



**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: April 15, 2008 – **REVISED**

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" 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 type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						
CONTACT PERSON: Celeste Perez PHONE: 559-733-6291						

SUBJECT: Appeal filed by Joel and Francia Macias regarding Special Use Permit No. PSP 07-124 (AA).

REQUEST(S):

That the Board of Supervisors:

Deny an appeal filed by Joel and Francia Macias and uphold the Planning Director's denial of Special Use Permit No. PSP 07-124 (AA) for a second residence on an approximately 24,000 sq. ft. (.55 ac) 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.

SUMMARY:

The applicant requested a Special Use Permit to allow a second residence in the AE-40 (Exclusive Agricultural – 40 acre minimum) Zone. Section 9.7 of Ordinance No. 352, the Tulare County Zoning Ordinance, as amended, requires approval of a Special Use Permit to allow more than one residence on a parcel less than 40 acres. (Attachment "A").

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

DATE: April 15, 2008

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.

A second residence in agricultural zones is an identified use authorized for administrative approval under Planning Commission Resolution No. 7777. No public hearing is required. Adjacent property owners were notified. No letters were received in opposition.

The Environmental Health Services Division 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 to install a new sewage disposal system and have a 100 percent replacement area for the proposed Mobilehome.

On January 29, 2008, the Planning Director determined that allowing a Special Use Permit for a second residence along with a second proposed septic tank would exceed the sewage disposal limitations that exist on the property and denied the special use permit. Planning Director's Decision No. 0226 (Attachment "B").

There is one Single Family Residence, one water pump and one septic tank currently in use on the property. The proposed Mobilehome is also being stored on the property, but is not currently being used.

An appeal was timely filed by Joel and Francia Macias on February 20, 2008 (Attachment "C").

FISCAL IMPACT/FINANCING:

No Net County Costs.

LINKAGE TO COUNTY GOALS

Denial of a Special Use Permit, for a second residence, to promote 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.

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

DATE: April 15, 2008

ALTERNATIVES:

Currently, no viable alternatives that would satisfy the lack of availability of space for a replacement area on a 24,000 sq. ft. (.55 acre) parcel in the AE-40 (Exclusive Agricultural – 40 acre minimum) Zone.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

Tulare County Health and Human Services, Environmental Health Services Division.

ADMINISTRATIVE SIGN-OFF:



Beverly Cates, Division Manager
Planning Branch, Project review Division



Henry Hash, Director

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

Attachment(s)

Resolution-Draft
Staff Report
Planning Director's Decision
Appeal Letter

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

IN THE MATTER OF AN APPEAL FILED BY)
JOEL AND FRANCIAC MACIAS,)
APPEALING THE PLANNING)
DIRECTOR'S DENIAL OF SPECIAL)
USE PERMIT NO. PSP 07-124 (ZA)) RESOLUTION NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * *

Denied the appeal and upheld the Planning Director's denial of Special Use Permit No. PSP 07-124 (AA) for a second residence on an approximately 24,000 sq. ft. (.55 ac) parcel in the AE-40 (Exclusive Agricultural – 40 acre minimum) Zone, on property located at the southeast corner of Road 120 and Avenue 388, Monson.