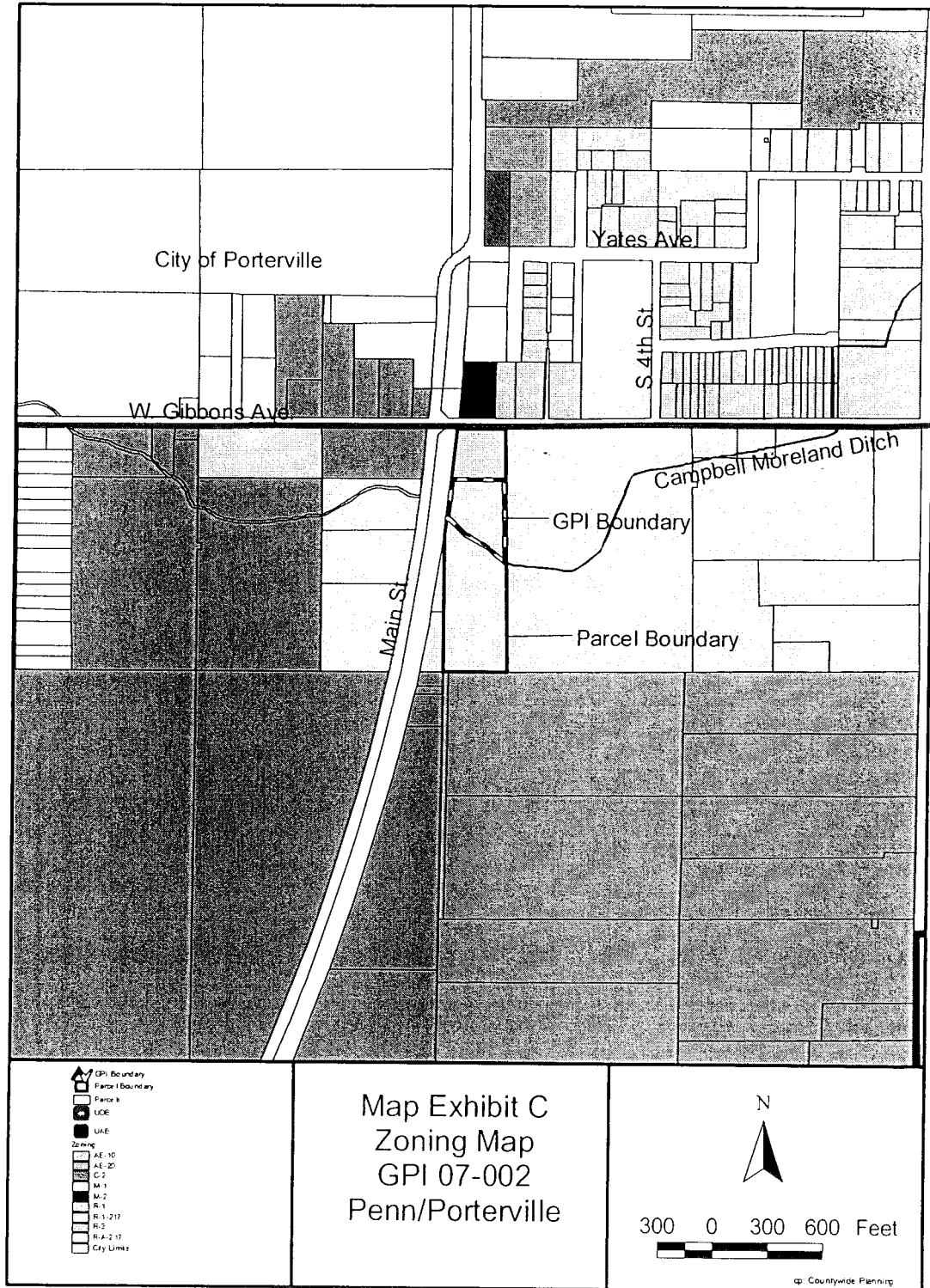
The purpose of the **Rural Residential (RA)** zone is for *"one-family dwellings of permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code which comply with Subsection H of this Section (Tulare County Zoning Ordinance Section 4 page 1).*

The **Light Manufacturing Zone (M-1)** *"is intended for establishments engaged in the manufacturing, assembling, packaging, treatment and processing of products other than those which may be obnoxious or offensive by reasons of emissions, odor, dust, smoke, gas, noise or other similar causes" (Tulare County Zoning Ordinance Section 13, pg. 1).*






EXHIBIT B:
MAPS



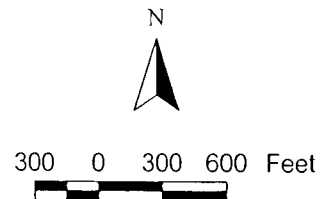






-  GPI Boundary
-  Parcel Boundary
-  UDB
-  UAB
-  City Limits

Map Exhibit D
Aerial Photo Map
GPI 07-002
Penn/Porterville



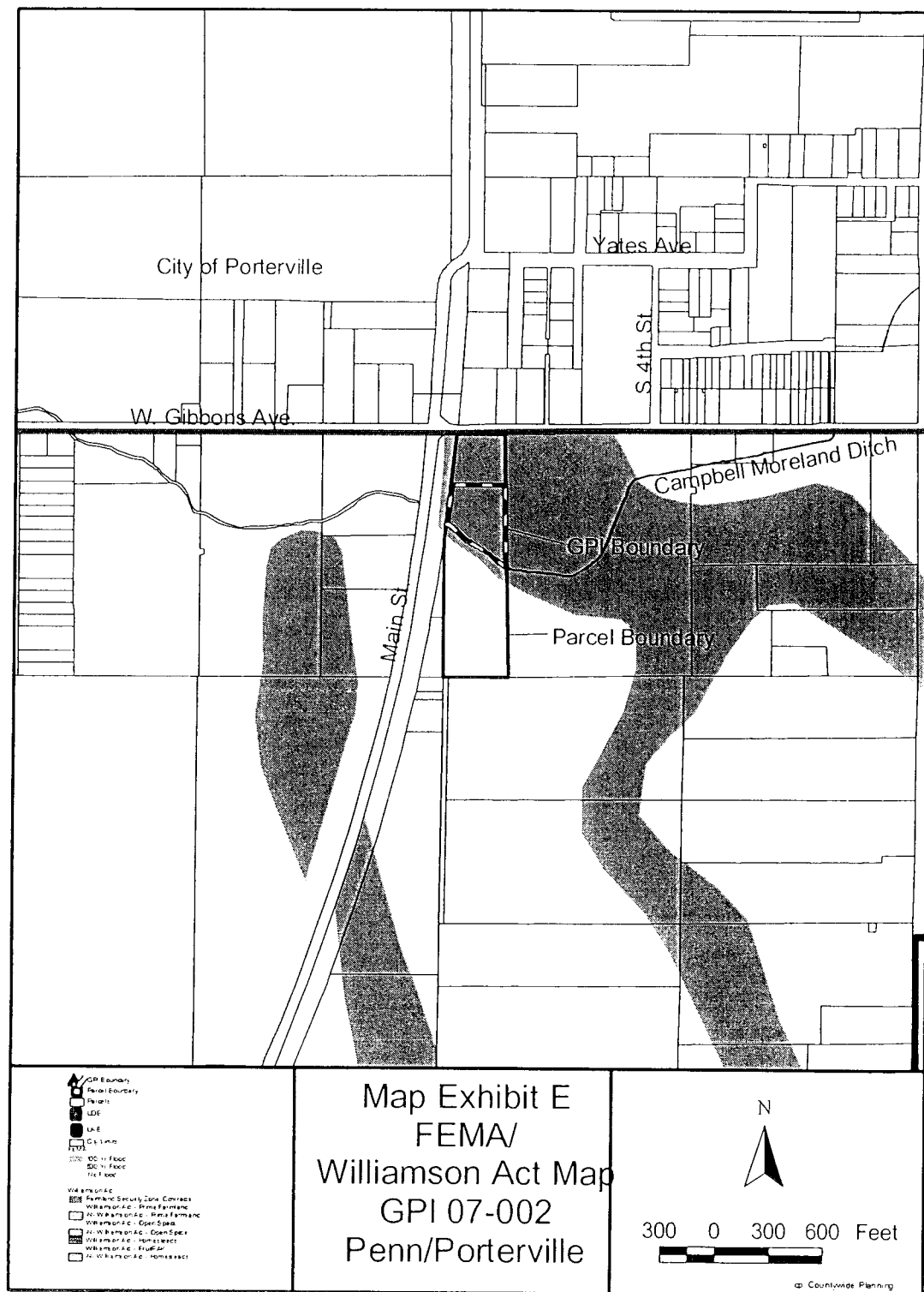


EXHIBIT C:
INITIAL CONSULTATION LETTER



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 733-6291
FAX (559) 730-2653

Britt L. Fussell	Engineering
William Hayler	Comm. & Dev. Services
Jean P. Brou	Transportation
George Finney	Planning
Hal Cyfert	Support Services
Roger Hunt	Administrative Services

HENRY HASH, DIRECTOR

MICHAEL D. ELLZEY, ASSOCIATE DIRECTOR

May 2, 2007

Tulare Co. HHSA - Environmental Health
Tulare Co. RMA - Engineering Div.
Tulare Co. RMA - Planning Division
Tulare County Planning Commission
Tulare County Sheriffs Department
City of Porterville

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

RE: General Plan Initiation GPI 07-001 Penn/Porterville

Enclosed is a copy of a request to initiate a General Plan Amendment for Mr. Steve Penn. The request is to change the General Plan designation from Rural Residential 5 acre minimum to Industrial on a 2.3 acre portion of Assessor's Parcel Number 270-120-019. The northern 2.4 acres is currently designated Industrial and zoned M-1. This request would expand the Industrial designation south toward the canal. The remainder of the parcel will remain Rural Residential. The site is outside and adjacent to the Porterville Urban Development Boundary. The parcel is located at 1550 S. Main St., south of the City of Porterville.

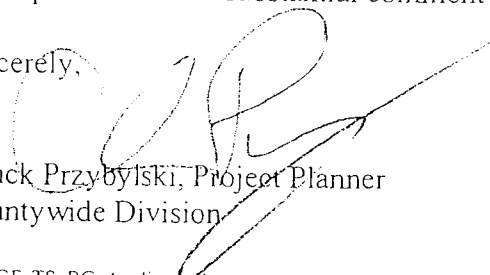
Please review this proposal and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation.

This stage of the proposal is a request to authorize the applicant to submit an application for a General Plan 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 26, 2007, at 2400 West Burrell Avenue, Visalia, CA.

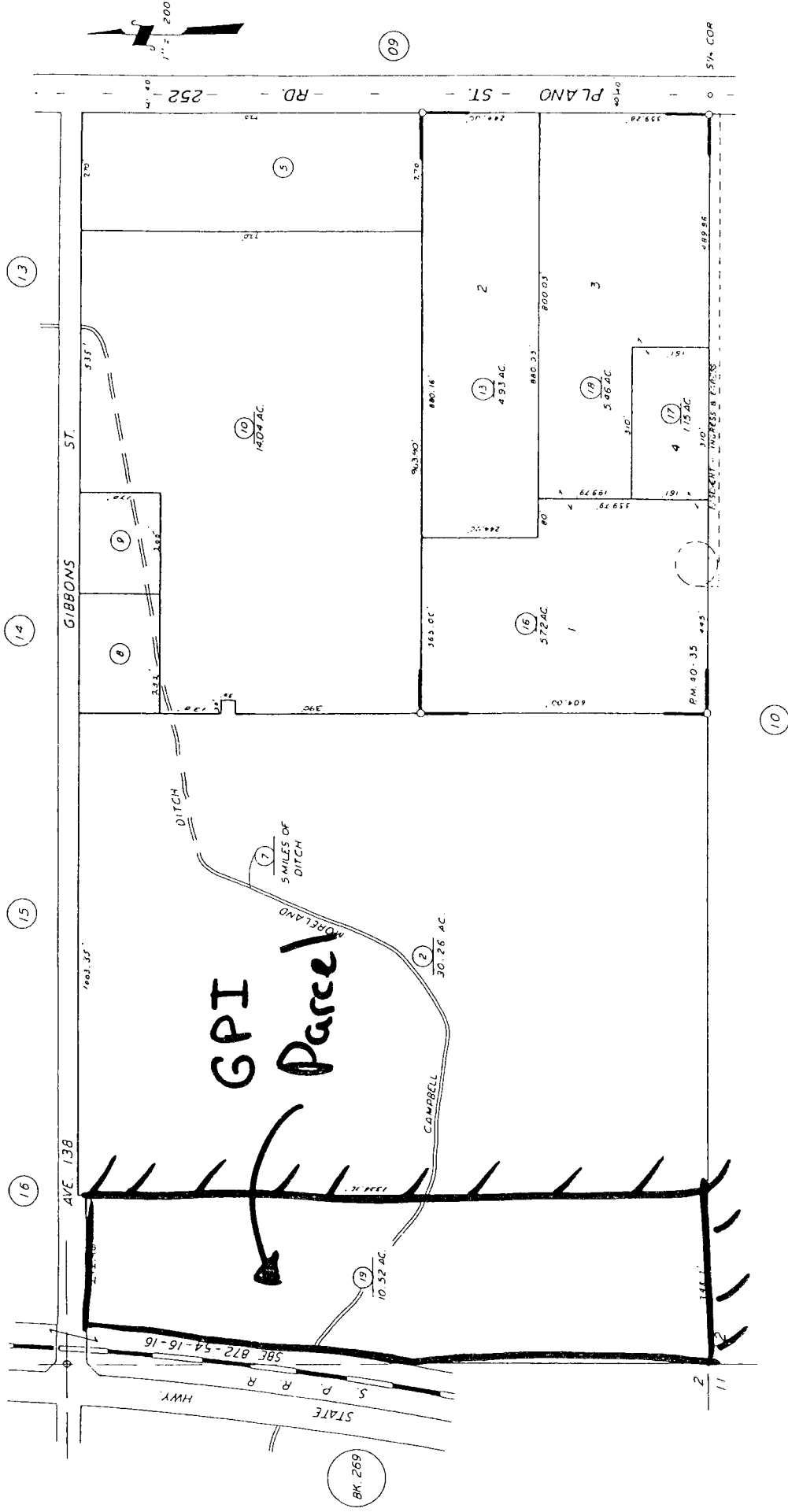
All comments must be received by our office by May 30, 2007 in order to be included in the packet for review by the Board of Supervisors prior to their meeting. All other correspondence with substantial comment will be presented at the meeting.

Sincerely,


Chuck Przybylski, Project Planner
Countywide Division

CC: GF, TS, BC, Applicant, Agent

TAX CODE AREA
126-001



ASSESSOR'S MAPS BK. 270, PG. 12.

COUNTY OF TULARE, CALIF.

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

California Planning & Engineering Corp.
Civil Engineers & Land Surveyors
724 N. Ben Maddox Way
Visalia, CA 93292

(559) 625-5233
Fax: (559) 625-4457
Internet: www.CalPlanning.com

LETTER OF TRANSMITTAL

DATE	2/27/07	JOB NO.	06404
ATTENTION Beverly Cates			
RE: Steve Penn Zone Line relocation			
<i>GP107-002</i>			
<i>1116 CK # 3191 RPG # R0701336 3-3-07</i>			

TO County of Tulare

WE ARE DELIVERING TO YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☒ Originals ☐ Prints ☐ Calculations ☐ Samples ☐ Specifications
☐ Copy's ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
10			Tent. Parcel Map
1			Request To Initiate General Plan Amendment Fee Check # 3191 for \$ 1,116.00
1			Agency Authorization

THESE ARE TRANSMITTED as checked below:

- | | | |
|---|---|---|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit _____ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> FOR BIDS DUE _____ | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US | |

REMARKS:

Beverly;

Attached are the Maps, Fees and Agency Authorization form to Request to Initiate General Plan Amendment. We have a second fee check from our client for \$2,296.00 for the Tentative Parcel Map.

If there is anything else that we need to supply to you to complete this process, please do not hesitate to contact me.

COPY TO file

SIGNED: Dave Russ

If enclosures are not as noted, kindly notify us at once.

AGENCY AUTHORIZATION

OWNER:

I, Steve Penn, declare as follows:
(Owners Name)

I am the owner of certain real property bearing assessor's parcel number (APN):

270-120-19

AGENT:

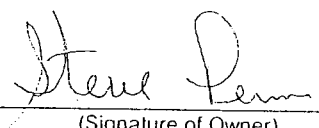
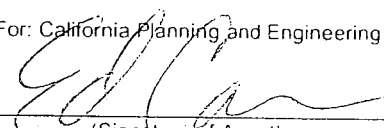
I designate California Planning and Engineering Corp., to act as my duly authorized
(Agent's Name) (Please type or print)
agent for all purposes necessary to file an application for, and obtain a permit to

General Plan Amendment / Zone Change and Parcel Map
(Action Sought)

relative to the property mentioned herein.

I declare under penalty of perjury the foregoing is true and correct.

Executed this 13th day of November, 2006.

<u>OWNER</u>	<u>AGENT</u>
 (Signature of Owner)	For: <u>California Planning and Engineering Corp.</u>  (Signature of Agent)
<u>20091 Rd 250</u> (Owner Mailing Address)	724 N. Ben Maddox Way Suite A
<u>Strathmore CA 93267</u>	Visalia, CA 93292
<u>568-1965 284-5940</u> (Owner Telephone)	(559) 625-5233

APPROVED:

By: _____ Date: _____
(Signature)

*NOTE: Attach acknowledgement of signature(s) by Notary Public if executed outside the State of California.

EXHIBIT D:
COMMENT LETTERS

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

May 9, 2007

TO: Chuck Przybylski, Project Planner
FROM: Kurtis Brown, Tulare County Fire Inspector
SUBJECT: Case No. GPI 07-001

The Fire Warden has no recommendations in response to this item.

If you have any questions please call Kurtis Brown at 733-6291 extension 4105..

KB:ta

cc: Dave Dean

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

May 9, 2007

TO: Chuck Przybylski, Project Planner

FROM: Craig Anderson, Engineer III *CA*

SUBJECT: General Plan Initiation Request – GPI 07-001

I have reviewed the project description and environmental checklist assessing the nature of and potential impacts associated with the proposed general plan amendment. I recommend that the applicant be authorized to submit an application for General Plan Amendment.

No adverse impacts to the County road system are anticipated by the proposed action. However, as specific development proposals are presented in the plan area, we will reserve comment and recommendations for improvements or dedications at that time.

CA:ta



Tulare County
Health & Human Services Agency

John Davis, Agency Director

Ray Bullick, Director - Health Services Department

Health Services Department ■ Larry Dwoskin, Director ■ Environmental Health Services

May 23, 2007

CHUCK PRZYBYLSKI
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA, CA 93277

Re: GPI 07-001 - Penn

Dear Mr. Przybylski:

This office has reviewed the above referenced matter. Based upon our review, we have no comments or recommendations for this project at this time.

Sincerely,

Sabine T. Geaney

Sabine T. Geaney
Environmental Health Specialist III
Environmental Health Services