



**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

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 PZI 07-004 (Thomas Simon, Kennedy Meadows).

**REQUEST(S):**

That the Board of Supervisors:

Allow the project proponent of PZI 07-004 to file an application for a change of Zone within the Kennedy Mountain Plan Area.

**SUMMARY:**

**BACKGROUND:** Enclosed is a copy of a request by Mrs. Marge Balsley, agent for Mr. Thomas Simon, to initiate a change of Zone for Assessor Parcel Numbers 310-010-015 (36.7 acres) and 016 (41.87 acres) from Mountain Residential - 217,000 square foot minimum (MR-217) to Commercial Recreation (CO). This request would also change the Zone of APN 310-050-010 (329 acres) from Mountain Residential - 1,742,000 square foot minimum (MR-1742) to Mountain Residential- 435,000 square foot minimum (MR-435), and would allow for 33 - 10 acre parcels to be created.

The subject site falls under the Kennedy Meadows Plan. The Kennedy Meadows Plan was the first adopted sub-area plan of the Mountain Plan, and was last amended by GPA 92-03 September 15, 1992.

**SUBJECT:** Preliminary review of PZI 07-004 Simon, Kennedy Meadows, CA.

**DATE:** January 15, 2008

**GENERAL PLAN POLICIES:** On April 20, 2004 your Board approved an interim policy related to the acceptance and processing of Zone change applications during the General Plan Update. The policy requires that an initial screening of Zone change applications outside of Urban Development Boundaries be conducted by your Board to determine compatibility with the Draft General Plan 2030, before the application can be accepted for processing.

The Kennedy Meadows Sub Area Mountain Plan is the principle County General Plan document applicable to the project. The Plan was adopted by the Board on October 28, 1986 by Resolution Number 86-1376 and amended by General Plan Amendment 92-03 on September 15, 1992 by Resolution Number 92-1012. There are no changes to this sub area plan proposed in the Draft General Plan 2030.

**FINDINGS:** APN's 015 and 016 are within the Primary Development Area (PDA) created by GPA 92-03. The Land Use designation of the area within 1,000 feet of Kennedy Meadows Road is Mountain Commercial Opportunity Area (MCOA). The MCOA is intended to designate areas that are considered appropriate for mountain commercial developments. APN's 015 and 016 are within 1,000 feet of the centerline of Kennedy Meadows Road and within the MCOA and could be rezoned to Commercial Recreation (CO) on a case-by-case basis. Therefore, the requested Zone Districts are consistent with the respective land use designation.

GPA 92-03 Policy 2 states that "Mountain Commercial" may be approved within the MCOA if the property under consideration exhibits all the following criteria; the property has access to a publicly maintained road adequate to the development, the property can be developed without creating conflicts of use within existing or adjacent parcels, the property will fulfill a need for a demonstrated demand for additional commercial designated land, and water can be made available for domestic and fire fighting purposes based on water specifications provided by the Tulare County Health Department and the County Fire Warden.

The remainder of the site is designated Mountain Residential (please see Exhibit A for maps of the site). According to GPA 92-03 Goal A Policy 4, that portion of the subject property outside of and within one mile of the PDA could be suitable for parcels with a minimum lot size of ten (10) acres and a maximum of 40 acres, with approval of MR Zoning on a case by case evaluation. One of the conditions of Policy 4 is that the site is not within the Monache deer migration corridor. The site is not within the corridor, which at the time of the Kennedy Meadows Plan drafting was located along Long Valley to the southwest and Sacatar Meadow to the east of the subject site. The 2005 California Department of Fish and Game Natural Diversity Data Bank do not show this corridor.

The parcels are not under Williamson Act contract. The site is not within a 100 year floodplain. The Manter Fire burned the area in 2000, leaving little vegetation on the site. Fire protection is provided from a County of Tulare station located in Kennedy

**SUBJECT:** Preliminary review of PZI 07-004 Simon, Kennedy Meadows, CA.

**DATE:** January 15, 2008

Meadows. The fire station abuts parcel 016, and is maintained by volunteers. Water for domestic use is provided by individual wells. There is no fire hydrant system so natural water sources are relied upon as well as aid from air and ground tankers from the United State Forest Services. The draft County General Plan 2030, policy HS-6-4, requires that new development in extreme or high fire hazard areas be designed and constructed in a manner that minimizes fire hazard risk. Cluster development is encouraged to provide for more localized and effective fire protection.

Police protection is provided by two Tulare County Sheriff's deputies with response times depending on weather and resulting road conditions anywhere from 30 minutes to 2 hours.

Snow removal during winter months is provided by the County. The County has a contract to provide snow removal services for Kennedy Meadows Road. The snow is removed for 2" on up during daylight hours.

Surrounding property owners have voiced concerns regarding the change of Zone within the Kennedy Mountain Plan Area. The key issues of concern is the potential for runoff and erosion resulting from the Manter Fire of 2000, noise pollution from new dwelling's use of generators since electricity services are non-existent, and dust if the change of Zone request is approved. Please see Exhibit B for correspondence relating to the project.

**FISCAL IMPACT/FINANCING:**

If authorized to file a Zone Change application, the applicant will pay an initial fee to the Tulare County Resource Management Agency. The cost for a Zone Change for a 40 acre site or more is \$6,173.00 plus \$25.00 for each full acre over 40 acres (subject to new fee schedule). Upon completion of the 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 if in excess of the fee plus 10%. Payment will be required prior to setting the Planning Commission public hearing date.

County Policy requires that the applicant reimburse the County for the full cost of processing General Plan Amendments. This includes the cost of preparing the required environmental document (Mitigated Negative Declaration or EIR). Preliminary estimates of the processing a MND is approximately \$4,500+ and an EIR (if necessary) approximately \$40,000 to \$60,000.

**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, effective growth

**SUBJECT:** Preliminary review of PZI 07-004 Simon, Kennedy Meadows, CA.

**DATE:** January 15, 2008

management and a quality standard of living.

**ALTERNATIVES:**

Your Board could deny or modify the request.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

Staff referred the applicant's proposal to the Tulare County Sheriffs Department, Tulare County Environmental Health, Tulare County Fire Department, County of Inyo, and San Joaquin Valley Air Pollution Control District.

**ADMINISTRATIVE SIGN-OFF:**

RESOURCE MANAGEMENT AGENCY

  
George Finney, Assistant Director  
Planning

  
Henry Hash  
Director

cc:

Auditor/Controller  
County Administrative Office (2)  
Sheriffs Department  
Fire Department

County Counsel  
Applicant  
Agent  
County of Inyo

Attachments: Exhibit A: Maps  
Exhibit B: Initial Consultation Letter  
Exhibit C: Comment Letters

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

IN THE MATTER OF PRELIMINARY )  
REVIEW OF PLAN ZONING ) RESOLUTION NO. \_\_\_\_\_  
INITIATION 07-004, SIMON/ ) AGREEMENT NO. \_\_\_\_\_  
KENNEDY MEADOWS, CA )

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:

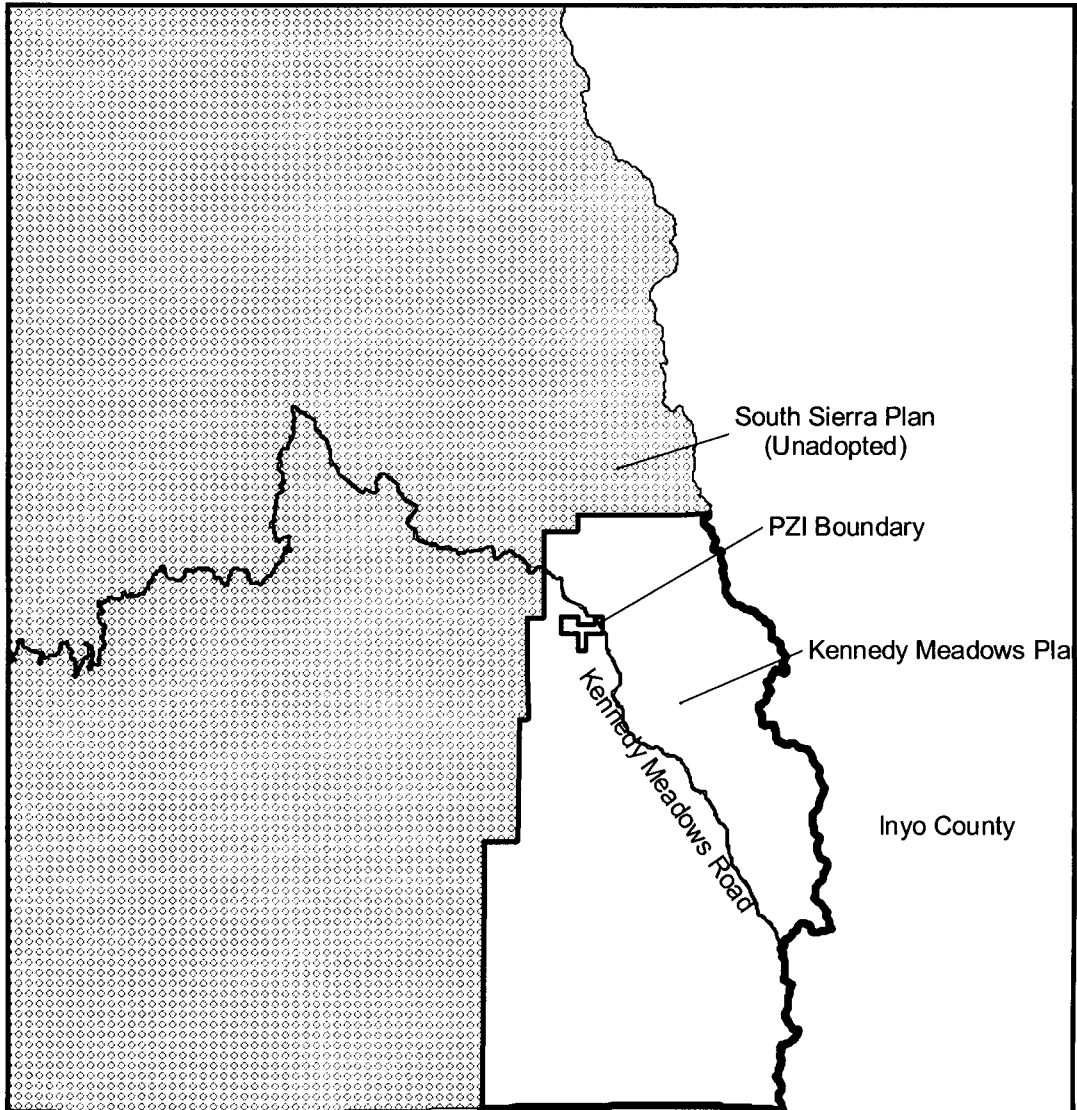
ATTEST: JEAN ROUSSEAU  
COUNTY ADMINISTRATIVE OFFICER  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*











Allowed the project proponent of PZI 07-004 to file an application for a change of  
Zone.

EXHIBIT A:  
MAPS



Kern County


Inyo County

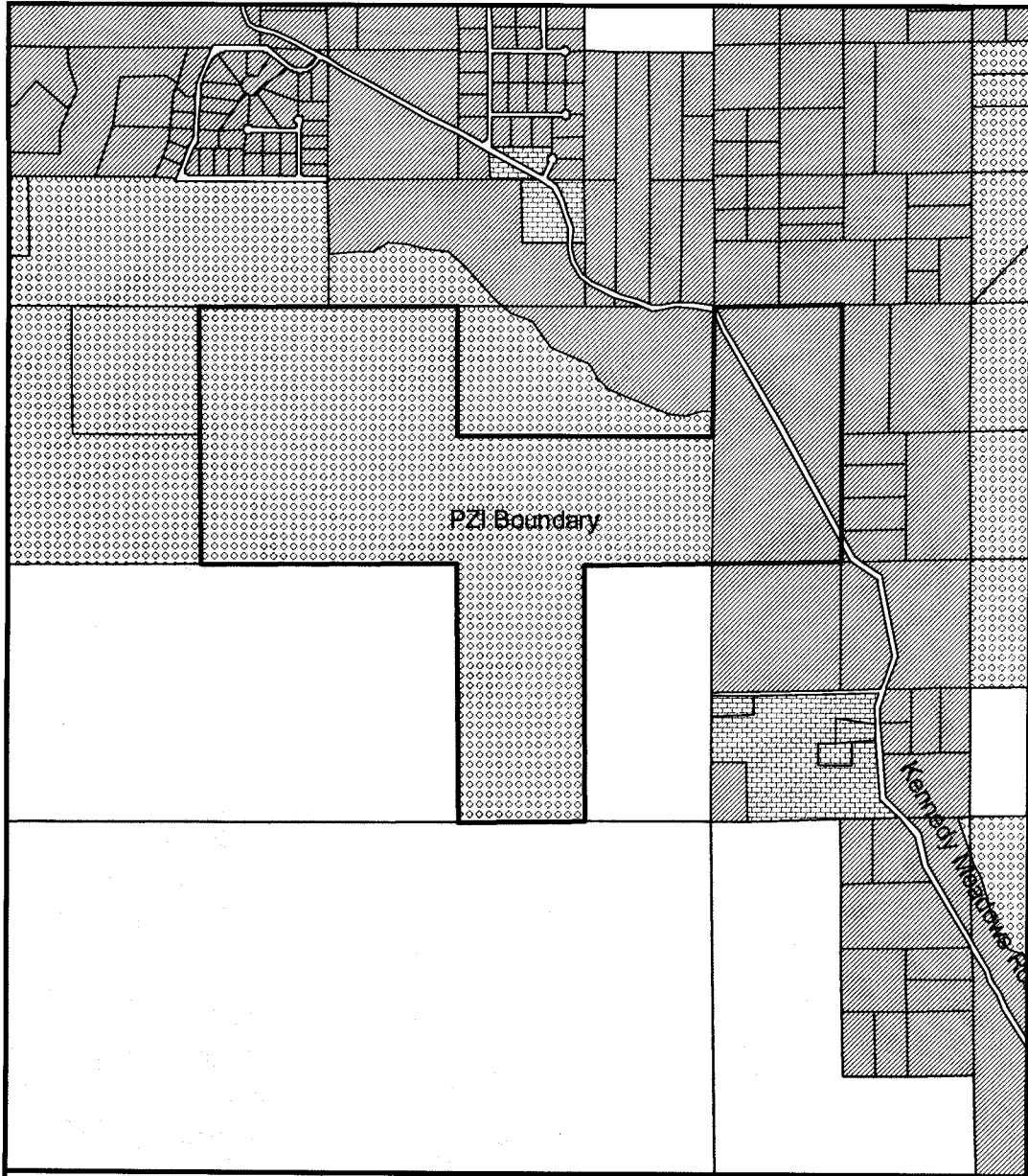
-  PZI Boundary
-  Major Streets
-  Freeway
-  Arterial (Major)
-  Arterial (Minor)
-  Collector (Major)
-  Collector (Minor)
-  General plan.shp
-  Kennedy Meadows Plan
-  South Sierra Plan (Unadopted)







**Map Exhibit A**  
**Regional View**  
**PZI 07-004**  
**Simon/Kennedy Meadows**



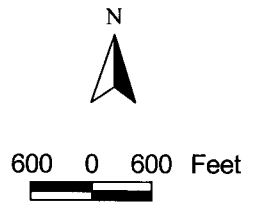
8000 0 8000 Feet





-  PZI Boundary
-  Parcels
- Zoning
-  A-1
-  CO
-  MR-1742
-  MR-217

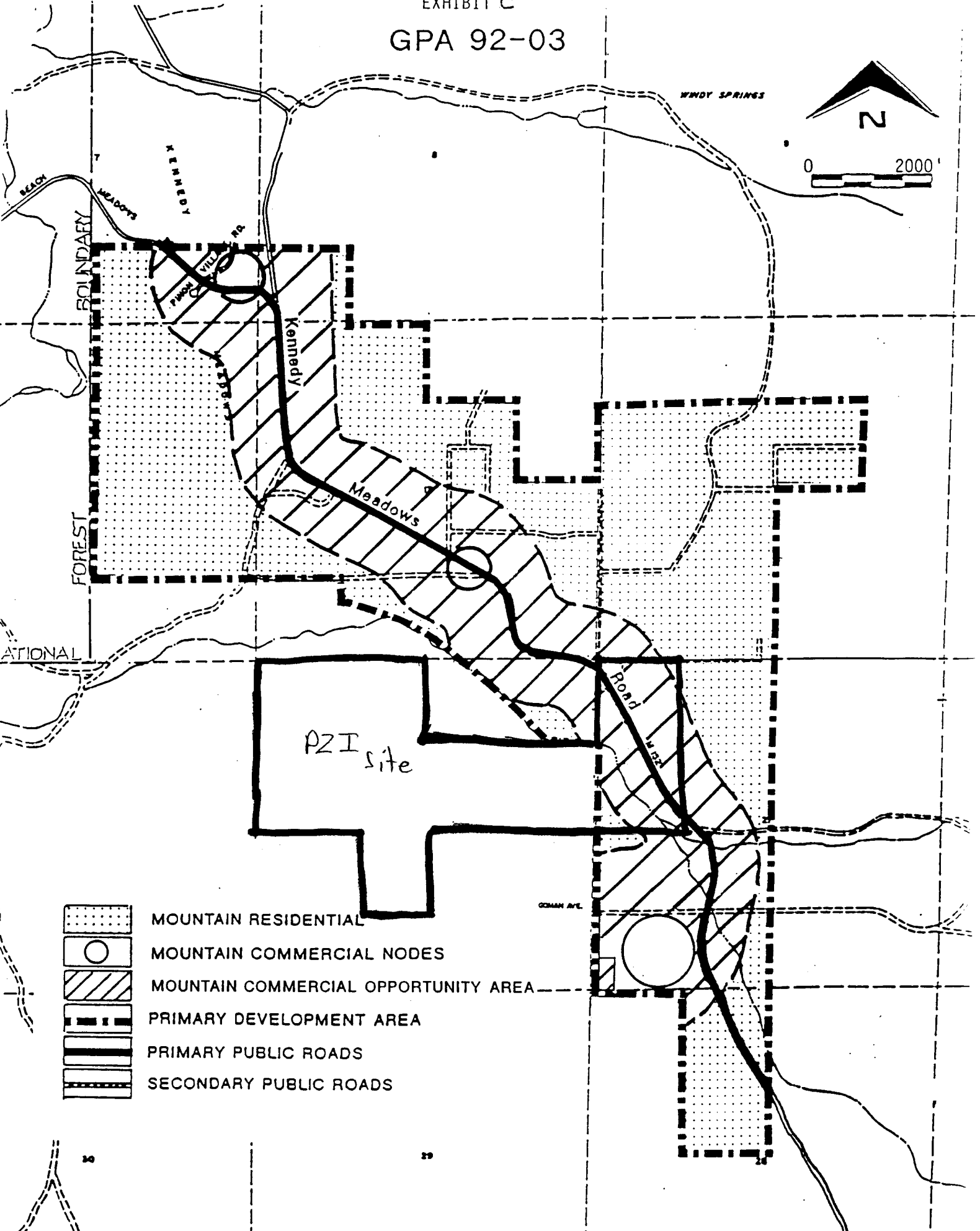
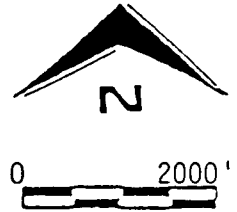
Map Exhibit B  
 Zoning Map  
 PZI 07-004  
 Simon/Kennedy Meadows

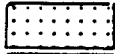



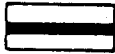
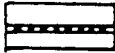




MAP  
EXHIBIT C

GPA 92-03



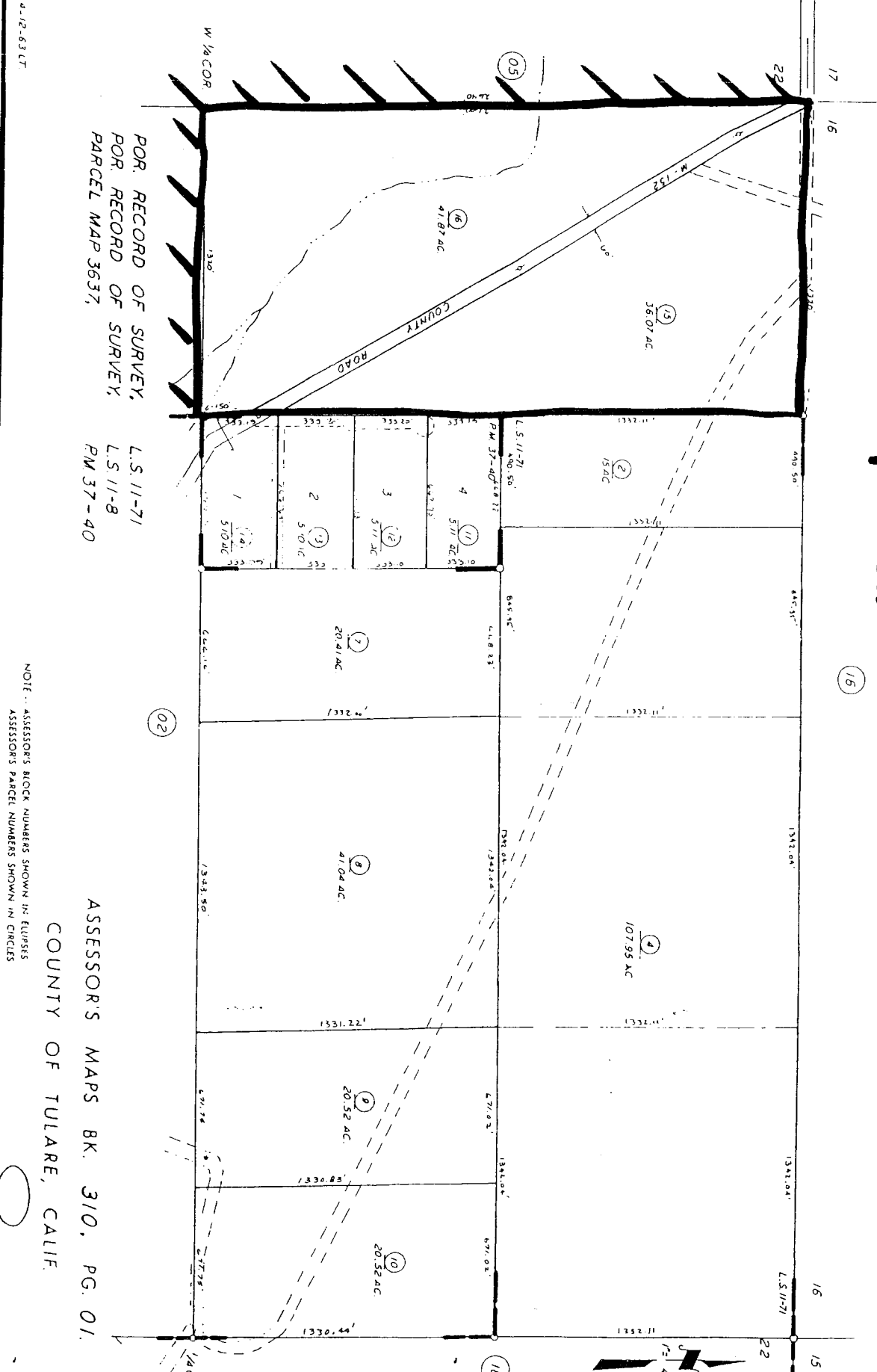
-  MOUNTAIN RESIDENTIAL
-  MOUNTAIN COMMERCIAL NODES
-  MOUNTAIN COMMERCIAL OPPORTUNITY AREA
-  PRIMARY DEVELOPMENT AREA
-  PRIMARY PUBLIC ROADS
-  SECONDARY PUBLIC ROADS

N 1/2 SEC. 21, T.22S., R.36E., M.D.B. & M.

# P2I parcels

TAX CODE AREA 310-01

126-001



POR. RECORD OF SURVEY, L.S. 11-71  
 POR. RECORD OF SURVEY, L.S. 11-8  
 PARCEL MAP 3637, P.M. 37-40

NOTE: ASSESSORS BLOCK NUMBERS SHOWN IN ELLIPSES  
 ASSESSORS PARCEL NUMBERS SHOWN IN CIRCLES

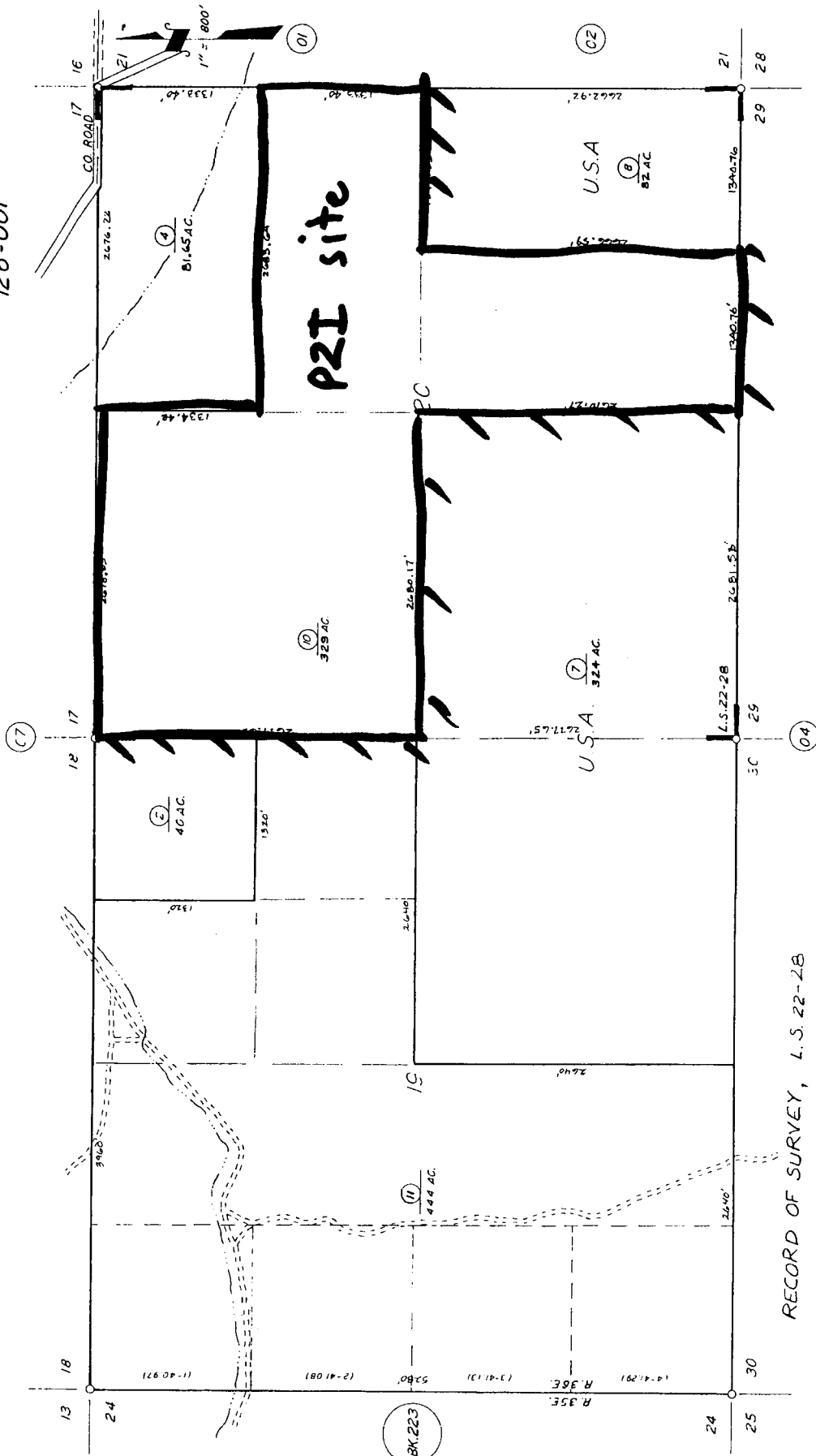
ASSESSORS MAPS BK. 310, PG. 01.  
 COUNTY OF TULARE, CALIF.

4-12-63 LT.

SEC'S 19 & 20, T.22S., R.36., M.D.B.&M.

TAX CODE AREA 310-05

126-001



RECORD OF SURVEY, L.S. 22-28

ASSESSOR'S MAPS BK. 310, PG. 05.  
COUNTY OF TULARE, CALIF.

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



**EXHIBIT B:  
INITIAL CONSULTATION LETTER**



# RESOURCE MANAGEMENT AGENCY

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

Britt L. Fussel      Engineering  
William Hayter      Comm & Dev Services  
Jean P. Brou      Transportation  
George Finney      Planning  
Hal Cypert      Support Services  
Roger Hunt      Administrative Services

HENRY HASH, DIRECTOR

MICHAEL D. ELLZEY, ASSOCIATED DIRECTOR

May 30, 2007

Tulare Co. HHS - Environmental Health  
Tulare Co. RMA - Engineering Div.  
Tulare Co. RMA - Planning Div.  
Tulare County Planning Commission

Supervisor Ennis  
Tulare Co. Fire Dept.  
San Joaquin Valley Air Pollution  
County of Inyo

RE: Zoning Initiation PZI 07-004/Simon/Kennedy Meadows

Enclosed is a copy of a request to initiate a Zoning Amendment by Mrs. Marge Balsley, Agent for Mr. Thomas Simon. The request is a change of the zoning designation of Assessors Parcel Number 310-010-015 (36.7 acres), and 016 (41-87 acres) from Mountain Residential-217,000 square foot minimum (MR-217) to Commercial Recreation (CO). This request would also change the zone of APN 310-050-010 (329 acres) from Mountain Residential - 1,742,000 square foot minimum (MR-1742) to Mountain Residential-435,000 square foot minimum (MR-435). The parcels are located within the Kennedy Meadows Mountain Plan and the land use designation of areas within 1,000 feet of Kennedy Meadows Road are designated Mountain Commercial Opportunity Area with the remainder designated as Mountain Residential.


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 Zoning 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, July 24<sup>th</sup>, 2007 at 2400 West Burrel Avenue, Visalia, CA.

All comments must be received by our office by **June 29, 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

PORTERVILLE OFFICE

PO Box 1388  
881 West Morton St.  
Porterville, California 93258  
Ph. (559) 781-0102/688-6649



DEE JASPAR & ASSOCIATES AND  
R.L. SCHAFFER & ASSOCIATES  
CIVIL ENGINEERS - PLANNERS

VISALIA OFFICE

2904 West Main St.  
Visalia, California 93291  
Ph. (559) 734-1348  
rlsa@rlsmap.com

2-15-07  
Copy to: George  
Balsley  
Henry

February 7, 2007

Tulare County Board of Supervisors  
Alan Ishida, Chairman  
County Civic Center  
Administrative Building  
2800 West Burrel Avenue  
Visalia CA 93291

RECEIVED  
TULARE COUNTY

FEB 12 2007

RESOURCE  
MANAGEMENT  
AGENCY

RE: Thomas Simon – Kennedy Meadows Property

Dear Supervisor Ishida,

This is a request to allow consideration of a Change of Zone on portions of property identified as APNs 310-010-015 and 016, located on both sides of Kennedy Meadows Road from MR-217 (Mountain Residential – 217,000 square foot minimum parcel size) to CO (Commercial Recreation) for those portions that front on Kennedy Meadows Road or have access from Kennedy Meadows Road. The property is almost entirely within the "Mountain Commercial Opportunity Area" of the Kennedy Meadows Plan, and due to the expanding numbers of residential occupants within the Kennedy Meadows area, both temporary and permanent, various commercial uses are needed (grocery stores, supply stores, sports stores, etc.).

We believe that the time has come to develop the property to various retail uses, and these would provide needed services for the surrounding area.

Your consideration of this request would be greatly appreciated. Please inform of any public hearings and action, pro or con, in this regard.

Sincerely,

Marge Balsley, AICP  
Associate Planner

MB

Enclosures: APN map, preliminary sketch of possible lot locations

xc: Thomas Simon 99073 Pinon Ridge Road, Inyokern, CA 93527  
Henry Hash, TCRMA, 5961 S. Mooney Blvd., Visalia, CA 93277

PORTERVILLE OFFICE

P.O. Box 1388  
881 West Morton St.  
Porterville, California 93258  
Ph. (559) 781-0102/688-6649



DEE JASPAR & ASSOCIATES AND  
R.L. SCHAFFER & ASSOCIATES  
CIVIL ENGINEERS - PLANNERS

VISALIA OFFICE

2904 West Main St.  
Visalia, California 93291  
Ph. (559) 734-1348  
rlsa@rlsmap.com

March 28, 2007

Chuck Przybylski  
County of Tulare RMA  
Government Plaza  
5961 S. Mooney Boulevard  
Visalia, CA 93277

RE: Thomas Simon – Kennedy Meadows Properties – Change of Zone Request

Dear Chuck,

Pursuant to your recent conversation with Mr. Simon, would you please modify our request of February 7, 2007, to include APN 310-050-010 for a change of zone to the M-R (Mountain Residential) Zone, except Parcel 1 of waived Parcel Map PPM 96-019, which is being sold (the Northwest quarter of the Northwest quarter of Section 20, Township 22 South, Range 36 East, MDB&M). Mr. Simon will be submitting a check under separate cover in the amount of \$1,116.00.

If you have any questions, please contact me at the address and/or phone number above, or via e-mail to [mbalsley@rlsmap.com](mailto:mbalsley@rlsmap.com).

Sincerely,

Marge Balsley, AICP  
Associate Planner

Enclosures (2)

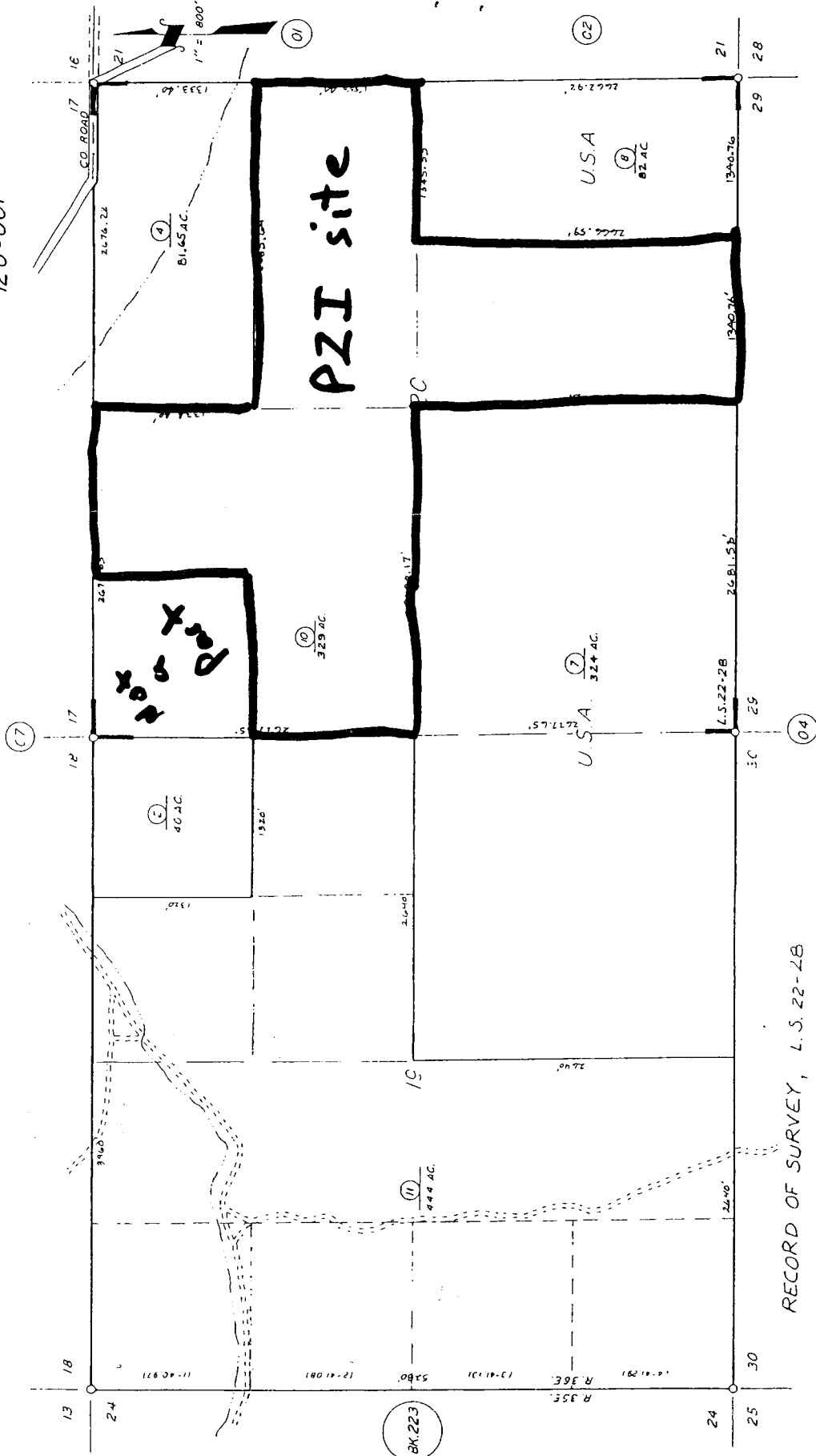
MB

cc: Thomas Simon, 99073 Pinon Ridge Road, Inyokern CA 93527

TAX CODE AREA 310-05

126-001

SEC'S. 19 & 20, T.22S., R.36., M.D.B.&M.



ASSESSOR'S MAPS BK. 310, PG. 05.

COUNTY OF TULARE, CALIF.

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

RECORD OF SURVEY, L.S. 22-28

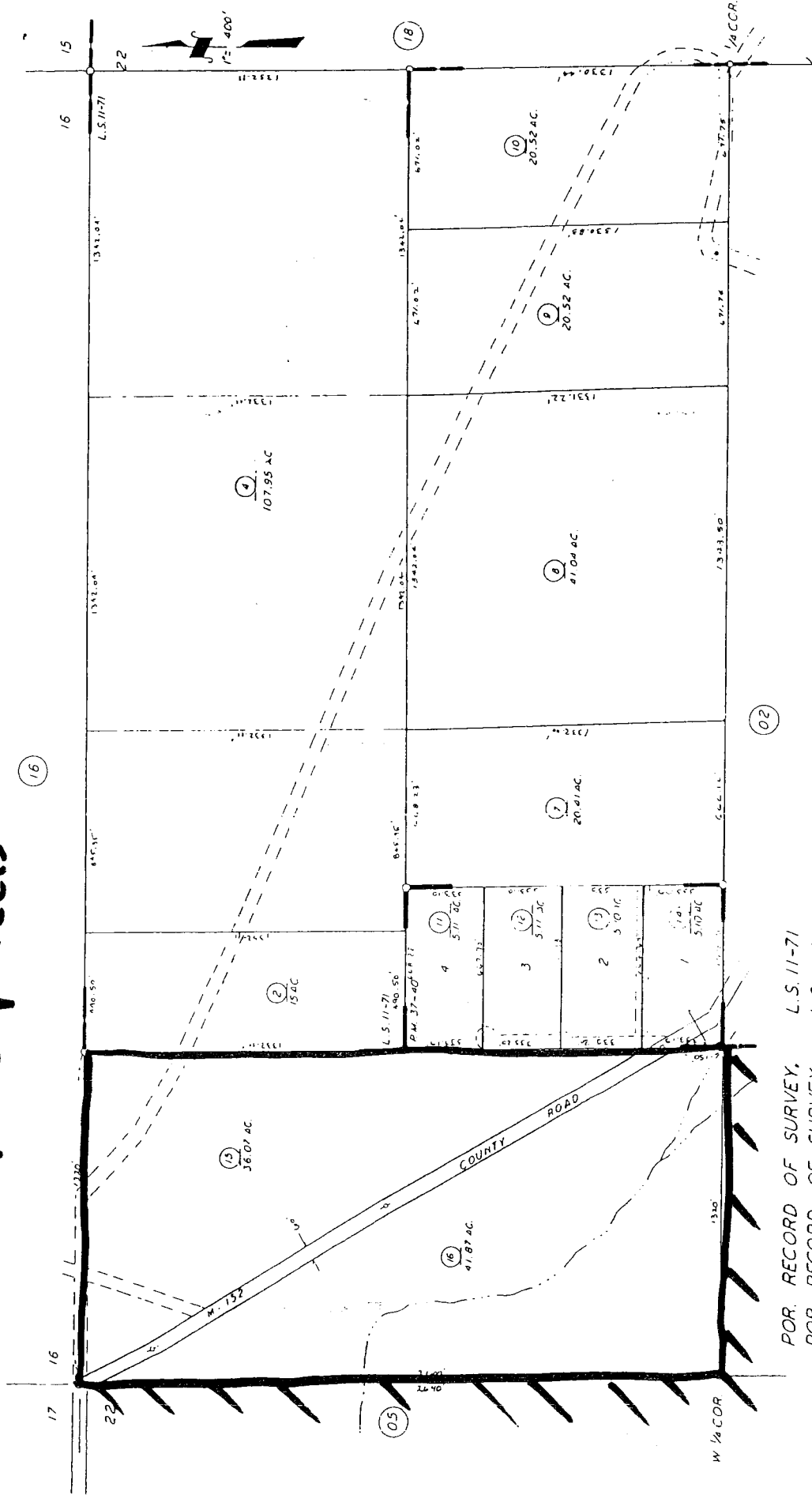


N 1/2 SEC. 21, T.22S., R.36E., M. D. B. & M.

TAX CODE AREA 310-01

# PZI parcels

126-001



POR. RECORD OF SURVEY, L.S. 11-71  
 POR. RECORD OF SURVEY, L.S. 11-8  
 PARCEL MAP 3637, P.M. 37-40

ASSASSOR'S MAPS BK. 310, PG. 01.

COUNTY OF TULARE, CALIF.

NOTE: ASSASSOR'S BLOCK NUMBERS SHOWN IN ELIPSES  
 ASSASSOR'S PARCEL NUMBERS SHOWN IN CIRCLES

**EXHIBIT C:  
COMMENT LETTERS**



**Tulare County  
Health & Human Services Agency**

C. Brian Haddix, CAO  
Kristin Bennett, Interim HHSA Director

---

**Community Services Branch** ■ Ray Bullick, Assistant Director

June 22, 2007

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

Re: PZI 07-004– Simon

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,

A handwritten signature in cursive script that reads "Sabine T. Geaney".

Sabine T. Geaney  
Environmental Health Specialist  
Environmental Health Services

July 21, 2007

Chuck Przybylski,

I'm writing in regards to the application for a zoning change in Kennedy Meadows by Tom Simon. The application number is PZ107004.

I live on my family's property adjacent to the property Tom would like to divide into ten acre parcels. I have no personal grudge against Tom and my family would oppose the change regardless of who owned the property.

First off this land is in the burn area of the Manter Fire of 2000. It is either on a steep bare hillside or directly adjacent where runoff and erosion would pose a problem. Every time the wind comes up more trees blow over due to the burned root systems. Some of the underbrush is starting to come back but not in sufficient numbers to hold the soil. The area is extremely fragile because of this and any use of a bulldozer or a skidder to clear the dead trees would create a dust bowl for many years to come. The land gets a great amount of wind coming from the river. The ensuing dust would be a problem for any nearby neighbors.

The forty acre limit is in the county plan that you instituted. If you open this area to ten acre parcels what will prevent other property owners from subdividing their forty acre parcels in Sacatar Meadows? The land there is untouched by the fire and isn't subject to the erosion, dust and noise problems that would occur on Tom's land. Most property owners bought where it was restricted to forty acres for the privacy and seclusion. Changing this wouldn't be fair to them.

Another concern is the noise pollution that would come with the extra dwellings if the ten acre parcels are allowed. Without any trees to deaden the sound, along with the bare soil and rocks on the hillside, the noise of generators would echo over the valley. There isn't any plan to ever bring electricity to Kennedy Meadows. Many of the residents have gone to solar and wind power for their electricity but I doubt that the county can deny the use of generators.

Drainage is another problem to be addressed on this property. When we get the spring thaw several of the draws run with an amazing amount of volume for several weeks. We and all surrounding property owners would be affected by any changes to the watercourses. If four dwellings instead of one were allowed on each forty acre parcel there would be four times the chances of this happening.

The lack of trees and brush caused by the fire also presents another problem, seismic activity. This property could be subject to large boulders coming down from the higher ground. Again, with four times the amount of dwellings comes an increase in chances.

This land also butts up to land owned by the Smith Ranch out of Onyx. They have been using their eighty acre parcel for grazing cattle for over one hundred years. They also graze cattle on the property owned by the Carr family adjacent to the proposed zoning change. Since 1974 there has only been one or two years we haven't had livestock of some kind on our property. At present we only have one horse on our seventy-two acres but that could change at any time. My brother runs cattle on his property up here and when needed will put them here. Also, the Smith Ranch has permission to use our pasture when gathering cattle in late summer or early fall.

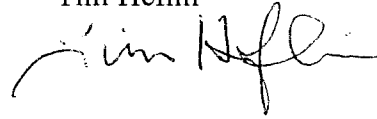
In closing, my family and every property owner I've spoken with are opposed to this zoning variance. I also believe due to the fragility of this area after burn some extra steps should be taken to preserve the land even in the forty acre parcels. I would like to see a provision banning the use of motorcycles, quads and three-wheelers on the fragile ground. I would also like some provision limiting the amount of noise a generator could

produce. A lot of this land is high on the mountain and the sound would be broadcast over a wide area with the echoes bouncing off of the bare mountain.

I hope that you will take all of this into consideration when deciding on the variance application.

Respectfully,

Tim Heflin

A handwritten signature in black ink, appearing to read "Tim Heflin". The signature is written in a cursive style with a large, sweeping initial "T".