



**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 type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Advertised Published Notice	Yes <input 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: Set a Public Hearing to Consider Change of Zone No. Change of Zone from the AE-20 (Exclusive Agricultural 20-acre minimum) Zone to M-2-SR (Heavy Manufacturing with Site Review Combining) Zone on 150± acres, located on the south side of Avenues 432 and 430, 700 feet west of Road 72, northwest of Dinuba.

REQUEST(S):
That the Board of Supervisors take the following action on PZ 07-010:
1. Set a Public Hearing for January 29, 2008; and
2. Introduce and waive the first reading of the Ordinance amending Ordinance No. 352, the Zoning Ordinance of Tulare County, to change zoning to the M-2-SR (Heavy Manufacturing with Site Review Combining) Zone on 150± acres located on the south side of Avenues 432 and 430, 700 feet west of Road 72, northwest of Dinuba.

SUMMARY:
R-Y Timber, Inc proposes a change of zone, No. PZ 07-010, from the AE-20 (Exclusive Agricultural 20-acre minimum) Zone to the M-2-SR (Heavy Manufacturing with Site Review Combining) Zone. The site is outside any Urban Development Boundary and is subject to the Rural Valley Lands Plan (RVLP). Current uses on the properties include a variety of agriculture-related industrial uses. The site is surrounded by AE-20 (Exclusive Agricultural – 20-Acre Minimum) zoned lots with agriculture and rural residences. The applicant requested the rezoning to continue

SUBJECT: Set a Public Hearing to Consider Change of Zone No. Change of Zone from the AE-20 (Exclusive Agricultural 20-acre minimum) Zone to M-2-SR (Heavy Manufacturing with Site Review Combining) Zone on 150± acres of land, located on the south side of Avenues 432 and 430, 700 feet west of Road 72, northwest of Dinuba.

DATE: January 15, 2008

existing uses without the need for conditional use permits. The Planning Commission held a public hearing on December 12, 2007 and recommended approval of the change of zone. No opposition was received. See attached Planning Commission Resolution No. 8287.

FISCAL IMPACT/FINANCING:

No net County costs.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Rezoning to implement the General Plan and to promote the safety and security of the public and to promote economic development opportunities, effective growth management and a quality standard of living, which are goals that are linked to the Economic Well-Being initiative of Tulare County's Strategic Business Plan 2006-2011.

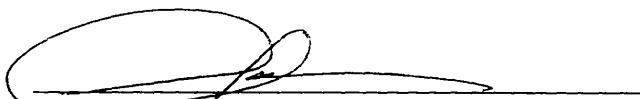
ALTERNATIVES:

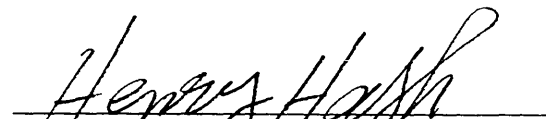
State Planning and Zoning Law requires the Board to conduct a public hearing when the Planning Commission recommends approval of a rezoning (Government Code Section 65856).

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

See consultation referral list in staff report.

ADMINISTRATIVE SIGN-OFF:


George E. Finney
Assistant Director, Planning


Henry Hash
Director

cc: Auditor/Controller
County Counsel
County Administrative Office (2)
Richard Heaton, Vice President, R-Y Timber, Inc., P.O. Box 5405, Boise ID 83705
Randall Rouda, 11750 W Reutzel, Boise ID 83709

Attachments:

- Planning Commission Resolution No. 8287
- Draft BOS Resolution

1. The applicant has requested a Change of Zone from the AE-20 (Exclusive Agricultural 20-acre minimum) Zone to M-2-SR (Heavy Manufacturing with Site Review Combining) Zone on 150± acres of land on the south side of Avenue 432 and 430 and 700 feet west of Road 72 northwest of Dinuba.
2. The applicant is proposing to continue existing agriculture-related industrial uses on the subject site that were allowed through conditional use permits. Rezoning will resolve existing violations on some of the sites, accommodate long range growth goals and allow marketing the site to one or more buyers who will develop new industrial facilities on the site. Such uses could take advantage of existing buildings, adjacent rail access with on-site rail spurs, on-site domestic wells, sewage disposal facilities and existing fire fighting capacity (storage pond and pumps).
3. The City of Dinuba and County of Tulare are cooperating to create a redevelopment area which would include the subject site and make municipal water and sewer services available to the site in the near future.
4. The site is currently zoned AE-20 and contains eleven major covered structures/pole barns; six smaller covered structures including a steam cleaner shed, a pump house, a fire system building and a weigh station; seven 1,000 gallon septic tanks with a total of 700 feet of leach lines, water wells and storage tanks; and a 4,000 gallon above-ground diesel fuel tank. In addition, on the Community Recycling and Resource Recovery-owned parcels are a bio-mass fired electricity generation plant and a single family residence with an attached garage.
5. The M-2 Zone is intended for manufacturing establishments and industries that may be obnoxious by reason of emission of odor, dust, smoke, gas, noise or similar causes. Such uses require isolation from many other kinds of land use and are usually confined to an urban industrial park or an isolated rural location. The SR (Site Review Combining) Zone has been added to many rezoned sites that are underdeveloped, in order to provide an opportunity to review subsequent uses and/or construction projects at the sites to ensure conformance with the policies, standards and objectives of the Zoning Ordinance and General Plan.
6. The subject site is not located within any Urban Development Boundary or Urban Area Boundary and the applicable land use element is the Rural Valley Lands Plan (RVLP). Under the RVLP evaluation system, the subject site received 11 points, clearly indicating the site is eligible for non-agricultural zoning.
7. Although RMA staff recommended consideration of PD-M-2 zoning in lieu of M-2-SR zoning, the Planning Commission determined that Site Plan Review requirements would be preferable to the Planned Development since the site is already substantially developed.

8. A Negative Declaration was prepared and approved for public review by the Environmental Assessment Officer for the project. The Negative Declaration indicates that the proposed project could not have a significant effect on the environment.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the reclassification of property as requested in the petition to M-2-SR zoning to be consistent with the purpose of Ordinance No. 352 and further finds the petition as requested is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

1. This Commission hereby recommends that the Board of Supervisors find that there is no substantial evidence that said Change of Zone will have a significant effect on the environment and determines that the Negative Declaration 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, as amended.

2. This Commission hereby recommends that the Board of Supervisors approve Amendment to the Zoning Regulations Case No. PZ 07-010 as petitioned.

3. This Commission hereby recommends that the Board of Supervisors require a cultural and historical resources study on the site, as suggested by Southern San Joaquin Valley Information Center staff.

The foregoing resolution was adopted upon motion of Commissioner Whitlatch, seconded by Commissioner Millies, at a regular meeting of the Planning Commission on the 12th day of December 2007, by the following roll call vote:


AYES: Dias, Elliott, Gong, Kirkpatrick, Millies, Pitigliano, Whitlatch

NOES: none

ABSTAIN: none

ABSENT: none

TULARE COUNTY PLANNING COMMISSION


George E. Finney, Secretary