



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

**BOARD OF SUPERVISORS**

ALLIEN ISHIDA  
District One  
CONNIL CONWAY  
District Two  
PHILIP A. COX  
District Three  
J. STEVEN WORTHLEY  
District Four  
MIKE ENNIS  
District Five

**AGENDA DATE:** October 14, 2008

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez    PHONE: 559-733-6291

**SUBJECT:** In the Matter of an Amendment to the Tulare County Zoning Ordinance (352), Change of Zone No. PZ 08-003, in Sultana

**REQUEST(S):**

That the Board of Supervisors:

1. Introduce and waive the first reading of an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance for Change of Zone No. PZ 08-003, from AE-20 (Exclusive Agricultural-20 acre minimum) to C-3-SR (Service Commercial-Site Plan Review), on a 1.38 acre parcel, located on the north side of Avenue 416 (El Monte Way), 175 feet east of Road 100, in Sultana.
2. Set a Public Hearing for October 28, 2008 at 9:30 a.m.
3. Hold a Public Hearing on October 28, 2008 at 9:30 a.m.
4. Certify that it has reviewed and considered the information contained in the Negative Declaration for the proposed change of zone together with any comments received during the public review process, in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 prior to taking action on the change of zone.
5. Find there is not substantial evidence that said change of zone will have a significant effect on the environment and determine that the Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines

**SUBJECT:** In the Matter of an Amendment to the Tulare County Zoning Ordinance (352), Change of Zone No. PZ 08-003, in Sultana

**DATE:** October 14, 2008

for the Implementation of the California Environmental Quality Act of a 1970, as amended;

6. Adopt the findings for approval for the Change of Zone, as set forth in Planning Commission Resolution No. 8357;
7. Waive the final reading and adopt an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance; and
8. Direct the Clerk of the Board of Supervisors to publish the adopted Ordinance and return the signed Notice of Determination to Resource Management Agency.

**SUMMARY:**

Jesus Galaviz has requested a change of zone from AE-20 (Exclusive Agricultural-20 acre minimum) to the C-3 (Service Commercial) Zone on a 1.38-acre parcel in Sultana. The property owner purchased the subject site, which the previous owner used as an automotive shop assuming that the parcel was zoned for commercial use. The applicant currently operates an auto body repair and paint facility at the site and requests approval of the change of zone to bring the existing use into compliance with the Tulare County Zoning Ordinance. (Note; The applicant's request for a change of zone is not in response to any code or zoning violation).

The surrounding properties are zoned AE-20. Properties to the north and east contain a packing house and cold storage facility, AT & SF Railroad (abandoned), orchard and scattered residential. Properties to the west include scattered residential and orchard. The BASF research station, agricultural and scattered residential uses are located to the south.

The subject site is within the Rural Valley Lands Plan (RVLP) which designates the site as "Agricultural". The site is not within any existing Urban Development or Urban Area Boundary (UAB). Outside of UABs the RVLP is the controlling factor for approval or denial of urban type development. Under the RVLP point evaluation system, the subject site scored 12 points. Since the points are less than 17, the site could be considered for rezoning to a non-agricultural classification.

The Planning Commission, at their regular meeting of July 23, 2008, modified the request and recommended a change of zone to C-3-SR. See Attached Planning Commission Resolution No. 8357 for details. There has been no opposition to the proposal.

A notice of public hearing will be provided for the change of zone proposal at least 10 days prior to the hearing in accordance with Government Code Section 65090 and 65856. An affidavit of publication will be provided to the clerk when it is received.

**FISCAL IMPACT/FINANCING:**

No net County costs to the General Fund. Initial costs associated with the processing of PZ 08-003 are paid by the applicant in the form of a \$1,400 deposit. Subsequent costs, including staff time, are billed at the rate of \$100 per hour.

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**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

Rezoning to implement the General Plan will promote the safety and security of the public and promote economic development opportunities, effective growth management and a quality standard of living, which are goals that are linked to the Economic Well-Being initiative of Tulare County's Strategic Business Plan 2006-2011.

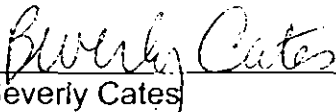
**ALTERNATIVES:**

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

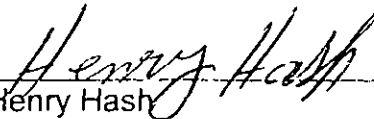
**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

See consultation referral list in staff report.

**ADMINISTRATIVE SIGN-OFF:**

  
Beverly Cates

Chief Planner, Planning Division

  
Henry Hash

Director

cc: Auditor/Controller  
County Counsel  
County Administrative Office (2)  
Jesus Galaviz, 10052 Avenue 416, Dinuba, CA 93618  
Amador Rodriguez, 1664 Newport Court, Salinas, CA 93906

**Attachments:**

- Attachment 1 – Draft BOS Resolution to set Public Hearing for Change of Zone No. PZ 08-003
- Attachment 2 – Draft BOS Resolution approving Change of Zone No. PZ 08-003
- Attachment 3 – Draft Ordinance, with map, for Change of Zone No. PZ 08-003
- Attachment 4 – Planning Commission Resolution No. 8357 for PZ 08-003
- Attachment 5 – Planning Commission Staff Report for PZ 08-003

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

IN THE MATTER OF CONSIDERATION OF )  
AN AMENDMENT TO THE TULARE COUNTY )  
ORDINANCE NO. 352 (ZONING ORDINANCE )  
AND CHANGE OF ZONE NO. PZ 08-003, )  
FOR JESUS GALAVIZ. )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD OCTOBER 14, 2008, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

BY: \_\_\_\_\_  
Deputy Clerk

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1. Introduced and waived the first reading of an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance for Change of Zone No. PZ 08-003, from AE-20 (Exclusive Agricultural – 20 acre minimum) Zone to C-3-SR (Service Commercial – Site Plan Review), on an 1.38-acre parcel, located on the north side of Avenue 416 (El Monte Way), approximately 175 feet east of Road 100, in Sultana.
2. Set a Public Hearing for October 28, 2008 at 9:30 a.m.

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

IN THE MATTER OF CONSIDERATION OF )  
AN AMENDMENT TO THE TULARE COUNTY )  
ORDINANCE NO. 352 (ZONING ORDINANCE )  
CHANGE OF ZONE NO. PZ 08-003, )  
FOR JESUS GALAVIZ )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD OCTOBER 28, 2008, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Held a Public Hearing on October 28, 2008 at 9:30 a.m.;
2. Certified that it has reviewed and considered the information contained in the Negative Declaration for the proposed change of zone together with any comments received during the public review process, in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 prior to taking action on the change of zone;
3. Found there is no substantial evidence that said change of zone will have a significant effect on the environment and determine that the Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines

for the Implementation of the California Environmental Quality Act of a 1970, as amended;

4. Adopted the findings for approval for the Change of Zone, as set forth in Planning Commission Resolution No. 8357;
5. Waived the final reading and adopted an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance; and
6. Directed the Clerk of the Board of Supervisors to publish the adopted Ordinance and return the signed Notice of Determination to Resource Management Agency.