



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

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE LNNIS
District Five

AGENDA DATE: February 24, 2009

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: 733-6291						

SUBJECT: Appeal of the Zoning Administrator's denial of Zone Variance No. PZV 08-027 (ZA), south of Porterville

REQUEST(S):

That the Board of Supervisors:

Hold the Public Hearing and prior to action; continue the Public Hearing (for non-payment of fees in the amount of \$1,750 due to the Resource Management Agency (RMA)) for the appeal filed by Robert J. Owen, regarding the decision of the Zoning Administrator denying Zone Variance No. PZV 08-027 (ZA) to allow the creation of a 0.37 acre homesite parcel from an original parcel (4.70 acres) containing less acreage than required in the AE-10 (Exclusive Agricultural-10 acre minimum) Zone, located on the east side of Road 252 (Plano Street), approximately 1,350 feet south of Scranton Avenue, south of Porterville.

SUMMARY:

Currently there is a balance of \$1,750 due to Tulare County. The applicant requested a zone variance to allow a division to create a 0.37-acre homesite parcel from an original 4.70-acre parcel containing less acreage than required in the AE-10 Zone (Parcel 1- 0.37 acre and Parcel 2- 4.33 acres). Proposed Parcel 1 contains a single-family dwelling and proposed Parcel 2 contains a domestic well with open space.

Public hearings were conducted on October 16, 2008 and October 23, 2008, at which time the Zoning Administrator heard testimony both in support and opposition

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to the variance. The Zoning Administrator denied the variance on December 3, 2008, by Decision No. 3002, based on reducing an already substandard parcel, which would reduce any possibility of agricultural production on the site. Another reason was the creation of the 0.37 homesite parcel does not comply with the one-acre minimum requirement of the Tulare County Subdivision Ordinance Section 7-01-1350.

The Tulare County Zoning Ordinance Section 15. D. 2. g. and h. provides for the division of existing homesite parcels containing less acreage than required by agriculture zones, if certain requirements are met. The proposed division of land does not meet the requirement that the parcel being divided must contain the minimum acreage requirement in the applicable zone before a homesite parcel may be divided. The original parcel does not meet the minimum 10-acre requirement; the parcel only contains 4.70 acres.

North: AE-10, AE-20 (Exclusive Agricultural-20 acre minimum), R-A-217 (Rural Residential-217,000 sq. ft. minimum) Zones; agriculture (orchard/open space), and scattered rural residences

East: AE-10; agriculture (open space) and scattered rural residences

West: AE-10; agriculture (orchard) and scattered rural residences

South: AE-10; agriculture (open space) and scattered rural residences

The majority of the substandard parcels in the vicinity, which are under 5-acres, were created prior to the implementation of the Rural Valley Lands Plan. Since the majority of the parcels that are under 5-acres in this area were created prior to the Rural Valley Lands Plan, the granting of the variance could constitute a granting of special privilege.

FISCAL IMPACT/FINANCING:

The appellant has paid the required deposit fee of \$1,439 and the appeal fee of \$300. Outstanding fees are due in the amount of \$1,750 to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

A goal of the strategic plan is to promote public health and welfare, education, opportunities, natural resource management, and continued improvement in the environmental quality. Division of agricultural lands is not conducive to protecting the natural resource of agricultural lands; therefore, the denial is consistent with the goal of Tulare County's Strategic Business Plan 2006-2011.

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ALTERNATIVES:

1. If the applicant has paid the necessary fees; deny the appeal filed by Robert J. Owen, and uphold the decision of the Zoning Administrator denying Zone Variance No. PZV 08-027 (ZA) to allow the creation of a 0.37 acre homesite parcel from an original parcel (4.70 acres) containing less acreage than required in the AE-10 (Exclusive Agricultural-10 acre minimum) Zone, located on the east side of Road 252 (Plano Street), approximately 1,350 feet south of Scranton Avenue, south of Porterville.
2. Approve the appeal and thereby conditionally approve the project (if the applicant has paid the necessary fees). If this occurs, staff recommends the public hearing be continued for three weeks in order that staff may prepare appropriate findings and conditions of approval.

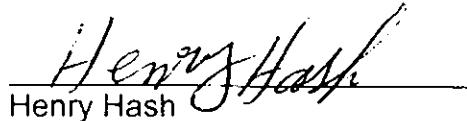
INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

See staff report for consultation referral list.

ADMINISTRATIVE SIGN-OFF:



Jake Raper Jr., A.I.C.P.
Assistant Director



Henry Hash
Director

Cc: County Counsel
County Administrative Office (3)
Robert J. Owen, 16151 Mustang Drive, Springville, CA 93265
Roberts Engineering, P. O. Box 908, Porterville, CA 93258

Attachments:

Resolution

Appeal letter

Transcription of Public Hearings before the Zoning Administrator

PZV 08-027 (ZA) Decision

Staff Report

Consulting Agencies

Maps

Email correspondence from agent to staff

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

IN THE MATTER OF AN APPEAL OF THE)
ZONING ADMINISTRATOR'S DENIAL) RESOLUTION NO. _____
OF ZONE VARIANCE PZV 08-027 (ZA))

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

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * *

That the Board of Supervisors:

Held the Public Hearing and prior to action; continued the Public Hearing (for non-payment of fees in the amount of \$1,750 due to the Resource Management Agency (RMA)) for the appeal filed by Robert J. Owen, regarding the decision of the Zoning Administrator denying Zone Variance No. PZV 08-027 (ZA) to allow the creation of a 0.37 acre homesite parcel from an original parcel (4.70 acres) containing less acreage than required in the AE-10 (Exclusive Agricultural-10 acre minimum) Zone, located on the east side of Road 252 (Plano Street), approximately 1,350 feet south of Scranton Avenue, south of Porterville.