



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

BOARD OF SUPERVISORS

ALLEN SHIDA
District One

CONNIE CONWAY
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: October 14, 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 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: In the Matter of an Amendment to the Tulare County Ordinance (Zoning Ordinance) for Change of Zone No. PZ 06-003

REQUEST(S):

That the Board of Supervisors:

1. Introduce and waive the first reading of an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance for Change of Zone No. PZ 06-003, from the C-3 (Service Commercial) Zone and the AE-20 (Exclusive Agricultural-20 acre minimum) Zone to the M-1-SR (Light Manufacturing-Site Plan Review) Zone, on a 28.86-acre site, located on the northeast corner of Road 152 and County Line Road, north of the City of Delano.
2. Set a Public Hearing for October 28, 2008 at 9:30 a.m.
3. Hold a Public Hearing on October 28, 2008 at 9:30 a.m.
4. Certify 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.
5. Find 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

SUBJECT: In the Matter of an Amendment to the Tulare County Ordinance (Zoning Ordinance) and a Change of Zone No. PZ 06-003.

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compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended;

6. Adopt the findings for approval for the Change of Zone, as set forth in Planning Commission Resolution No. 8365;
7. Waive the final reading and adopt an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance; and
8. Direct the Clerk of the Board of Supervisors to publish the adopted Ordinance and return the signed Notice of Determination to Resource Management Agency.

SUMMARY:

B & J Lands requested a Change of Zone from the C-3 (Service Commercial) Zone and the AE-20 (Exclusive Agricultural-20 acre minimum) Zones to the M-1 (Light Manufacturing) Zone, on a 28.86-acre site located on the northeast corner of Road 152 and County Line Road, north of the City of Delano. The reclassification was requested to allow the continuation of an agricultural facility that includes an existing machine shop, welding/repair business, parking and storage and helicopter operation, and that will allow expansion of the agricultural facility to include repair, manufacturing, parking and storage of non-agricultural equipment.

The southern 630 feet of the subject site is within the Delano Urban Improvement Area. Since the site and surrounding area remains an Urban Improvement Area and does not have an Urban Area Boundary or Community Plan, the area is subject to the plans and policies of the 1975 Rural Valley Lands Plan (RVLP). A zone change (PZ 98-10) was filed in 1998 to change the zoning on the southern half of the site from A-1 to M-1. This portion of the site received an RVLP evaluation of 12 points, resulting in a modified approval from A-1 to C-3.

The northern portions of the site are outside of any urban boundary and also subject to the RVLP. This portion received 14 points, which means it falls within a "gray" area in which no definitive decision is readily apparent. The surrounding properties are zoned AE-20 (Exclusive Agricultural-20 acre minimum) and A-1 (Agricultural) and contain the following: agriculture, a residential subdivision and rural residential to the north; commercial businesses, a church and rural residential to the east; agriculture, rural residential and commercial uses to the west. Kern County and the City of Delano are to the south.

The Planning Commission, at their regular meeting of August 13, 2008, recommended approval of the change of zone, by Resolution No. 8365; however, the change of zone was modified to include the SR- (Site Review) overlay zone, which would require review by the County for any future expansions or modifications to the existing use. There has been no opposition to the proposal. A notice of public hearing will be provided for the proposed change of zone at least 10 days prior to the hearing in accordance with Government Code Section 65090 and 65856. An affidavit of publication will be provided to the Clerk when it is received.

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FISCAL IMPACT/FINANCING:

No net County costs to the General Fund. Initial costs associated with the processing of PZ 06-003 are paid by the applicant in the form of a \$1,400 deposit. Subsequent costs, including staff time, are billed at the rate of \$100 per hour.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Rezoning to implement the General Plan will promote the safety and security of the public and 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.

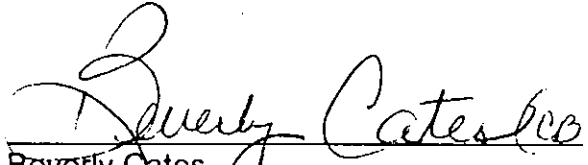
ALTERNATIVES:

State Planning and Zoning Law requires the Board to conduct a public hearing when the Planning Commission recommends approval of a rezoning (Government Code Section 65856). Your Board could modify or deny the requested change of zone; however, any modifications to the change of zone not previously considered by the Planning Commission must first be referred back to the Planning Commission for report and recommendation (Section 65857).

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

See consultation referral list in staff report.

ADMINISTRATIVE SIGN-OFF:


Beverly Cates
Chief Planner, Planning Branch


Henry Hash
Director

cc: County Counsel
County Administrative Office (3)
B & J Lands, 1407 South Lexington, Delano, CA 93215
Roberts Engineering, P.O. Box 908, Porterville, CA 93258

ATTACHMENTS:

- ATTACHMENT 1 – Draft BOS Resolution to set Public Hearing for Change of Zone No. PZ 06-003
- ATTACHMENT 2 – Draft BOS Resolution approving Change of Zone No. PZ 06-003
- ATTACHMENT 3 – Draft Ordinance, with map, for Change of Zone No. PZ 06-003
- ATTACHMENT 4 – Planning Commission Resolution No. 8365 for PZ 06-003
- ATTACHMENT 5 – Planning Commission Staff Report for PZ 06-003

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

IN THE MATTER OF CONSIDERATION OF)
AN AMENDMENT TO THE TULARE COUNTY)
ORDINANCE NO. 352 (ZONING ORDINANCE)) RESOLUTION _____
FOR CHANGE OF ZONE NO. PZ 06-003,)
FOR B & J LANDS)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD October 14, 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. Introduced and waived the first reading of an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance for Change of Zone No. PZ 06-003, from the C-3 (Service Commercial) and AE-20 (Exclusive Agricultural-20 acre minimum) Zones to the M-1-SR (Light Manufacturing-Site Review) Zone, on 28.86-acre site, located on the northeast corner of Road 152 and County Line Road, north of the City of Delano; and
2. Set a Public Hearing for October 28, 2008 at 9:30 a.m.

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

IN THE MATTER OF CONSIDERATION OF)
AN AMENDMENT TO THE TULARE COUNTY)
ORDINANCE NO. 352 (ZONING ORDINANCE)) RESOLUTION _____
FOR CHANGE OF ZONE NO. PZ 06-003,)
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FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * *

The Board of Supervisors:

1. Held a Public Hearing on October 28, 2008 at 9:30 a.m.;
2. 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;
3. 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 a1970, as amended;

4. Adopted the findings for approval for the Change of Zone, as set forth in Planning Commission Resolution No. 8365;
5. Waived the final reading and adopted an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance; and
6. Directed the Clerk of the Board of Supervisors to publish the adopted Ordinance and return the signed Notice of Determination to Resource Management Agency.