



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

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
PETE VANDER POFF
District Two
PHILLIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE FENNIS
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: (559) 733-6291						

SUBJECT: Amendment to the Tulare County Ordinance 352, for Change of Zone No. PZ 08-010, south of Visalia

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 08-010, from the AE-40 (Exclusive Agricultural-40 acre minimum) Zone to the AE-20 (Exclusive Agricultural 20-acre minimum) Zone on a 187.94 acre site, consisting of three parcels (one is for financing purposes only), located on the east side of Highway 99 on the south side of Avenue 272, approximately 4,080 feet west of Road 100, south of Visalia.
2. Set a Public Hearing for March 10, 2009 at 9:30 a.m.
3. Hold a Public Hearing on March 10, 2009 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 that 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

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DATE: PZ 08-010, south of Visalia
February 24, 2009

Guidelines for the implementation of the California Environmental Quality Act of 1970, as amended.

6. Adopt the findings for approval for the Change of Zone, as set forth in Planning Commission Resolution No. 8415.
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 the Resource Management Agency.

SUMMARY:

Dr. Sarjit Malli (applicant) applied for a Change of Zone from AE-40 (Exclusive Agricultural 40-acre minimum) Zone to AE-20 (Exclusive Agricultural 20-acre minimum) Zone on a 187.94 acre site consisting of three parcels (one is for financing purposes only) in order to create nine-20 acre parcels and one homesite parcel.

The site is located in the Urban Area Boundary of Visalia and designated as Agriculture. According to Policy 401, which specifies land capability classification the applicant has agricultural production on the site which is consistent with 20-acre parcels. The site contains vineyards, nuts and orchards which all require a minimum of 20-acres. In addition, to an open field the parcel is used for residential use and has a homesite parcel (financing only). The surrounding properties are all zoned AE-40 and contain row crops. To the north there are also rural residences and to the south there is a packing facility.

Staffs report to the Planning Commission did not recommend approval due to isolated zoning of the AE-20 in an area of AE-40. In addition, the creation of smaller parcels in an Urban Boundary Area may create difficulties for future development upon annexation to the City of Visalia.

The Planning Commission at their regular meeting on January 14, 2009, heard public testimony from Ed Canvasser (Agent) and Dr. Sarjit Malli. There was no public opposition to the project. The Planning Commission recommended approval of Zone Change by Resolution No. 8415 (3-2 vote).

FISCAL IMPACT/FINANCING:

There are no net County costs to the General Fund. Initial costs associated with the processing of PZ 08-010 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 dollars an hour. Dr. Malli has paid all fees in full.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

A goal of the Strategic Business Plan 2006-2011 is to promote economic development opportunities, effective growth management and a quality standard of

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living. The applicant is proposing to continue agricultural production on the sites. The Rural Valley Lands Plan designates this site for agriculture and is therefore consistent with the General Plan. Therefore two goals of the Strategic Business Plan are being implemented which are: Encourage growth consistent with the County General Plan; and to continue to protect the County's agriculture-based economy.

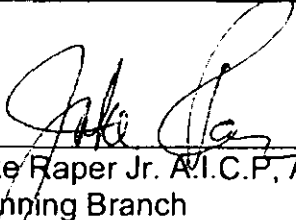
ALTERNATIVES:

Your Board could modify or deny the requested Change of Zone.

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
Planning Branch



Henry Hash, Director

cc: County Counsel
County Administrative Office (2)
Dr. Sarjit Malli, 233 N. M Street, Tulare, CA 93274
California Planning & Engineering Corporation, 724 N. Ben Maddox Way,
Visalia, CA

Attachment No. 1- Planning Commission Resolution
Attachment No. 2- Planning Commission Staff Report for PZ 08-010

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

IN THE MATTER OF AMENDMENT TO THE) RESOLUTION NO. _____
TULARE COUNTY ORDINANCE 352, FOR)
CHANGE OF ZONE NO. PZ 08-010)
SOUTH OF VISALIA)

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:

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 08-010, from the AE-40 (Exclusive Agricultural-40 acre minimum) Zone to AE-20 (Exclusive Agriculture-20 acre minimum) Zone on a 187.94 acre site consisting of three parcels (one parcel is for financing purposes only), located on the east side of Highway 99, and on the south side of Avenue 272, south of Visalia.
2. Set a Public Hearing for March 10, 2009 at 9:30 a.m.

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

IN THE MATTER OF AMENDMENT TO THE) RESOLUTION NO. _____
TULARE COUNTY ORDINANCE 352, FOR)
CHANGE OF ZONE NO. PZ 08-010)
SOUTH OF VISALIA)

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:

1. Held a Public Hearing on March 10, 2009 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 that there is no substantial evidence that said Change of Zone will have a significant effect on the environment and determined 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 1970, as amended.

4. Adopted the findings for approval for the Change of Zone, as set forth in Planning Commission Resolution No. 8415;
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 the Resource Management Agency.

NOTICE OF DETERMINATION

TO: Tulare County Clerk
Room 105, Courthouse
Visalia, CA 93291-4593

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 08-010 Sarjit Malli, 233 North M Street, Tulare, CA 93274

State Clearinghouse No. (if any):

Lead Agency: Tulare County Resource Management Agency

Staff Contact Person: Maureen Hopkins

Telephone Number: 733-6291

Project Location: East side of Highway 99 on the south side of Avenue 272 approximately 4,080 feet west of Road 100, south of Visalia.

Project Description: A Change of Zone of 187.94 acres from the AE-40 (Exclusive Agricultural – 40 acre minimum) Zone to AE-20 (Exclusive Agricultural 20-acre minimum) Zone.

This is to advise that the TULARE COUNTY BOARD OF SUPERVISORS has approved the above described project on March 10, 2009, 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. () A Final 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 environmental document and record of project approval may be examined at: 5961 S. Mooney Blvd., Visalia, California 93277

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 County Board of Supervisors

Filed with the Tulare County Clerk on __ ____, 2009.

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.