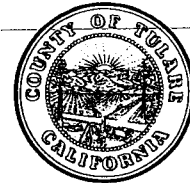


RESOURCE MANAGEMENT AGENCY



ATTACHMENT NO. A

OFFICE MEMORANDUM

January 14, 2008

TO: George Finney, Assistant Director, Planning Branch

FROM: Samuel Vela, Project Planner

SUBJECT: Special Use Permit No. PSP 07-124 (AA)

Applicant: Joel and Francia Macias
12011 Avenue 388
Cutler, CA 93615

Proposal: The applicant is requesting administrative approval of Special Use Permit No. PSP 07-124 (AA) allowing the establishment of a second residence (940 sq. ft. mobile home) on an approximately 24,000 sq. foot parcel in the AE-40 (Exclusive Agricultural – 40 acre minimum) Zone. Presently, the site contains a 1,634 sq. foot residence (The owner's family will reside in the second residence).

Location: The subject property is located at 12011 Ave. 388, Cutler, CA 93615 (APN: 033-140-021), on the southeast corner of Road 120 and Avenue 388, in Monson. According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) for community number 065066 dated September 29, 1986, Panel No. 300. The subject site is located within Zone C, which requires no specific flood avoidance measures.

The existing residence is served by one 1,000 gallon septic tank. The proposed second residence (mobilehome) will be served by a separate 1,000 gallon septic tank. Water is provided by a shared domestic well.

The Environmental Health Services Division has recommended denial of the project due to the fact that the current sewage disposal system is within 50 feet of the domestic well. If the existing system fails there is very limited space for a replacement area. Also, there is no area left on the site install a new sewage disposal system and have a 100 per cent replacement area for the proposed mobilhome.

Access to the site is from Rd. 120 and Ave. 388; both are County maintained roads. Ave. 388 has an existing right of way of 40 feet and an ultimate right of way of 60 feet. Road 120 has an existing right of way of 80 feet and an ultimate right of way of 84 feet. The pavement width on Ave. 388 is 22.8 feet and on Road 120 is 29.0 feet.

Surrounding Land Use:

- North:** AE-40; agricultural scattered residences.
- South:** AE-40; agricultural and scattered residences.
- East:** AE-40; agricultural and scattered residences.
- West:** AE-40; agricultural and scattered residences.

History: This land was conveyed subject to a Trust Deed and recorded on November 7, 1961

Entitlement: In accordance with Section 9-7E.23 of the Tulare County Zoning Ordinance a second residence may be permitted in the AE-40 zone on parcels less than 20 acres only if a use permit is first secured pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of the Zoning Ordinance.

A second residence in agricultural zones is an identified use authorized for administrative approval under Planning Commission Resolution No. 7777. This project meets the criteria and standards for administrative approval.

Environmental Determination: The proposed project is Categorical Exempt under Section 15303, Class 3 of CEQA as it consists of the construction and location of one small structure.

Correspondence from agencies (date received):

Tulare Co. RMA, Engineering Division	November 21, 2007
Tulare Co. HHS, Environmental Health Division	December 18, 2007
Fire Warden	November 21, 2007
Permits/Subdivisions.....	no response

Correspondence from some of these agencies requested conditions of approval. The Administrative Actions have standard conditions of approval that were adopted by the Planning Commission and Board of Supervisors to impose consistent and pertinent conditions. All other conditions must be imposed as allowed by existing regulations on building permits.

Notes:

No letters of opposition have been received from surrounding property owners.

Public Notice: A Notice of Application and Comment Period was mailed to property owners adjacent to the subject site on November 26, 2007 allowing them the opportunity to submit written comments on this application. The review period ended on January 9, 2008.

Appeals: All Administrative Actions on Special Use Permits are final unless appealed, in writing, to the Board of Supervisors, 2800 W. Burrell, Visalia, CA 93291-4582 within 10 calendar days after the date on which the decision is made. The written appeal shall specifically

set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

School Impact Fees: The subject site is located within the Cutler-Orosi Unified School District which has implemented developer's fees for all assessable space for new residences and expansions to existing residences; and for chargeable covered and enclosed space for new commercial and industrial development pursuant to Government Code Section 53080. These fees are required to be paid prior to the issuance of any permit for the construction of new commercial or industrial structures, and/or installation or construction of new or expanded residential structures.

Compliance Reporting and Monitoring Schedule Fees: A Compliance Reporting and Monitoring Schedule has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance. Fees, required to defray the expenses incidental to the compliance reporting and monitoring, will be required to be deposited into a Compliance Reporting and Monitoring Account prior to recording the Resolution (See Exhibit B).

**STANDARD CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT
NO. PSP 07-124 (AA)**

1. Unless otherwise indicated herein, development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Director (Exhibit "A") and with the Site Plan Development Standards pertaining to a use of this type adopted by the Planning Commission on February 20, 1970.
2. Regardless of Condition No. 1 above the Planning Director is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his/her successors as long as said modifications do not materially affect this determination. Such modifications shall be noted on the approved plans and shall be initialed by the Planning Director.
3. All exterior lighting shall be so adjusted as to deflect rays away from public roadways and adjacent properties.
4. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures except as modified herein.
5. The property owner shall sign and record a Right-to-Farm Notice along with the Decision (See Attachment No. 2).
6. Occupancy shall be limited to relatives of the property owners, employees who work on the property, or farmworkers.
7. The proposed residence/manufactured home and any accessory structures shall conform to the regulations of the Tulare County Zoning Ordinance. The proposed residence/manufactured

home and any structure built shall conform to the Building Lind Setback Ordinance of Tulare County, insofar as said regulations and setbacks are applicable to said residence/manufactured home and structures.

8. The conditions set down herein which require construction of improvements shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises, and the traveling public, shall be protected. The Planning Director may grant exceptions to this condition upon request by the applicant.
9. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Planning Director, unless the applicant, or his/her successor, has actually commenced the use or variance authorized by the permit within said two year period. The Planning Director may grant one or more extensions of said two year time, upon request by the applicant.
10. This Special Use Permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Director and until the applicant, at his/her own expense, has executed and filed with the County Recorder, a certified copy of the decision of the Planning Director granting said permit with a duly authorized acceptance, in the form approved by the County Counsel, endorsed thereon.
11. All standard conditions and all special conditions of approval of this Special Use Permit must be complied with at all times in order to continue the use or uses allowed. Compliance with such conditions is subject to review at any time.
12. This Special Use Permit shall automatically expire and become null and void two (2) years after the use for which it was granted is discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Planning Director may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.

ATTACHMENT NO. B

BEFORE THE PLANNING DIRECTOR

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF SPECIAL USE PERMIT)

Administrative Decision 0226

APPLICATION NO. PSP 07-124 (AA))

Decision of the Planning Director of the County of Tulare denying a Special Use Permit requested by Joel and Francia Macias, 12011 Ave. 388, Cutler, CA 93615 to allow a second residence on an approximately 24,000 sq. ft. parcel in the AE-40 (Exclusive Agricultural 40 acre minimum) Zone, on property located at the southeast corner of Road 120 and Avenue 388, in Monson.

The Planning Director hereby determines the following findings were relevant in evaluating this application:

1. An application for a Special Use Permit has been filed pursuant to the regulations contained in Section 16 of Ordinance No. 352, the Zoning Ordinance.
2. Under Planning Commission Resolution No. 7777 and Section 16.II.G of the Tulare County Zoning Ordinance, the Planning Director is authorized to approve or deny requests for special use permits for second residences or mobilehomes, for use by relatives of the owner or lessee, by farmworkers or by employees who work on the property, provided that the total number of farmworkers and employees shall not exceed nine at any time in the AE, AE-10, AE-20, AE-40, AE-80, A-1 and AF Zones, located proximate to the existing residence and does not remove agricultural crops from production, when processed administratively in accordance with Section 16.II.G of the Tulare County Zoning Ordinance, for projects that can be determined to be exempt from the provisions of the California Environmental Quality Act of 1970 (CEQA).
3. Staff has given notice of the Planning Director's intention to consider the granting of a Special Use Permit as provided in Section 16.II.D.2 of said Ordinance No. 352. No letters of opposition were received from any of the adjacent property owners.
4. Staff has performed necessary investigations, prepared a written report and recommended the uniform criteria and standards established by Planning Commission Resolution No. 7777, for administrative approvals of special use permits for a second residence as set forth in No. 2 above.

5. This special use permit is to allow a second residence on an approximately 24,000 sq. ft. in the AE-40 Zone. The second residence will be used as a family residence. Additional residences are allowed upon approval of a special use permit in the AE-40 Zone.
6. The Environmental Health Services Division has recommended denial due to the parcel size being under one acre, no area left for replacement fields and unable to be served by a community sewer or water system.
7. The site and surrounding areas are zoned AE-40 and contain agricultural uses as well as scattered residences.

The Planning Director, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the use of building or land applied for will, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

NOW, THEREFORE, BE IT DETERMINED AS FOLLOWS:

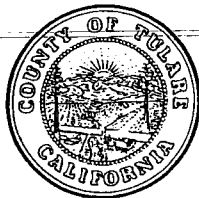
The Planning Director of the County of Tulare hereby denies Special Use Permit No. PSP 07-124 (AA).

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
Henry Hash, Director

By: Beverly Cates
George Finney, Assistant Director
Planning Branch

Date: 1-29-08

County of Tulare



Clerk of the Board

Jean Rousseau
County Administrative Officer
Clerk of the Board

Michelle Baldwin
Chief Clerk

ATTACHMENT NO. *c*

February 20, 2008

Joel and Francia Macias
12011 Ave. 388
Cutler, CA 93615

RE: Application No. PSP 07-124 (AA)

Dear Mr. & Mrs. Macias:

I am in receipt of your appeal letter along with your \$300 filing fee. The appeal you filed will be placed on the Board of Supervisors agenda on **April 15, 2008** for final action. You may appear and present your case to the Board for their consideration. The meeting will be held in the Board Chambers, 2800 West Burrel, Visalia, California and will begin at 9:00 a.m.

If you have any questions, please do not hesitate to contact me at 733-6271.

Sincerely,

A handwritten signature in cursive script that reads "Denise A. YBarra".

Denise A. YBarra
Deputy Clerk

Cc: Resource Management Agency

February 8, 2008

ATTACHMENT NO. C

Attn:
Board of Supervisors
2800 Burrel Ave.
Visalia, Ca. 93231

RE: Application No. PSP 07-124 (AA)

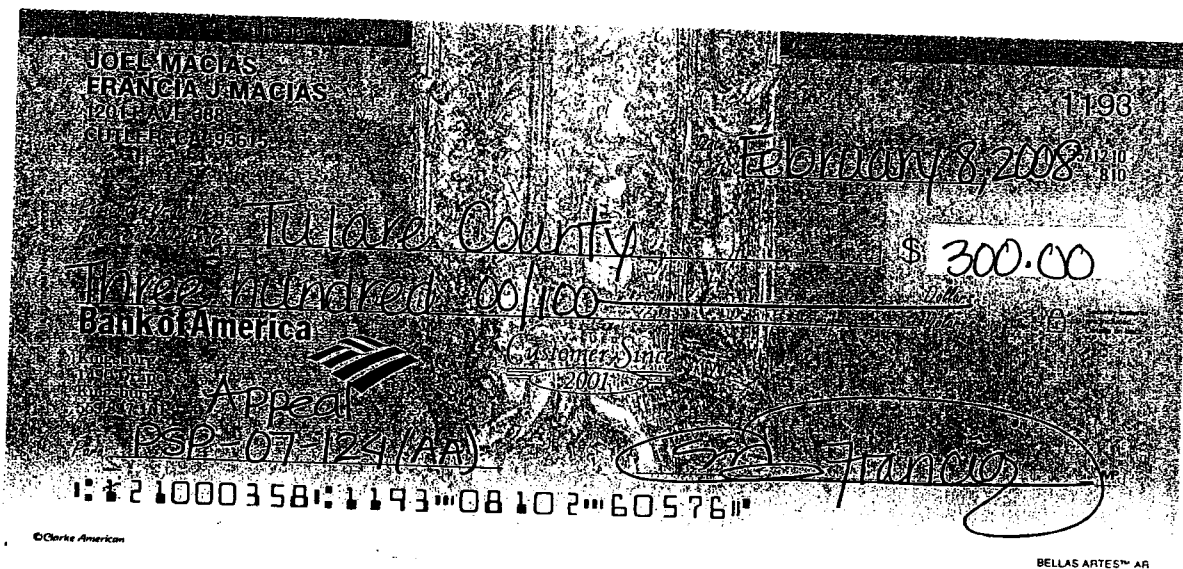
Joel and Francia Macias
12011 Ave. 388
Cutler, Ca. 93615

To Whom It May Concern:

On February 2, 2008 we received a letter from Tulare County Resource Management Agency advising us that our request to allow a second residence was denied. We are appealing this decision and requesting reconsideration for the Special Use Permit, PSP 07-124 (AA), which was denied, Administrative Decision No. 0226.

Thank You for your consideration of this matter.

Respectfully,
Joel and Francia Macias





Tulare County
Health & Human Services Agency

John Davis, Agency Director
Ray Bullick, Director - Health Services Department

Health Services Department ■ Larry Dwoskin, Director ■ Environmental Health Services

December 18, 2007

SAM VELA
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA, CA 93277

Re: PSP 07-124 - Macias

Dear Mr. Vela:

This office has reviewed the above referenced matter. Based upon our review, we offer the following conditions with this project:

The existing sewage disposal system for the existing residence is within 50 feet of the existing well. In case of failure of the existing system there is very limited space for a replacement area. There is also no area left on the site to install a new sewage disposal system and have a 100 per cent replacement area for the proposed mobile home. Therefore our department recommends not approving the second residence.

Sincerely,

Sabine T. Geaney

Sabine T. Geaney, REHS III
Land Use Specialist
Environmental Health Services



INTEROFFICE MEMORANDUM

November 20, 2007

TO: Samuel Vela, Project Planner

FROM: Craig Anderson, Engineer III

A handwritten signature in black ink, appearing to be "A" with a long horizontal stroke extending to the right.

SUBJECT: Case No. PSP 07-124 (AA)

APPLICANT: Joel & Francia Macias

APN: 033-140-021

The subject Case No. PSP 07-124 (AA) has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

We concur with your assessment, pursuant to Tulare County guidelines for implementation of the California Environmental Quality Act, that this case should be considered categorically exempt and preparation of an environmental document is not warranted.

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 065066 dated September 29, 1986, Panel No. 300. The subject site is located within Zone C.

Construction of buildings within a FEMA Zone C requires no specific flood mitigation measures.

The subject site is not located within any Urban Improvement Area or Urban Development Boundary whichever is applicable.

The subject site is not located within the boundaries of any Specific Plan.

Existing right of way on Avenue 388 is 40 feet and on Road 120 is 80 feet. Ultimate right of way on Avenue 388 is 60 feet and on Road 120 is 84 feet. Avenue 388 is a County maintained road. Road 120 is a County maintained road. The existing pavement width on Avenue 388 is 22.8 feet and on Road 120 is 29.0 feet. The pavement type on Avenue 388 is RMAS and on Road 120 is

RMAS. The 2004 Pavement Management System database is the source for the pavement width and pavement type.

The following conditions are recommended for the subject case. These conditions are required to be completed before the issuance of the use permit, unless specified otherwise in the wording of the condition.

1. Additional right of way shall be dedicated to the County in the amount of 10 feet along the south side of Avenue 388. Said dedication shall be in the form of an irrevocable offer of dedication.
2. A drive approach shall be constructed at each proposed and / or existing point of access to Avenue 388 and / or Road 120 on the subject site. The drive approach shall have a maximum width of 24 feet at the right of way line and shall be constructed in accordance with the Tulare County Improvement Standards. A wider drive approach may be constructed if geometric calculations justifying the wider drive approach are submitted to and approved by the Tulare County RMA – Engineering Branch.
3. All on site parking areas and driveways shall be surfaced for all-weather conditions and be continually maintained so that dust and mud do not create conditions detrimental to the surrounding roadways.
4. The applicant or the applicant’s contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right of way of a County maintained road. The applicant may contract the Resource Management Agency – Encroachment Permit Section at 733-6291 for information on the requirements for encroachment permits in order to avoid unexpected delays. Improvements that typically require encroachment permits are drive approaches, curb and gutter, sidewalk, paveout and utilities.
5. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a County road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities as no relocation costs will be borne by the County. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a County road.

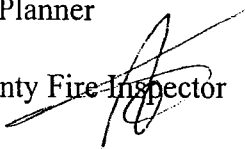
CA:ta

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

November 21, 2007

TO: Samuel Vela, Project Planner
FROM: Al Miller, Tulare County Fire Inspector 
SUBJECT: Case No. PSP 07-124 (AA)

The Fire Department has no recommendations in response to this item.

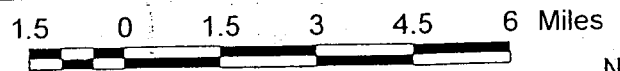
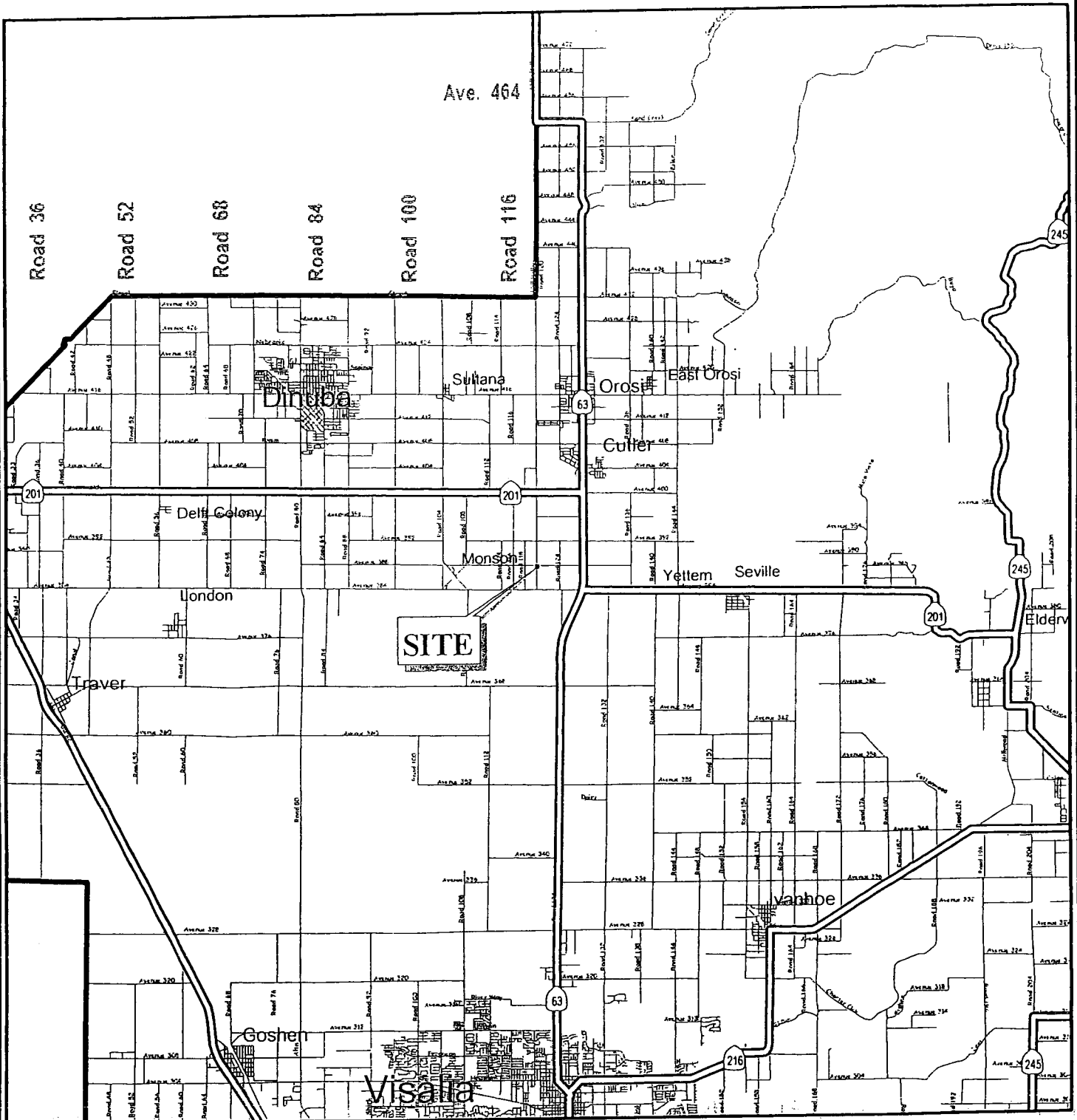
If you have any questions please call Al Miller at 733-6291 extension 4105.

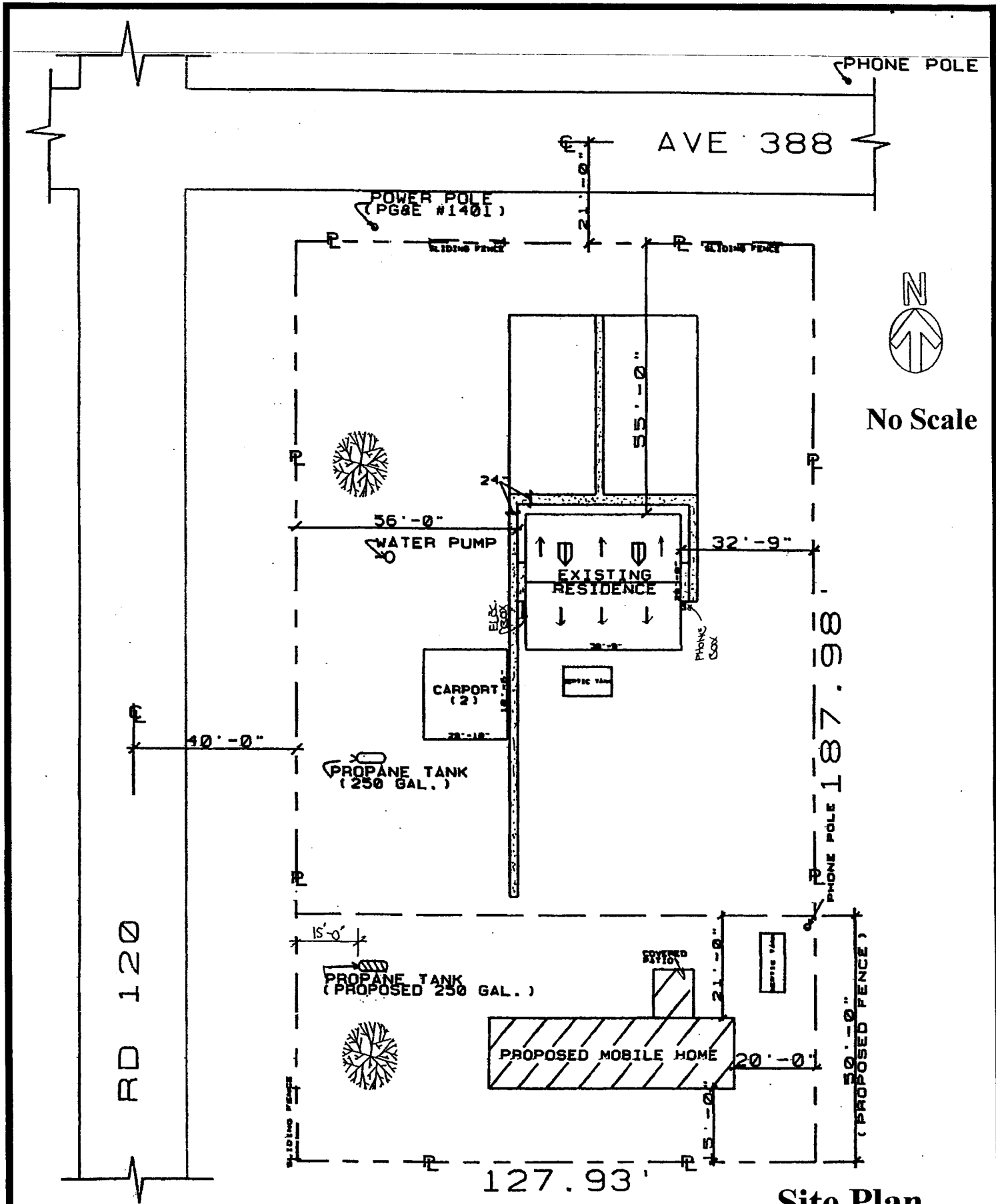
ARM:mf

cc: Dave Dean



Vicinity Map for PSP 07-124(AA)





No Scale

Site Plan
for
PSP 07-124(AA)
A.A. Exhibit "A"



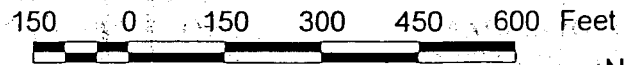
Aerial Photograph for PSP 07-124(AA)



Owner: MACIAS JOEL & FRANCIA
 Address: 12011 AVENUE 388
 City, State ZIP: CUTLER CA 93615

Applicant: JOEL MACIAS
 Agent:

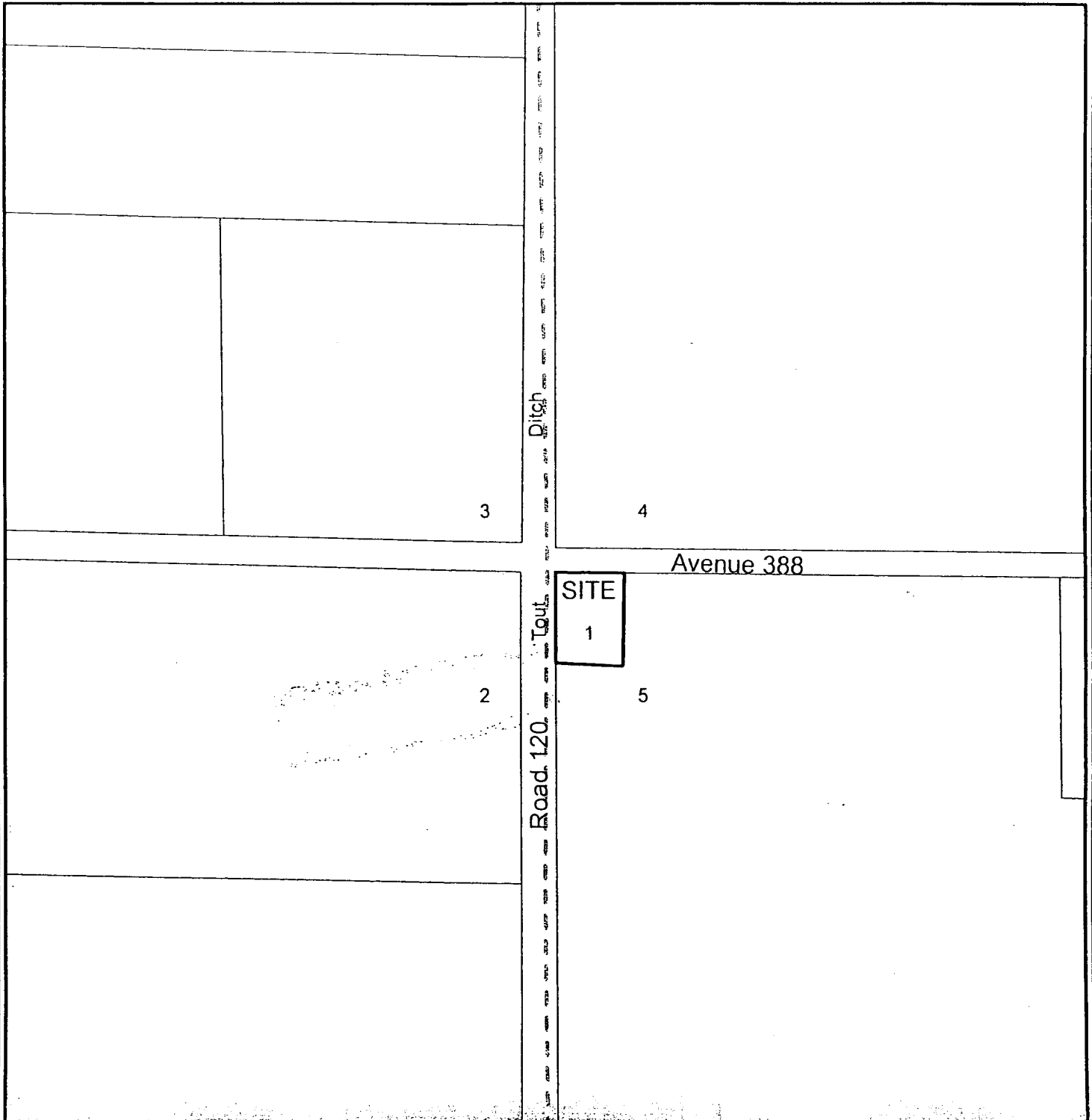
Assessors Parcel # 033140021



SITE Project Site for PSP 07-124(AA)

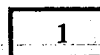


Location and Property Ownership Map for Hearing Notification for PSP 07-124(AA)

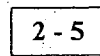


Owner: MACIAS JOEL & FRANCIA
Address: 12011 AVENUE 388
City, State ZIP: CUTLER CA 93615
Applicant: JOEL MACIAS
Agent:
Assessors Parcel # 033140021

150 0 150 300 450 600 Feet



Project Site for PSP 07-124(AA)



Properties within 300' of project site,
to receive written notification of proposal
(as required by State Law)

