



**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: January 15, 2008 - **REVISED**

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 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: An Amendment to the Tulare County Zoning (Ordinance 352) pertaining to Contractor's Storage Yards in the Rural Residential (R-A) Zone and authorize the Zoning Administrator to hold hearings and make decisions on special use permits for Contractor's Storage Yards in the R-A and F (Foothill Combining) Zone.

REQUEST(S): That the Board of Supervisors:

1. On January 15, 2008, take the following actions:
 - (a) Waive the first reading, introduce an Amendment to the Tulare County Zoning Ordinance 352, and set the matter for Public Hearing at 9:30 a.m. on January 29, 2008 in order to consider an amendment to the Tulare County Zoning Ordinance 352 pertaining to contractor's storage yards in the Rural Residential (R-A) Zone as recommended by the Planning Commission.
 - (b) Approve the Ordinance Amendment summary and direct the Clerk of the Board to publish such summary and to post a certified copy of the complete ordinance five (5) days prior to the Ordinance Amendment adoption date (January 29, 2008) as required by Section 25124 et. seq.
2. On January 29, 2008, at the time set for the public hearing of the Ordinance take the following actions:

SUBJECT: An Amendment to the Tulare County Zoning (Ordinance 352) pertaining to Contractor's Storage Yards in the Rural Residential (R-A) Zone and authorize the Zoning Administrator to hold hearings and make decisions on special use permits for Contractor's Storage Yards in the R-A and F (Foothill Combining) Zone.

DATE: January 15, 2008

- (a) Waive the final reading and adopt the Amendment to the Tulare County Zoning (Ordinance 352) pertaining to Contractor's Storage Yards in the Rural Residential (R-A) Zone.
- (b) Authorize the Zoning Administrator to hold hearings and make decisions on special use permits for contractor's storage yards in the R-A and Foothill (F) Zones.
- (c) Find there is no substantial evidence that said Zoning Ordinance Amendment will have a significant effect on the environment and that a Notice of Exemption for said Zoning Ordinance Amendment reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970.
- (d) Upon adoption of the proposed ordinance direct the Clerk of the Board to publish once in the Visalia Times-Delta newspaper the summary of the ordinance amendment with the names of the Board of Supervisors voting for and against the amendment and to post a certified copy of the full ordinance amending the Tulare County Zoning Ordinance with the names of the Board of Supervisors voting for and against the amendment, within fifteen (15) days as required by Section 25124 et. seq.

SUMMARY:

Currently contractor's storage yards are not allowed in residential zones, including the R-A Zone. However, contractor storage yards in the R-A Zone have been a re-occurring code enforcement issue for a number of years. Although the Resource Management Agency (RMA) Code Compliance Division has worked with some owners of storage yards to relocate, there remains a large number of unauthorized contractor's storage yards in the R-A Zone. There are approximately 25 unauthorized contractor's storage yards under code violations known throughout the County. It is suspected that there are numerous unknown storage yards.

Currently contractor's storage yards are not within the implementation regulations for the F (Foothill Combining) Zone. However, this Zone does allow for commercial and light industrial uses and contractor's yards are a less intensive use than some of those currently allowed. No action by the Board is required to amend the implementation regulations of the F Zone, as this matter can be handled

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administratively by the Resource Management Agency Director.

The Planning Commission held a public hearing, heard public testimony, and recommended approval of the amendment to the Ordinance on June 27, 2007 by Resolution 8232. Several members of the public, with small businesses in the R-A zone, spoke in support of this Ordinance Amendment. The majority of these persons currently operate contractor's storage yards in the R-A Zones and would like to continue operating their business within the County. However, the City of Tulare opposes the proposed Amendment. The City does not agree that contractor's storage yards are a compatible use of the R-A Zone and that the Ordinance Amendment should not be exempt from the California Environmental Quality Act (CEQA).

The Planning Commission also recommended that decisions contractor's storage yards in the F and R-A Zones should be handled by the Zoning Administrator as is the case with contractor's storage yards located in the Agricultural Zones. Addition of the F and R-A Zones to the Policies and Procedures Manual requires a Board of Supervisors Resolution giving authority to the Zoning Administrator to review contractor's storage yards in these Zones.

FISCAL IMPACT/FINANCING:

Not applicable.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Zoning Ordinance Amendments are linked to Strategic Initiative 2: Economic Well-Being—Promote economic development opportunities, effective growth management and a quality standard of living. This Ordinance Amendment would allow small business owners to establish contractor's storage yards within the R-A Zone, thereby lowering costs in operation of the business. This Amendment would also promote the orderly development of contractor's storage yards in the R-A and F Zones to protect the quality of living in these Zones.

SUBJECT: An Amendment to the Tulare County Zoning (Ordinance 352) pertaining to Contractor's Storage Yards in the Rural Residential (R-A) Zone and authorize the Zoning Administrator to hold hearings and make decisions on special use permits for Contractor's Storage Yards in the R-A and F (Foothill Combining) Zone.

DATE: January 15, 2008

ALTERNATIVES:

Your Board:

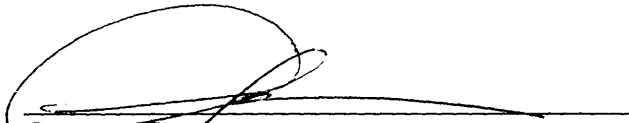
1. Direct that the Amendment be modified and referred back to the Planning Commission for report and recommendation.
2. Deny the Amendment to allow contractor's storage yards in the R-A Zone.
3. Approve the Ordinance Amendment, however, direct that the Planning Commission is to hold hearings and make decisions on applications for contractor's storage yards in the R-A and F Zones.

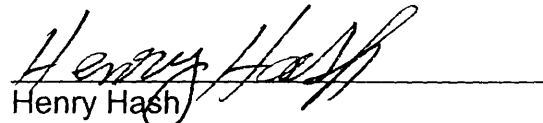
INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

Staff referred the applicant's proposal to interested property owners, the eight incorporated cities 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)
RMA Planning Department (GF, DB and BC)

County Counsel
Eight Incorporated Cities
List of Interested Property Owners

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

IN THE MATTER OF A PUBLIC HEARING)
REGARDING A RECOMMENDATION)
OF APPROVAL BY PLANNING)
COMMISSION OF AN AMENDMENT)
TO ORDINANCE 352, THE TULARE)
COUNTY ZONING ORDINANCE)
PERTAINING TO CONTRACTOR'S)
STORAGE YARDS IN THE R-A)
RURAL RESIDENTIAL ZONES)

RESOLUTION NO. _____
AGREEMENT NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JANUARY 15, 2008,
BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN ROUSSEAU
ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

1. On January 15, 2008, take the following actions:

- (a) Waived the first reading, introduced an Amendment to the Tulare County Zoning Ordinance 352, and set the matter for Public Hearing at 9:30 a.m. on January 29, 2008 in order to consider an amendment to the Tulare County Zoning Ordinance 352 pertaining to contractor's storage yards in the Rural Residential (R-A) Zone as recommended by the Planning Commission.

- (b) Approved the Ordinance Amendment summary and directed the Clerk of the Board to publish such summary and to post a certified copy of the complete ordinance five (5) days prior to the Ordinance Amendment adoption date (January 29, 2008) as required by Section 25124 et. seq.

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

IN THE MATTER OF ADOPTION) REGARDING A RECOMMENDATION) OF APPROVAL BY PLANNING) COMMISSION OF AN AMENDMENT) TO ORDINANCE 352, THE TULARE) COUNTY ZONING ORDINANCE) PERTAINING TO CONTRACTOR'S) STORAGE YARDS IN THE R-A) RURAL RESIDENTIAL ZONES))	RESOLUTION NO. _____ AGREEMENT NO. _____
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UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JANUARY 29, 2008,
BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN ROUSSEAU
ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

2. On January 29, 2008, at the time set for the public hearing of the Ordinance take the following actions:
- (a) Waived the final reading and adopt the Amendment to the Tulare County Zoning (Ordinance 352) pertaining to Contractor's Storage Yards in the Rural Residential (R-A) Zone.

- (b) Authorized the Zoning Administrator to hold hearings and make decisions on special use permits for contractor's storage yards in the R-A and Foothill (F) Zones.
- (c) Found there is no substantial evidence that said Zoning Ordinance Amendment will have a significant effect on the environment and that a Notice of Exemption for said Zoning Ordinance Amendment reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970.
- (d) Upon adoption of the proposed ordinance directed the Clerk of the Board to publish once in the Visalia Times-Delta newspaper the summary of the ordinance amendment with the names of the Board of Supervisors voting for and against the amendment and to post a certified copy of the full ordinance amending the Tulare County Zoning Ordinance with the names of the Board of Supervisors voting for and against the amendment, within fifteen (15) days as required by Section 25124 et. seq.

EXHIBIT A:
AMENDMENT TO ORDINANCE 352, THE
TULARE COUNTY ZONING ORDINANCE

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, PERTAINING TO CONTRACTOR'S STORAGE YARDS IN THE RURAL RESIDENTIAL (R-A) ZONE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

SECTION 1. Section 16.II.B is hereby added to Tulare County Ordinance No. 352, as amended from time to time, to read as follows:

Contractor's storage yards that do not qualify as rural home occupation pursuant to Section 15, Subsection A, paragraph 7c and which do not involve any manufacturing, fabrication or retail sale of construction material or equipment, provided that the use is accessory to an on-site dwelling unit occupied the owner of the facility and provided that the lot or parcel does not exceed five (5) acres in size A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, and R-A, *provided that contractor's storage yards in the RA Zone shall also comply with Section 15.A.10.* No special use permit for a contractor's storage yard shall be approved unless the open storage of materials and equipment is restricted to an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. (Added by Ord. No. 2810, effective 4-11-91).

Paragraph 10 of Subsection A of Section 15 of the Zoning Ordinance No. 352 as amended is hereby added to read as follows:

10. Contractor's storage yards permitted in the Rural Residential (RA) Zone shall comply with the following regulations:

- (a) Only minor repairs related to the maintenance of vehicles are to be completed on site. No commercial repair work or servicing of vehicles of any kind shall be conducted in the parking area, except in the case of emergency. Only minor repairs of a routine maintenance nature of vehicles, equipment, and trucks and trailers associated with the operation shall be allowed.*
- (b) The use shall not become a nuisance by reason of odor, visual aesthetic, dust, smoke, noise, vibrations, or may impose a health hazard to health or property.*
- (c) No equipment or process shall be used which creates excessive noise, vibration, glare, fumes, or odor detrimental to the use health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.*

- (d) *No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.*
- (e) *Lot or parcel size minimum of 43,000 square feet.*
- (f) *Fuel tanks shall be allowed subject to the regulation set forth in Section 15.A.5.e. provided that the tank capacity not exceed 500 gallons and that the tank is located not less than 500 feet from the nearest residence.*
- (g) *All parking and internal circulation shall be designed so that the vehicles enter or exit the site by moving forward. No parked vehicles shall extend into the public right-of-way or impede traffic flow.*

Modifications from the above regulations may be approved by the decision making body in individual cases if modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that contractor's storage yards will not under the circumstances of the particular case, be detrimental to the health and safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

SECTION 2. The ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the Visalia Times-Delta newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California on the 8th day of January 2008, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:

NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST: JEAN ROUSSEAU
County Administrative
Officer/Clerk of the Board of
Supervisors of the County of
Tulare

By: _____
Deputy

EXHIBIT B:
PLANNING COMMISSION STAFF REPORT
AND RESOLUTION, JUNE 27, 2007

June 27, 2007

TO: Tulare County Planning Commission

FROM: Chuck Przybylski, Countywide Planning Division

SUBJECT: **An Amendment to the Tulare County Zoning Ordinance Pertaining to Contractor's Storage Yards in the R-A and F Zones**

REQUESTS: That the Planning Commission conduct a Public Hearing and provide a recommendation to the Board of Supervisors regarding an amendment to Ordinance 352, (the Tulare County Zoning Ordinance) pertaining to contractor's storage yards in the Rural Residential (R-A) and the Foothill Combining (F) Zones.

PROPONENT: The proposed Zoning Ordinance Amendment was initiated by the Tulare County Planning Commission on February 28, 2007 by Resolution No. 8208.

PROPOSED ACTION: The proposed amendment would change the text of the Zoning Ordinance by amending Section 16.II.B, the Special Use Permit regulations to allow contractor's storage yards in the Rural Residential Zone and add Section 15.A.10 to spell out requirements to such yards.

A resolution is also proposed that would authorize the Zoning Administrator to hold hearings and make decisions on applications for contractor's storage yards in the R-A zone.

This proposal also includes a companion amendment to the implementation regulations of the Foothill Combining (F) Zone allowing contractor's storage yards.

BACKGROUND: Currently contractor's storage yards are not allowed in residential zones, including the R-A Zone. However, contractor storage yards in the R-A Zone have been a re-occurring problem for a number of years. Though the Code Compliance division has persuaded some owners of storage yards to relocate, there remains a large number of unauthorized contractor's storage yards in the R-A Zone. There are approximately 25 unauthorized contractor's storage yards under code violations are known throughout the County. It is suspected that there are numerous unknown storage yards.

In addition, the implementation regulations for the F Zone do not provide for contractor's storage yards even though they do allow for light industrial uses.

DISCUSSION: One option to resolve the large number of contractor's storage yard violations, is to amend the Zoning Ordinance to allow contractor's storage yards in the Rural Residential Zone. Owner/operator's usually are inclined to store their equipment close to home for repairs, maintenance and security. Rural Residential lots are attractive to owner/operators because of their size. R-A Zoned lots are usually one to five acre in size and create opportunities

to construct large barns, garages, animal pens and storage areas, yet small enough not to overburden the owner with excess land and costs. Owner/operators of contractor's storage yards generally do not conduct agricultural operations in addition to their business, therefore, large sized lots are usually not suited for their purpose. Furthermore, urban residential lots are usually too small and close together to accommodate storage areas. Rural Residential lots sizes are usually large enough to accommodate a single family home and a storage area.

The intent of this Ordinance Amendment is to allow for storage of equipment, materials and vehicles only, directly related to a business (i.e. contractor's storage yards). No sales, repairs (other than those identified in the amendment), fabrication or manufacturing are intended with this amendment. It is also the intent of this Amendment that the main function of the R-A zone is for residential units. Contractor's storage yards should be an incidental and secondary use of this Zone. As such, contractor's storage yards should not create a nuisance or create other conflicts that may arise in the R-A zone.

Currently contractor's storage yards are not within the implementation regulations for the F Zone. However, this Zone does allow for commercial and light industrial uses and could be seen as a less intensive use than those currently allowed. A draft Director letter is attached that would amend the F Zone to include contractor's storage yards.

Board of Supervisors Resolution 81-1189 sets forth the implementation regulations for the F Zone.

The regulations of the F, Foothill Combining Zone, require that certain classes of uses and activities be determined by resolution, rather than by including in the Zoning Ordinance. This determination is required for recreation, commercial, light industrial uses, public and quasi-public uses, and public utilities, communications and transportation uses. If a discrepancy is discovered within the adopted use list, the matter can be quickly resolved by the Planning Commission at a public hearing by adoption of a resolution and final approval by the Board of Supervisors.

However, in order to avoid the time and expense in providing such matters before the Planning Commission and Board of Supervisors, Resolution No. 81-1189 authorizes the Planning Director (now the Resource Management Agency Director) to act on such matters.

Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15. A.1.b of the Zoning Ordinance.

The list of uses and activities are made a part of the appendix of the Zoning Ordinance for ready reference by persons proposing developments in the F Zone.

A draft ordinance is provided to your Commission for action. This draft contains a list of proposed conditions of approval that would be applicable to contractor's storage yards in the R-A Zone. A companion amendment to the implementing regulation of the F Zone is also attached. These proposed conditions may be modified based upon input from the Commission and the public. It is recommended that the discretionary permit authority of the contractor's storage yards in the R-A Zone be a decision of the Zoning Administrator. Permit approval in the F Zone would follow those implementation regulations as adopted.

An alternative to this Ordinance Amendment would be to leave the Ordinance as adopted and not allow contractor's storage yards in R-A and/or F Zones.

ZONING ORDINANCE AMENDMENT: The first amendment occurs in Section 16.II.B, the Special Use Permit section. It adds the R-A zone to the contractor's storage yards definition. Existing Ordinance text is in *italics* and amendments are underlined.

Section 16.II.B

Contractor's storage yards that do not qualify as rural home occupation pursuant to Section 15, Subsection A, paragraph 7c and which do not involve any manufacturing, fabrication or retail sale of construction material or equipment, provided that the use is accessory to an on-site dwelling unit occupied the owner of the facility and provided that the lot or parcel does not exceed five (5) acres in size A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, and R-A and provided that contractor's storage yards in the R-A Zone shall also comply with Section 15.A.10. No special use permit for a contractor's storage yard shall be approved unless the open storage of materials and equipment is restricted to an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. (Added by Ord No. 2810, effective 4-11-91.)

The second amendment adds Section 15.A.10 to the Zoning Ordinance. This section adds a list of conditions that are intended to limit nuisances upon nearby residences. Below is a proposed list of minimum standards that were included in the Ordinance proposal initiated by the Planning Commission on February 28, 2007. Staff is requesting modifications to conditions below in order to simplify the regulations. Most of the conditions listed in the introduced Ordinance should be determined during the special use permit process, on a case by case basis and not fixed within the Zoning Ordinance itself. Many conditions may apply to contractor's storage yards, however, they will be determined by the special use permit process. The introduced ordinance used numeric system, however, the actual Ordinance will use an alphabetic system to remain consistent with the Zoning Ordinance. Deletions from the introduced ordinance are ~~struck through~~. The conditions remaining mostly refer to the existing Home Occupation regulations.

~~(1) — No on-street parking of any work vehicles overnight. If the contractor's storage yard area uses three (3) or more work vehicles, they shall be stored inside a screened fenced area overnight.~~

~~(2) — No retail sales of any fabricated, restored/repared products on-site.~~

These conditions are best addressed through the Special Use Permit process.

~~(a) — Only minor repairs related to the maintenance of vehicles are to be completed on site. No commercial repair work or servicing of vehicles of any kind shall be conducted in the parking area, except in the case of emergency. Only minor repairs of a routine maintenance nature of vehicles, equipment, and trucks and trailers associated with the operation shall be allowed.~~

This condition is similar to the Urban Home Occupation Ordinance (Tulare County Zoning Ordinance Section 15.A.7.b(13)) and is intended to limit excessive nuisance to neighboring residences.

~~4. — No advertising display signs shall be permitted.~~

Signage is best addressed through the Special Use Permit process.

~~5. — The contractor's storage yard shall remain an accessory to the on-site dwelling unit, which shall remain occupied by the property owner and immediate family. The use shall clearly be secondary to the use of the site for dwelling purposes and shall not change the residential characteristic of the property.~~

This condition is covered in Section 16.II.B.

~~(b) — The use shall not become a nuisance by reason of odor, visual aesthetic, dust, smoke, noise, vibrations, or may impose a health hazard to health or property.~~

This condition is similar to the Rural Home Occupation Ordinance (Tulare County Zoning Ordinance Section 15.A.7.c(7)) and is intended to limit excessive nuisance to neighboring residences.

~~(c) — No equipment or process shall be used which creates excessive noise, vibration, glare, fumes, or odor detrimental to the use health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.~~

This condition is similar to the Urban Home Occupation Ordinance (Tulare County Zoning Ordinance Section 15.A.7.b(13)) and is intended to limit excessive nuisance to neighboring residences.

- (d) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.

This condition is similar to the Home Occupation Ordinance (Tulare County Zoning Ordinance Section 15.A.7.b(14)) and is intended to limit excessive nuisance to neighboring residences.

- ~~9. Noise shall be limited to 60dB Ldn (or CNEL) at the property line.~~
- ~~10. Noise generating activities shall be limited in hours of operation from 7 a.m. to 10 p.m. Monday thru Saturday.~~
- ~~11. Twenty (20) maximum employees (including owner and office personnel).~~
- ~~12. No trucks over 10,000 lbs.~~

Conditions 9-12 are best addressed through the Special Use Permit process.

- (e) Lot or parcel size minimum of 43,000 square feet.

This condition is intended to avoid contractor's storage yards in densely settled areas.

- ~~14. The parcel must have access onto a County maintained public road, no private easements.~~
- ~~15. Open storage of materials and equipment shall be restricted to an area surrounded and screened by a solid wall or fence or compact hedge with solid gates, not less than six feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. There shall be no display of material and/or products outside of the fenced area.~~
- ~~16. Temporary use of the storage yard shall be approved and renewed at ten years intervals. Upon annexation into an incorporated City, the County use permit expires and the use will fall under the jurisdiction of the City.~~
- ~~17. All onsite parking and drive areas would require an all weather surface.~~
- ~~18. Vehicles shall be limited to three. Unladen weight of all work vehicles counted together shall be limited to 75,000 lbs.~~

Conditions 14-18 are best addressed through the specific use permit process. Also condition 15 is covered in Section 16.II.B.

- (f) Fuel tanks shall be allowed subject to the regulation set forth in Section 15.A.5.e. provided that the tank capacity not exceed 500 gallons and that the tank is located not less than 500 feet from the nearest residence.

- (g) All parking and internal circulation shall be designed so that the vehicles enter or exit the site by moving forward. No parked vehicles shall extend into the public right-of-way or impede traffic flow.

These conditions are intended to avoid excessive nuisance to neighboring residences.

Modifications from the above regulations may be approved by the decision making body in individual cases if modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that contractor's storage yards will not under the circumstances of the particular case, be detrimental to the health and safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Zoning Administrator

Contractor's storage yards in the F and R-A zone are intended to be approved/denied and/or modified by the Zoning Administrator as set forth in the Tulare County Policies and Procedures Manual, Numbers 230. Addition of the F and R-A Zones requires a Board of Supervisors Resolution giving authority to the Zoning Administrator.

Section 100. General:

The Zoning Administrator is authorized to hold hearings and make decisions on applications for the following special use permits and variances in the zones and areas and under the controls specified below except when an Environmental Impact Report has been required pursuant to the California Environmental Quality Act, as amended (added by Res. 76-3034, effective 11/9/76; amended by Res. 78-1802, effective 7/5/79).

Section 200. Special Use Permits: General Authorization:

Contractor's Storage Yards subject to the limitations set forth in Section 16, Part II, Subsection B—A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, F(Foothill Combining Zone) and R-A (added by Res. 88-0195, effective 2/16/88, amended by Res. XX-XXXX, effective X/X/XX). Contractor's storage yards in the R-A Zone are also subject to the regulations in Section 15.A.10.

ENVIRONMENTAL DETERMINATION: The contractor's storage yard Ordinance is categorically exempt under the California Environmental Quality Act (CEQA). Article 19, §15305 refers to minor alterations in land use limitations in areas which do not result in any changes in land use or density. By adopting this amendment to Ordinance 352, it is the intent of the County to implement regulations to contractor's storage yards. The project is not changing the land use designation or zoning of the site as it will remain Residential or increasing the density of the Zones and no density increases will be allowed.

SUBSEQUENT ACTION: Action by the Planning Commission to adopt a Zoning Ordinance amendment is advisory. The Planning Commission may recommend to the Board of

Supervisors that the proposed amendment be approved, approved with modifications, or disapproved. The Board of Supervisors will hold a public hearing on the amendments and render a final decision.

Action by the Planning Commission to adopt a resolution under Section 16.II.B and D is also advisory. The Planning Commission may recommend to the Board of Supervisors that the proposed resolution be approved, approved with modifications, or disapproved. The Board of Supervisors will hold a public hearing on the resolution and render a final decision.

CORRESPONDENCE: Correspondences were received by the County and are attached in Attachment E.

RECOMMENDATIONS: It is recommended that the Planning Commission take the following actions:

1. Recommend that the Board of Supervisors find there is no substantial evidence that said Zone Amendment will have a significant effect on the environment and determines that a Categorical Exemption for said Zone Amendment reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970; and
2. Approve the amendment to the Tulare County Zoning Ordinance (Ordinance 352 as amended), pertaining to contractor's storage yards in the R-A Zone; and
3. Recommend that the Board of Supervisors authorize the Zoning Administrator hold hearings and make decisions on Special Use Permits for contractor's storage yards in the R-A and F Zones; and
4. Recommend the Director of the Resource Management Agency amend the implementation regulations of the F (Foothill) Zone to allow contractor's storage yards, subject to the limitations for contractor's storage yards in Section 16.II.B.

Attachments:

Attachment A Planning Commission Resolution
Attachment B Zoning Ordinance Amendment
Attachment C Public Hearing Notice
Attachment D Director Letter
Attachment E Comment Letters

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE)
ZONING REGULATIONS -) RESOLUTION NO. 8232
CONTRACTOR'S STORAGE YARDS)

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve an amendment to Ordinance 352 by amending Section 16.II.B, the Special Use Permit regulations to allow contractor's storage yards in the R-A (Rural Residential) and the adoption of a resolution establishing contractor's storage yards in the R-A Zone under the process set forth in Section 15.A.10 of the Tulare County Zoning Ordinance. This proposal would also include companion amendment to the implementation regulations of the F (Foothill) Zone allowing contractor's storage yards.

WHEREAS, the proposed Zoning Ordinance Amendment was initiated by the Tulare County Planning Commission on February 28, 2007 by Resolution No.8208; and

WHEREAS, the Planning Commission has given notice of the proposed Ordinance amendment as provided in Section 18 of said Ordinance No. 352 and Section 65854 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended modifications and approval of this proposed Ordinance amendment; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on June 27, 2007; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recommend that the Board of Supervisors find there is no substantial evidence that said Zone Amendment will have a significant effect on the environment and determines that a Categorical Exemption for said Zone Amendment reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970; and
2. Approve the amendment to the Tulare County Zoning Ordinance (Ordinance 352 as amended), pertaining to contractor's storage yards in the R-A Zone; and
3. Recommend that the Board of Supervisors authorize the Zoning Administrator hold hearings and make decisions on Special Use Permits for contractor's storage yards in the R-A and F Zones; and
4. Recommend the Director of the Resource Management Agency amend the implementation regulations of the F (Foothill) Zone to allow contractor's storage yards, subject to the limitations for contractor's storage yards in Section 16.II.B.

The foregoing resolution was adopted upon motion of Commissioner Whitlatch, seconded by Commissioner Gong, at a regular meeting of the Planning Commission on the 27th day of June, 2007, by the following roll call vote:

AYES: Dias, Elliot, Gong, Kirkpatrick, Whitlatch, Pitigliano

NOES: None

ABSTAIN: None

ABSENT: Millies

TULARE COUNTY PLANNING COMMISSION

George E. Finney, Secretary

EXHIBIT C:
PUBLIC HEARING NOTICE

**NOTICE OF PUBLIC HEARING FOR AN AMENDMENT TO THE TULARE
COUNTY ZONING ORDINANCE 352 TO ADOPT AN AMENDMENT TO SECTION
16.II.B AND ADD SECTION 15.A.10 PERTAINING TO CONTRACTORS STORAGE
YARDS IN THE RURAL RESIDENTIAL ZONE**

(California Code Regulation, §65090 and §65856)

A Public Hearing to consider an amendment to the Tulare County Zoning Ordinance 352 will be held before the Tulare County Board of Supervisors on Tuesday, January 29, 2008 at 9:30 a.m., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California. This amendment is to change the text of the Zoning Ordinance by amending Section 16.II.B, the Special Use Permit regulations to allow contractor's storage yards in the Rural Residential Zone and add Section 15.A.10 to specify requirements to such yards.

All interested persons are invited to attend the public hearing and be heard. A copy of the Proposed PC Zone Ordinance and Staff Report may be reviewed and/or obtained at the following address:

Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

If you challenge the decision on any of the foregoing matters in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice or in a written correspondence delivered to the Tulare County Resource Management Agency, Countywide Planning Division, within the review period described herein.

Further information may be obtained by contacting Mr. Chuck Przybylski (559) 733-6291.

TO BE PUBLISHED ONLY ONCE

BY: January 18, 2008

Send to:

Visalia Times Delta

SEND BILL AND TEAR SHEET TO:

Tulare County Resource Management
Agency - Current Planning Division
5961 South Mooney Blvd.
Visalia, CA 93277-9394

EXHIBIT D:
SUMMARY ORDINANCE

ORDINANCE NO.

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF AN ORDINANCE AMENDING TULARE COUNTY ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, TO AMMEND SECTION 16.II.B AND ADD SECTION 15.A.10 PERTAINING TO CONTRACTOR'S STORAGE YARDS.

SUMMARY OF PROPOSED ORDINANCE

The proposed ordinance will amend Section 16.II.B and add Section 15.A.10 to Tulare County Ordinance No. 352, commonly known as the Tulare County Zoning Ordinance. A change of the text of the Zoning Ordinance by amending Section 16.II.B, the Special Use Permit regulations to allow contractor's storage yards in the Rural Residential Zone and add Section 15.A.10 to specify requirements to such yards.

The ordinance herein summarized will be considered by the Tulare County Board of Supervisors on January 29, 2008, at a regular meeting of said Board. At least five (5) days prior to January 29, 2008, a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors and shall be available for public inspection at that location.

COUNTY OF TULARE

By _____
Chairman, Board of Supervisors

ATTEST: JEAN ROUSSEAU
County Administrative Officer/
Clerk of the Board of Supervisor of
Tulare County

By _____
Deputy

EXHIBIT E:
NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: ☒ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ County Assessor/Clerk-Recorder
County of Tulare
221 South Mooney Blvd.
Courthouse, Room 105
Visalia, CA 93291

FROM: County of Tulare
Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277-9394

Project Title: Amendment to the Tulare County Zoning Ordinance 352 pertaining to contractor's storage yards in the Rural Residential and Foothill Zones

Project Location - Specific: Countywide

Project Location - County: Unincorporated areas of Tulare County

Description of Nature, Purpose, and Beneficiaries of Project:

The proposed amendment would change the text of the Zoning Ordinance 352 by amending Section 16.II.B, the Special Use Permit regulations to allow contractor's storage yards in the Rural Residential Zone and add Section 15.A.10 to spell out requirements to such yards.

Beneficiaries of the Project are: County of Tulare

Name of Public Agency Approving Project: Tulare County Board of Supervisors, Resource Management Agency

Name of Person or Agency Carrying Out Project: Chuck Przybylski, Tulare County Resource Management Agency

Exempt Status:

- ☐ Ministerial (Section 21080(b); 15268)
- ☐ Declared Emergency (Section 21080(b)(3); 15269(a))
- ☐ Emergency Project (Section 21080(b)(4); 15269(b)(c))
- ☒ Categorical Exemption - State type and section number (see below)
- ☐ Statutory Exemption - State type and section number (see below)
- ☐ General Rule Exemption (Section 15061(b)(3))

Reasons why project is exempt: Article 19, §15305 refers to minor alterations in land use limitations in areas which do not result in any changes in land use or density. By adopting this amendment to Ordinance 352, it is the intent of the County to implement regulations to contractor's storage yards. The project is not changing the land use designation or zoning of the site as it will remain Residential or increasing the density of the Zones and no density increases will be allowed. The Board of Supervisors therefore directs that the Notice of Exemption be filed with Tulare County Clerk in accordance with the Tulare County Guideline for the implementation of CEQA.

Lead Agency Contact Person: Chuck Przybylski **Area Code/Telephone/Ext.:** (559) 733-6291 Ext. 4203

Determination made by:

_____ Title _____ Date _____

Lead Agency:

Tulare County Resource Management Agency

☒ Signed by Lead Agency

☐ Signed by Applicant

Date Received for filing at OPR: _____

EXHIBIT F:
COMMENT LETTERS

From: "Creative Plastering" <creativeplastering@comcast.net>
To: "Chuck Przybylski" <CPrzybyl@co.tulare.ca.us>
Date: 03/20/2007 10:53 AM
Subject: RON THOMPSON/CONTRACTORS STORAGE AMENDMENT

TO CHUCK PRZYBYLSKI,

CONCERNING THE DRAFT DATED 2/28/07 REGARDING THE
CONTRACTOR'S STORAGE YARD AMENDMENT PROPOSAL I
TOTALLY AGREE WITH REMOVING NUMBER(11) CONCERNING
THE NUMBER OF EMPLOYEES AND NUKMBER(18) CONCERNING
THE NUMBER OF WORK VEHICHES IN THE YARD. I WOULD LIKE
TO SEE NUMBER(16) CHANGED. I WOULD LIKE IT TO BE CHANGED
TO SAY, IF WE ARE INCORPORATED BY THE CITY OF TULARE ARE
PERMIT WOULD BE AUTOMATICLY GRANDFATHER IN. IF THE
PROPERTY WOULD EVER BE SOLD THE PERMIT WOULD BECOME
VOID AND WOULD NOT PASS ON TO THE THE NEW OWNERS.

THANK YOU

TULARE-COUNTY RESIDENTS
RON & DARLEEN THOMPSON
1202 W. GAIL AVE. TULARE, CA
(559) 688 0805 3/20/07
CREATIVE PLASTERING INC.
22 YEARS IN BUSINESS

MAR 29 2007

Phil and Belina Feijo
1239 West Gail Avenue
Tulare, CA 93274

March 26, 2007

Dear Mr. Przybylski:

My name is Belina Feijo. I live at 1239 W. Gail Avenue in Tulare, with my husband Phil and our two children, Phillip and Richard.

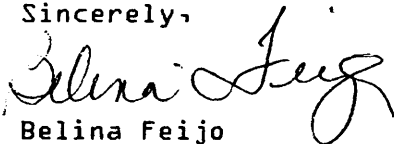
We moved here in 2001, in order to allow my husband to park his own truck tractor and trailer. My husband is an "owner-operator", which means he operates his own truck and is only for hire.

We are not running a business on our property. We are only asking to park our equipment on our 2 1/2 acres.

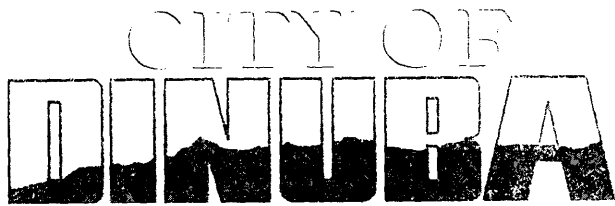
We requested an ammendment to the current zoning in 2002 to allow contractor storage. Since my husband is a transportation contractor we believe that our equipment would also fall under this ammendment.

We would like the property use permit to stay with the property until its sale.

Sincerely,



Belina Feijo



Together, A Better Community

CALIFORNIA • 1906

City Manager
559/591-5904

City Attorney
559/437-1770

Administrative Services
559/591-5900

Development Services
559/591-5906

Dinuba Vocational Center
559/596-2170

Fire/Ambulance Services
559/591-5931

Parks & Community Services
559/591-5940

Police Services
559/591-5914

Public Works Services
559/591-5924

DEVELOPMENT SERVICES

RECEIVED
TULARE COUNTY

JAN 03 2008

CLERK
TULARE COUNTY

January 7, 2008

Chuck Przybylski, Planner
Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

RE: Zoning Ordinance Amendment/Contractors Storage Yard in R-A Zone.

The City of Dinuba has no comment regarding the proposed amendment to the Tulare County Zoning Ordinance allowing Contractor Storage Yards in R-A (Rural-Residential) Zones.

Please continue to notify the City of Dinuba about any proposed County projects within or around the City's Urban Area and Urban Development Boundaries. In particular, projects affecting General Plan uses, rights of way & street alignments and infrastructure (lights, water, sewer, etc.) are of great concern to the City. Thank you for your time.

Regards,

Cristobal Carrillo
Development Technician
Development Services, City of Dinuba
(559) 591-5906

C: file

500 E. Adelaide Way, Dinuba, CA 93618

Fax 559/595-1922

E-Mail address: development@dinuba.ca.gov

www.dinuba.ca.gov