



**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 checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input checked="" 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: Consideration of Change of Zone No. PZ 06-006, from R-A (Rural Residential) Zone to C-2 (General Commercial) Zone on a 4.71-acre site located on the northwest corner of State Highway 63 (Road 124) and Avenue 322, north of Visalia.

REQUEST(S):
That the Board of Supervisors take the following action on PZ 06-006:

1. Certify that it has reviewed and considered the information contained in the Mitigated Negative Declaration for the proposed change of zone 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 change of zone;
2. Find there is no substantial evidence that said change of zone will have a significant effect on the environment and determine that the Mitigated 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;
3. Waive the final reading of the ordinance;
4. Approve the Amendment to the Zoning Regulations Case No. PZ 06-006, as requested by the applicant to C-1-SR (Neighborhood Commercial-Site Review Combining) Zone on a 4.71-acre site located on the northwest corner of State Highway 63 (Road 124) and Avenue 322, north of Visalia;
5. Adopt the Ordinance Amendment; and
6. Direct the Clerk of the Board of Supervisors to publish the adopted Ordinance and return the signed Notice of Determination to Resource Management Agency.

SUBJECT: Consideration of Change of Zone No. PZ 06-006, from R-A (Rural Residential) Zone to C-2 (General Commercial) Zone on a 4.71-acre site located on the northwest corner of State Highway 63 (Road 124) and Avenue 322, north of Visalia.

DATE: January 15, 2008

SUMMARY:

Seng and Nina Saephan requested General Plan Amendment GPA 06-004 and Change Of Zone No. PZ 06-006, to re-classify a 4.71-acre site from "Rural Residential" to "Local Retail Commercial" and to change the zone from R-A (Rural Residential) to C-2 (General Commercial) Zone. The Planning Commission held a public hearing on September 12, 2007, heard opposition and on September 26, 2007 denied GPA 06-004 and PZ 06-006. On November 27, 2007 the Board of Supervisors considered an appeal of the Commission's decision and heard comments from the applicant and agent. No one spoke in opposition to the appeal. The Board continued the hearing until December 11, 2007, heard concerns from neighbors, Don Connor and Gabriel Garcia, and approved GPA 06-004 and PZ 06-006. See attached resolution for PZ 06-006.

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:

None.

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)
Seng and Nina Saephan, 2346 E. Parker Ct., Visalia CA 93292
Steve Sparshott, 2923 W Mary, Visalia CA 93277

Attachments: Board of Supervisors Resolution 2007-0829 for PZ 06-006

- Draft BOS Resolution for Change of Zone
- Draft Ordinance and Map

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

IN THE MATTER OF CONSIDERATION OF)
A PROPOSED REZONING, PZ 06-006,)
SENG AND NINA SAEPHAN)

RESOLUTION 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
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

The Board of Supervisors:

1. Certified that it has reviewed and considered the information contained in the Negative Declaration for the proposed change of zone 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 change of zone;
2. Found there is no substantial evidence that said change of zone will have a significant effect on the environment and determine 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;
3. Waived the final reading of the ordinance;

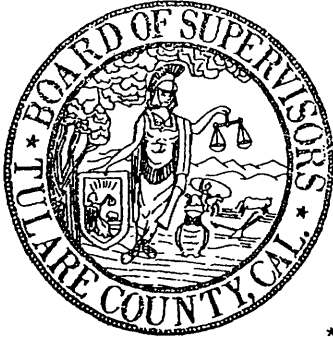
4. Adopted the findings for the Change of Zone, as set forth in Board of Supervisors Resolution 2007-0829;
5. Approved the Amendment to the Zoning Regulations Case No. PZ 06-006, as requested by the applicant to C-1-SR (Neighborhood Commercial-Site Review Combining) Zone on a 4.71-acre site located on the northwest corner of State Highway 63 (Road 124) and Avenue 322, north of Visalia;
6. Adopted the Ordinance Amendment; and
7. Directed the Clerk of the Board of Supervisors to publish the adopted Ordinance and return the signed Notice of Determination to Resource Management Agency.

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

IN THE MATTER OF CONSIDERATION OF)
CHANGE OF ZONE NO. PZ 06-006) RESOLUTION NO. 2007-0829
FOR SENG AND NINA SAEPHAN)

UPON MOTION OF SUPERVISOR COX, SECONDED BY SUPERVISOR ENNIS, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD DECEMBER 11, 2007, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, CONWAY, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



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

BY: *Debra A. Ybana*
Deputy Clerk

The Board of Supervisors:

1. Adopted findings in support of approving the appeal by Seng and Nina Saephan regarding the Planning Commission's decision to deny General Plan Amendment GPA 06-004 and Change of Zone PZ 06-006 for a 4.71 acre site located on the northwest corner of State Highway 63 (Road 124) and Avenue 322, north of Visalia.
 - a. The site's location on State Highway 63 is subject to busy traffic, more suitable for commercial than noise-sensitive, residential use.
 - b. Several parcels in the vicinity contain commercial projects zoned C-2 and C-2-SR, a more intense use than the proposed C-1-SR zone.
 - c. The subject parcel is smaller than the 5-acres considered optimum for agricultural use.
 - d. The proposed SR (Site Plan Review Combining) Zone overlay provides review of development projects to ensure compatibility with surrounding

land uses and access from State Highway 63.

2. Approved the appeal by Seng and Nina Saephan regarding the Planning Commission's decision to deny Change of Zone PZ 06-006 for a 4.71 acre site located on the northwest corner of State Highway 63 (Road 124) and Avenue 322, north of Visalia.
3. Introduced and waived the first reading of the attached Ordinance amending Ordinance No. 352, the Zoning Ordinance of Tulare County.

RMA
Co. Counsel

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12/12/07

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ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, BEING AN ORDINANCE ESTABLISHING AND REGULATING LAND USES WITHIN CERTAIN ZONES IN THE COUNTY OF TULARE.

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

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of the North 1/2 of the Southeast ¼ of Section 7, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, being a subdivision of Part 310 of the Official Zoning Maps. A map showing the C-1-SR (Neighborhood Commercial – Site Review Combining) Zone approved for the 4.71-acre site is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification filed as Change of Zone Case No. PZ 06-006 is briefly described as follows:

Being approximately 4.7 acres located on the northwest corner of State Highway 63 (Road 124) and Avenue 322, north of Visalia (APN 078-080-016).

Section 3. This Ordinance shall take effect thirty (30) days from the date of the passage hereof, or if published more than 15 days after the date of passage, then 30 days after publication, whichever is later, and, shall be published once in the _____, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members 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 ___th day of _____, 2008, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

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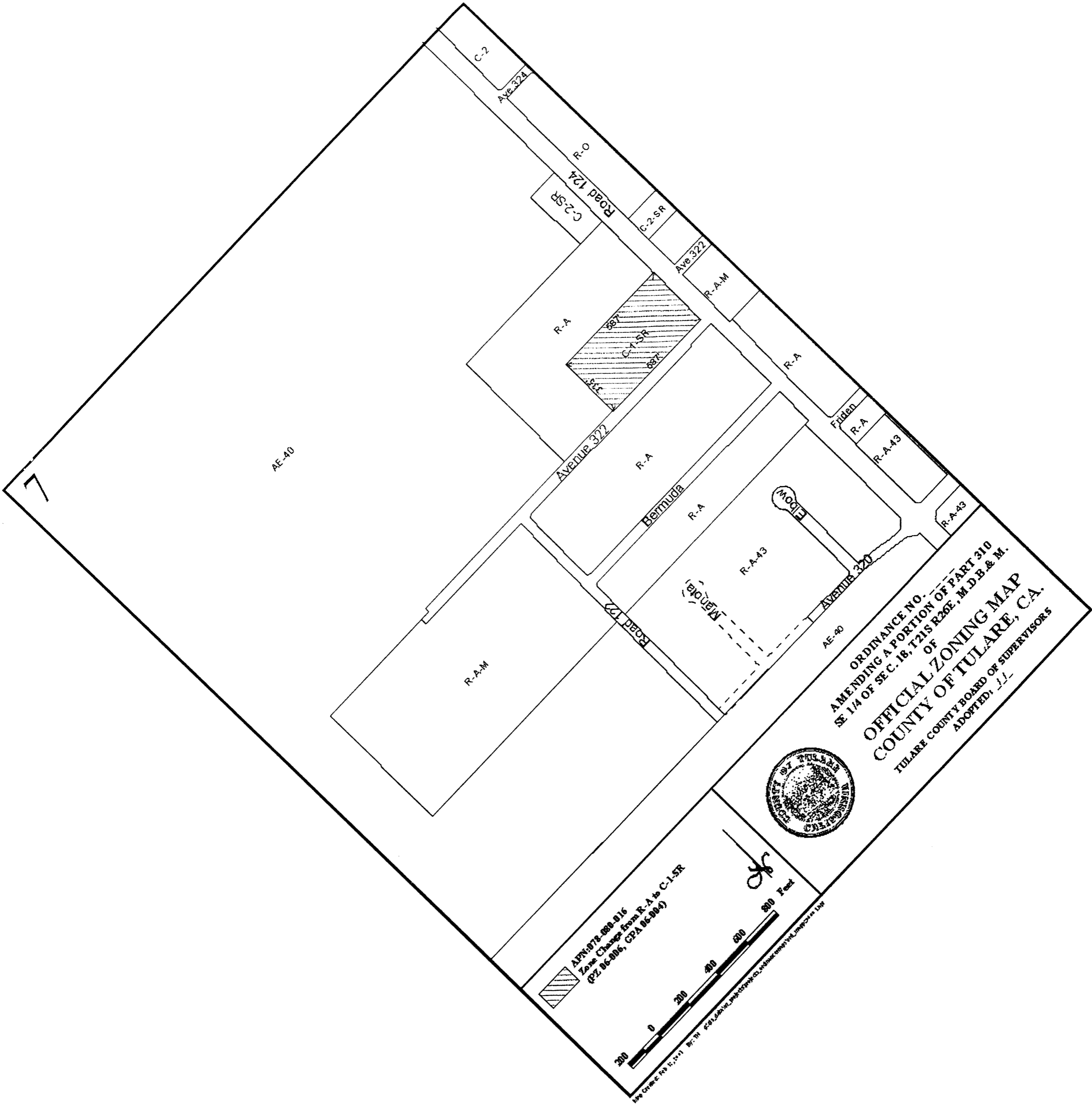
NOES:

ABSENT:

Chairman, Board of Supervisors

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

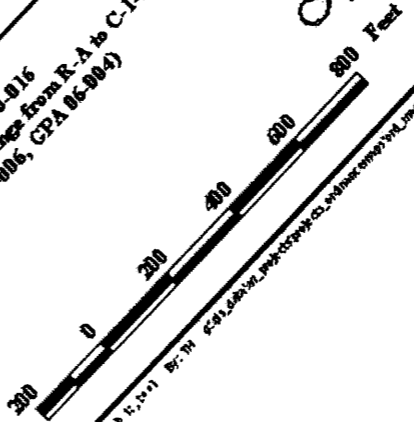
By: _____
Deputy



ORDINANCE NO. _____
 AMENDING A PORTION OF PART 310
 OF
 SE 1/4 OF SEC. 16, T21S R26E, M.D.B. & M.
OFFICIAL ZONING MAP
 COUNTY OF TULARE, CA.
 TULARE COUNTY BOARD OF SUPERVISORS
 ADOPTED: 1/1



APN: 072-080-016
 Zone Change from R-A to C-1-SR
 (ZL 06-006, CPA 06-006)



Map Online PDF 11/13/11 BY: TH 621.200.1010
 www.ctb.com
 www.ctb.com
 www.ctb.com