

#### BOARD OF SUPERVISORS

ALLEN ISHIDA

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 Scheduled Public Hearing w/Clerk Published Notice Required Advertised Published Notice Meet & Confer Required	Yes	No   No   No   No   No   No   No   No	N/A N/A N/A N/A			
Electronic file(s) has been sent	Yes 🗵	No 🔲	N/A			
Budget Transfer (Aud 308) attached Personnel Resolution attached	Yes ∐ Yes □	No ∐ No □	N/A N/A	$\boxtimes$		
Resolution, Ordinance or Agreements	s are attach	ed and sig	nature	ine fo	or Chairmar	1
is marked with tab(s)/flag(s)	Yes 🛚	No 📙	N/A	$\Box$		
CONTACT PERSON: Celeste Perez	PHONE:	559-733-6	291			

## 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:

**AGENDA ITEM** 

- 1. Set a Public Hearing for January 29, 2008; and
- 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

Set a Public Hearing to Consider Change of Zone No. Change of Zone from SUBJECT:

> 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

Auditor/Controller CC:

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

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

IN THE MATTER OF CONSII A PROPOSED REZONING, I R-Y TIMBER		· ———
		, SECONDED BY SUPERVISOR
, THE FC	DLLOWING	G WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OF	FICIAL M	EETING HELD JANUARY 15, 2008, BY THE
FOLLOWING VOTE:		
AYES: NOES: ABSTAIN: ABSENT:		
Д	ATTEST:	JEAN ROUSSEAU COUNTY ADMINISTRATIVE OFFICER CLERK, BOARD OF SUPERVISORS
	BY:	Deputy Clerk
* *	* * * * *	* * * * * * * * * *

## The Board of Supervisors:

- 1. Set a Public Hearing for January 29, 2008; and
- Introduced and waived 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.

#### BEFORE THE PLANNING COMMISSION

## COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE	)	
		RESOLUTION NO. 8287
ZONING ORDINANCE, CASE NO. PZ 07-010	)	

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve a petition by R-Y Timber Inc. for a change of zone from AE-20 (Exclusive Agricultural 20-acre minimum) Zone to M-2-SR (Heavy Manufacturing with Site Review Combining) Zone on eight parcels totaling approximately 150 acres, located on the south side of Avenue 432 and 430 and 700 feet west of Road 72, northwest of Dinuba.

WHEREAS, a petition has been filed pursuant to the regulations contained in Section 17 of Ordinance No. 352, the Zoning Ordinance, and

WHEREAS, the Planning Commission has given notice of the proposed change of zone boundaries or classifications 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 (made a part hereof), and recommended approval of the PD-M-2 (Planned Development – Heavy Manufacturing) Zone for this application, and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on December 12, 2007, and

WHEREAS at that meeting of the Planning Commission, public testimony was received and recorded from agent Randy Rouda; Richard Heaton of R-Y Timber, John Richardson of Community Renewable Energy Services (CRES); Ed Todd of the City of Dinuba; and Mike Shull of Bear Creek Ranch in support of the proposal and no one spoke in opposition to the proposal.

## NOW, THEREFORE, BE IT RESOLVED as follows:

- A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Negative Declaration for the proposed zone change, together with any comments received during the public review process, in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 prior to taking action on the zone change.
- B. This Planning Commission hereby determines the following findings were relevant in evaluating this application:

- 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 12<sup>th</sup> 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