

## NOTICE OF DETERMINATION

TO: Tulare County Clerk  
Room 105, Courthouse  
Visalia, CA 93291

FROM: Tulare Co. Board of Supervisors  
Administration Bldg., 2800 W. Burrel  
Visalia, CA 93291-4582

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resource Code.

Project Title/Case File No. PZ 06-003 B & J Lands, 1407 South Lexington, Delano, CA 93215

State Clearinghouse No. (if any): N/A

Lead Agency: Tulare County Resource Management Agency

Staff Contact Person: Charlotte Brusuelas

Telephone Number: 733-6291

Project Location: On the northeast corner of Road 152 and County Line Road, north of the City of Delano

Project Description: A Change of Zone on a 28.86-acre parcel from C-3 (Service Commercial) and AE-20 (Exclusive Agricultural – 20 acre minimum) Zones to the M-1-SR (Light Manufacturing – Site Plan Review) Zone.

This is to advise that the TULARE COUNTY BOARD OF SUPERVISORS has approved the above described project on October 28, 2008 and has made the following determinations regarding the above described project:

1. The project ( ) will (X) will not have a significant effect on the environment
2. ( ) An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
(X) A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The EIR or Negative Declaration and record of project approval may be examined at:  
5961 S. Mooney Blvd., Visalia, California 93277-9394

3. Mitigation measures ( ) were, (X) were not, made a condition of the approval of the project.
4. A Statement of Overriding Considerations ( ) was, (X) was not, adopted for the project.

(x) D.F. & G. Fees Req'd  
( ) E.I.R.  
(x) N.D.

By: \_\_\_\_\_  
Chairman, Tulare Co. Board of Supervisors

Filed with the Tulare County Clerk on \_\_\_\_\_, 2008.

cc: Calif. Dept. of Fish & Game, 1416 Ninth Street, 12th Floor, Sacramento, CA 95814

Note: Authority cited: Section 21083, Public Resource Code; Reference: Sections 21108, 21152 and 21167, Public Resource Code.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, BEING AN ORDINANCE ESTABLISHING AND REGULATING LAND USES WITHIN CERTAIN ZONES IN THE COUNTY OF TULARE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of Section 36, Township 24 South, Range 25 East, Mount Diablo Base and Meridian, being a subdivision of Part 467 of the Official Zoning Map. The map showing the M-1 (Light Manufacturing-Site Plan Review) zoning approved for 28.86 acres is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification from C-3 (Service Commercial) and AE-20 (Exclusive Agricultural - 20 acre minimum) to M-1-SR as herein provided is briefly described as follows:

Northeast corner of Road 152 and County Line Road, north of the City of Delano.

Section 3. This Ordinance shall take effect thirty (30) days from the date of the passage hereof, or if published more than 15 days after the date of passage, then 30 days after publication, whichever is later, and, shall be published once in the \_\_\_\_\_, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 28<sup>th</sup> day of October 2008, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

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NOES

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ABSENT

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Chairman, Board of Supervisors

ATTEST: Jean Rousseau  
County Administrative Officer/Clerk  
Board of Supervisors

By: \_\_\_\_\_  
Deputy

36

AE-20

AE-20

AE-20

Road 152

Road 156

M-1-SR

M-1-SR

A-1

A-1

Tulare County  
Kern County

County Line Road  
(Avenue 0)



APN: 336 090 052, 336-090-028  
Zone Change from AE-20 and C-3  
to M-1 SR (PZ 03-002)



200 0 200 400 600 800 Feet



ORDINANCE NO. \_\_\_\_\_  
AMENDING A PORTION OF PART 467  
SW 1/4 OF SEC. 36, 124S R25E, M.D.B. & M.  
OF  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

TULARE COUNTY BOARD OF SUPERVISORS  
ADOPTED:   7/1

## BEFORE THE PLANNING COMMISSION

## COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE )

RESOLUTION NO. 8365

ZONING REGULATIONS, CASE NO. PZ 06-003 )

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors modify a petition by B & J Lands (Lee Brown and Jim Josephson), 1407 South Lexington, Delano, CA 93215 (Agent: Roberts Engineering), requesting the M-1 (Light Manufacturing) Zone and approve a change of zone from the C-3 (Service Commercial) and AE-20 (Exclusive Agricultural - 20 acre minimum) Zones to 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.

WHEREAS, a petition has been filed pursuant to the regulations contained in Section 17 of Ordinance No. 352, the Zoning Ordinance, and

WHEREAS, the Planning Commission has given notice of the proposed change of zone boundaries or classifications as provided in Section 18 of said Ordinance No. 352 and Section 65854 of the Government Code of the State of California, and

WHEREAS, Staff has performed necessary investigations, prepared a written report, and recommended approval of this application, and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on August 13, 2008, and

WHEREAS, at that meeting of the Planning Commission, public testimony was received and recorded from Lee Brown, applicant, and Bill Roberts, agent, in support of the proposal, and no one spoke in opposition to the proposal. Commissioners Dias and Whitlatch stated their concerns regarding the change of zone from AE-20 to M-1 without having public services available and allowing a change of zone without a completed study plan of the Delano area.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Negative Declaration for Change of Zone No. PZ 06-003, 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 zone change.

B. This Planning Commission hereby determines the following findings were relevant in evaluating this application:

1. The applicants have requested a Change of Zone on a 28.86-acre site from C-3 (Service Commercial) and AE-20 (Exclusive Agricultural - 20 acre minimum) to M-1 (Light Manufacturing).

2. The northern 19.43 acres of the site is zoned AE-20 and the southern 9.43 acres of the site is zoned C-3. The site contains a machine shop, a welding and repair shop, a helicopter operation (office only), and parking and storage areas. The helicopter is located off-site.
3. The existing C-3 Zone allows wholesale establishments and establishments engaged in repairing and servicing equipment, materials, and products, but which does not involve the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sales. Example of uses allowed in the C-3 zone are automobile body and fender repair, bottling works, truck terminals, storage yards for commercial vehicles, and upholstery shops. Residences are not allowed except for a mobilehome or recreational vehicle for use by caretaker or night watchman of a commercial use when located on the same lot or parcel as the commercial use or a lot contiguous to the lot containing the commercial use. The minimum parcel size is 10,000 sq. ft.
4. The existing AE-20 Zone is an exclusive zone for intensive agricultural uses and for those uses which are a necessary and integral part of the agricultural operation. The minimum parcel size permitted to be created in this zone is, with certain exceptions, 20 acres.
5. The proposed M-1 Zone allows establishments engaged in the manufacturing, assembling, packaging, treatment and processing of products other than those which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise or other similar causes. M-1 zoning allows limited growing and harvesting of agricultural crops and limited raising of poultry, rabbits, sheep, goats, horses and mules based on the size of land holdings. Uses requiring special use permits include concrete and concrete products manufacturing, planing mill, animal hospitals, and biomass manufacture (not a complete list). Residences are not allowed in the M-1 Zone except for a mobilehome or recreational vehicle for use by a caretaker or night watchman of a manufacturing use when located on the same lot or parcel on which the manufacturing facility is located. The minimum parcel size is 10,000 sq. ft.
6. The "SR" (Site Review Combining) Zone is combined with zones to provide adequate discretionary review of development projects to ensure compatibility with surrounding land uses. With the "SR" overlay zone, the Site Plan Review process is required.
7. Property to the north is zoned AE-20 and contains agriculture (orchards), the Madonna Subdivision, and rural residential development. Property to the east is zoned A-1 (Agricultural) and AE-20 and contains a trucking operation, including storage, an above ground diesel fuel tank, church, nursery, and rural residential development. Property to the south of County Line Road is within Kern County and contains residential and commercial development. Property to the west is zoned A-1 and AE-20 and contains agriculture (row crops), scattered rural residential and commercial uses.

8. The southern 630 feet of the subject site (approx. 10 acres) is within the Delano Urban Improvement Area and subject to the Rural Valley Lands Plan (RVLP). The northern portions of the site (approx. 20 acres) are outside of any Urban Improvement Area and are also subject to the RVLP.
9. A zone change (PZ 98-10) was filed in 1998 to change the zoning on the southern half of APN 336-090-52 from A-1 to M-1. An RVLP point evaluation for this portion received 12 points, resulting in a subsequent modified approval of a change of zone to C-3.
10. The northern portions of the subject site (north half of APN 336-090-52 and all of APN 336-090-28) received an RVLP point evaluation of 14 points, which means it falls within a gray area in which no clear cut decision is readily apparent. The subject site falls under unique circumstances in that it is located along County Line Road, which lends itself to commercial type development and other uses that are not agriculturally related i.e., churches, and service uses.
11. In October 1999, the Board of Supervisors approved a Joint Powers Agreement with the City of Delano forming a County Line Service Area (CLSA); however, the boundaries of the CLSA do not coincide with the Boundary of the Delano UIA. In 2006, the City of Delano amended its General Plan to include policies that the City would serve development within the UIA in exchange for an agricultural buffer. Discussions with the City on this issue have been initiated, but no funds have been budgeted for preparation of a North Delano Plan, and it does not appear that the North Delano Plan will come to fruition within the near future, as there are no on-going negotiations between the City of Delano and the County.
12. On May 23, 1978, the Board of Supervisors approved Special Use Permit No. PSP 78-05 for the establishment of an agricultural heliport on the southern ten acres of the site. On December 5, 1991, the Board of Supervisors approved the development of a 60' x 120' building. The on-site fuel station was permitted by the County Health Division in 1998. A change of zone, on the southern portion of the site, from A-1 to C-3 was approved by the Board of Supervisors on March 23, 1999. Special Use Permit No. PSP 00-049 was approved by the Zoning Administrator on July 28, 2000, to allow the expansion of the San Joaquin Helicopters as an agricultural use, by adding 20 acres to the facility to be utilized for parking, truck parking and equipment storage.
13. The Board of Supervisors, at their regular meeting of October 24, 2006, by Resolution No. 2006-0824, determined that the applicant could apply for a change of zone from the AE-20 and C-3 Zones to the M-2 (Heavy Manufacturing) Zone. The Board Resolution also revised the study area for the North Delano Planning Area to include the entire subject site.
14. Requests for changes of zone have been considered and approved when the requested changes are found to be compatible with established land uses in the surrounding area, not in conflict with the furtherance of overall County development strategies, plans and policies, and where there is evidence of a need for the type of development proposed.
15. The Environmental Assessment Officer has reviewed and approved for public review a Negative Declaration, indicating that the Change of Zone No. PZ 07-003 will not have any significant environmental impacts.



C. This Planning Commission, after considering all of the evidence presented, hereby finds the reclassification of property as modified to the M-1-SR (Light Manufacturing-Site Plan Review) zoning to be consistent with the purpose of Ordinance No. 352 and further finds the petition satisfies the requirement, as stated in Section 17 of the Tulare County Zoning Ordinance, that the reclassification was for public necessity, convenience or general welfare and is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

1. This Commission hereby recommends that the Board of Supervisors find that said Change of Zone will not have a significant effect on the environment and certify that a Negative Declaration 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 1970.

2. This Commission hereby recommends that the Board of Supervisors approve Amendment to the Zoning Regulations Case No. PZ 06-003 as petitioned and modified to M-1-SR (Light Manufacturing-Site Plan Review).

The foregoing resolution was adopted upon motion of Commissioner Whittlatch, seconded by Commissioner Millies, at a regular meeting of the Planning Commission on the 13<sup>th</sup> day of August, 2008, by the following roll call vote:

AYES: Commissioners Whittlatch, Millies, Gong, Kirkpatrick, Elliott

NOES: Dias, Pitigliano

ABSTAIN: None

ABSENT: None

TULARE COUNTY PLANNING COMMISSION

  
Beverly Cates, Secretary

clb

Project: PZ 06-003  
Applicant: B & J Lands  
Agent: Roberts Engineering  
Date Prepared: May 14, 2008

## NEGATIVE DECLARATION

### DESCRIPTION OF PROJECT:

#### Proposal, Zoning and Parcel Size:

Request to change the zoning on a 28.86-acre parcel from C-3 (Service Commercial) and AE-20 (Exclusive Agricultural – 20 acre minimum) Zones to the M-1 (Light Manufacturing) Zone.

#### Location:

Northeast corner of Road 152 and County Line Road, north of the City of Delano.

APN 336-090-028 & 052; Section 36, T. 24 S., R. 25 E., MDB&M

#### Project Facts:

Refer to Initial Environmental Study for: a) project facts, plans and policies; b) discussion of environmental effects and mitigation measures; and c) determination of significant effect.

#### Attachments:

Initial Environmental Study	(X)
Maps	(X)
Mitigation Measures	( )
Letters	(X)
Staff Report	(X)


DECLARATION OF NO SIGNIFICANT EFFECT:

This project will not have a significant effect on the environment for the following reasons:

- (a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory.
- (b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- (c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

This Negative Declaration has been prepared by the Tulare County Resource Management Agency, in accordance with the CEQA 1970, as amended. A copy may be obtained from the Tulare County Resource Management Agency, 5961 South Mooney Blvd., Visalia, CA 93277-9394, telephone (559) 733-6291, during normal business hours.

APPROVED  
THERESA SZYMANIS  
ENVIRONMENTAL ASSESSMENT OFFICER

BY: 

DATE APPROVED: 10/24/2008

REVIEW PERIOD: 20-days

NEWSPAPER:      ( ) Visalia Times-Delta  
                      ( ) Porterville Recorder  
                      (X) Tulare Advance-Register

**COUNTY RESOURCE MANAGEMENT AGENCY**  
**- Planning Branch -**  
**Staff Report/Environmental Assessment Initial Study**

**Change of Zone Case No. PZ 06-003**

**I. GENERAL:**

**1. Applicant**

**Owner:** B & J Lands  
Lee Brown and Jim Josephson  
1407 South Lexington  
Delano, CA 93215

**2. Agent:** Roberts Engineering  
P.O. Box 908  
Porterville, CA 93258

**3. Requested Action:**

Change of Zone from the C-3 (Service Commercial) and AE-20 (Exclusive Agricultural-20 acre minimum) Zones to the M-1 (Light Manufacturing) Zone, on a 28.86-acre site.

**4. Location:**

On the northeast corner of Road 152 and County Line Road, north of the City of Delano.

Section 36, Township 24 South, Range 25 East, MDB&M; APN 336-090-28 and 336-090-52

**5. Applicants' Proposal:**

The applicants wish to obtain zoning which will 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.

*According to the applicant's agent, "...the applicant has been building and repairing agricultural equipment under the use permit; however, due to the nature of the existing machine shop, more customers (Caltrans, Delano prison, City of Delano) have been requesting specialized type equipment to be manufactured and/or repaired. The applicant is requesting the zone change in order to continue doing business with their customer base to provide the types of services being requested and utilized at the site. There is a need for this type of business in the area due to the fact that the number of businesses capable of manufacturing and/or repairing certain types of equipment are not readily available."*

## II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:

### 1. Zoning and Land Use:

**Site:** The northern 19.43 acres of the site is zoned AE-20 and the southern 9.43 acres of the site is zoned C-3. The subject site contains a machine shop, a welding and repair shop, a helicopter operation (utilized for agricultural spraying), and parking and storage area. The site also contains a commercial card-holder fueling facility.

#### Surrounding Properties:

DIRECTION	ZONING	DESCRIPTION OF LAND USES
North	AE-20	Agriculture, the Madonna Subdivision, and rural residential development
East	A-1 & AE-20	Trucking operation, including storage, an above ground diesel fuel tank, church, nursery, and rural residential development
South	Kern County	City of Delano, storage facility, open space, and residential subdivisions
West	A-1 & AE-20	Agriculture (row crops), scattered rural residential, and commercial uses

### 2. Zoning and Other Ordinance Characteristics:

The existing C-3 Zone allows wholesale establishments and establishments engaged in repairing and servicing equipment, materials, and products, but which does not involve the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sales. Example of uses allowed in the C-3 zone are automobile body and fender repair, bottling works, truck terminals, storage yards for commercial vehicles, and upholstery shops. Residences are not allowed except for mobilehomes or recreational vehicle for use by caretaker or night watchman of a commercial use when located on the same lot or parcel as the commercial use or a lot contiguous to the lot containing the commercial use. The minimum parcel size is 10,000 sq. ft.

The existing AE-20 Zone is an exclusive zone for intensive agricultural uses and for those uses which are a necessary and integral part of the agricultural operation. The minimum parcel size permitted to be created in this zone is, with certain exceptions, 20 acres.

The proposed M-1 Zone allows establishments engaged in the manufacturing, assembling, packaging, treatment and processing of products other than those which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise or other similar causes. M-1 zoning allows limited growing and harvesting of agricultural crops and limited raising of poultry, rabbits, sheep, goats, horses and mules based on the size of land holdings. Uses requiring special use permits include concrete and concrete products manufacturing, planing mill, animal hospitals, and biomass manufacture (not a complete list). Residences are not allowed in the M-1 Zone except for a mobilehome or recreational vehicle for use by

a caretaker or night watchman of a manufacturing use when located on the same lot or parcel on which the manufacturing facility is located. The minimum parcel size is 10,000 sq. ft.

The "SR" (Site Review Combining) Zone is a zone that was adopted and incorporated into the County Zoning Ordinance in 1989. The "SR" Zone was developed as an alternative to achieve the same ends as the "PD" (Planned Development Combining) Zone, but in a slightly less onerous manner for small-scale development projects such as the subject proposal. Under the "PD" provisions, a Specific Plan, Planned Development or Development Agreement must be adopted to assure compliance with applicable general plan, zoning, and development standards. With the "SR," Zone only a Site Plan Review Process is required to achieve the same purpose.

The SR (Site Plan Review Overlay Zone) is also recommended to provide adequate review of development projects to ensure compatibility with surrounding land uses. In this instance, issues that may arise from the close proximity of the site to residential development, or agricultural uses, can be addressed at preliminary and/or final site plan stage. In this way, standard conditions of approval can be incorporated to ensure that any impacts from the commercial operation are reduced to a less than significant level.

The Building Line Setback Ordinance requires all above- and below-ground improvements to be located at least 50 feet from centerline of the right of way of Road 152 and County Line Road. All development improvements exists and no new development is proposed.

### **3. General Plan Elements:**

The southern 630 feet of the subject site is within the Delano Urban Improvement Area. Since North Delano remains an Urban Improvement Area and does not have an Urban Development Boundary or a Community Plan, the area is subject to the plans and policies of the 1975 Rural Valley Lands Plan (RVLP), General Plan Amendment GPA 94-08.

#### Rural Valley Land Plan:

The RVLP was adopted in order to establish minimum parcel sizes for areas zoned for agriculture and to develop a policy that is fair, logical, legally supportable, and consistent in the utilization of resource information in determining the suitability of rural lands for non-agricultural uses. A point evaluation system, which places a point value on 17 criteria, is used to determine a site's suitability for nonagricultural zoning. After all the factors have been applied, the number of points the parcel has accumulated are totaled. If the number of points accumulated is 17 or more, then the parcel shall remain agriculturally zoned. If the number of points accumulated is 11 or less, the parcel may be considered for nonagricultural zoning. A parcel receiving 12, 13, 14, 15, or 16 points shall be determined to have fallen within a "gray" area in which no clear cut decision is readily apparent. In such instances, the Planning Commission and Board of Supervisors make a decision

based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by the system.

A zone change (PZ 98-10) was filed in 1998 to change the zoning on the southern half of APN 052 from A-1 to M-1. An RVLP point evaluation for this portion received 12 points, and resulted in subsequent modified approval of a change of zone to C-3. According to General Plan Amendment No. GPA 88-01, urban development is intended to take place within Urban Development Boundaries (Urban Improvement Areas are to be updated to UDB's upon completion of a Community Plan). This southern portion of the site being within an urban boundary was intended for urban type development; however, it was not allowed to change to an M-1 zone as the requested uses for this portion of the site were allowed within the C-3 Zone, and the C-3 Zone is a less intensive use of the site and more compatible than an industrial zone adjacent to existing residential uses. The subject site was allowed to change from A-1 to C-3.

The northern portions of the subject site (north half of APN 052 and all of APN 028) are outside of an urban boundary and also subject to the RVLP. Under the RVLP point evaluation system, this portion of the site received 14 points, which means it falls within a "gray" area in which no clear cut decision is readily apparent. The subject site does fall under unique circumstances in that it is located along County Line Road, which lends itself to commercial type development and other uses that are not necessarily ag related, i.e., churches and public uses. However, being outside of an UIA (UDB), this northern portion of the site is not intended for urban development. The previous use permit for this area (PSP 00-049(ZA), for employee parking and storage area, was allowed under an agricultural special use permit, however, the proposed non-agricultural fabrication, parking, and storage uses would not qualify for an agricultural special use permit, therefore, the M-1 Zone is being requested. However, since the conditions adjacent to and surrounding the site, that limited the PZ 98-10 to a C-3 Zone and not the M-1 Zone have not changed, the site should remain C-3. The site is surrounded by residential and agricultural uses. The proposed use could allow non-compatible uses adjacent to each other i.e., heavy manufacturing and residential uses if future development was to take place on site. Hence, the SR Overlay Zone is requested to reduce any potential incompatible uses in the future.

**Open Space:** The subject site is designated "Intensive Agriculture."

**Circulation:** County Line Road and Road 152 are designated as County primary roads without limit of access.

**Noise Element:** The subject site is not located within an area considered to be noise impacted by the Tulare County Noise Element, an element of the Tulare County General Plan. The existing commercial uses are adjacent to agricultural uses to the north and west, commercial uses to the east and residential/commercial uses to the south. The closest residence to the subject site is located approximately 150 feet to the southwest. The closest residence to the machine/welding shop (for manufacturing and repairs) is located approximately 400 feet to the south. The helicopter utilized for ag spraying is

located off-site; only the office for the helicopter operation is located on the subject site. Since the on-site uses are existing, and will not change, (manufacturing, welding, repair, storage, office) and no issues have been raised from nearby residents regarding noise from the site, it is assumed that impacts related to noise will be less than significant.

**6. Planning Commission Policies and Precedents:**

The Planning Commission generally recommends that the Board of Supervisors approve such changes of zone when deemed compatible with the established land use designations and surrounding land uses and if the County finds that such zoning is not adverse to the public health, safety and welfare or harmful to the environment.

**III. ENVIRONMENTAL SETTING:**

- 1. Topographical Features:** Relatively level, typical of most Valley lands.
- 2. Flooding Potential:** Flood Zone C, an area not likely to flood.
- 3. Soil:** Hanford sandy loam (Class I), rated low for shrink/swell potential, with slight limitation for septic tank absorption.
- 4. Biotic Conditions:** The subject site is located within a probable habitat area of the San Joaquin kit fox; however, the entire 28.86-acre site is utilized for the commercial operation, with intensive human contact. The subject site has been periodically scraped of vegetation and herbicides have been applied for weed control. In addition, the surrounding area contains additional commercial operations, intensive agricultural operations, residential uses, and two County roads, so that it is highly unlikely that any kit fox could exist on the subject site or within the immediate area.
- 5. Water Table:** The water table is at 70 feet, according to the 1995 Bureau of Reclamation's Depth to Groundwater Maps.
- 6. Agricultural Preserves:** The subject site and parcels to the east, west, and south are not within an Agricultural Preserve; however, the parcel to the north is located within an Agricultural Preserve and is in full agricultural production.
- 7. Archaeological:** No known archaeological sites are located within the Delano Improvement Area. Consultation with the District Archaeologist in Bakersfield resulted in no response.

**IV. HISTORY AND PROJECT FACTS:**

- 1. History:** The area outside of the Urban Improvement Area (UIA) (northern ½ of APN 052 and all of APN 028) was rezoned from A-1 to AE-20 on February 1, 1977, to implement the Rural Valley Lands Plan. The area inside of the UIA



(southern ½ of APN 052) remained A-1. The subject site has several building permits that have been approved for structures.

The Planning Commission recommended approval of Special Use Permit No. PSP 78-05 for the establishment of an agricultural heliport on the southern ten acres of APN 052 on May 10, 1978. The Board of Supervisors subsequently approved the project on May 23, 1978.

Special Use Permit No. PSP 91-085 (an amendment to PSP 78-05) was approved by the Zoning Administrator on December 5, 1991, by Decision No. 1412. This permit consisted of two phases with designs for two buildings. On appeal filed to the Board of Supervisors, several conditions of approval were deleted. Only Phase one (the construction of a 60 ft. x 120 ft. building) was approved by the Board of Supervisors.

The southern half of APN 052 includes a public fueling station. In 1998, the facility received a code violation (No. V398-018) for construction without a permit and for converting a private agricultural service fueling facility to a commercial fueling facility. A change of zone was necessary and required in order to bring the use into compliance with the Tulare County Zoning Ordinance.

The applicant then applied for a zone change to M-1 (PZ 98-010); however, due to incompatible uses adjacent to the project site and because the requested operation could be accommodated within the C-3 (Service Commercial) Zone, the Planning Commission recommended a C-3 designation, which in turn was adopted by the Board of Supervisors, by Resolution 99-01998 on March 23, 1999. The fuel station was permitted by the Health Department in 1998 and is in compliance with the Underground Storage Tank Regulations. The facility is permitted as a Hazardous Materials Business Plan facility within the Health and Human Services, Environmental Health Division.

Special Use Permit No. PSP 00-049 allowed the expansion of San Joaquin Helicopters as an agricultural use, by adding 20 acres to the facility to be utilized for employee parking, truck parking and equipment storage. This Special Use Permit was approved by the Zoning Administrator on July 28, 2000, by Decision No. 2349.

The Board of Supervisors, at their regular meeting of October 24, 2006, by Resolution No. 2006-0824, determined that the applicant could apply for a change of zone from the AE-20 and C-3 Zones to the M-2 (Heavy Manufacturing) Zone. The Board Resolution also revised the study area for the North Delano Planning Area to include the entire site.

In October 1999, the Board of Supervisors approved a Joint Powers Agreement with the City of Delano forming a "County Line Service Area" (CLSA); however, the boundaries of the CLSA do not coincide with the Boundary of the Delano UIA.

In 2006, the City of Delano amended its General Plan to include policies that the City would serve development within the UIA in exchange for an agricultural buffer. Although discussions with the City on this issue have been initiated, no funds have

been budgeted for preparation of a North Delano Plan at this time, and it does not appear that a North Delano Plan will happen within the near future, as there are no on-going negotiations between the City of Delano and the County.

**2. Project Description:**

The applicant has applied for a Change of Zone from the C-3 (Service Commercial) and AE-20 (Exclusive Agricultural-20 acre minimum) Zones to the M-1 (Light Manufacturing) Zone on a 28.86-acre parcel. The change in zone will allow the continuation of the existing agricultural use for a machine shop, welding/repair business, employee parking, and storage of agricultural equipment under an existing use permit and will allow the expansion of those uses to include manufacturing and repair of non-agricultural equipment.

**3. Other Facts:**

**Fire Protection:** Tulare County Fire Department located in Richgrove, which is over five miles from the site.

**Police Protection:** Tulare County Sheriff's Department - Pixley

**Sewer and Water Service:** City of Delano provides domestic water service. Sewage disposal is provided by septic tank/leach line systems.

**4. Correspondence/Consultation Response:**

AGENCY	DATE Rec'd	COMMENT
RMA Countywide Division	No response	
RMA Community/Redevelopment	No response	
RMA Engineering/Flood/Traffic Div.	No response	
HHSA Environmental Health Serv.	4/19/07	No comments or recommendations
HHSA HazMat Division	No response	
Fire Warden	4/9/07	Conditions associated with use permit
City of Delano	4/9/07	Phone call - opposes project
County of Kern	No response	
Agricultural Commissioner	No response	
Caltrans District 6	4/6/07	No significant/adverse impacts to State facilities
District Archaeologist (Bakersfield)	No response	
SJV Air Pollution Control District	4/24/07	No comments
Dept. of Fish & Game District 4	No response	
Regional Water Quality Control Bd.	No response	

**V. ENVIRONMENTAL IMPACTS CHECKLIST/DISCUSSION:** (see attached documents)

**VI. ENVIRONMENTAL DETERMINATION:**

The Environmental Assessment Officer has approved a Negative Declaration for public review for the project, indicating that the project will not have a significant environmental impact.

**VII. SUBSEQUENT ACTIONS:**

**1. Appeals:**

Planning Commission action to approve a change of zone is advisory only, with final action to be taken by the Tulare County Board of Supervisors. Planning Commission action for denial of the change of zone is final unless appealed, in writing, to the Board of Supervisors, 2800 W. Burrel, Visalia, CA 93291-4582 within 10 days from the date the action is taken. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

**2. Fish and Game Fee:**

A Negative Declaration has been prepared for this project by the Environmental Assessment Officer indicating that the project will not have a significant effect on the environment. However, the Negative Declaration does indicate that there will be minor impacts, either individually or cumulatively, on wildlife resources, and as such, Section 711.4 of the Fish and Game Code requires that the applicant pay a fee of \$1,876.75 as a user fee to allocate the transactional costs of fish and wildlife protection to those who consume those fish and wildlife resources through urbanization and development.

The Fish and Game Code also requires that the applicant pay to the Tulare County Clerk's office a \$58 document handling fee for the required filing of the Notice of Determination. The Notice of Determination is required to be filed within five (5) days of project approval (after the 10 day appeal period has run) providing no appeal has been filed. If an appeal is filed within the 10 day appeal period, the Notice of Determination cannot be filed until the Board of Supervisors makes a decision on the appeal. The applicant shall pay the fee to the Tulare County Clerk's Office, Room 105, Tulare County Courthouse, Visalia, CA 93291-4593. Checks shall be made payable to: "County of Tulare". Applicants cannot avoid payment of the required \$58 Department of Fish and Game fee since a provision of AB 3158 declares that decisions on private projects are not "operative, vested, or final" until the fee is paid to the County Clerk. No building permits shall be issued until the fee is paid.

**3. School Impact Fees:**

The subject site is located within the Earlimart Elementary School District and the Delano Union Joint High 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. [Please contact the TCRMA-Permits Center or the applicable school district(s) for the most current school fee amounts.]


**NOTICE:** Pursuant to Government Code Section 66020(d)(1), this will serve to notify you that the 90-day approval period, in which you may protest to the school district the imposition of fees or other payment identified above, will begin to run from the date on which they are paid to the school district(s) or to another public entity authorized to collect them on the district(s) behalf, or on which the building or installation permit for this project is issued, whichever is earlier.

**4. Air Impact Assessment:**

The San Joaquin Valley Air Pollution Control District has adopted the Indirect Source Review (Rule 9510). The project will be required to file an Air Impact Assessment Application. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at [www.valleyair.org](http://www.valleyair.org) under "Land Use/Development" and then under "Indirect Source Review," or at any District Office. Assistance with applications can be obtained from the District's ISR Group at 559/230-6000.

**VIII. CREDITS:**

This Staff Report was prepared by:

  
Charlotte Brusuelas, Project Planner  
Planning Branch, Project Review Division

6/10/08  
Date

Approved by:

  
Beverly Cates, Division Manager  
Planning Branch, Project Review Division

6-10-08  
Date

**Attachments:**

- Graphics
- Consultation Responses
- RVLP Checklist and Statement

V. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

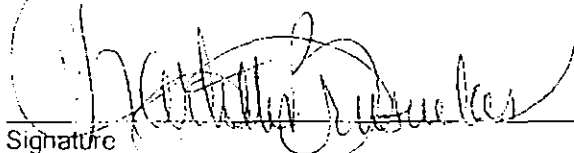
- A. The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" "unless mitigated" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources           | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |   |

B. DETERMINATION:

On the basis of this initial evaluation:

- ☒ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that a previous EIR or Negative Declaration may be utilized for this project - refer to Section E.

  
Signature

June 10, 2008  
Date

Charlotte Brusuelas  
Printed Name

Planner III  
Title

### C. EVALUATION OF ENVIRONMENTAL IMPACTS:

The following checklist contains an extensive listing of the kind of environmental effects which result from development projects. Evaluation of the effects must take account of the whole action involved, including off-site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts, in addition to reasonably foreseeable phases or corollary actions. The system used to rate the magnitude of potential effects is described as follows:

A **"Potentially Significant Impact"** is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more **"Potentially Significant Impact"** entries when the determination is made, an EIR is required.

A **"Less Than Significant With Mitigation Incorporation"** applies where the incorporation of mitigation measures has reduced an effect from **"Potentially Significant Impact"** to a **"Less Than Significant Impact."**

A **"Less Than Significant Impact"** means that the environmental effect is present, but is minor in nature and/or not adverse, or is reduced to a level less than significant due to the application and enforcement of mandatory locally adopted standards.

**"No Impact"** indicates that the effect does not apply to the proposed project.

Using this rating system, evaluate the likelihood that the proposed project will have an effect in each of the environmental areas of concern listed below. At the end of each category, discuss the project-specific factors, locally adopted standards, and/or general plan elements that support your evaluation. A brief explanation is required for all answers except **"No Impact"** answers that are adequately supported by the information sources cited in the parentheses following each question. A **"No Impact"** answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one proposed (e.g., Zone C of the FEMA maps). A **"No Impact"** answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project specific screening analysis). The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is **potentially significant**, **less than significant with mitigation**, or **less than significant**. **"Potentially Significant"** is appropriate if there is substantial evidence that an effect may be significant. If there are one or more **"Potentially Significant Impact"** entries when the determination is made, an EIR is required.

**"Negative Declaration: Less Than Significant With Mitigation Incorporated"** applies where the incorporation of mitigation measures has reduced an effect from **"Potentially Significant Impact"** to a **"Less Than Significant Impact."** The mitigation measures must be described along with a brief explanation on how they reduce the effect to a less than significant level (mitigation measures from Section E., "Earlier Analyses," may be cross-referenced).

Earlier analyses may be used where, pursuant to the tiering program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following.

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
- b) **Impacts Adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) **Mitigation Measures.** For effects that are **"Less Than Significant with Mitigation Measures Incorporated,"** describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site- specific conditions for the project.

**D. ENVIRONMENTAL IMPACTS CHECKLIST**

**1. AESTHETICS**

*Would the project:*

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or county designated scenic highway or county designated scenic road? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings which are open to public view?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Analysis: Neither County Line Road or Road 152 have scenic road or highway designations at this location. Some of the commercial and/or industrial uses allowed in the M-1 Zone could potentially be established and operated in such a way that it might be considered to degrade the existing visual character of this site. However, the M-1 Zone has development standards for new uses which include height limitations and screening from residential areas which would limit the magnitude of these effects. Also, the M-1 Zone can be combined with the SR (Site Review) designation which would allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. This is a discretionary permit process which would trigger environmental review of specific future development proposals on the subject site and would allow for the adoption of site specific conditions of approval and mitigation measures if deemed necessary by the site plan review and CEQA processes. For these reasons, the checklist items noted above are impacts which are considered to be less than significant for the proposed change of zone and expansion of use.

**2. AGRICULTURAL RESOURCES**

*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the Rural Valley Lands Plan point evaluation system prepared by the County of Tulare as an optional model to use in assessing impacts on agriculture and farmland. Would the project:*

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or if the area is not designated on the Important Farmland Series Maps, would it convert prime agricultural land as defined in Section 51201(C) of the Govt. Code to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agriculture use, or a Williamson Act contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or otherwise adversely affect agricultural resources or operations?

☐ ☐ ☐ ☒

Analysis: No part of the subject site is currently under cultivation or otherwise in agricultural use, nor is the site within an agricultural preserve. The entire site (approximately 30 acres) is fully developed with an established agricultural service facility which has been at this location for many years. The uses include a helicopter operation for spraying of crops, a card-access-only commercial fuel station, a repair/welding/machine shop and a parking/storage area. While the majority of the areas to the north, west, and east are predominantly commercial/agricultural and rural residential in nature, the site is located just north of the City of Delano and adjacent to a residential subdivision, open field and storage facility south of County Line Road.

A zone change (PZ 98-10) was filed in 1998 to change the zoning on the southern half of APN 052 from A-1 to M-1. A Rural Valley Lands Plan (RVLP) point evaluation for this portion received 12 points, and resulted in subsequent modified approval of a change of zone to C-3. The northern portions of the subject site (north half of APN 052 and all of APN 028) are outside of an urban boundary and also subject to the RVLP. Under the RVLP point evaluation system, this portion of the site received 14 points, which means it falls within a "gray" area in which no clear cut decision is readily apparent. The subject site does fall under unique circumstances in that it is located along County Line Road, which lends itself to commercial type development and other uses that are not necessarily ag related. The proposal is for a change of zone that will allow the continued manufacturing and repair of parts and equipment for agricultural and non-agricultural equipment, as well as storage for same. The existing use and proposed change of zone will not convert prime farm, conflict with existing zoning for agriculture use, or a Williamson Act contract, or affect any surrounding agricultural uses. In addition, the applicants will be required to sign a Right to Farm Notice to be recorded with the Final Map on this project.

For these reasons, the checklist items noted above are impacts which are considered to be less than significant.

### 3. AIR QUALITY

*Where available, the significance criteria established by the San Joaquin Valley Unified Air Pollution Control Dist. may be relied upon to make the following determinations. Would the project:*

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Substantially alter air movement, moisture, or temperature, or cause any substantial change in climate?

☐ ☐ ☒ ☐

☐ ☐ ☒ ☐

☐ ☐ ☒ ☐

☐ ☐ ☒ ☐



- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Analysis: The proposal is for a change of zone that will allow the continued manufacturing and repair of parts and equipment for agricultural and non-agricultural equipment. The existing uses were approved through various discretionary permits and changes of zone approved by the Zoning Administrator, Planning Commission, and Board of Supervisors. A Negative Declaration was prepared for the previously approved projects. No new development is proposed for the site, and response from the SJVAPCD for the proposed change of zone indicated no comment. However, since some of the commercial and/or industrial uses allowed in the M-1 Zone could potentially be established and operated in such a way that might contribute to poor air quality, staff is recommending that the SR-(Site Review) overlay zone be included so there will be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance, which will include an environmental review for any new uses proposed for the site. Although future uses will be evaluated through the site plan review process, the current use (manufacturing of non-agriculturally related products) may be subject to various air quality permits and the applicant should consult with the SJVAPCD, which will determine if any additional air quality permits are required. For these reasons, the checklist items noted above are impacts which are considered to be less than significant for the proposed change of zone.

#### 4. BIOLOGICAL RESOURCES

*Would the project:*

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct filling, hydrological interruption, or other means?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

☐ ☐ ☐ ☒

Analysis: The majority of the subject site is within the area of the probable habitat of the San Joaquin kit fox; however, the entire 28.86-acre site is utilized for the commercial operation, with intensive human contact. The subject site has been periodically scraped of vegetation and herbicides have been applied for weed control. In addition, the surrounding area contains additional commercial operations, intensive agricultural operations, residential uses, and two County roads, so that it is highly unlikely that any kit fox could exist on the subject site or within the immediate area. The property does not contain any wetlands or riparian habitat. This lack of natural habitat does not preclude the possible occurrence of the kit fox; however, given the proximate location of the subject site, the intensive on site uses, and the surrounding agricultural, commercial and residential activities, it is not likely that any endangered or concerned specie inhabits this location. However, a standard condition of approval shall be including indicating that the applicant shall utilize best practices for protection of the kit fox should a confirmed sighting be made on or proximate to the subject site. For these reasons, the checklist items noted above are impacts which are considered to be less than significant.

## 5. CULTURAL RESOURCES

*Would the project:*

- a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value?
- d) Disturb any human remains, including those interred outside of formal cemeteries?
- e) Disturb unique architectural features or the character of surrounding buildings?

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☐ ☐ ☐ ☒

Analysis: The proposed site is located at the northeast intersection of two County roads. There are no rivers or streams or geologic features on or near the site that may suggest the existence of archaeological resources. The proposed change of zone will not cause a change in historical or archaeological resources, destroy any paleontological resource or site, disturb any human remains, or disturb any architectural features. The entire site is developed with a commercial facility and no new developed is proposed. Thus, the proposal will result in no impacts to cultural resources.

## 6. GEOLOGY/SOILS

*Would the project:*

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- |      |   |                          |                          |                                     |                                     |
|------|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| i)   | Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication No. 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii)  | Strong seismic ground shaking?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) | Seismic related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv)  | Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| v)   | Subsidence?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b)   | Result in substantial soil erosion, siltation, changes in topography, the loss of topsoil or unstable soil conditions from excavation, grading or fill?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c)   | Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d)   | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e)   | Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f)   | Result in substantial soil degradation or contamination?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Analysis: According to the Seismic Safety Element of the Tulare County General Plan, the subject site is not located on or near a known earthquake fault. The site is generally level, on-site soils are not rated high for shrink-swell potential (not considered expansive or unstable), and no new development is proposed. Future commercial development of the site could result in soil disruption or degradation; however, if the requested change of zone is approved, along with the recommended SR (Site Review) designation, there will be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. This is a discretionary permit process which would trigger environmental review of specific future development proposals on the subject site and will allow for the adoption of site specific conditions of approval and mitigation measures if deemed necessary by site plan review and CEQA processes. For these reasons, the checklist items noted above are impacts which are considered to be less than significant.

## 7. HAZARDS AND HAZARDOUS MATERIALS:

*Would the project:*

- a) Create a significant hazard to the public or the

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment or risk explosion?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) Expose people to existing or potential hazards and health hazards other than those set forth above?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Analysis: According to the State of California "Hazardous Waste and Substances List" (April 1998), the subject property does not contain and is not proximate to a listed hazardous site. The proposal is for a change of zone, which in and of itself, does not promote environmental impacts from hazards and hazardous materials. The subject site is fully developed with a repair/welding shop and helicopter operation utilized for agricultural support. The site also contains a commercial card-holder fueling facility that was permitted by the County Environmental Health Division in 1998 and is in compliance with the Underground Storage Tank Regulations. The facility is permitted as a Hazardous Materials Building Plan facility within the County Environmental Health Division. All existing uses were previously approved and analyzed for environmental impacts resulting in a Negative Declaration. However, staff is recommending that the SR (Site Review) Zone be included as part of the change of zone request. If the requested M-1 Zone is combined with the recommended SR (Site Review) designation, there will be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. Thus, the checklist items noted above are impacts which are considered to be less than

significant.

## 8. HYDROLOGY AND WATER QUALITY

*Would the project:*

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge or the direction or rate of flow of ground-water such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade surface or groundwater quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami or mudflow?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Analysis: The proposal is for a change of zone that will allow the continuation of the existing uses (repair and storage of ag equipment and helicopter operation) and allow expansion of these uses to include

manufacturing and repair of non-agricultural equipment and storage of same. Water is supplied to the site by the City of Delano. Sewage disposal is supplied by on site septic systems. All current uses are existing and were previously approved through various use permits and zone changes. The subject site is located in FEMA Flood Zone C, an area not likely to flood. If the requested change in zone is approved, and further, if the requested M-1 Zone is combined with the recommended SR (Site Review) designation, there will be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. Regardless whether the "SR" overlay zone is applied, building plans, grading plans, water availability and water quality will be evaluated by various County divisions prior to issuance of building permits for any future requested development. For these reasons, the checklist items noted above are impacts which are considered to be less than significant for the requested change of zone.

## 9. LAND USE AND PLANNING

*Would the project:*

- a) Physically divide an established community? ☐ ☐ ☐ ☒
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☒ ☐

Analysis: The proposal is to allow a change of zone from the C-3 (Service Commercial) and AE-20 (Exclusive Agricultural – 20 acre minimum) Zones to the M-1 (Light Manufacturing) Zone. The southern portion of the site is within the North Delano Urban Improvement Area (UIA) and subject to the Rural Valley Lands Plan (RVLP). A zone change (PZ 98-10) was filed in 1998 to change the zoning on the southern half of APN 052 from A-1 to M-1. An RVI P point evaluation for this portion received 12 points, and resulted in subsequent modified approval of a change of zone to C-3. According to General Plan Amendment No. GPA 88-01, urban development is intended to take place within Urban Development Boundaries (Urban Improvement Areas are to be updated to UDB's upon completion of a Community Plan). This southern portion of the site being within an urban boundary was intended for urban type development; however, it was not allowed to change to an M-1 Zone as the requested uses for this portion of the site were allowed within the C-3 Zone, and the C-3 Zone is a less intensive use of the site and more compatible than an industrial zone in relatively close proximity to residential uses. The subject site was allowed to change from A-1 to C-3.

The northern portions of the subject site (north half of APN 052 and all of APN 028) are outside of an urban boundary and also subject to the RVLP. Under the RVLP point evaluation system, this portion of the site received 14 points, which means it falls within a "gray" area in which no clear cut decision is readily apparent. The subject site does fall under unique circumstances in that it is located along County Line Road, which lends itself to commercial type development and other uses that are not necessarily related, i.e., churches and public uses. However, being outside of an UIA (UDB), this northern portion of the site is not intended for urban development. The previous use permit for this area (PSP 00-049(7A), for employee parking and storage area, was allowed under an agricultural special use permit, however, the proposed non-agricultural fabrication, parking, and storage uses would not qualify for an agricultural special use permit, therefore, the M-1 Zone is being requested. However, since the conditions adjacent to and surrounding the site, that limited the PZ 98 10 to a C 3 Zone and not the M-1 Zone have not change, and the City of Delano is opposed to further intensive development, the site should remain C-3. Since the site is surrounded by residential and agricultural uses, the proposed use could allow non-compatible uses adjacent to each other i.e., heavy manufacturing and city residences, if future development was to take place on site. Thus, the SR Overlay Zone is requested to reduce any potential incompatible uses in the future.

All on site uses are existing and were allowed through approval of various use permits and change of zone request, and with the addition of the SR Zone, there will be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. This discretionary permit process will trigger environmental review of specific future development proposals on the subject site and will allow for the adoption of site specific conditions of approval and mitigation measures if deemed necessary by site plan review and CEQA processes, thus reducing any potential conflicts between non-compatible uses. For these reasons, approval of the change of zone will result in a less than significant impact to land use and planning.

#### 10. MINERAL AND OTHER NATURAL RESOURCES

*Would the project:*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in a loss of availability of a known mineral or other natural resource (timber, oil, gas, water, etc.) that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: According to the Environmental Resources Management Element of the County General Plan, the site does not contain any of the mineral, or other natural resources referenced above. All on site uses and zoning designations are existing and were previously approved through the discretionary process. No new development is proposed for the site. Thus, the present proposal to change the zoning will result in no impacts to mineral and other natural resources.

#### 11. NOISE

*Would the project result in:*

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

☐ ☐ ☐ ☒

Analysis: The subject site is not located within an area considered to be noise impacted by the Tulare County Noise Element, an element of the Tulare County General Plan. The existing commercial uses are adjacent to agricultural uses to the north and west, commercial uses to the east and residential/commercial uses to the south. The closest residence to the subject site is located approximately 150 feet to the southwest. The closest residence to the machine/welding shop (for manufacturing and repairs) is located approximately 400 feet to the south. In addition, only the office for the helicopter is located on site. The helicopter is located off-site at another location. Since the on site uses are existing, and will not change, (manufacturing, welding, repair, storage, office) and no issues have been raised from nearby residents regarding noise from the site, it is assumed that impacts related to noise will be less than significant. Therefore, no noise avoidance measures are required for this specific proposal, and the checklist items noted above are impacts which are considered to be less than significant.

## 12. POPULATION AND HOUSING

*Would the project:*

- a) Cumulatively exceed official regional or local population projections? ☐ ☐ ☐ ☒
- b) Substantially change the demographics in the area? ☐ ☐ ☐ ☒
- c) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ☐ ☐ ☐ ☒
- d) Substantially alter the location, distribution, or density of the area's population? ☐ ☐ ☐ ☒
- e) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒
- f) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒
- g) Conflict with adopted housing elements? ☐ ☐ ☐ ☒

Analysis: The proposal is for a change of zone that will allow the expansion of the existing agricultural facility to include manufacturing and repair of non-agricultural equipment. All uses are existing and no new development is proposed. The proposed change of zone and subsequent expansion of use will not effect the surrounding population, change the demographics, induce population growth, effect population density, displace housing or people, or conflict with the County Housing Element. Thus, the proposed change of zone will result in no impacts to population and housing.



### 13. PUBLIC OR UTILITY SERVICES

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government and public services facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

- |                                      |                          |                          |                          |                                     |
|--------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection?                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police protection?                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks?                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Electrical power or natural gas?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Communication?                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Other public or utility services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: The proposal is for a change of zone which will allow expansion of the repair facility to include repair of not only agriculture equipment but also non-agricultural equipment. No new development is proposed. The commercial operation has been in business for many years and the services listed above are provided to the site. There will be no change in or impact to public or utility services. To ensure adequate discretionary review of any possible future development of the site, staff is recommending that the SR (Site Review) Zone be included in the requested change of zone to M-1. Thus the requested proposal, with no change to the site, will result in no impact to public or utility services.

### 14. RECREATION

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: The proposed change of zone will have no impact on recreational facilities in the area. The commercial operation has been in business for many years and no new development is proposed for the site. Thus, the proposed change of zone will result in no impacts to recreation.

### 15. TRANSPORTATION / TRAFFIC

*Would the project:*

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| volume to capacity ratio on roads, or congestion at intersections)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exceed, either individually or cumulatively, a level of service standard established by the County Circulation Element?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a change in air, rail or water-borne traffic patterns, including either a significant increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, hazards or barriers for vehicles, pedestrians, or bicyclists?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Result in inadequate emergency access?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Substantially accelerate physical deterioration of public and/or private roads?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Analysis: The requested change of zone will allow the expansion of an agricultural repair and maintenance service to include repair and manufacturing of non-agricultural equipment. Although the customer base may be increased slightly, no additional employees will be required and no additional parking is required. If the requested change of zone is approved, and further, if the requested M-1 Zone is combined with the recommended SR (Site Review) designation, there will be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. This discretionary permit process will trigger environmental review of specific future development proposals on the subject site and will allow for the adoption of site specific conditions of approval and mitigation measures if deemed necessary by site plan review and CEQA processes. Regardless whether or not the SR overlay zone is added to the M-1 zoning designation, all future development of the site will be reviewed and approved by the County prior to issuance of building permits. For these reasons, the checklist items noted above are impacts which are considered to be less than significant.

## 16. UTILITIES AND SERVICE SYSTEMS

*Would the project:*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm  |                          |                          |                          |                                     |

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| water drainage facilities or expansion of existing facilities, the construction which could cause significant environmental effects?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies (including fire flow available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: The requested change of zone will allow the expansion of an agricultural repair and maintenance service to include repair and manufacturing of non-agricultural equipment. An approved septic system is utilized for sewage disposal service, water is supplied by the City of Delano, there will be no change in the existing type of use and no new development is proposed. The repair business has been in operation for many years through approval of various use permits and changes of zone, and all services will continue to be provided to the site. Thus, approval of the change of zone will result in no impacts to utilities and service systems.

#### 17. MANDATORY FINDINGS OF SIGNIFICANCE

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened plant or animal species, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Does the project have environmental impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Analysis: Based on the analyses above, findings of "No Impact" are appropriate for the Mandatory Findings of Significance for this project. No "potentially significant impacts" were identified, and no potential "less than significant impacts" were identified that cannot be reduced to a level less than significant by application and enforcement of State standards and/or County ordinances and/or standard conditions of approval. In terms of cumulative impacts, commercial uses are generally associated with higher intensity of impacts such as traffic, noise, light and glare; however, all development on site is existing, no new development is proposed, and the basic use of the site for repair and manufacturing of equipment will not change. Furthermore, as long as such re-designations are implemented through zoning which includes the M-1 and SR combining zone, then the reasonably foreseeable number of such re-designations should not have the potential for a significant cumulative effect.

## CONSULTING AGENCY LIST

TULARE COUNTY AGENCIES		STATE AGENCIES	
<input type="checkbox"/>	R.M.A. - Building Division	<input checked="" type="checkbox"/>	* Dept. of Fish & Game Dist 4 (see address below)
<input type="checkbox"/>	R.M.A. - Code Compliance Division	<input type="checkbox"/>	_____, DFG Area Biologist
<input checked="" type="checkbox"/>	R.M.A. - Countywide Division	<input type="checkbox"/>	Alcoholic Beverage Control
<input checked="" type="checkbox"/>	R.M.A. - Community Dev./Redevelopment Division	<input type="checkbox"/>	Housing & Community Development
<input checked="" type="checkbox"/>	R.M.A. - Engineer/Flood/Traffic Division	<input type="checkbox"/>	Reclamation Board
<input type="checkbox"/>	R.M.A. - Parks and Recreation Division	<input checked="" type="checkbox"/>	Regional Water Quality Control Board - Dist. 5
<input type="checkbox"/>	R.M.A. - Building Services Division	<input checked="" type="checkbox"/>	Caltrans Dist. 5
<input type="checkbox"/>	R.M.A. - General Services Division	<input type="checkbox"/>	Dept. of Water Resources
<input type="checkbox"/>	R.M.A. - Transportation/Utilities Division	<input type="checkbox"/>	Water Resources Control Board
<input type="checkbox"/>	R.M.A. - Solid Waste Division	<input type="checkbox"/>	Public Utilities Commission
<input checked="" type="checkbox"/>	H.H.S.A. - Environmental Health Services Division	<input type="checkbox"/>	Dept. of Conservation
<input checked="" type="checkbox"/>	H.H.S.A. - HazMat Division	<input type="checkbox"/>	State Clearinghouse (15 copies)
<input checked="" type="checkbox"/>	Fire Warden (Tulare County Fire Department)	<input type="checkbox"/>	Office of Historic Preservation
<input type="checkbox"/>	Sheriff's Department: Visalia Headquarters	<input type="checkbox"/>	Dept. of Food & Agriculture
<input type="checkbox"/>	Traver Substation	<input type="checkbox"/>	State Department of Health
<input type="checkbox"/>	Orosi Substation	<input type="checkbox"/>	State Lands Commission
<input type="checkbox"/>	Pixley Substation **	<input type="checkbox"/>	State Treasury Dept. - Office of Permits Assist.
<input type="checkbox"/>	Porterville Substation	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Agricultural Commissioner (20000)		
<input type="checkbox"/>	Education Department		
<input type="checkbox"/>	Airport Land Use Commission		
<input checked="" type="checkbox"/>	Supervisor, Conway		
<input type="checkbox"/>	Assessor		
LOCAL AGENCIES		OTHER AGENCIES	
<input type="checkbox"/>	Levee Dist. No 1	<input type="checkbox"/>	U.C. Cooperative Extension
<input type="checkbox"/>	Levee Dist. No 2	<input type="checkbox"/>	Audubon Society - Condor Research
<input type="checkbox"/>	_____ Irrigation Dist	<input type="checkbox"/>	Native American Heritage Commission
<input type="checkbox"/>	_____ Pub Utility Dist	<input checked="" type="checkbox"/>	District Archaeologist (Bakersfield) (222000)
<input type="checkbox"/>	_____ Comm. Service Dist	<input type="checkbox"/>	TCAG (Tulare Co. Assoc. of Govts)
<input type="checkbox"/>	_____ Town Council	<input type="checkbox"/>	LAFCo (Local Agency Formation Comm.)
<input type="checkbox"/>	_____ Elem. School Dist	<input type="checkbox"/>	Pacific Bell
<input type="checkbox"/>	_____ School Dist	<input type="checkbox"/>	GTE (General Telephone)
<input checked="" type="checkbox"/>	City of Delano	<input type="checkbox"/>	P.G. & E.
<input checked="" type="checkbox"/>	County of Kern	<input type="checkbox"/>	Edison International
<input type="checkbox"/>	Deer Creek Storm Water District	<input type="checkbox"/>	The Gas Company
<input type="checkbox"/>	_____ Advisory Council	<input type="checkbox"/>	Tulare County Farm Bureau
<input type="checkbox"/>	_____ Fire District	<input type="checkbox"/>	Archaeological Conservancy (Sacto)
<input type="checkbox"/>	_____ Mosquito Abatement	<input type="checkbox"/>	Dept. of Social Services, Community Care Division
<input type="checkbox"/>	Kaweah Delta Water Cons. District	<input type="checkbox"/>	SBC @ P.O. Box 1419, Alhambra, CA 91802
<input checked="" type="checkbox"/>	SJV Unified Air Pollution Control Dist (Attn: Hector R. Guerra, Senior Air Quality Planner, San Joaquin Valley APCD, 1990 E. Gettysburg, Avenue, Fresno, CA 93726)	<input type="checkbox"/>	FAA
FEDERAL AGENCIES			
<input type="checkbox"/>	Army Corps of Engineers		
<input type="checkbox"/>	Fish & Wildlife		
<input type="checkbox"/>	Bureau of Land Management		
<input type="checkbox"/>	Natural Resources Conservation Dist.		
<input type="checkbox"/>	Forest Service		
<input type="checkbox"/>	National Park Service		



**Tulare County  
Health & Human Services Agency**

John Davis, Agency Director

Ray Sullick, Director - Health Services Department

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

April 19, 2007

CHARLOTTE BRUSUELAS  
RESOURCE MANAGEMENT AGENCY  
5961 SOUTH MOONEY BLVD  
VISALIA CA 93277

RECEIVED  
TULARE COUNTY

APR 23 2007

RESOURCE  
MANAGEMENT  
AGENCY

Re: PRE 06-003 - B & J Lands

Dear Ms. Brusuelas:

This office has reviewed the above referenced matter. Based upon our review, we have no additional comments or recommendations for this project at this time.

Sincerely,

*Sabine T. Geaney*

Sabine T. Geaney  
Environmental Health Specialist III  
Environmental Health Services Division

STG:jp

# RESOURCE MANAGEMENT AGENCY



## INTEROFFICE MEMORANDUM

---

April 9, 2007

**TO:** Charlotte L. Brusuelas, Project Planner  
**FROM:** Kurtis Brown, Tulare County Fire Inspector  
**SUBJECT:** Case No. PZ 06-003

The Fire Warden submits the following recommendations in response to this item.

1. Post address using 4-inch numerals on a contrasting background.
2. Provide surfaced year round access for emergency fire department response.
3. Provide a fire protection system in compliance with the Improvement Standards of Tulare County and as approved by the Fire Warden.

If you have any questions please call Kurtis Brown at 733-6291 extension 4105.

KB:ta

cc: Dave Dean  
File

RECEIVED  
TULARE COUNTY

## DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE

P O BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 488-7306

FAX (559) 488-4088

TTY (559) 488-4066

APR 13 2007

RESOURCE  
MANAGEMENT  
AGENCYFix your power!  
Be energy efficient!

April 6, 2007

2135-IGR/CEQA  
6-TUL-99-0.00+/-  
PZ.06-003  
B & J LANDS

Ms. Charlotte Brusuelas, Project Planner  
Resource Management Agency  
5961 S. Mooney Boulevard  
Visalia, CA 93277

Dear Ms. Brusuelas:

Thank you for the opportunity to review Change of Zone Permit Number 06-003 proposing to change the zoning of a C-3 and AE-20 to M-1 on a 28.86-acre parcel. There is no construction of new structure(s) on the proposed site. The proposed use is located at the northeast corner of County Line Road and Road 152 approximately 1.0 mile east of State Route (SR) 99, in the County of Tulare. Caltrans has the following comments:

No significant or adverse impacts to the State facilities are anticipated by the proposed action. However, as specific development proposals are presented in the plan area, we will reserve comments and recommendations for mitigation improvements or dedications at that time.

Due to the development in the vicinity and the need to address cumulative traffic impacts, it is recommended that the County consider a funding mechanism that addresses future transportation needs of both local and state facilities. Caltrans is encouraged that the County is in the process of conducting a study to determine the appropriateness of collecting mitigation to address future transportation needs on local and state facilities necessitated by the cumulative impacts of development. Please be advised that the State is unable to fund improvements to support development-driven traffic, and the regional STIP funds are inadequate to fund all necessary improvements.

Please send a response to our comments and a copy of the Board of Supervisors resolution related to the proposed project. If you have any questions, please call me at (559) 488-7306.

Sincerely,

AL DIAS  
Office of Transportation Planning  
District 6





# San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

APR 24 2007

Charlotte L. Brusuelas  
County of Tulare  
Resource Management Agency  
5961 South Mooney Blvd.  
Visalia, CA 93277

Project: Case No. PZ-06-003 (B & J Lands)

Subject: CEQA comments regarding the rezoning of a parcel in Delano

District Reference No: 200700612

Dear Ms. Brusuelas:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and has no comments to offer at this time.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Jon Klassen at (559) 230-5843 and provide the reference number at the top of this letter.

Sincerely,

Dave Warner  
Director of Permits Services

*Jon Klassen*  
fo: Daniel T. Barber, Ph.D.  
Supervising Air Quality Specialist

DW: jk

cc: File

Sayed Sadredin  
Executive Director/Air Pollution Control Officer

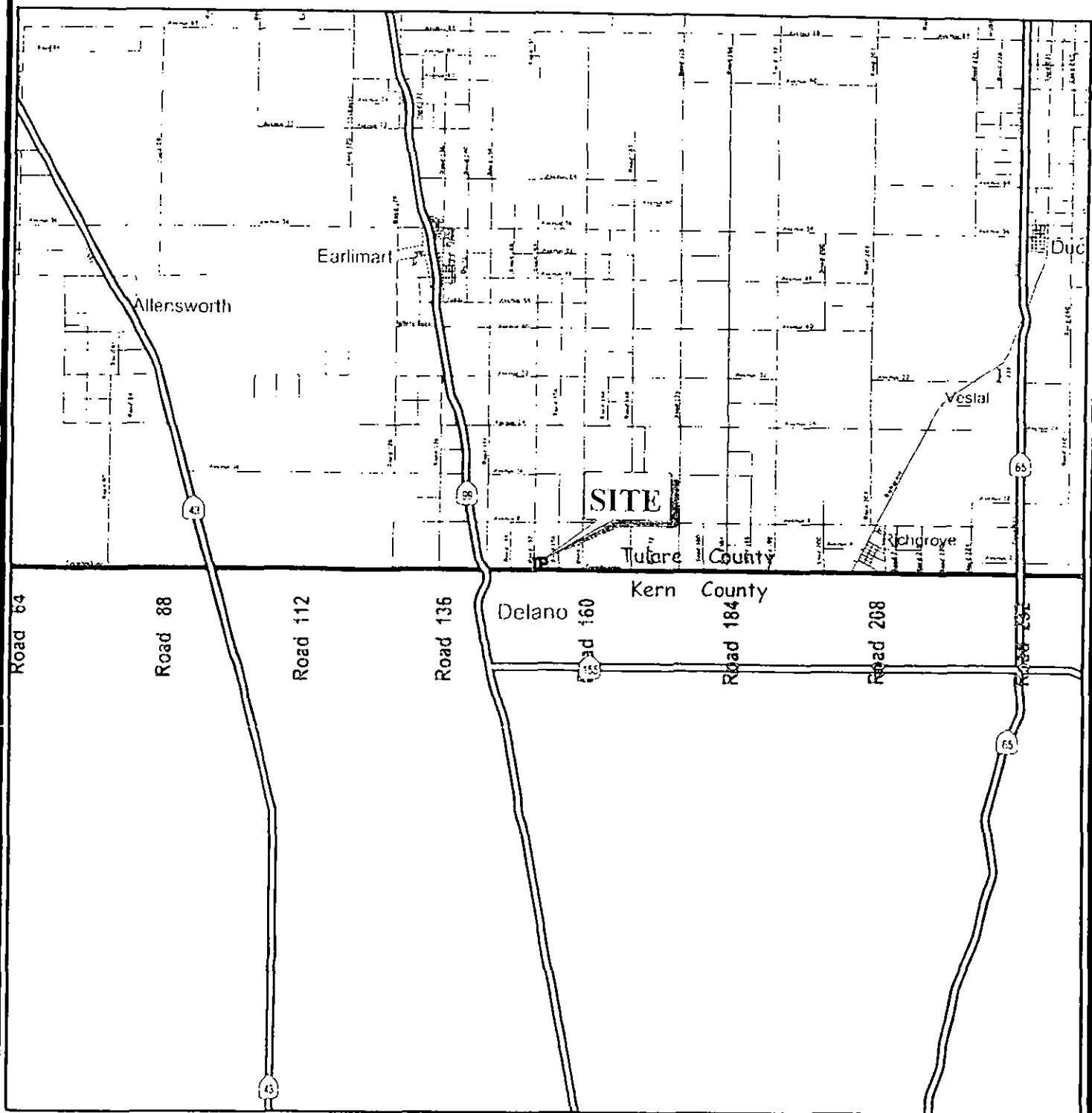
Northern Region  
4800 Enterprise Way  
Modesto, CA 95355-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)  
1930 E. Gettysburg Avenue  
Fresno, CA 93725-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061  
www.valleyair.org

Southern Region  
7700 M Street, Suite 275  
Bakersfield, CA 93301-2373  
Tel: (661) 326-6900 FAX: (661) 326-6955



# Vicinity Map for PZ 06-003



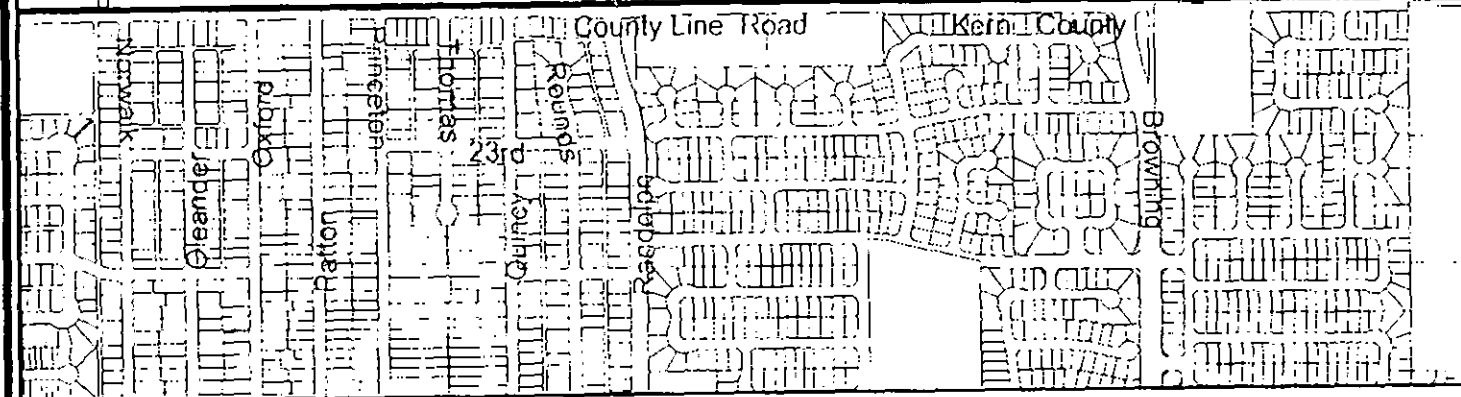
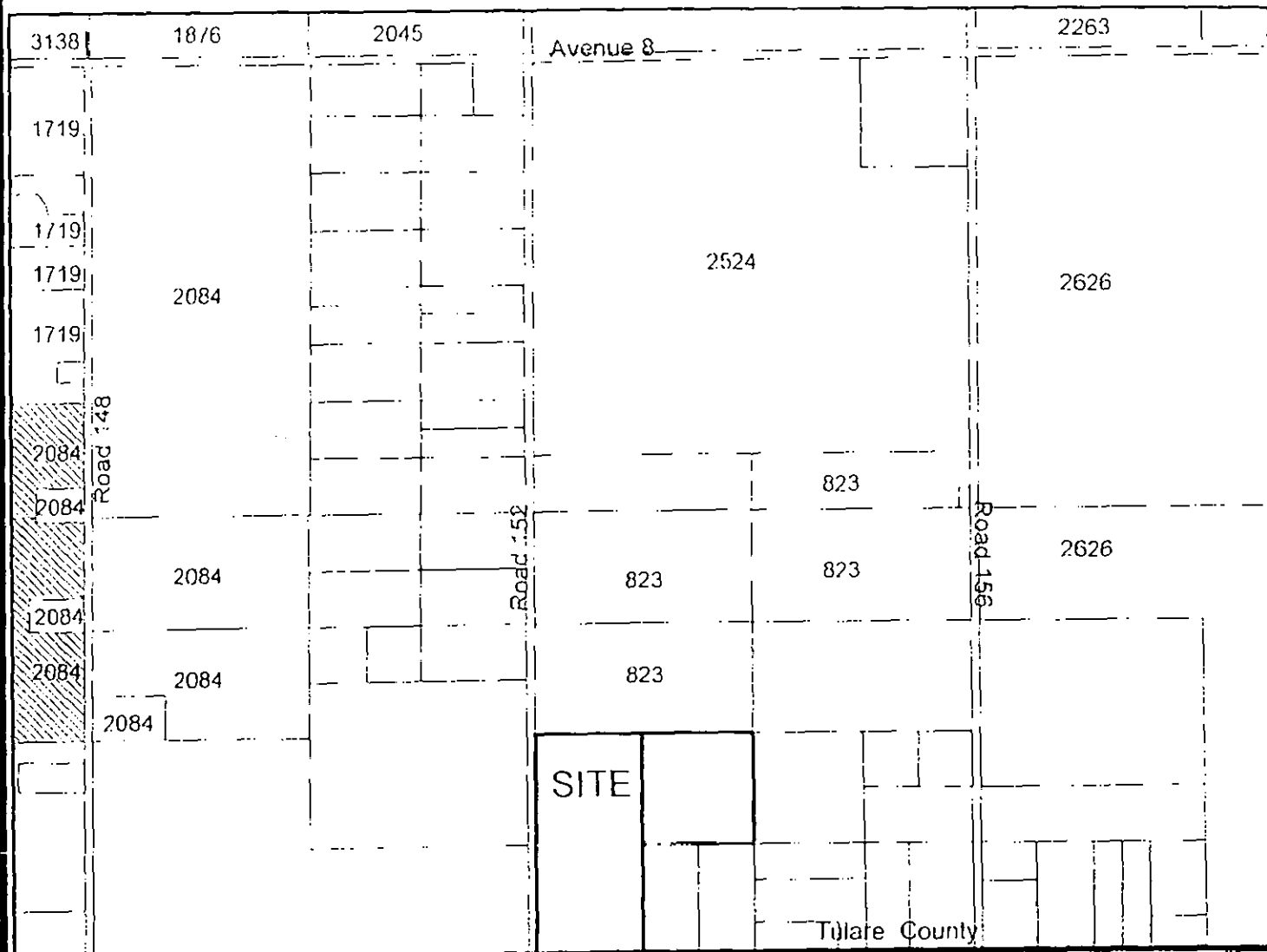
1.5 0 1.5 3 4.5 6 Miles







# Ag. Preserve Map for PZ 06-003



Owner: JOSEPHSON JAMES  
Address: 1407 S LEXINGTON ST  
City, State ZIP: DELANO CA 93215  
Applicant: B & T LANDS  
Agent: ROBERTS ENGINEERING  
Assessors Parcel # 336090028, 336090052

500 0 500 1000 1500 2000 Feet

## Ag. Preserves

Williamson Act Preserves

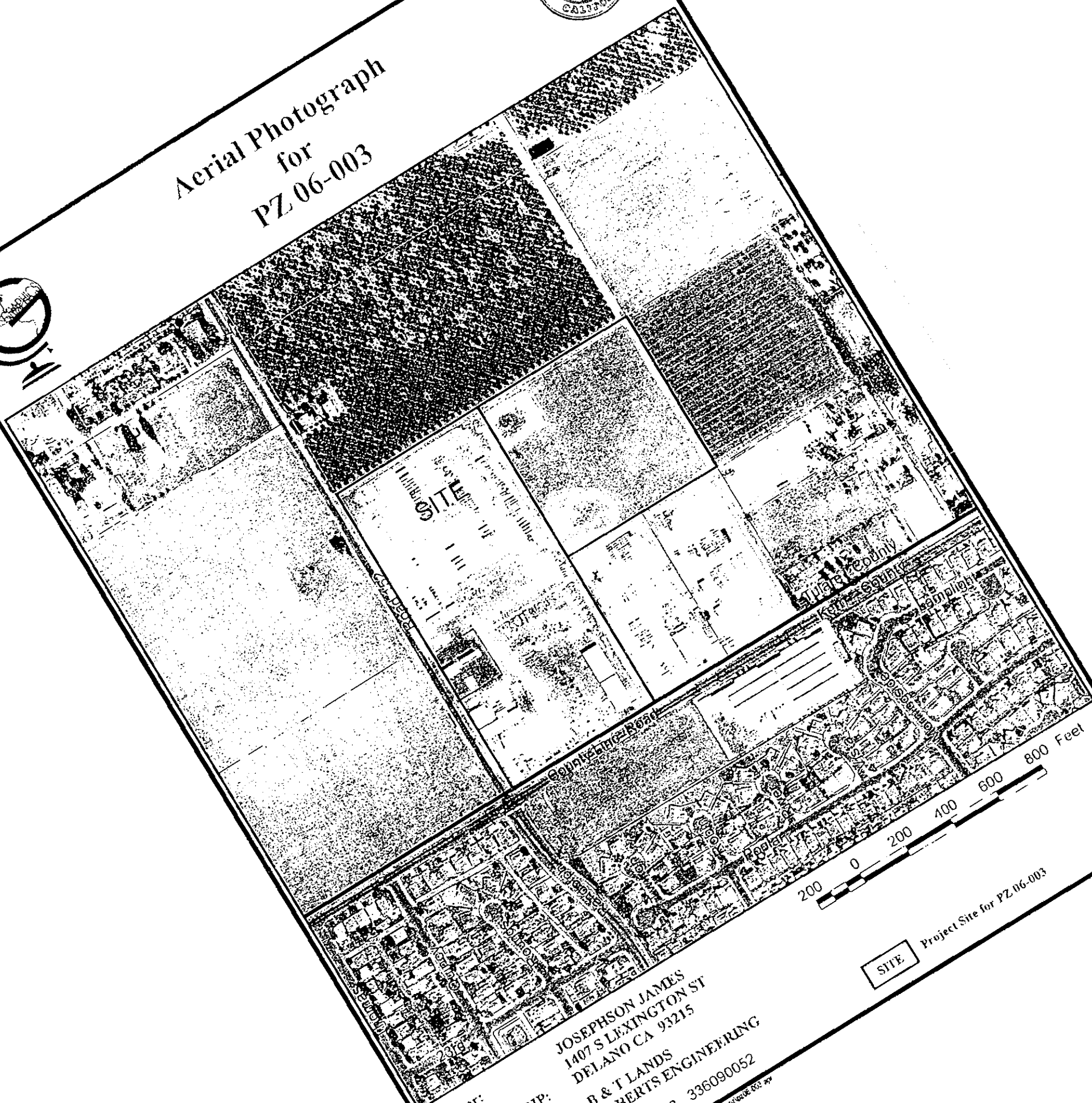
Williamson Act Preserves - Non Renewal

Farmland Security Zones





# Aerial Photograph for PZ 06-003



SITE

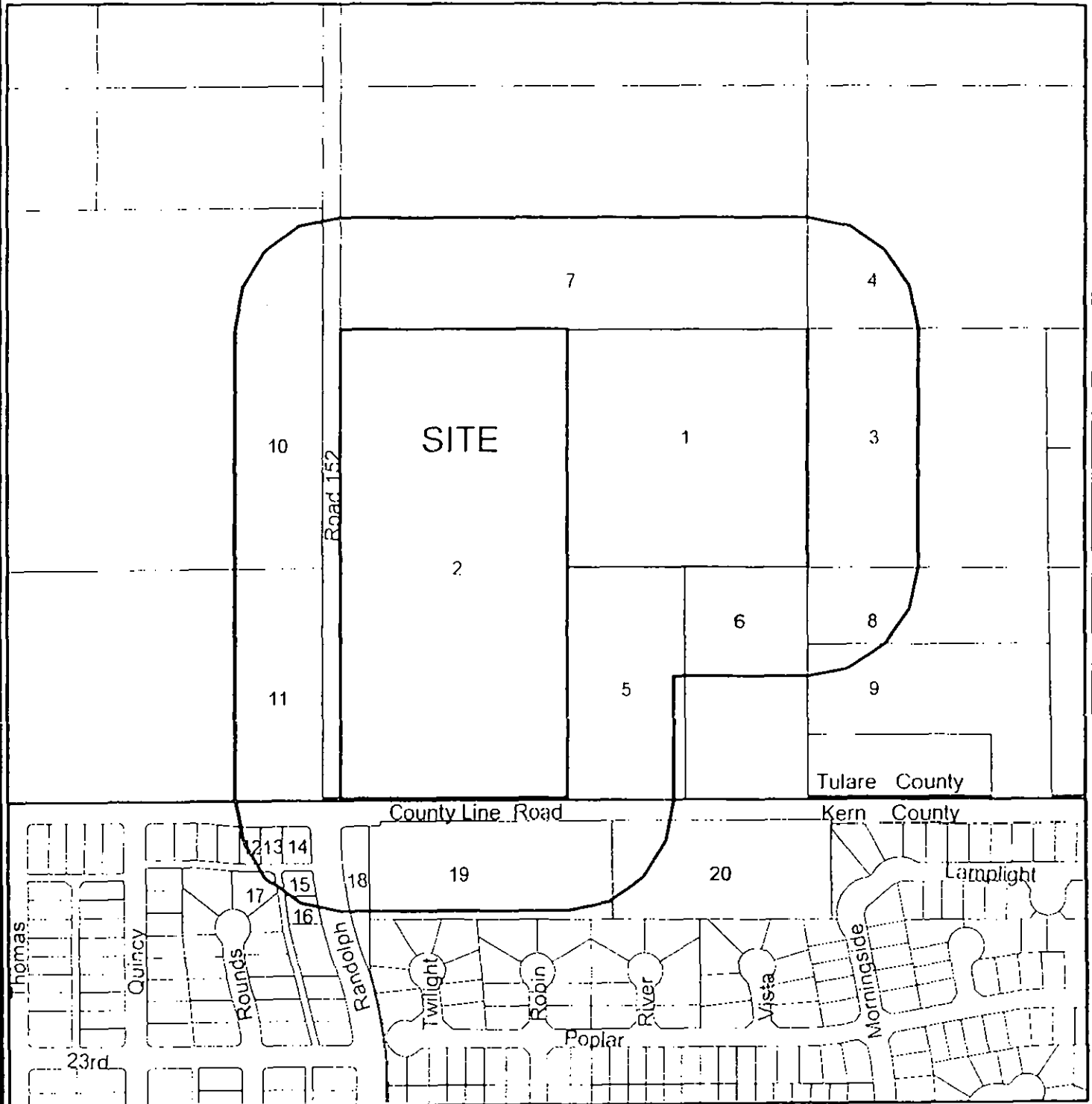
Project Site for PZ 06-003

Owner: JOSEPHSON JAMES  
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Applicant: B & T LANDS  
Agent: ROBERTS ENGINEERING  
Assessors Parcel # 336090028, 336090052

Map Created: May 2, 2007 by: DesignGraphics 21000\_060003\_PZ06-003.apr



# Location and Property Ownership Map for Hearing Notification for PZ 06-003



Owner: JOSEPHSON JAMES  
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City, State ZIP: DELANO CA 93215  
Applicant: B & T LANDS  
Agent: ROBERTS ENGINEERING  
Assessors Parcel # 336090028, 336090052

200 0 200 400 600 800 Feet

1 - 2

Project Site for PZ 06-003

2 - 20

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

