



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

**BOARD OF
SUPERVISORS**

ALLEN SHIDA
District One

CONNIE CONWAY
District Two

PHILIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA

DATE:

July 22, 2008

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 the City of Tulare regarding Special Use Permit No. PSP 08-010 (ZA).

REQUEST(S):

That the Board of Supervisors:

Deny an appeal filed by the City of Tulare and uphold the Zoning Administrator's approval of Special Use Permit No. PSP 08-010 (ZA) to allow the temporary use (two years) of a recreational vehicle as a dwelling unit on an approximately 7,500 sq. ft. parcel in the AE-20 (Exclusive Agricultural – 20 acre minimum) Zone, on property located on the east side of Road 96 (South Pratt Street), approximately 525 feet north of West Wade Avenue, southwest of Tulare.

SUMMARY:

The applicant, Angel Portillo, requested a Special Use Permit on January 25, 2008 to allow a temporary recreational vehicle to be used as a dwelling unit in the AE-20 Zone. Section 9.6 of Ordinance No. 352, the Tulare County Zoning Ordinance, as amended, requires approval of a Special Use Permit to allow the use of a temporary recreational vehicle (RV) on a parcel less than 20 acres. (Attachment "C").

SUBJECT: Appeal of approval of Special Use Permit No. PSP 08-010 (ZA)

DATE: July 22, 2008

An existing residence and the recreational vehicle are currently served by an 880 gallon aerobic tank. Water services will be provided by the Pratt Mutual Water Company. A "Will Serve" letter was provided by the applicant from the Pratt Mutual Water Company (See Exhibit 1).

The subject site currently contains a family residence, an RV (used for storage purposes), and a storage/game room.

All surrounding properties are zoned AE-20 and contain scattered residences and farmland.

In accordance with Section 16 of the Tulare County Zoning Ordinance any temporary use may be permitted in the AE-20 Zone 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. The subject site is located within the Urban Area Boundary of Tulare and outside the Urban Development Boundary. Section 16 states that temporary buildings and uses not otherwise expressly permitted by the zone in which located, can continue for a period not to exceed six months if located within an Urban Development Boundary. Section 16 allows a period of two years if the site is located outside of an Urban Development Boundary.

The site is located outside the Urban Development Boundary of Tulare. The city of Tulare was in the process of adopting a new General Plan. Even though the new plan would place the project site within the Urban Development Boundary of Tulare; the county boundary would not change. The applicant was informed that the City of Tulare was in the process of changing its boundaries and that even though the permit would be granted for two years; the applicant would have to find an alternative solution once the two year use permit expired.

On May 19, 2008, the Zoning Administrator determined that allowing a Special Use Permit for a temporary recreational vehicle will not adversely affect the site. Zoning Administrator's Decision No. 2936 (Attachment "B"). The City of Tulare appeared in opposition to the use of the RV as a dwelling unit and to the use of the RV for a period of two years.

An appeal was timely filed by the City of Tulare on May 30, 2008 (Attachment "A"). The City is appealing the Zoning Administrator's decision to allow the RV to be used for a period of two years as opposed to six months.

FISCAL IMPACT/FINANCING:

The applicant has paid the required filing fees of \$1,454. The City of Tulare has paid the appeal fee of \$300. There are no net County Costs.

SUBJECT: Appeal of approval of Special Use Permit No. PSP 08-010 (ZA)
DATE: July 22, 2008

LINKAGE TO COUNTY GOALS:

Approval of a Special Use Permit, for a temporary recreational vehicle, to promote effective growth 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:

The Board could approve the appeal and thereby deny the project based on the findings and conditions to be prepared and returned at a future meeting.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

None

ADMINISTRATIVE SIGN-OFF:


Beverly Cates, Division Manager
Planning Branch, Project Review Division


Henry Hash, Director

cc: Angel and Mark Portillo, 3444 S. Pratt Street #B, Tulare, CA 93274

Attachment(s)

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

IN THE MATTER OF AN APPEAL FILED BY)
THE CITY OF TULARE,)
APPEALING THE ZONING ADMINISTOR)
APPROVAL OF SPECIAL USE PERMIT)
NO. PSP 08-010 (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 an appeal filed by the City of Tulare and upheld the Zoning Administrator's approval of Special Use Permit No. PSP 08-010 (ZA) to allow the temporary use (two years) of a recreational vehicle as a dwelling unit on an approximately 7,500 sq. ft. parcel in the AE-20 (Exclusive Agricultural – 20 acre minimum) Zone, on property located on the east side of Road 96 (South Pratt Street), approximately 525 feet north of West Wade Avenue, southwest of Tulare.