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 ENNIS
District Five

AGENDA DATE: November 13, 2012

Public Hearing Required	Yes ☒	N/A ☐
Scheduled Public Hearing w/Clerk	Yes ☒	N/A ☐
Published Notice Required	Yes ☒	N/A ☐
Advertised Published Notice	Yes ☒	N/A ☐
Meet & Confer Required	Yes ☐	N/A ☒
Electronic file(s) has been sent	Yes ☒	N/A ☐
Budget Transfer (Aud 308) attached	Yes ☐	N/A ☒
Personnel Resolution attached	Yes ☐	N/A ☒
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes ☒	N/A ☐

CONTACT PERSON: Celeste Perez PHONE: 624-7010

SUBJECT: Tentative Tract Map No. TM 807 to divide a 2.59-acre parcel into two residential lots and a Remainder

REQUEST(S):

That the Board of Supervisors:

1. Hold a Public Hearing at 9:30 A.M.

2. Accept a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Section 15303, Class 3 pertaining to new construction of limited small new facilities.

3. Approve Tentative Tract Map No. TM 807, filed by Lane Engineers, Inc., 979 N. Blackstone, Tulare, CA 93275 on behalf of Keith and Lisa Wilson, 4731 Avenue 400, Dinuba, CA 93618 for the division of a 2.59-acre parcel into two residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone, located on the north side of Avenue 393, approximately 1,000 feet west of Road 34, adjacent to the south boundary of the Kings River Golf and Country Club, approximately two miles southeast of the City of Kingsburg.

4. Adopt the findings of approval for Tentative Tract Map No. TM 807, as set forth in the attached Resolution.

5. Adopt the conditions of approval for Tentative Tract Map No. TM 807, as set forth in the attached Resolution.

6. Direct the Resource Management Agency to file the Notice of Exemption with the Tulare County Clerk.

SUMMARY:

Project History: This project was first presented to the Board of Supervisors on November 2, 2010. At that meeting, the California Rural Legal Assistance (CRLA), Inc. submitted a letter (Attachment 2) in opposition to the project based upon the grounds that the County's Housing Element had not yet been certified by the State. The project was continued to November 30, 2010, at which time it was referred back to the Planning Commission and the project was subsequently placed on "Hold" pending certification of the County's Housing Element by the State of California Department of Housing and Community Development (HCD). On June 1, 2012, a letter was received from the HCD stating the County's adopted housing element was in full compliance with State housing element law (Attachment 3). On August 22, 2012, the Planning Commission accepted the Exempt Status as the appropriate environmental determination and recommended the Board of Supervisors approve Tentative Tract Map No. TM 807 and adopt the Resolution establishing findings and conditions of approval for the project (Attachment 1 and 4).

Project Summary: This project is a tentative tract map to divide a 2.59-acre parcel into two residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone. The site is zoned R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) and contains a single-family residence, propane tank, storage shed, septic tank – leach line system, domestic well, and a ponding basin. The properties to the east, north and west are zoned R-A-12.5 and PD-R-A-12.5 (Planned Development – Rural Residential – 12,500 sq. ft. minimum) and contain rural residential subdivisions and open space. The property to the south is zoned AE-20 (Exclusive Agricultural – 20 acre minimum) and contains agricultural farmland. The R-A-12.5 Zone allows one single family residence per lot, with a minimum parcel size of 12,500 sq. ft. This zone allows limited agricultural uses and animals, and has a front and rear yard requirement of at least 25 feet, and side yard requirements of 5 feet.

The Subdivision Map Act, Section 66426, states "A tentative and final map shall be required for all subdivisions creating five or more parcels...." Tentative Parcel Map No. PPM 03-052 (Parcel Map No. 4698) was previously approved for this site on July 9, 2004, by Site Plan Review Committee Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land would create 6 parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing.

The 1982 Kings River Plan designates the site as "Residential," (maximum 4 units per acre). The residential designation applies to areas considered appropriate for

residential uses, as described in the policies. Uses allowed within this designation are single-family attached or detached residences as well as all accessory uses permitted in the R-A (Rural Residential) zone. The maximum density of the development is four dwelling units per acre.

There is no specific minimum density. The property is in an area designated for residential uses by the Kings River Plan. Policy No. 1 of Goal 1 of the Kings River Plan states that: "Areas reserved for residential development shall be limited to portions of the Kings River Plan area that are oriented to the Kings River Golf Course and Kings River School and which are characterized by Class III or poorer agricultural soils. In identifying such areas, emphasis shall also be given to areas which have historically been used or zoned for residential developments, are vacant or unused or are in-fill areas between clusters of existing development." The proposed division creates rural residential lots in an area located just south of the Kings River Golf Course and that are surrounded by residential uses to the north, east and west. The site is located on Avenue 393, just east of the City of Kingsburg and the proposal should have a low impact on agriculturally zoned properties to the south. Therefore, the project is consistent with the County General Plan.

A waiver of the preliminary design conference was requested. This portion of the subdivision will create only two lots and a remainder parcel and a waiver of the preliminary design conference is appropriate for this project because of its small size; it will still enable the County to promote the public health, safety, convenience and general welfare of the population.

As per Tulare County Health Services Department correspondence for this project, the applicant has submitted well log information on the existing domestic well which included the depth and gpm of the well, as well as a recent Nitrate test. In addition, the applicant arranged for a percolation test and a 10-foot soil boring for Lots 1 and 2. The well log information indicates the water level is at 28 feet and pumping at 45-50 gpm; the nitrate test indicated "not detected" at or above the reporting limit. Soil boring was conducted at a depth of 5 feet below existing ground surface. The results indicate that the average percolation rate at the primary field location for parcel #3 was 7.07 minutes/inch and 5.4 minutes/inch for Parcel #4.

Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage. Class 2 roads contain 2 lanes with a design velocity of 30 mph. Curb and gutter will be required across the Avenue 393 frontage of Lots 1, 2 and the Remainder. There is an existing storm drainage retention basin on the proposed Remainder Lot which would provide drainage for proposed Lots 1 and 2.

The retention basin was constructed pursuant to County Development Standards subsequent to the approval of PPM 03-052 and currently provides drainage for four parcels and the subject site. The total area to be served by the storm drainage

system is approximately 194,000 sq. ft. Divided by 20, the required ponding area would calculate to 9,700 sq. ft. The retention basin is approximately 12,800 sq. ft.

There is an existing septic tank – leach line system and an existing domestic well on the proposed Remainder Lot. Septic tank – leach line systems are proposed for Lots 1 and 2. Also, proposed Lots 1 and 2 will be served by the Fairway Mutual Water Co. A "Will Serve" letter, dated August 5, 2009, has been received of the Resource Management Agency. The Lot size of 19,150 sq. ft. for Lots 1 and 2 complies with Section 7-01-1350 with regard to the minimum acreage (12,500) if sewage disposal is provided by individual system and water is provided by a community system.

FISCAL IMPACT/FINANCING:

There is no net County cost to the General Fund. The costs associated with the processing of TM 807 ($4,105.00) were paid by the applicant.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Approving the subdivision 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:

Your Board could approve the subdivision with modified conditions of approval or deny the subdivision if grounds for denial under Government Code Section 66474 can be shown.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

See consultation referral list in staff report.

ADMINISTRATIVE SIGN-OFF:

_____

Michael C. Spata
Assistant Director – Planning Branch

Cc: County Counsel
County Administrative Office (2)
Lane Engineers, Inc., 979 N. Blackstone, Tulare, CA 93275
Keith and Lisa Wilson, 4731 Avenue 400, Dinuba, CA 93618

Attachment(s)

SUBJECT: Tentative Tract Map No. TM 807 to divide a 2.59-acre parcel into two residential lots and a Remainder

DATE: November 13, 2012

No. 1 – Planning Commission Resolution No. 8736 Recommending BOS Approval of TM 807 August 22, 2012
No. 2 – California Rural Legal Assistance, Inc. Correspondence
No. 3 – State of California Department of Housing and Community Development Correspondence
No. 4 – Planning Commission Agenda Summary and Staff Report dated August 22, 2012 *(without attachments)*
No. 5 – Board of Supervisors Resolution No. 2010-0930, dated November 30, 2010 *(referring project back to Planning Commission)*
No. 6 – Will Serve Letter from the Fairway Mutual Water Company
No. 7 – Board of Supervisors Agenda Item for November 2, 2010 *(without attachments)*
No 8 – Planning Commission Agenda Summary, Staff Report/Initial Study, and graphics dated September 8, 2010
No. 9 – Site Specific Analysis: Percolation Test and Boring Log, Laboratory Analytical Report for Nitrates
No. 10 – Location and Property Ownership Map
No. 11 – Notice of Exemption
No. 12 – Public Hearing Notification for November 13, 2012 Public Hearing

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

IN THE MATTER OF TENTATIVE TRACT MAP NO. TM 807 TO DIVIDE A 2.59-ACRE PARCEL INTO TWO RESIDENTIAL LOTS AND A REMAINDER) **Resolution No. _____**

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD NOVEMBER 13, 2012, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * * * * * * * * * * * * * * * *

1. Held a Public Hearing on November 2, 2010 at 9:30 A.M.

2. Accepted a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Section 15303, Class 3 pertaining to new construction of limited small new facilities.

3. Approved Tentative Tract Map No. TM 807, filed by Lane Engineers, Inc., 979 N. Blackstone, Tulare, CA 93275 on behalf of Keith and Lisa Wilson, 4731 Avenue 400, Dinuba, CA 93618 for the division of a 2.59-acre parcel into two residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone, located on the north side of Avenue 393, approximately 1,000 feet west of Road 34,

adjacent to the south boundary of the Kings River Golf and Country Club, approximately two miles southeast of the City of Kingsburg.

4. Adopted the following findings of approval for Tentative Tract Map No. TM 807:
   a. The project is a request to divide a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone. The site is zoned R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) and contains a single-family residence, propane tank, storage shed, septic tank – leach line system, domestic well, and a storm drainage basin.
   b. The surrounding properties are zoned R-A-12.5 and PD-R-A-12.5 (Planned Development – Rural Residential – 12,500 sq. ft. minimum) and contain rural residential subdivisions, open space and agricultural farmland.
   c. The Subdivision Map Act, Section 66426, states "A tentative and final map shall be required for all subdivisions creating five or more parcels...." Tentative Parcel Map No. PPM 03-052 (Parcel Map No. 4698) was previously approved for this site on July 9, 2004, by Site Plan Review Committee Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land would create 6 parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing.
   d. The 1982 Kings River plan designates the site as "Residential," (maximum 4 units per acre). The maximum density of development is four dwelling units per acre. There is no specific minimum density. The project is in compliance with the General Plan as the property is in an area designated for residential uses by the Kings River Plan.
   e. A waiver of the preliminary design conference was requested. This subdivision will create only two lots and a remainder parcel and a waiver of the preliminary design conference is appropriate for this project because of its small size; it will still enable the County to promote the public health, safety, convenience and general welfare of the population.
   f. As per Tulare County Health Services Department correspondence for this project, the applicant has submitted well log information on the existing domestic well which included the depth and gpm of the well, as well as a recent Nitrate test. In addition, the applicant arranged for a percolation test and a 10-foot soil boring for Lots 1 and 2. Soil boring included the depth and description of the individual soils and ground water depth. Also, a "Will Serve" letter, dated August 5, 2009, has been received of the Resource Management Agency from the Fairway Mutual Water Co.
   g. Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage. Curb and gutter will be required across the Avenue 393 frontage of Lots 1, 2 and the Remainder. There is an existing storm drainage retention basin on the proposed Remainder Lot which will provide drainage for proposed Lots 1 and 2. The retention basin was constructed per County Development Standards, subsequent to the approval of PPM 03-052, and currently provides drainage for four parcels and the subject site.
   h. The project is categorically exempt in accordance with the California Environmental Quality Act and the State Guidelines for the Implementation of the

California Environmental Quality Act of 1970, pursuant to Section 15303, Class 3, pertaining to Construction or Conversion of Small Structures. The project is compatible with this exemption because two additional parcels will be created, each having the potential to construct one single-family dwelling.

i. This project was first heard by the Planning Commission on September 8, 2010. At that meeting, the Planning Commission accepted the General Rule exemption (Section 15061) as the appropriate environmental determination and recommended the Board of Supervisors approve Tentative Tract Map No. TM 807.
j. At the November 2, 2010 meeting of the Board of Supervisors, the California Rural Legal Assistance (CRLA), Inc. submitted a letter in opposition to the project based upon the grounds that the County's Housing Element had not yet been certified by the State; and that if the County approved the project, they would be out of compliance with the General Plan. The project was continued and on November 30, 2010 the Board of Supervisors referred the project back to the Planning Commission.
k. On June 1, 2012, a letter was received from the HCD stating the County's adopted housing element was in full compliance with State housing element law.
l. On August 22, 2012, the Planning Commission accepted the Exempt Status as the appropriate environmental determination and recommended the Board of Supervisors approve Tentative Subdivision Tract No. TM 807 and adopt the Resolution establishing findings and conditions of approval for the project.

5. Adopted the following conditions of approval for Tentative Tract Map No. TM 807:

Engineering Conditions:

a. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvement Standards, unless and except as such standards are modified within.
b. All utility easements shall be shown on the final map.
c. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County.
d. Curb, gutter, and associated pavement widening is required to be constructed along the Avenue 393 frontage of Parcels 1, 2 and Remainder in conformance with Class 2 county road standards. The paveout shall consist of asphalt over aggregate base and is necessary to properly tie the curb and gutter into the existing pavement. The curb, gutter, and paveout shall be constructed in accordance with the Tulare County Improvement Standards. The design of the curb, gutter and paveout shall be submitted to the County for approval. The feasibility of the curb, gutter and paveout shall be evaluated during the design process. The County will make the final determination on the feasibility of the curb, gutter and paveout. If the curb, gutter and paveout are determined to not be feasible, then the County will prepare a long term deferred improvement agreement to be signed by the property owner.

e. A registered civil engineer shall prepare improvement plans. The improvement plans shall address all aspects of constructing the public improvements and shall identify existing topography, lot grading and proposed contours for the development, road improvement details, drop inlets, top of curb elevations, storm drain lines and storm drainage system details, sewer and water system details, street sign locations, utility relocations and any other details relevant to constructing the public improvements. All water lines, sewer lines and storm drain lines and related infrastructure shall be located within public road rights-of-way. Hydraulic calculations shall be submitted with the improvement plans justifying the drainage system design. The storm drainage system shall be designed based on a 10-year, 10-day storm frequency. The improvement plans shall be submitted to and approved by the Tulare County RMA before initiation of construction.

Fire Conditions:

f. A fire hydrant system shall be installed in compliance with the current Tulare County Subdivision Ordinance, Fire Protection Standards.
g. Blue raised reflective pavement markers shall be installed on the surface of the roadways as per the Fire Chief's recommendations to identify fire hydrant locations.
h. If street lights are proposed, their locations should coincide with fire hydrant locations where possible.
i. Any revisions to the subdivision map involving the changing of lot numbers would require further review by the Tulare County Fire Department.
j. Two (2) copies of fire protection improvement plans shall be submitted to the Tulare County Fire Department and the Public Works Department for approval prior to construction.

Planning Conditions:

k. In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, the content of the Right to Farm Notice shall be placed in a prominent location of the final map for acknowledgment by the subdivider; or, the Notice itself shall be signed by the subdivider and recorded as a separate sheet to accompany the final map (Exhibit B).
l. If, during construction or grading activities on the site, any resources of an historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resource Management Agency Director shall immediately be notified of the discovery. Further development shall not continue until the Tulare County Resource Management Agency Director certifies that appropriate recovery measures, if deemed necessary, have been completed.
m. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Tentative Tract Map No. TM 807 or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or

proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition."

6. Directed the Resource Management Agency to file the Notice of Exemption with the Tulare County Clerk.

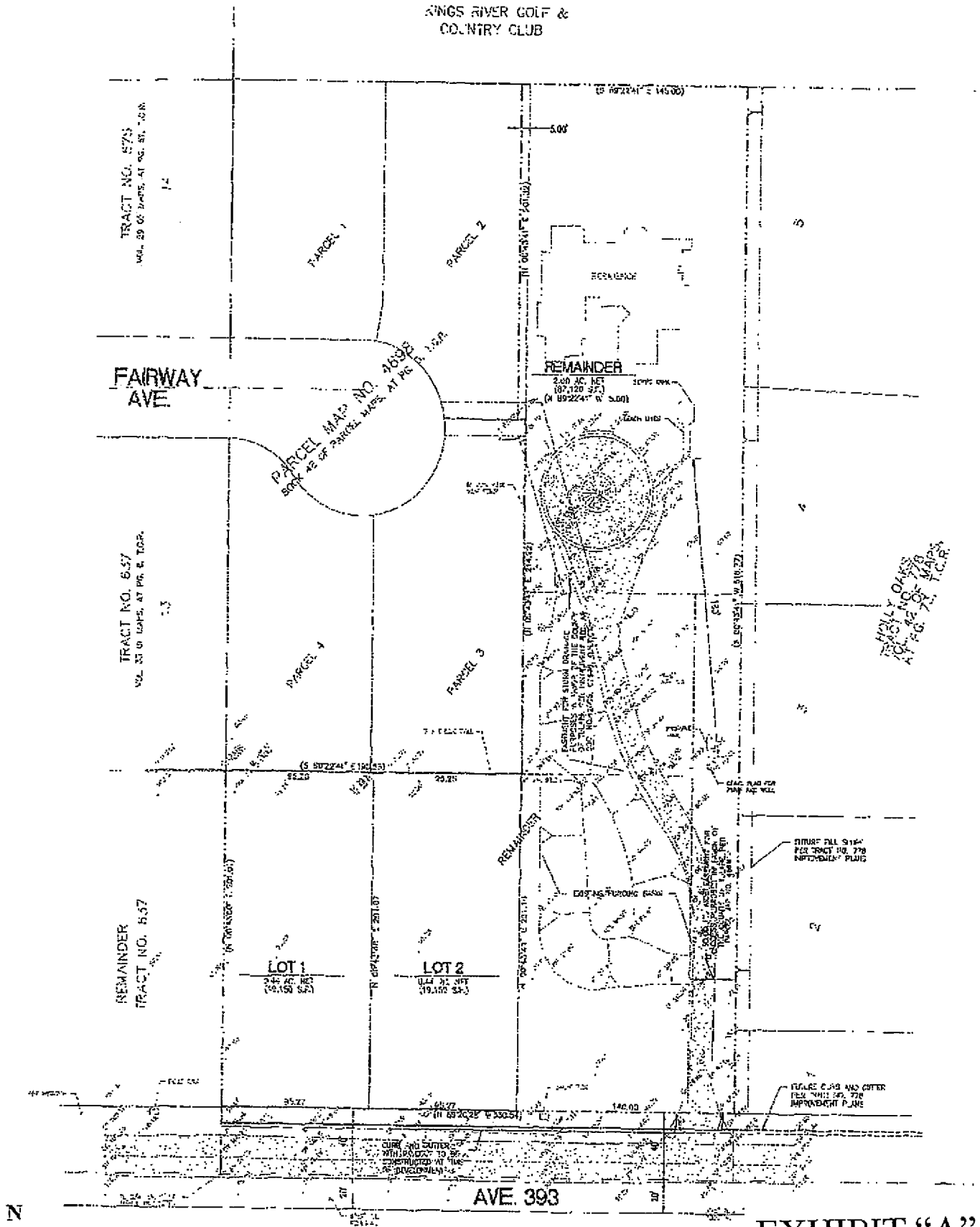


EXHIBIT "A"
Tentative Subdivision Map TM 807

No Scale

EXHIBIT "B"

RIGHT TO FARM NOTICE

RE: Use Permit No. _____

or

Parcel Map No. _____

or

Subdivision Map No. _____

or

Mining and Reclamation Plan No._____

In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code; and as a condition of approval of the above-referenced use permit, parcel map, subdivision map or mining and reclamation plan, the undersigned hereby acknowledges that:

It is the declared policy of Tulare County to conserve, enhance and encourage agricultural operations within the County. Residents of property on or near agricultural land should be prepared to accept the inconveniences and discomfort associated with agricultural operations, including, but not necessarily limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Consistent with this policy, California Civil Code Section 3482.5 provides that no agricultural operation, as defined and limited by that section, conducted and maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

Dated: _____ _____
(Signature)

_____
(Print Name)

Dated: _____ _____
(Signature)

_____
(Print Name)

ATTACHMENT NO. 1

(BOS Public Hearing November 13, 2012)

Planning Commission Resolution No. 8736
Dated August 22, 2012
Recommending BOS Approval of TM 807

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF TENTATIVE SUBDIVISION TRACT NO. TM 807 WILSON	)))	RESOLUTION NO. 8736

Resolution of the Planning Commission of the County of Tulare accepting the Exempt Status under Section 15303, Class 3, as the appropriate environmental determination and recommending the Board of Supervisors approve Tentative Subdivision Tract No. TM 807 submitted by Lane Engineers, Inc., 979 N. Blackstone, Tulare, CA 93275 on behalf of Keith and Lisa Wilson, 4731 Avenue 400, Dinuba, CA 93618 for the division of a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone, located on the north side of Avenue 393, approximately 1,000 feet west of Road 34, adjacent to the south boundary of the Kings River Golf and Country Club, approximately 2 miles southeast of the City of Kingsburg.

WHEREAS, a tentative map was filed pursuant to the regulations contained in Sections 7-01-1000 to 7-01-2850 of the Ordinance Code of the County of Tulare pertaining to the subdivision of land, and

WHEREAS, staff has conducted such investigations and surveys of fact bearing upon the proposed subdivision to assure action consistent with the purposes of Sections 7-01-1000 to 7-01-2850 of the Ordinance Code of Tulare County and the State Subdivision Map Act, and prepared a written report (made a part hereof), and

WHEREAS, staff recommended approval of this Tentative Subdivision subject to conditions, and

WHEREAS, a public hearing was held and public testimony was received and recorded at a regular meeting of the Planning Commission on August 22, 2012, and

WHEREAS at that meeting of the Planning Commission, public testimony was received and recorded from Pat Teter, agent, in support of the proposal; no one spoke in opposition to the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that the Commission has reviewed and considered the information contained in the Staff Report for the proposed project 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 project, and

B. This Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this Tentative Subdivision project:

1. The project is a request to divide a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone. The site is zoned R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) and contains a single-family residence, propane tank, storage shed, septic tank – leach line system, domestic well, and a ponding basin.

2. The surrounding properties are zoned R-A-12.5 and PD-R-A-12.5 (Planned Development – Rural Residential – 12,500 sq. ft. minimum) and contain rural residential subdivisions, open space and agricultural farmland.

3. The Subdivision Map Act, Section 66426, states "A tentative and final map shall be required for all subdivisions creating five or more parcels...." Tentative Parcel Map No. PPM 03-052 (Parcel Map No. 4698) was previously approved for this site on July 9, 2004, by Site Plan Review Committee Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land will create 6 parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing.

4. The 1982 Kings River plan designates the site as "Residential," (maximum 4 units per acre). The project is in compliance with the General Plan as the property is in an area designated for residential uses by the Kings River Plan.

6. As per Tulare County Health Services Department correspondence for this project, the applicant has submitted well log information on the existing domestic well which included the depth and gallons per minute (gpm) of the well, as well as a recent Nitrate test. In addition, the applicant arranged for a percolation test and a 10-foot soil boring for Lots 1 and 2. Soil boring included the depth and description of the individual soils and ground water depth. Also, a "Will Serve" letter, dated August 14, 2009 and validated on July 16, 2012, has been received from the Fairway Mutual Water Co.

7. Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage. Curb and gutter will be required across the Avenue 393 frontage of Lots 1, 2 and the Remainder. There is an existing storm drainage retention basin on the proposed Remainder Lot which will provide drainage for proposed Lots 1 and 2. The retention basin was constructed per County Development Standards, subsequent to the approval of PPM 03-052, and currently provides drainage for four parcels and the subject site.

8. The project is categorically exempt in accordance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Section 15303, Class 3, pertaining to Construction or Conversion of Small Structures. The project is compatible with this exemption because two additional parcels will be created, each having the potential to construct one single-family dwelling.

9. This project was first heard by the Planning Commission on September 8, 2010. At that meeting, the Planning Commission accepted the General Rule exemption (Section 15061) as the appropriate environmental determination and recommended the Board of Supervisors approve Tentative Subdivision Tract No. TM 807.

10. At the November 2, 2010 meeting of the Board of Supervisors, the California Rural Legal Assistance (CRLA), Inc. submitted a letter in opposition to the project based upon the grounds that the County's Housing Element had not yet been certified by the State; and that if the County approved the project, they would be out of compliance with the General Plan. The project was continued and on November 30, 2010 the Board of Supervisors referred the project back to the Planning Commission.

11. On June 1, 2012, a letter was received from the HCD stating the County's adopted housing element was in full compliance with State housing element law.

C. This Planning Commission further determined that the proposed subdivision project, together with the provisions for its design and improvements is consistent with the Tulare County General Plan, as amended, and

D. This Planning Commission, after considering all evidence presented, found that approval of said tentative subdivision map will promote the orderly growth of the County and will assure the health, safety and welfare of the people of the County.

AND, BE IT FURTHER RESOLVED as follows:

A) This Commission hereby recommends the Board of Supervisors find that said Tentative Subdivision will not have a significant effect on the environment and determines that the Section 15303, Class 3 categorical exemption for said Tentative Subdivision 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.

B) This Commission hereby recommends that the Board of Supervisors accept the Section 15303, Class 3, categorical exemption as the appropriate environmental determination and move to recommend the Board of Supervisors approve Tentative Subdivision Tract No. TM 807 subject to the following conditions:

Engineering Conditions:

1. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvement Standards, unless and except as such standards are modified within.

2. All utility easements shall be shown on the final map.

3. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County.

4. Curb, gutter, and associated pavement widening is required to be constructed along the Avenue 393 frontage of Parcels 1, 2 and Remainder in conformance with Class 2 county road standards. The paveout shall consist of asphalt over aggregate base and is necessary to properly tie the curb and gutter into the existing pavement. The curb, gutter, and paveout shall be constructed in accordance with the Tulare County Improvement Standards. The design of the curb, gutter and paveout shall be submitted to the County for approval. The feasibility of the curb, gutter and paveout shall be evaluated during the design process. The County will make the final determination on the feasibility of the curb, gutter and paveout. If the curb, gutter and paveout are determined to not be feasible, then the County will prepare a long term deferred improvement agreement to be signed by the property owner.

5. A registered civil engineer shall prepare improvement plans. The improvement plans shall address all aspects of constructing the public improvements and shall identify existing topography, lot grading and proposed contours for the development, road improvement details, drop inlets, top of curb elevations, storm drain lines and storm drainage system details, sewer and water system details,

street sign locations, utility relocations and any other details relevant to constructing the public improvements. All water lines, sewer lines and storm drain lines and related infrastructure shall be located within public road rights-of-way. Hydraulic calculations shall be submitted with the improvement plans justifying the drainage system design. The storm drainage system shall be designed based on a 10-year, 10-day storm frequency. The improvement plans shall be submitted to and approved by the Tulare County RMA before initiation of construction.

Fire Conditions:

6. A fire hydrant system shall be installed in compliance with the current Tulare County Subdivision Ordinance, Fire Protection Standards.

7. Blue raised, reflective, pavement markers shall be installed on the surface of the roadways as per the Fire Chief's recommendations to identify fire hydrant locations.

8. If street lights are proposed, their locations should coincide with fire hydrant locations where possible.

9. Any revisions to the subdivision map involving the changing of lot numbers would require further review by the Tulare County Fire Department.

10. Two (2) copies of fire protection improvement plans shall be submitted to the Tulare County Fire Department and the Public Works Department for approval prior to construction.

Planning Conditions:

11. In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, the content of the Right to Farm Notice shall be placed in a prominent location of the final map for acknowledgment by the subdivider; or, the Notice itself shall be signed by the subdivider and recorded as a separate sheet to accompany the final map (Exhibit B).

12. If, during construction or grading activities on the site, any resources of an historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resource Management Agency Director shall immediately be notified of the discovery. Further development shall not continue until the Tulare County Resource Management Agency Director certifies that appropriate recovery measures, if deemed necessary, have been completed.

13. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Tentative Subdivision Tract No. TM 807; or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition.

The foregoing resolution was adopted upon motion of Commissioner Millies, seconded by Commissioner Dias, at a regular meeting of the Planning Commission on the 22 day of August, 2012 by the following roll call vote:

AYES: Pitigliano, Whitlatch, Millies, Gong, Elliott, Dias, Aguilar

NOES: None

ABSTAIN: None

ABSENT: None

TULARE COUNTY PLANNING COMMISSION

Michael C. Spata, Secretary

ATTACHMENT NO. 2

(BOS Public Hearing November 13, 2012)

California Rural Legal Assistance, Inc.
Correspondence

CALIFORNIA RURAL LEGAL ASSISTANCE, Inc. LSC

Fresno Office
2115 Kern Street, Suite 370
(559) 441-8721 (telephone)
(559) 441-0724 (fax)

Migrant Farmworker Project
Felicia Espinosa
Staff Attorney

Kirby Cannon
Jennet Zapata
Law Graduate

Ephraim Camacho
Norma Ventura
Community Workers

Eloise Esmael
Elizabeth C. Trujillo
Legal Secretaries

Indigenous Farmworker Project
Irma Luna
Community Worker

Community Equity Initiative
Phoebe Sarah Seaton
Program Director - Attorney

Kara E. Brodfuehrer
Staff Attorney

Maria Sofia Corona
Veronica Garibay
Community Workers

Olivia Faz
Legal Secretary

Central Office
631 Howard St., Suite 300
San Francisco, CA 94105
(415) 777-2752 (telephone)
(415) 543-2752 (fax)
www.crla.org

José R. Padilla
Executive Director

Luis C. Jaramillo
Deputy Director

Ralph Santiago Abascal
General Counsel (1934-1997)

William G. Hoerger
Ilene Jacobs
Michael L. Meuter
Cynthia Rice
Directors of Litigation, Advocacy & Training

Regional Offices

Arvin	Marysville	San Luis Obispo
Coachella	Modesto	Santa Barbara
Delano	Monterrey	Santa Cruz
El Centro	Oceanside	Santa Maria
Fresno	Oxnard	Santa Rosa
Gilroy	Paso Robles	Stockton
Madera	Salinas	Watsonville

November 1, 2010

Allen Ishida-County Supervisor District 1
Peter Vander Poel-County Supervisor District 2
Phillip Cox-County Supervisor District 3
Steve Worthley -County Supervisor District 4
Mike Ennis- County Supervisor District 5
2800 West Burrel Ave.
Visalia, CA 93291

RE: Tentative Subdivision Tract No. TM 807

Dear Tulare County Board of Supervisors:

This letter is submitted by California Rural Legal Assistance, Inc. ("CRLA") on behalf of the Matheny Tract Committee and other residents of Tulare County regarding Tentative Subdivision Tract No. TM 807. An approval today of Tentative Subdivision Tract no. TM 807 would violate California Law because the Board cannot make the determination that the approval is consistent with Tulare County's General Plan as Tulare County's Housing Element is out of compliance.

According to the California State Department of Housing and Community Development, the County's Housing Element is out of compliance. (See attached California State Department of Housing and Community Development's "Housing Element Compliance Report," dated October 28, 2010) As a result, Tulare County's General Plan is incomplete. The Tulare County General Plan is the County's "constitution" for development and the County may not undertake any actions, including approving subdivision maps or building permits, that are inconsistent with the Plan. (Government Code § 65003.5; *Lesher Communications, Inc. v. City of Walnut Creek*, (1990) 52 C3d 531). As a result, any land use approvals, including the approval sought today on Tentative Subdivision Tract No. TM 807, would be "per se" in violation of California Law because the Board cannot make the required finding that this approval is consistent and compliant with Tulare County's General Plan.

Furthermore, as discussed in our previous letter to this Board of June 16, 2010, the County's current Housing Element draft has identified over 2,534 units to count toward the Regional Housing Needs Assessment ("RHNA") designated for low-income housing that are unsuitable due to a lack sufficient infrastructure to support development. In the meantime, the Tentative Subdivision Tract TM 807 proposes extension water to new parcels and is slated to include only two new homes.

Finally, the County's failure to have a valid housing element not only violates State housing element law, but also raises serious Civil Rights and Fair Housing concerns, including violations of Government Code 65008, the California Fair Employment and Housing Act (Government Code § 12900 et seq.) and the Federal Fair Housing Act (42 U.S.C. § 12131 et seq).

For the reasons stated above, an approval of Tentative Subdivision Tract No. TM 807, prior to the County's adoption of a *valid* and compliant housing element , would violate California's Housing Element law, civil rights laws and fair housing laws. We have informed our clients of their legal rights and options regarding this matter, including their right to filing a lawsuit in State or Federal Court.

Sincerely,

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

Kara Brodfuehrer, Staff Attorney

cc: Jake Raper, Agency Director-Tulare County Resource Management Agency

HOUSING ELEMENT COMPLIANCE REPORT

Please note: To verify compliance status for the purposes of determining eligibility of funding, please contact the Division directly at (916) 322-4263 or (916) 322-7995

The Department makes every effort to ensure the following information is complete and accurate. For any questions or clarifications, please contact the Division of Housing Policy Development at (916) 445-4728.

To determine the official status of each jurisdiction's housing element, refer to the column on the right. The definitions of terms used are:

IN – local government adopted an element the Department found in compliance with State housing element law.

OUT – either the local government adopted an element the Department found did not comply with State housing element law, or the local government has not yet submitted an adopted housing element pursuant to the statutory schedule.

IN REVIEW – element is under review by the Department as of date of this report.

IN LOCAL PROCESS – a draft element has been reviewed, but an adopted element has not been submitted.

DUE – means a housing element has not yet been submitted for the current planning period.

Total Jurisdictions= 535

HOUSING ELEMENT COMPLIANCE REPORT
10/29/2010 9:07 a.m.

County	Jurisdiction	Record Type	Date Received	Date Reviewed	Compliance Status
TEHAMA	CORNING	ADOPTED	7/20/2010	8/26/2010	IN
	RED BLUFF	ADOPTED	9/23/2009	11/10/2009	IN
	TEHAMA	ADOPTED	5/24/2010	8/19/2010	OUT
	TEHAMA COUNTY	DRAFT	4/23/2010	6/22/2010	OUT
TRINITY	TRINITY COUNTY	ADOPTED	6/25/2010	9/23/2010	OUT
TULARE	DINUBA	ADOPTED	6/25/2010	9/23/2010	OUT
	EXETER	ADOPTED	2/17/2010	4/19/2010	IN
	FARMERSVILLE	ADOPTED	4/1/2010	5/25/2010	IN
	LINDSAY	ADOPTED	6/14/2010	8/5/2010	IN
	PORTERVILLE	ADOPTED	6/2/2010	6/28/2010	IN
	TULARE	ADOPTED	4/5/2010	6/29/2010	IN
	TULARE COUNTY	ADOPTED	4/1/2010	6/30/2010	OUT
	VISALIA	ADOPTED	3/17/2010	5/25/2010	IN
	WOODLAKE	ADOPTED	12/21/2009	2/24/2010	IN
TUOLUMNE	SONORA	DRAFT	5/25/2010	7/21/2010	OUT
	TUOLUMNE COUNTY	ADOPTED	7/9/2010	8/26/2010	IN
VENTURA	CAMARILLO	ADOPTED	5/18/2009	8/13/2009	IN
	FILLMORE	DRAFT	10/30/2008	12/29/2008	OUT
	MOORPARK	ADOPTED	1/18/2002	3/8/2002	DUE
	OJAI	DRAFT	4/3/2009	6/1/2009	OUT
	OXNARD	DRAFT	2/23/2009	4/24/2009	OUT
	PORT HUENEME	ADOPTED	7/23/2009	10/21/2009	IN
	SAN BUENAVENTURA	DRAFT	10/3/2008	12/2/2008	OUT
	SANTA PAULA	DRAFT	8/23/2010	10/21/2010	OUT
	SIMI VALLEY	DRAFT	9/13/2010	-	IN REVIEW
	THOUSAND OAKS	ADOPTED	4/19/2010	5/24/2010	IN
	VENTURA COUNTY	DRAFT	8/10/2009	10/8/2009	OUT
YOLO	DAVIS	ADOPTED	6/14/2010	8/11/2010	IN
	WEST SACRAMENTO	ADOPTED	10/10/2008	12/24/2008	IN
	WINTERS	ADOPTED	9/9/2009	10/29/2009	IN
	WOODLAND	ADOPTED	3/25/2009	6/3/2009	IN
	YOLO COUNTY	ADOPTED	11/24/2009	2/22/2010	IN
YUBA	MARYSVILLE	ADOPTED	4/4/2003	7/1/2003	DUE
	WHEATLAND	ADOPTED	4/26/2005	6/27/2005	DUE
	YUBA COUNTY	ADOPTED	12/30/2009	3/30/2010	IN
	535				

Due means a housing element has not yet been submitted for the current planning period.

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.
MIGRANT FARMWORKER PROJECT

LSC

Fresno Office
2115 Kern St., Suite 370
o, CA 93721
) 441-8721
(559) 441-8443 (FAX)

DALJIT K. DHAMI
FELICIA A. ESPINOSA
Staff Attorneys

Ephraim Camacho
Community Worker
Irma Luna
Indigenous Farmworker Project
Alma Alvarez
IWHP Community Worker

Elizabeth Trujillo
Legal Secretary

Eloise Esmael
Administrative Legal Secretary

Community Equity Initiative

PHOEBE SARAH SEATON
Program Director

CARA E. BRODFUEHRER
Staff Attorney

Veronica Garibay
Maria Sofia Corona
Community Workers

Olivia Paz
Administrative Legal Secretary

Central Office
11 Howard St., #300
an Francisco, CA 94105
15) 777-2752
15) 543-2752 (FAX)

JOSÉ R. PADILLA
Executive Director

JIS C. JARAMILLO
puty Director

CYNTHIA L. RICE
ENE J. JACOBS
ILLIAM G. HOERGER
ICHAEL MEUTER
rectors of Litigation,
vocacy & Training

June 15, 2010

Fred Brusuelas (Hand-Delivered)
Countywide Planning Manager
Jake Raper
Agency Director
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277-9394

Allen Ishida (Hand-Delivered)
County Supervisor District 1
2800 West Burrel Ave.
Visalia, CA 93291

Peter Vander Poel (Hand-Delivered)
County Supervisor District 2
2800 West Burrel Ave.
Visalia, CA 93291

Phillip Cox (Hand-Delivered)
County Supervisor District 3
2800 West Burrel Ave.
Visalia, CA 93291

Steve Worthley (Hand-Delivered)
County Supervisor District 4
2800 West Burrel Ave.
Visalia, CA 93291

Mike Ennis (Hand-Delivered)
County Supervisor District 5
2800 West Burrel Ave.
Visalia, CA 93291

RE: Notice of Housing Element Non-Compliance (adopted March 23, 2010)

Dear Mr. Brusuelas, Mr. Raper, Supervisor Ishida, Supervisor Vander Poel, Supervisor Cox, Supervisor Worthley, and Supervisor Ennis:

This letter is submitted by California Rural Legal Assistance, Inc. ("CRLA") on behalf of Community of Pixley United, Matheny Tract Committee, residents of Tooleville and other residents of Tulare County regarding Tulare County's Adopted

Housing Element and it's inadequacy to address constraints to the development of affordable housing in Tulare County.

In accordance with California Government Code § 65009(d) we are notifying the County that its Housing Element does not substantially comply with State housing element law in that the county did not utilize the correct procedures prior to the adoption of the current housing element, it does not identify an adequate supply of sites to accommodate the 2008 Regional Housing Needs Assessment ("RHNA") and that the County failed to facilitate compliant public participation prior to the adoption of the housing element. Because of these inadequacies, all planning and land use activities taken or completed by the County can be challenged as invalid because the County will be unable to make any required findings of general plan consistency.

The County's Housing Element is deficient in the following respects:

1. The County failed to consider the findings of the Department of Housing and Community Development ("Department") and failed to submit a draft housing element to the Department prior to the adoption of it's housing element although required to do so by State housing element law. California Government Code § 65585 (d); California Government Code § 65585 (b).

2. The housing element fails to identify an adequate supply of sites suitable for residential development to accommodate it's RHNA due to lack of infrastructure and environmental constraints and does not include a sufficient analysis or program actions to address these constraints to development as required by California Housing Element Law:

a. The Housing element fails to consider the adequacy of water, sewer and other infrastructure in its Adequate Site Inventory ("ASI") and sites at least 4,000 units of housing (including 2,534 designated for low-income housing) that do not have adequate infrastructure, including water and/or sewer, to support housing development. The Housing Element also fails to analyze what infrastructure improvements are required to support new housing on sites that lack adequate

infrastructure, what role the County of Tulare will play in supporting efforts to provide adequate infrastructure, or action plans that adequately address infrastructure needs for those sites within the time line of the planning period. On May 26, 2010, CRLA submitted comments on the Tulare County Housing Element that contains a list of communities with inadequate infrastructure and environmental constraints that were identified in the ASI. For convenience a copy of this letter is attached.

b. The housing element also fails to include a description of environmental constraints to the development of housing in Tulare County, a discussion of what role the county will play to remove these constraints and program actions to address these needs. At least nine of the communities identified as having sites suitable for development are served by public water systems that are dependent on groundwater high in contaminants including nitrates, arsenic, DBCP, over-chlorination and bacteria, the housing element makes no mention of these constraints.[1]

c. The programs identified in the housing element will not sufficiently address infrastructure and environmental constraints within the planning period . The housing element adopts many of the same strategies as the 2003 housing element and these strategies have been proven ineffective in identifying, assessing and removing infrastructure and environmental constraints as evidenced by the 4,000+ units in the ASI that currently have inadequate infrastructure and environmental constraints to new development. Additionally, the housing element fails to identify what infrastructure projects have been completed in the time covered by the 2003 housing element and at least one community identified in ASI has not had any infrastructure investment by the county in the past 30 years[2].

---

[1] Page 167 contains a small footnote that Alpaugh's water is "not potable."

[2] Page 119 contains a chart of infrastructure provided by the county in the last 30 years. The community of Matheny Tract (identified in the ASI) is identified as not having received infrastructure by the County in the past 30 years. The community currently is dependent on contaminated water and failing septic tanks making this area unsuitable for new housing development.

3. Although the housing element contains many statements promising that Tulare County has been "effective in achieving participation across all economic segments of the county" (required by Government Code § 65583 © (7)) the analysis contains no data or proof that this actually occurred. A diligent effort was not made as the County held only one meeting at a time and location that is inaccessible for many working people, the comments made at this meeting indicate the need for more outreach and the county has failed to incorporate public input from this meeting as the responses to several of the comments cite to policies that do not even exist in the new housing element.

The County's failure to adopt a valid housing element not only violates State housing element law, but also raises serious fair housing concerns, including violations of Government Code 65008, the California Fair Employment and Housing Act (Government Code § 12900 et seq.) And the Federal Fair Housing Act (42 U.S.C. § 12131 et seq).

We urge the County of Tulare to bring its Housing Element into compliance with state housing element law within sixty (60) days in accordance with Government Code § 65009 (d).

Sincerely,

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

Kara Brodfuehrer, Staff Attorney

cc: Jess Negrete, Analyst California Department of Housing and Community Development

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.
MIGRANT FARMWORKER PROJECT

LSC

Fresno Office
115 Kern St., Suite 370
Fresno, CA 93721
(559) 441-8721
(559) 441-8443 (FAX)

DALJIT K. DHAMI
FELICIA A. ESPINOSA
Staff Attorneys

Ephraim Camacho
Community Worker
Irma Luna
Indigenous Farmworker Project
Alma Alvarez
AWHP Community Worker

Elizabeth Trujillo
Legal Secretary

Eloise Esmael
Administrative Legal Secretary

Community Equity Initiative

PHOEBE SARAH SEATON
Program Director

KARA E. BRODFUEHRER
Staff Attorney

eronica Garibay
Maria Sofia Corona
Community Workers

Olivia Faz
Administrative Legal Secretary

Central Office
631 Howard St., #300
San Francisco, CA 94105
(415) 777-2752
(415) 543-2752 (FAX)

JOSÉ R. PADILLA
Executive Director

LUIS C. JARAMILLO
Deputy Director

CYNTHIA L. RICE
ILENE J. JACOBS
WILLIAM G. HOERGER
MICHAEL MEUTER
Directors of Litigation, Advocacy & Training

SENT VIA EMAIL AND US MAIL

May 26, 2010

Jess Negrete, Analyst
Division of Housing Policy Development
California Department of Housing and Community Development
P.O. Box 952053
Sacramento CA 94252-2053

RE: Comments to Tulare County Housing Element

Dear Mr. Negrete:

We are writing on behalf of Community of Pixley United, Matheny Tract Committee, residents of Tooleville and other residents of Tulare County to express our clients' concerns regarding Tulare County's Draft Housing Element. Most critically, many of the sites that Tulare County has identified for housing development are not adequate due to current infrastructure deficits and environmental constraints and the Draft Housing Element's failure to present a program of action to address infrastructure deficits and environmental constraints during the planning period. Thus, the identified sites are not adequate to support the development of housing to meet Tulare's Regional Housing Needs Allocation (RHNA) because they will not be available during the planning period.

Tulare County's Draft Housing Element fails to identify an adequate supply of sites to accommodate its 2008 Regional Housing Needs Allocation

Tulare County Failed to consider adequacy of infrastructure

California Government Code § 65583 requires that a housing element include an inventory of land suitable for residential development. The land identified in the inventory must provide sufficient infrastructure to support housing development, including existing or planned water and sewer services. (Cal. Gov Code §65583.2 (b)(5)).

The California Department of Housing and Community Development (HCD) interprets Cal. Gov. Code §65583 to mandate jurisdictions to conduct an

analysis of the public infrastructure necessary to support housing development. The analysis must include a description of how the infrastructure capacity associated with the sites identified in the adequate sites inventory can be accommodated to establish the sites as feasible for development within the planning period. The analysis should indicate whether the housing development potential would require expansion or improvement of existing facilities, or new infrastructure development, and should identify the responsibilities of all applicable agencies, including the county, special districts, and any regional bodies to achieve those improvements. The law further requires that if the requisite infrastructure capacity is not available upon adoption of the element, the element must include program actions to address infrastructure capacity limitations or shortfalls. The element must include sufficient detail to determine whether the service levels of water delivery/treatment systems and sewer treatment facilities are sufficient to accommodate development on the identified sites. When mitigation of a restraint is required, the analysis of the community should include what particular role the county will play and identify adequate program actions to address these needs. (See HCD's Building Blocks for Effective Housing Elements: Adequate Sites Inventory and Analysis, available at: www.hcd.ca.gov/hpd/housing_element/index.html)

Tulare County, in its Draft Housing Element, fails entirely to consider the adequacy of water, sewer and other infrastructure in its Adequate Site Inventory (Site Inventory). Tulare's Site Inventory does not even list infrastructure adequacy as a factor in its determination of the realistic development viability of the sites it identifies in its Site Inventory and sites for at least 4,000 units of housing do not have adequate infrastructure, including water and/or sewer, to support housing development. Furthermore, the Draft Housing Element does not analyze what infrastructure improvements are required to support new housing on sites that lack adequate infrastructure, what role the County of Tulare will play in supporting efforts to provide adequate infrastructure, or action plans that adequately address infrastructure needs for those sites.

The sites that Tulare County has identified in its Sites Inventory do not currently have adequate infrastructure and there is no program of action to provide that infrastructure during the planning period. Thus, the identified sites are not adequate to

support the development of housing to meet Tulare's Regional Housing Needs Allocation (RHNA) because they will not be available during the planning period.

Furthermore, the lack of sufficient infrastructure in these communities and the failure for Tulare County to identify a plan for infrastructure in those communities disparately impacts low income, people of color by reducing the amount of affordable housing available to low income people of color and failing to provide adequate infrastructure to low income, communities of color.

Tulare County failed to consider Environmental Constraints

California Government Code 65583.2 (b)(4) requires a general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. When mitigation of a restraint is required, the analysis of the community should include what particular role the county will play and identify adequate program actions to address these needs. (See HCD's Building Blocks for Effective Housing Elements: Adequate Sites Inventory and Analysis, available at www.hcd.ca.gov/hpd/housing_element/index.html)

The Sites Inventory contains no mention of the groundwater contaminants prevalent in Tulare County which presents a severe constraint on the development of housing. At least nine of the communities identified as having sites suitable for development are served by public water systems that are dependent on groundwater high in contaminants including nitrates, arsenic, DBCP, over-chlorination and contamination by bacteria and disinfectant byproducts. It is estimated that over 20% of public water systems in Tulare County provide water with illegal levels of contaminants.

Many of the sites that Tulare County has identified in its Sites Inventory face environmental constraints that hinder housing development there is no program of action to provide that infrastructure during the planning period. Thus, the identified sites are not adequate to support the development of housing to meet Tulare's Regional Housing Needs Allocation (RHNA) because they will not be available during the planning period.

The following are communities that are included in the Adequate Sites Inventory despite inadequate infrastructure and environmental constraints.

Allensworth: The adequate sites assessment states that this community has 316 sites adequate for single family units. The assessment fails to discuss that this community is dependent on septic systems. No specific plan to address this infrastructure issue in this community is included in the assessment. Additionally, Tulare County's Background Report to the General Plan states that Allensworth is unable to add new connections to its water system.

Alpaugh: The adequate sites assessment states that this community has 137 sites adequate for single family units. However, Alpaugh is dependent on groundwater with arsenic high above the maximum contaminant level (MCL) for its drinking water and has no sewer system. Although Alpaugh's assessment mentions the water is not potable, the assessment contains no plan or discussion as to how to improve this situation. Additionally, Tulare County's Background Report to the General Plan states that Alpaugh is unable to add new connections to its water system.

Cutler-Orosi: The adequate sites assessment states that this community has 1,039 sites suitable for residential development. However, the assessment does not mention that both Orosi and Cutler are dependent on groundwater with high levels of nitrates and DBCP (a pesticide) which make their water unsafe for consumption. Additionally, the Orosi public utilities district (OPUD) could not support new housing development as it has been approached by Orosi high school to connect to the water system due to contaminants in their own wells but OPUD has stated that they do not have a sufficient water supply to meet this demand. No specific plan to address the infrastructure issues in these communities is included in the assessment. Additionally, Tulare County's Background Report to the General Plan states that Cutler is unable to add new connections to its water system.

Ducor: The adequate sites assessment states that this community has 597 sites suitable for residential development despite high levels of hydrogen sulfide and manganese in their drinking water. The community is also dependent on septic systems. No specific plan to address the infrastructure issues in this community is included in the assessment.

East Orosi: The adequate sites assessment states that this community has 14 sites adequate for single family units but makes no mention of the various infrastructure

constraints to development in these sites. This community is currently dependent on groundwater which exceeds the MCL for nitrates. Additionally, some of the residents of East Orosi are dependent on septic systems. No specific plan to address the infrastructure issues in this community is included in the assessment.

Goshen: The adequate sites assessment states that this community has 667 sites adequate for residential development. Tulare County's Background Report to the General Plan states that Goshen is unable to add new connections to its water system.

Lindcove: The adequate sites assessment states that this community has 16 sites adequate for single family units. The assessment fails to discuss that this community is dependent on septic systems or a specific plan to address this issue.

London: The adequate sites assessment states that this community has 15 sites adequate for residential development. Tulare County's Background Report to the General Plan states that London is unable to add new connections to its water system.

Patterson Tract: The adequate sites assessment states that this community has 176 sites adequate for single family units. The assessment fails to discuss that this community is dependent on septic systems or a specific plan to address this issue.

Pixley: The adequate sites assessment states that this community has 966 sites adequate for residential development. Tulare County's Background Report to the General Plan states that Pixley is unable to add new connections to its water system.

Poplar-Cotton Center: The adequate sites assessment states that this community has 763 sites suitable for residential development. The assessment fails to discuss that this community is dependent on septic systems or a specific plan to address this issue..

Plainview: The adequate sites assessment states that this community has 15 sites adequate for residential development. Tulare County's Background Report to the General Plan states that Plainview is unable to add new connections to its water system.

Matheny Tract: The adequate sites assessment states that this community has several sites adequate for residential development. Currently, the community's unreliable water system has shut down two of its three wells and is dependent upon one well with several contaminants including nitrates. Additionally, the community is dependent on

septic systems as they do not have access to a sewer system. No specific plan to address the infrastructure issues in this community is included in the assessment.

Seville: The adequate sites assessment states that this community has 144 sites adequate for single family units. However, the assessment does not mention that the community is served by an unreliable water system that is dependent upon groundwater contaminated with nitrates. No specific plan to address this infrastructure issue is included in the assessment.

Springville: The adequate sites assessment states that this community has 467 sites suitable for residential development and fails to mention a moratorium on sewer connections due to a need for new sewer upgrades. No specific plan to address this infrastructure issue is included in the assessment.

Teviston: The adequate sites assessment states that this community has 144 sites adequate for single family units. The assessment fails to discuss that this community is dependent on septic systems or a specific plan to address this infrastructure issue.

Tonyville: The adequate sites assessment states that this community has 4 sites adequate for single family units. This community is intermittently dependent on groundwater with nitrates above the MCL. No specific plan to address this infrastructure issue is included in the assessment.

Tooleville: The adequate sites assessment states that this community has 2 sites adequate for single family units. However, the assessment fails to mention that the community's water system is currently dependent upon groundwater contaminated with nitrates for the community's drinking water or a specific plan to address this infrastructure issue.

West Goshen: The adequate sites assessment states that this community has 15 sites adequate for single family units despite several infrastructure constaints. West Goshen currently has an "unofficial moratorium" on new development due to an unreliable water system. The community is also dependent on septic systems. No specific plan to address these infrastructure issues is included in the assessment.

<u>Tulare County's programs will not sufficiently addressed infrastructure deficits</u>

The Draft Housing Element adopts many of the same strategies to improve infrastructure that were included in the 2003 housing element through "Action Program 9 - "Housing Related Infrastructure Needs." These strategies have proven ineffective in removing infrastructure deficits and environmental constraints in many of the sites identified for housing development in Tulare County's Draft Housing Element. For example, the 2003 Housing Element contained policy 12.31 with the goal of identifying "target areas for public infrastructure assistance, through community needs assessments, housing condition surveys, redevelopment implementation plans and amendments, community plans and other relevant information." The Draft Housing Element states that the County effectively carried out this policy in the previous planning period and proposes to continue this policy in the current planning period. However, as evidenced above, the county was ineffective in identifying and assessing areas with infrastructure needs as the proposed housing element identifies sites for over 4,000 units in the adequate sites assessment with inadequate infrastructure for and / or environmental constraints to new housing development.

Although table 5-E in the Draft Housing Element provides examples of infrastructure improvements in unincorporated areas, the table encompasses thirty years and fails to identify what projects have been completed since 2003 - the time covered by the 2003 Housing Element. As evidenced above, many unincorporated communities currently have severe infrastructure deficits that preclude housing development and many communities have received no assistance from Tulare County for infrastructure improvements. For example, the community of Matheny Tract, identified as having sites suitable for residential housing in the Draft Housing Element, depends on wells with several contaminants including nitrates and has no sewer system. According to table 5-E, Matheny Tract has received no assistance from the county for infrastructure improvements in the past 30 years.

The ineffectiveness of the County's old and proposed strategies to address infrastructure deficits are also exemplified in the many of the public comments included in the draft housing element. For example, residents of unincorporated communities at the housing element stakeholder meeting asked questions regarding infrastructure needs in

their communities. The county responded that residents should contact the Board of Supervisors and county staff with their concerns. If the policies to identify, prioritize, and address infrastructure deficits from the 2003 housing element had been effective the communities infrastructure needs would already have been identified by the County of Tulare. Tulare County further responded to these concerns by stating that Draft Housing Element policy 5.27 addresses issues of infrastructure deficits. Unfortunately, the draft housing element contains no policy 5.27!

* * * *

The regional housing needs assessment must contain a specific description of the infrastructure and environmental constraints to the development of housing in all the sites identified. This analysis must include community specific plans to improve infrastructure constraints and a discussion of the role the County of Tulare will take in addressing these constraints. As infrastructure deficits and environmental constraints preclude housing development in several communities identified in the Adequate Sites Inventory and there is no plan to address those impediments, the identified sites are not adequate to support the development of housing to meet Tulare's Regional Housing Needs Allocation (RHNA). because they will not be available during the planning period.

Tulare failed to achieve public participation in the development of the Draft Element

Tulare County is required to " make a diligent effort to achieve public participation across all economic segments of the community in the development of the housing element ...." Government Code Section 65583 (c) (7). The public participation section of the Draft Housing Element contains many statements promising that Tulare County has been "effective in achieving participation across all economic segments of the county" but the Draft Housing Element's analysis contains no data or proof that this actually occurred. In fact, the tactics utilized by the County demonstrate that a diligent effort was not made. For example, the County held only one stakeholder meeting in the middle of the day-a time and location that is inaccessible for many working people. Additionally, the comments made at

that stakeholder meeting indicate that the county has not made an adequate effort to ensure public participation. For example, the second comment from the stakeholders meeting states that their needs to be "better communication, information and outreach," by the county. As discussed above, the proposed housing element fails to incorporate public input from this meeting as the responses to several of the comments cite to policies that do not even exist in the new housing element. Furthermore, sampling the last names of community questionnaires does not sufficiently demonstrate that the respondents were a diverse group of people. Thus, Tulare County has not made a sufficient effort to ensure public participation among all economic segments of the county in the development of the Draft Housing Element.

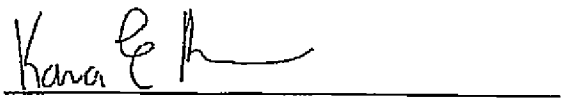
* * * *

Tulare County's Draft Housing Element fails to comply with applicable law by failing to identify adequate sites for housing development necessary to meet its RHNA and by failing to sufficiently incorporate public participation into the development of its Draft Housing Element.

If you have any questions, please feel free to contact me at kbrodfuehrer@crla.org or (559) 233-6710 ex. 320.

Sincerely,

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.



Kara Brodfuehrer, Staff Attorney

cc: Jake Raper Jr., AICP, Director, Tulare County Resource Management Agency
Planning and Community Development Branch

STATE OF CALIFORNIA -BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Division of Housing Policy Development
300 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177
FAX (916) 327-2643

TELFAX TRANSMITTAL FORM

TO: Mike Washam	Fax Phone: (559) 730-2653
Planner II	Phone Number: (650) 624-7128

FROM: Jess Negrete
Department of Housing and Community Development, Division of Housing Policy

FAX Number: 916- 327-2643
Voice Number: 916- 323-3185
E-Mail: jnegrete@hcd.ca.gov

Date: June 30, 2010 No. of Pages (Including Cover): _____

Subject: RE: The County of Tulare's Adopted Housing Element

Comments:

☐	Confidential	☐	Per Your Request
☐	Urgent/Hand Carry	☐	Please Comment
☐	Information	☐	Original Will Follow

STATE OF CALIFORNIA--BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov

June 30, 2010

Mr. Jean Rousseau
County Administrative Officer
County of Tulare
Administration Building
2800 West Burrel Avenue
Visalia, CA 93291-4582

Dear Mr. Rousseau:

RE: Review of the County of Tulare's Adopted Housing Element with Draft Revisions

Thank you for submitting Tulare County's adopted housing element received for review on April 1, 2010, along with additional revisions on May 24, 2010. The Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h). While the Department provided housing element technical assistance to the County, according to Department records, the County did not submit a formal draft element for review as required by State housing element law. Government Code Section 65585(b) recites, "at least 60 days prior to the adoption of an amendment to this element the planning agency shall submit a draft of the element or amendment to the Department" (of Housing and Community Development). Section 65585(e) states, "prior to the adoption of its draft or draft amendment, the legislative body shall consider the findings made by the Department." Since the element was not submitted to the Department prior to adoption, the County must consider these findings pursuant to Section 65585(e) and (f). Telephone conversations with Mr. Michael Washam, Planner II, facilitated the review. In addition, the Department considered comments from California Rural Legal Assistance, Inc., pursuant to Government Code Section 65585(c).

The Department commends the County on its partnerships with nonprofit organizations, such as Self Help Enterprises, Central Valley Christian Housing Development, and Community Services and Employment Training, resulting in the construction of more than 300 housing units affordable to lower-income households during the last planning period. The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element must include a complete inventory and analysis of sites and potential governmental constraints. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

The Department appreciates the cooperation and assistance of Mr. Washam throughout the course of the review and is committed to assist the County of Tulare in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Jess Negrete, of our staff, at (916) 323-3185.

Sincerely,

Cathy E. Creswell

Cathy E. Creswell
Deputy Director

Enclosures

APPENDIX

COUNTY OF TULARE

The following changes would bring the County of Tulare's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommenced change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Element section contains the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* available at www.hcd.ca.gov/hpd/housing_element2/index.php, the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

   Tulare County has a regional housing needs allocation (RHNA) of 7,035 housing units, of which 4,426 are for lower-income households. To demonstrate the adequacy of identified sites to accommodate the County's RHNA, the element must include analyses as follows:

   Progress in Meeting the RHNA: The element indicates 190 units affordable to extremely low-income (ELI), 135 units affordable to very low-income, 508 units affordable to low-income, and 343 units affordable to moderate-income households have been built, are under construction, or approved (Table 7-B, page 160). As you know, the County's RHNA may be reduced by the number of units built since January 1, 2007; however, the element must describe the County's methodology for assigning these units to the appropriate income category based on actual or projected sale prices or rent levels or other mechanisms (e.g., financing) establishing affordability in the planning period. In addition, the element appears to count on a significant number of single-family ownership units to meet a portion of the regional housing need based on median sale prices (page 162), including resales. However, as described above, the element must utilize actual or anticipated sale prices. The element should also consider factors such as the availability of financing, downpayment assistance to lower-income households and other costs, such as homeowner association fees, to support a more appropriate estimate of the number of single-family units that could be affordable to lower-income households. For example, since the element indicates downpayment requirements are a barrier for potential homebuyers (page 97), the element's assertion that 45 percent of the 7,155 new single-family homes (pages 162-63), could be affordable for purchase by lower-income households during the planning period appears unrealistic. For more information, see the *Building Blocks'* at http://www.hcd.ca.gov/hpd/housing_element2/HN_PHN_regional.php.

Realistic Capacity: In some cases, the inventory appears to assume greater than maximum allowable densities. For example, Sites 321-183-010 through 321-183-017, are aggregated into a 1.38 acre R-3 zoned site with a maximum General Plan density of 14 units per acre, yet the element lists a capacity of 46 units (page 171). The element should clarify the capacity assumptions for these sites.

In addition, some R-3 sites appear to assume capacity greater than the County's estimated realistic density of 14 units per acre in the R-3 zone would allow (page 162). Site 237-020-008, a 4.5 acre R-3 zoned site, is listed with a capacity of 94 units, a density of more than 20 units per acre (page 188), and Site 215-132-026, a .51 acre R-3 zoned site, is listed with a capacity of 14 units, a density of 28 units per acre (page 193). The element should clarify the capacity assumptions for these sites. For your information, pursuant to Government Code Section 65863, local governments must ensure the inventory of sites or any site programs accommodate the regional housing need throughout the planning period of the element. In addition, no local government action shall reduce, require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density than identified in the site inventory or program unless the local government makes written findings, the reduction is consistent with the adopted General Plan, including the housing element and the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need.

Small Sites: Many of the R-3 zoned sites are small sites (less than a half acre in size) and the element appears to rely on these sites to accommodate a portion of the regional housing need. While it may be possible to build housing on such small parcels, the nature and conditions necessary to construct the units often render the provision of affordable housing infeasible. For example, assisted housing developments utilizing State or federal financial resources typically include 50-80 units. Therefore, the element must include an analysis that demonstrates these sites can realistically accommodate new residential development, particularly new multifamily rental development and housing affordable to lower-income households. The analysis could include a description of recent residential development trends. The element should also include policies or programs the County will offer to facilitate small lot development and lot consolidation. Refer to the sample analysis on the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#capacity.

Zoning for Lower-Income Households: Pursuant to Section 65583.2(c)(3)(A) and (B), the element must identify sites with zoning and densities appropriate to encourage and facilitate the development of housing for lower-income households based on factors such as market demand, financial feasibility and development experience within zones. For communities with densities that meet specific standards (at least 20 units per acre for Tulare), this analysis is not required (Section 65583.2(c)(3)(B)). While the element indicates the County has 105 acres of R-3 zoned land allowing densities of more than 20 units per acre (page 162), it does not demonstrate consistency between existing zoning and General Plan densities. For example, numerous R-3 zoned sites, which allow densities of up to 28 units per acre, have General Plan designations of MDR or HDR which allow maximum densities of only 14 units per acre, or less (pages 171, 185, 191, and 197).

In addition, it appears there is a shortfall of R-3, or other zoned, sites permitting at least 20-units per acre to accommodate the RHNA for lower-income households. Since the County is relying on sites with densities of less than 20 units per acre to accommodate the regional housing need for lower-income households, the element must include analysis as described above, or identify or rezone sites at appropriate densities. For more information, see the *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#zoning.

Based upon the median sale prices of single-family homes, the element identifies approved or pending single-family subdivisions, as well as single- and multi-family sites (with densities of less than 20 units per acres) as appropriate sites for lower-income households (page 162), but does not provide any analysis to support this assumption. Where projects are approved and the sites are not available for development, the units should be credited based on their actual or anticipated rent or sale prices, not median sale prices for the area. Where sites are available for development, without an approved project, the residential capacity may be credited based on the zoning and allowable density pursuant to Government Code Section 65583.2(c) described above.

Suitability and Availability of Infrastructure: The element indicates there are water and sewer service limitations in many of the unincorporated areas (page 161), but does not include information on available capacity. The element must identify whether sufficient water and sewer capacity exists or is planned to accommodate the regional housing need. Specifically, the element should evaluate the adequacy of total infrastructure capacity, existing or planned, compared to planned residential capacity in the various community planning areas (see sample analyses - enclosed).

Environmental Constraints: The element did not address this requirement. The element must describe any known environmental constraints that could impede development in the planning period. For assistance, see the *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#environmental.

Emergency Shelters: Program 12 proposes to amend the zoning code to allow emergency shelters without a special use permit or other discretionary action in the Light Manufacturing Zone (M-1) (page 154). However, pursuant to Chapter 633, Statutes of 2007 (SB 2), the element must include an analysis demonstrating the appropriateness of the zone and sufficient capacity to accommodate the need for emergency shelters. See the Department's SB 2 technical assistance memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Local Processing and Permit Procedures: While the element identifies processing times for land-use applications for typical single- and multi-family developments (page 92), it must include a description and analysis of the processing and permit procedures to identify potential impacts on the certainty, cost and supply of housing. The element mentions a site plan review (SPR) is required for multifamily uses in multifamily districts (Table 4-A); however, it must include an analysis of the impact of this process on multifamily development, including the cost, supply, timing and approval certainty. The analysis should describe and analyze decision-making criteria, including required approval findings for a SPR. See the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php.

On/Off-Site Improvements: While the element indicates the County's Subdivision Ordinance requires certain urban improvements as a condition of approval, it must identify specific subdivision level improvement, such as minimum street widths, and analyze their potential impact on the cost and supply of housing. Refer to the On/Off Sites section of the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/CON_offsite.php.

3. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions (Sections 65583(a)(8) through 65583(a)(9)(D)).*

   The element identified four complexes with 132 subsidized units at-risk of converting to market rents (page 82); however, it must also estimate the total cost of replacing and preserving these units and include a list of entities with the capacity to acquire the at-risk multifamily developments. This analysis will facilitate development of a program to preserve the units. Additional information and sample analyses are available in the *Building Blocks'* section on Identification and Analysis of Developments At-Risk at http://www.hcd.ca.gov/hpd/housing_element2/EHN_atrisk.php. You may also wish to contact the California Housing Partnership Corporation for assistance at http://www.chpc.net.

B. Housing Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

   As noted in Finding A-1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the County may need to add or revise

programs to address a shortfall of sites. A program(s) to address a shortfall of sites must be consistent with Government Code Sections 65583.2 and 65583(c)(1) and permit owner-occupied and rental multifamily uses by-right sufficient to accommodate the remaining need for lower-income households and:

- permit a minimum of 16 units per site;
- require a minimum density of 20 units per acre;
- demonstrate at least 50 percent of the lower-income needs to be accommodated on sites designated for residential use only; and
- identify candidate sites for rezoning.

In addition:

Farmworker Housing: Program 4 proposes to amend the zoning ordinance to permit employee housing in agricultural zones pursuant to Health and Safety Code Sections 17021.5 and 17021.6 (Employee Housing Act). However, the Employee Housing Act also permits employee housing for six or less persons in single-family zones without a conditional use permit (CUP). The Program should be revised to comply with this requirement.

2. *Describe the amount and uses of fund in the redevelopment agency's Low and Moderate Income Housing Fund (Section 65583(c)).*

   While the element generally describes the Tulare County Redevelopment Agency's programs and achievements during the last planning period (pages 117 and 146), it must include an estimate of the moneys expected to accrue to the Low- and Moderate-Income Set Aside Fund through the end of the planning period, and the planned use of these funds. For guidance, refer to the *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/OR_lowmod.php.

3. *The housing element shall contain programs which "assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households (Section 65583(c)(2)).*

   While the element includes Program 1 (Coordination of Housing Programs) and Program 2 (Bonus Density Ordinance), additional actions to assist in the development of housing affordable for lower-income households should be included. For example, the element could include programs to initiate contact with developers and list subsequent steps the County will take to facilitate development of housing affordable to lower-income households such as assisting with site identification, priority processing, proactively assisting with entitlements, fee waivers and deferrals, modifying development standards, granting concessions and incentives and assisting, supporting or pursuing funding applications. See the Department's *Financial Assistance Program Directory* at http://www.hcd.ca.gov/fa/LG_program_directory.pdf.

   In addition, pursuant to Chapter 891, Statutes of 2006 (AB 2634), existing programs should either be expanded or new programs added to specifically assist in the development of a variety of housing types to meet the housing needs of ELI households. To address this requirement, the element could revise programs to

prioritize some funding for the development of housing affordable to ELI households, and/or offer financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily, single-room occupancy units, and supportive housing, which address some of the needs of this income group.

Program 4 (Farmworker Housing) proposes to contact farmers and farming advocates to encourage development of farmworker housing and apply for funding. The Program should also include a discrete timeline for the initiation and/or completion of the Program's actions. For example, the County could meet annually with stakeholders to identify developments and apply for funding. In addition, the Program could also include actions such as assisting with site identification and establishing prototype plans for employee housing.

Programs 1 (Coordination of Housing Programs), 6 (Exchange of Information), and 8 (Sustainable Practices) should include discrete timelines for the completion, initiation, or frequency of each action listed in the programs.

4. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in Finding A-2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition:

Program 7 (Streamlining Permit and Processing): The Program states the County "will implement a comprehensive review of the processing of building permits and land use applications." The element should list specific steps the County will take once the review is complete. For example, the Program could include a date to complete or initiate each action listed in the Program.

Program 9 (Infrastructure): The Program should include discrete timelines for the completion, initiation, or frequency of each action listed in the Program.

Program 10 (Reasonable Accommodation): The Program should include a date certain by which the County will establish a reasonable accommodation policy or procedure, separate from a variance or CUP, for providing exception in zoning and land-use for housing for persons with disabilities. For further assistance, a model ordinance and examples from several cities are available on the *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/PRO_mitigate.php.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (8) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (8) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance (Section 65583(c)(6)).*

   Since the element identifies housing units in the County at-risk of conversion to market-rate, it should contain a program to assist in preservation of at-risk units. For example, the program could commit to annually contact property owners and identify funds to purchase or preserve the affordability of the units, assisting with applications for funds, and a tenant noticing and education strategy. Additional information on potential programs is available on the *'Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/PRO_atrisk.php and other information and resources are available on the California Housing Partnership Corporation website at http://www.chpc.net.

C. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)(7)).

While the element includes a thorough description of the public participation process for the General Plan, the housing element advisory committee process, and summarizes public comments received, it appears only one public workshop regarding the draft housing element (page 16) was held (during the day). During the period between the draft and the adoption of the final housing element, the County should continue to engage the community, including low- and moderate-income households, and make revisions available to the public throughout the process of adopting the element. For example, a public workshop could be held after normal working hours to provide an opportunity for greater public participation. The adopted element should describe the continuing public participation effort. For a sample analysis, see the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/examples/screen02sacramentocounty.pdf.

D. Consistency with General Plan

The housing element shall describe the means by which consistency will be achieved with other general plan elements and community goals (Section 65583(c)(7)).

The County should note recent statutory changes to Government Code Section 65302 (Chapter 369, Statutes 2007 [AB 162]) which requires amendment of the safety and conservation elements of the General Plan to include analysis and policies regarding flood hazard and management information upon the next revision of the housing element on, or after, January 1, 2009. For additional information, refer to Department's website at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_162_stat07.pdf.

ATTACHMENT NO. 3

(BOS Public Hearing November 13, 2012)

State of California Department of Housing And Community Development Correspondence

STATE OF CALIFORNIA -BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov

June 1, 2012

Mr. Jean M. Rousseau
County Administrative Officer
County Administrative Office
Administration Building
2800 West Burrel Avenue
Visalia, California 93291-4582

Dear Mr. Rousseau:

RE: Review of the County of Tulare's Adopted Housing Element

Thank you for submitting Tulare County's housing element adopted May 8, 2012 and received for review on May 16, 2012. The Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h).

The Department is pleased to find the adopted housing element in full compliance with State housing element law (Article 10.6 of the Government Code). We found the adopted element to be substantially the same as the revised draft element reviewed on January 3, 2012 and determined to comply with statutory requirements.

The County now meets specific requirements for several State funding programs designed to reward local governments for compliance with State housing element law. For example, the Housing Related Parks (HRP) Program, Local Housing Trust Fund and the Building Equity and Growth in Neighborhoods (BEGIN) programs include housing element compliance as a threshold or competitive factor in rating and ranking applications. Information on these and other programs are available at http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hecompl011708.pdf.

Specifically, the Housing Related Parks (HRP) Program authorized by Proposition 1C, is an innovative program rewarding eligible local governments with grant funds for qualified housing starts for housing for lower-income households. Additional information on the HRP Program can be found at http://www.hcd.ca.gov/hpd/hrpp/.

The Department appreciates the efforts of Messrs. Jake Raper, Director of the Resources and Management Agency, Fred Brusuelas, Chief Planner, and Michael Washam, Economic Development Manager, throughout the course of the housing element review process. We wish the County success in implementing its housing element and look forward to following its progress through the General Plan annual progress reports pursuant to Government Code Section 65400. If the Department can provide assistance in implementing the housing element, please contact Jess Negrete, of our staff, at (916) 323-3185.

Sincerely,

Glen A. Campora
Acting Deputy Director

ATTACHMENT NO. 4

(BOS Public Hearing November 13, 2012)

Planning Commission Agenda Summary dated August 22, 2012

(without attachments)

5961 S. Mooney Blvd
Visalia, CA
93277
624-7000 Phone
730-2653 Fax

RESOURCE MANAGEMENT AGENCY
COUNTY OF TULARE
PLANNING COMMISSION SUMMARY

PLANNING COMMISSION

CHAIRMAN: Charlie Norman
VICE-CHAIR: Bill Whitlatch

COMMISSIONERS:
Nancy Pitigliano
John Elliott
Ed Dias
Melvin Gong
Wayne Millies
Gil Aguilar (Alt.)

AIRPORT LAND USE COMMISSIONERS (ALUC)
Doug Silveria

PROJECT NO.: TM 807	**AGENDA DATE:**	**8-22-12**
APPLICANT: Keith and Lisa Wilson	**AGENDA ITEM NUMBER. :**	5C
AGENT: Lane Engineers, Inc.		
SUBJECT: Tentative Subdivision to divide one 2.59-acre parcel into 2 residential lots and a Remainder: Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.	**AGENDA ITEM TYPE**	
	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
	Other:	
ENVIRONMENTAL DOCUMENT: Categorical Exemption: Section 15303, Class 3	**ACTION REQUESTED**	
	Resolution – Site Plan Review Committee	
	Resolution – Planning Commission	X
CONTACT PERSON: Dana Mettlen	Decision – Zoning Administrator	
	Recommendation to BOS	X

RECOMMENDATION(S):

That the Planning Commission:

1) Hold a Public Hearing
2) Approve a Section 15303, Class 3, Categorical Exemption from the California Environmental Quality Act pertaining to Construction or Conversion of Small Structures
3) Adopt the Resolution recommending the Board of Supervisors approve Tentative Subdivision Tract No. TM 807

ALTERNATIVES:

Alternative No. 1: Move to recommend approval, subject to the modifications through addition or deletion of conditions as discussed

Alternative No. 2: Move to deny and direct staff to prepare findings for denial to be brought back at a subsequent meeting

Alternative No. 3: Refer back to Staff for further study and report

PROJECT OVERVIEW:

The project consists of a Categorical Exemption and recommendation to the Board of Supervisors to approve Tentative Subdivision Tract No. TM 807 requested by Lane Engineers, Inc., 979 N. Blackstone, Tulare, CA 93275 on behalf of Keith and Lisa Wilson, 4731 Avenue 400, Dinuba, CA 93618 for the division of a 2.59-acre parcel into 2 residential lots and a Remainder: Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft., in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone, located on the north side of Avenue 393, approximately 1,000 feet west of Road 34, adjacent to the south boundary of the Kings River Golf and Country Club, approximately 2 miles southeast of the City of Kingsburg.

ENVIRONMENTAL SUMMARY:

The project has been determined to be categorically exempt in accordance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970, pursuant to Section 15303, Class 3, pertaining to Construction or Conversion of Small Structures. The project is compatible with this exemption because two additional parcels will be created, each having the potential to construct one single-family dwelling.

PROJECT HISTORY:

This project was first heard by the Planning Commission on September 8, 2010. At that meeting, the Planning Commission accepted the categorical exemption (Section 15061, pertaining to General Rule) as the appropriate environmental determination and recommended the Board of Supervisors approve Tentative Subdivision Tract No. TM 807.

At the November 2, 2010 meeting of the Board of Supervisors, the California Rural Legal Assistance (CRLA), Inc. submitted a letter in opposition to the project (Attachment 1), based upon the grounds that the County's Housing Element had not yet been certified by the State; and that if the County approved the project, they would be out of compliance with the General Plan. The project was continued and on November 30, 2010 the Board of Supervisors referred the project back to the Planning Commission (Attachment 3).

The project was then placed on "Hold" pending certification of the County's Housing Element by the State of California Department of Housing and Community Development (HCD). On June 1, 2012, a letter was received from the HCD (Attachment 2) stating the County's adopted housing element was in full compliance with State housing element law.

The project is being presented to the Planning Commission for your direction, as per the request of the Board of Supervisors on November 30, 2010.

SUBJECT: TM 807
DATE:

PROJECT SUMMARY:

This project is a tentative subdivision to divide a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone. The site is zoned R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) and contains a single-family residence, propane tank, storage shed, septic tank – leach line system, domestic well, and a ponding basin. The properties to the east, north and west are zoned R-A-12.5 and PD-R-A-12.5 (Planned Development – Rural Residential – 12,500 sq. ft. minimum) and contain rural residential subdivisions and open space. The property to the south is zoned AE-20 (Exclusive Agricultural – 20 acre minimum) and contains agricultural farmland. The R-A-12.5 Zone allows one single family residence per lot, with a minimum parcel size of 12,500 sq. ft. This zone allows limited agricultural uses and animals, and has a front and rear yard requirement of at least 25 feet, and side yard requirements of 5 feet.

The Subdivision Map Act, Section 66426, states "A tentative and final map shall be required for all subdivisions creating five or more parcels...." Tentative Parcel Map No. PPM 03-052 (Parcel Map No. 4698) was previously approved for this site on July 9, 2004, by Site Plan Review Committee Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land will create 6 parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing.

The 1982 Kings River Plan designates the site as "Residential," (maximum 4 units per acre). Uses allowed within this designation are single-family attached or detached residences as well as all accessory uses permitted in the R-A (Rural Residential) Zone. The maximum density of development is four dwelling units per acre. The site is located on the north side of Avenue 393, just east of the City of Kingsburg. The project is in compliance with the County's General Plan.

As per Tulare County Health Services Department correspondence for this project, the applicant has submitted well log information on the existing domestic well which included the depth and gpm of the well, as well as a recent Nitrate test. In addition, the applicant arranged for a percolation test and a 10-foot soil boring for Lots 1 and 2. The well log information indicates the water level is at 28 feet and pumping at 45-50 gpm; the nitrate test indicated "not detected" at or above the reporting limit. Soil boring was conducted at a depth of 5 feet below existing ground surface. The results indicate that the average percolation rate at the primary field location for parcel #3 was 7.07 minutes/inch and 5.4 minutes/inch for parcel #4.

Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage. Class 2 roads contain 2 lanes with a design velocity of 30 mph. Curb and gutter will be required across the Avenue 393 frontage of Lots 1, 2 and the Remainder. There is an existing storm drainage retention basin on the proposed Remainder Lot which will provide drainage for proposed Lots 1 and 2. The retention basin was constructed per County Development Standards, subsequent to the approval

of PPM 03-052 and currently provides drainage for four parcels and the subject site. The total area to be served by the storm drainage system is approximately 194,000 sq. ft. Divided by 20, the required ponding area would calculate to be 9,700 sq. ft. The retention basin is approximately 12,800 sq. ft.

There is an existing septic tank – leach line system and an existing domestic well on the proposed Remainder Lot. Septic tank – leach line systems are proposed for Lots 1 and 2. Also, proposed Lots 1 and 2 will be served by the Fairway Mutual Water Co. A current "Will Serve" letter has been received of the Resource Management Agency. The Lot size of 12,500 sq. ft. for Lots 1 and 2 complies with Section 7-01-1350 pertaining to sewage disposal by an individual septic system with water being provided by a community system.

PUBLIC NOTICE:

Government Code §65009(b) requires the County to include in any public notice pursuant to Government Code, Title 7, Planning and Land Use, a notice substantially stating all of the following: "If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of Tulare at, or prior to, the public hearing."

The public hearing notice for Tentative Tract Map No. TM 807 was published for a period of 10 days. Property owners within 300 feet of the project were notified with a copy of the notice and mailing list.

Tulare County Agencies: RMA Permits/Subdivisions, RMA Transportation/Utilities Division, HHSA Environmental Health Services Division, and TC Fire Chief; Local Agencies: Alta Irrigation District, Kings River Elementary School District, Kingsburg Joint Union High School District, City of Kingsburg, San Joaquin Valley Unified Air Pollution Control District; State Agencies: Department of Fish & Game, Caltrans District 6; Other Agencies: District Archaeologist were provided an opportunity to comment on the project.

ATTACHMENTS:

1. California Rural Legal Assistance, Inc. Correspondence
2. Department of Housing and Community Development Correspondence
3. BOS Resolution No. 2010-0930, Referring Matter Back to Planning Commission
4. Draft Resolution recommending the BOS accept the categorical exemption and approve the project
   Exhibit "A" – Site Plan
   Exhibit "B" – Right to Farm Notice
5. Updated "Will Serve" Letter
6. BOS Agenda Item, November 2, 2010
7. Public Notice Information
8. Public Notification

SUBJECT: TM 807
DATE:

PLANNER – PROJECT REVIEW:

Dana Mettlen

CHIEF PLANNER – PROJECT REVIEW:

Benjamin A. Kimball

CHIEF ENVIRONMENTAL PLANNER:

Hector Guerra

ASSISTANT DIRECTOR – PLANNING BRANCH:

Michael C. Spata

ATTACHMENT NO. 5

(BOS Public Hearing November 13, 2012)

Board of Supervisors Resolution No. 2010-0930
Dated November 30, 2010

(Referring project back to Planning Commission)

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

IN THE MATTER OF TENTATIVE SUBDIVISION TRACT NO. 807 TO DIVIDE A 2.59-ACRE PARCEL INTO 2 RESIDENTIAL LOTS AND A REMAINDER, SOUTHEAST OF KINGSBURG	)))))	RESOLUTION NO. 2010-0930

UPON MOTION OF SUPERVISOR ISHIDA, SECONDED BY SUPERVISOR VANDER POEL, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD NOVEMBER 30, 2010, BY THE FOLLOWING VOTE:

AYES:	SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

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

BY: _____
Deputy Clerk

* * * * * * * * * * * * * * * * * * * *

Referred matter back to the Planning Commission.

RMA
Co. Counsel
Lane Engineers
Applicants

DAY
12/01/10

ATTACHMENT NO. 6

(BOS Public Hearing November 13, 2012)

Will Serve Letter from the Fairway Mutual Water Company

From: daniel cowherd <dansmachine@yahoo.com>
To: Dana Mettlen <DMettlen@co.tulare.ca.us>
Date: 07/16/2012 5:40 PM
Subject: Re: Willson Tract Map No. TM 807

Yes, the Will Serve letter is still valid for the two remaining parcels. Daniel Cowherd

From: Dana Mettlen <DMettlen@co.tulare.ca.us>
To: dansmachine@yahoo.com
Sent: Monday, July 16, 2012 2:57 PM
Subject: Willson Tract Map No. TM 807

Dan,

Will you please verify that the existing extension to the Will Serve Letter for the Fairway Mutual Water Company remains valid and that the two parcels being created with this tract map will be provided water service by the Fairway Mutual Water Company.

Regards,

Dana Mettlen, Project Planner
Project Review, Planning Branch
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

559-624-7106 dmettlen@co.tulare.ca.us

8/5/09

Keith and Lisa Wilson
3224 Fairway Ave
Kingsburg, Ca 93631

Re: Fairway Mutual Water company Extension to "Will Serve" Letter

This document will act as an extension to " The Water Service Agreement "made effective January 31st 2005 by and between Fairway Mutual Water Co., a California corporation (" Corporation ") and Keith and Lisa Wilson, husband and wife (" Landowner ") .

This extension will follow all Conditions, Addendums, Exhibits and Approvals of " The Water Service Agreement ".

This memorandum is prepared for the purpose of recordation and in no way modifies the provisons of the referenced Water Service Agreement.

Fairway Mutual Water Co.

By _____ 8-14-09
President

By _____ 8-15-09
Secretary

_____ 8-14-09
Keith Wilson

_____ 8-14-09
Lisa Wilson

ATTACHMENT NO. 7

(BOS Public Hearing November 13, 2012)

Board of Supervisors Agenda Item for November 2, 2010

(without attachments)

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 ENNIS
District Five

AGENDA DATE: November 2, 2010

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

CONTACT PERSON: Celeste Perez PHONE: 559-624-7000

SUBJECT: Tentative Subdivision Tract No. 807 to divide a 2.59-acre parcel into 2 residential lots and a Remainder.

REQUEST(S):

That the Board of Supervisors:

1. Hold a Public Hearing on November 2, 2010 at 9:30 A.M.
2. Accept the Categorical Exemption as the appropriate environmental document.
3. Approve Tentative Subdivision Tract No. TM 807, filed by Lane Engineers, Inc., 979 N. Blackstone, Tulare, CA 93275 on behalf of Keith and Lisa Wilson, 4731 Avenue 400, Dinuba, CA 93618 for the division of a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone, located on the north side of Avenue 393, approximately 1,000 feet west of Road 34, adjacent to the south boundary of the Kings River Golf and Country Club, approximately 2 miles southeast of the City of Kingsburg.
4. Adopt the following findings of approval for Tentative Subdivision Tract No. TM 807:
    a. The project is a request to divide a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone. The site is zoned R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) and contains a single-family residence, propane tank, storage shed, septic tank – leach line system, domestic well, and a

ponding basin.

b. The surrounding properties are zoned R-A-12.5 and PD-R-A-12.5 (Planned Development – Rural Residential – 12,500 sq. ft. minimum) and contain rural residential subdivisions, open space and agricultural farmland.
c. The Subdivision Map Act, Section 66426, states "A tentative and final map shall be required for all subdivisions creating five or more parcels...." Tentative Parcel Map No. PPM 03-052 (Parcel Map No. 4698) was previously approved for this site on July 9, 2004, by Site Plan Review Committee Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land would create 6 parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing.
d. The 1982 Kings River plan designates the site as "Residential," (maximum 4 units per acre). The maximum density of development is four dwelling units per acre. There is no specific minimum density. The project is in compliance with the General Plan as the property is in an area designated for residential uses by the Kings River Plan.
e. A waiver of the preliminary design conference was requested. This subdivision will create only two lots and a remainder parcel and a waiver of the preliminary design conference is appropriate for this project because of its small size; it will still enable the County to promote the public health, safety, convenience and general welfare of the population.
f. As per Tulare County Health Services Department correspondence for this project, the applicant has submitted well log information on the existing domestic well which included the depth and gpm of the well, as well as a recent Nitrate test. In addition, the applicant arranged for a percolation test and a 10-foot soil boring for Lots 1 and 2. Soil boring included the depth and description of the individual soils and ground water depth. Also, a "Will Serve" letter, dated August 5, 2009, has been received of the Resource Management Agency from the Fairway Mutual Water Co.
g. Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage. Curb and gutter will be required across the Avenue 393 frontage of Lots 1, 2 and the Remainder. There is an existing storm drainage retention basin on the proposed Remainder Lot which will provide drainage for proposed Lots 1 and 2. The retention basin was constructed per County Development Standards, subsequent to the approval of PPM 03-052, and currently provides drainage for four parcels and the subject site.
h. This activity is categorically exempt from CEQA according to Section 15315, Class 15, pertaining to Minor Land Divisions in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning.

5. Adopt the following conditions of approval for Tentative Subdivision Tract No. TM 807:

Engineering Conditions:

a. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvement Standards, unless and except as such standards are modified within.
b. All utility easements shall be shown on the final map.
c. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County.
d. Curb, gutter, and associated pavement widening is required to be constructed along the Avenue 393 frontage of Parcels 1, 2 and Remainder in conformance with Class 2 county road standards. The paveout shall consist of asphalt over aggregate base and is necessary to properly tie the curb and gutter into the existing pavement. The curb, gutter, and paveout shall be constructed in accordance with the Tulare County Improvement Standards. The design of the curb, gutter and paveout shall be submitted to the County for approval. The feasibility of the curb, gutter and paveout shall be evaluated during the design process. The County will make the final determination on the feasibility of the curb, gutter and paveout. If the curb, gutter and paveout are determined to not be feasible, then the County will prepare a long term deferred improvement agreement to be signed by the property owner.
e. A registered civil engineer shall prepare improvement plans. The improvement plans shall address all aspects of constructing the public improvements and shall identify existing topography, lot grading and proposed contours for the development, road improvement details, drop inlets, top of curb elevations, storm drain lines and storm drainage system details, sewer and water system details, street sign locations, utility relocations and any other details relevant to constructing the public improvements. All water lines, sewer lines and storm drain lines and related infrastructure shall be located within public road rights-of-way. Hydraulic calculations shall be submitted with the improvement plans justifying the drainage system design. The storm drainage system shall be designed based on a 10-year, 10-day storm frequency. The improvement plans shall be submitted to and approved by the Tulare County RMA before initiation of construction.

Fire Conditions:

f. A fire hydrant system shall be installed in compliance with the current Tulare County Subdivision Ordinance, Fire Protection Standards.
g. Blue raised reflective pavement markers shall be installed on the surface

of the roadways as per the Fire Chief's recommendations to identify fire hydrant locations.

h. If street lights are proposed, their locations should coincide with fire hydrant locations where possible.
i. Any revisions to the subdivision map involving the changing of lot numbers would require further review by the Tulare County Fire Department.
j. Two (2) copies of fire protection improvement plans shall be submitted to the Tulare County Fire Department and the Public Works Department for approval prior to construction.

Planning Conditions:

k. In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, the content of the Right to Farm Notice shall be placed in a prominent location of the final map for acknowledgment by the subdivider; or, the Notice itself shall be signed by the subdivider and recorded as a separate sheet to accompany the final map (Exhibit B).
l. If, during construction or grading activities on the site, any resources of an historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resource Management Agency Director shall immediately be notified of the discovery. Further development shall not continue until the Tulare County Resource Management Agency Director certifies that appropriate recovery measures, if deemed necessary, have been completed.
m. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Tentative Subdivision Tract No. TM 807 or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition."

6. Direct the Clerk of the Board of Supervisors to return the signed Notice of Exemption to the Resource Management Agency.

SUMMARY:

This project is a tentative subdivision to divide a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone.

The site is zoned R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) and contains a single-family residence, propane tank, storage shed, septic tank – leach line system, domestic well, and a ponding basin. The properties to the east, north and west are zoned R-A-12.5 and PD-R-A-12.5 (Planned Development – Rural Residential – 12,500 sq. ft. minimum) and contain rural residential subdivisions and open space. The property to the south is zoned AE-20 (Exclusive Agricultural – 20 acre minimum) and contains agricultural farmland. The R-A-12.5 Zone allows one single family residence per lot, with a minimum parcel size of 12,500 sq. ft. This zone allows limited agricultural uses and animals, and has a front and rear yard requirement of at least 25 feet, and side yard requirements of 5 feet.

The Subdivision Map Act, Section 66426, states "A tentative and final map shall be required for all subdivisions creating five or more parcels...." Tentative Parcel Map No. PPM 03-052 (Parcel Map No. 4698) was previously approved for this site on July 9, 2004, by Site Plan Review Committee Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land would create 6 parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing.

The 1982 Kings River Plan designates the site as "Residential," (maximum 4 units per acre). The residential designation applies to areas considered appropriate for residential uses, as described in the policies. Uses allowed within this designation are single-family attached or detached residences as well as all accessory uses permitted in the R-A (Rural Residential) Zone. The maximum density of development is four dwelling units per acre. There is no specific minimum density. The property is in an area designated for residential uses by the Kings River Plan. Policy No. 1 of Goal 1 of the Kings River Plan states that: "Areas reserved for residential development shall be limited to portions of the Kings River Plan area that are oriented to the Kings River Golf Course and Kings River School and which are characterized by Class III or poorer agricultural soils. In identifying such areas, emphasis shall also be given to areas which have historically been used or zoned for residential developments, are vacant or unused or are in-fill areas between clusters of existing development." The proposed division creates rural residential lots in an area located just south of the Kings River Golf Course and that are surrounded by residential uses to the north, east and west. The site is located on Avenue 393, just east of the City of Kingsburg and the proposal should have a low impact on agriculturally zoned properties to the south. Therefore, the project is compliant with the County General Plan.

A waiver of the preliminary design conference was requested. This portion of the subdivision will create only two lots and a remainder parcel and a waiver of the preliminary design conference is appropriate for this project because of its small size; it will still enable the County to promote the public health, safety, convenience and general welfare of the population.

As per Tulare County Health Services Department correspondence for this project, the applicant has submitted well log information on the existing domestic well which included the depth and gpm of the well, as well as a recent Nitrate test. In addition, the applicant arranged for a percolation test and a 10-foot soil boring for Lots 1 and 2. The well log information indicates the water level is at 28 feet and pumping at 45-50 gpm; the nitrate test indicated "not detected" at or above the reporting limit. Soil boring was conducted at a depth of 5 feet below existing ground surface. The results indicate that the average percolation rate at the primary field location for parcel #3 was 7.07 minutes/inch and 5.4 minutes/inch for parcel #4.

Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage. Class 2 roads contain 2 lanes with a design velocity of 30 mph. Curb and gutter will be required across the Avenue 393 frontage of Lots 1, 2 and the Remainder. There is an existing storm drainage retention basin on the proposed Remainder Lot which would provide drainage for proposed Lots 1 and 2. The retention basin was constructed per County Development Standards, subsequent to the approval of PPM 03-052 and currently provides drainage for four parcels and the subject site. The total area to be served by the storm drainage system is approximately 194,000 sq. ft. Divided by 20, the required ponding area would calculate to 9,700 sq. ft. The retention basin is approximately 12,800 sq. ft.

There is an existing septic tank – leach line system and an existing domestic well on the proposed Remainder Lot. Septic tank – leach line systems are proposed for Lots 1 and 2. Also, proposed Lots 1 and 2 will be served by the Fairway Mutual Water Co. A "Will Serve" letter, dated August 5, 2009, has been received of the Resource Management Agency. The Lot size of 19,150 sq. ft. for Lots 1 and 2 complies with Section 7-01-1350 with regard to the minimum acreage (12,500) if sewage disposal is provided by individual system and water is provided by a community system.

FISCAL IMPACT/FINANCING:

There is no net County cost to the General Fund. The costs associated with the processing of TM 807 ($4,105.00) were paid by the applicant.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Approving the subdivision 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.

SUBJECT: Tentative Subdivision to divide a 2.59-acre parcel into 2 residential lots and a Remainder
DATE: November 2, 2010

ALTERNATIVES:

Your Board could approve the subdivision with modified conditions of approval or deny the subdivision if grounds for denial under Government Code Section 66474 can be shown.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

See consultation referral list in staff report.

ADMINISTRATIVE SIGN-OFF:

Benjamin A. Kimball Chief Planner, Planning Branch	Jake Raper, Jr. AICP RMA Director

cc: County Counsel
County Administrative Office
Lane Engineers, Inc., 979 N. Blackstone, Tulare, CA 93275
Keith and Lisa Wilson, 4731 Avenue 400, Dinuba, CA 93618

ATTACHMENT 1 – Draft BOS Resolution approving Tentative Subdivision Tract No. TM 807
EXHIBIT "A" – Tentative Subdivision Map
EXHIBIT "B" – Right to Farm Notice
ATTACHMENT 2 – Planning Commission Resolution No. 8521 recommending the BOS approve TM 807
ATTACHMENT 3 – Planning Commission Staff Report for TM 807

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

IN THE MATTER OF CONSIDERATION OF SUBDIVISION TRACT NO. TM 807)) **DRAFT**

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD NOVEMBER 2, 2010, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * * * * * * * * * * * * * * * *

The Board of Supervisors:

1. Held a Public Hearing on November 2, 2010, at 9:30 a.m.; and
2. Accepted the Categorical Exemption as the appropriate environmental document, and
3. Approved Tentative Subdivision Tract No. TM 807, filed by Lane Engineers, Inc., 979 N. Blackstone, Tulare, CA 93275 on behalf of Keith and Lisa Wilson, 4731 Avenue 400, Dinuba, CA 93618 for the division of a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone, located on the north side of Avenue 393, approximately 1,000 feet west of Road 34, adjacent to the south boundary of the Kings River Golf and Country Club, approximately 2 miles southeast of the City of Kingsburg, and
4. Adopted the following findings for approval for Tentative Subdivision Tract No. TM 807, and
    a. The project is a request to divide a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder =

87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone. The site is zoned R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) and contains a single-family residence, propane tank, storage shed, septic tank – leach line system, domestic well, and a ponding basin.

b. The surrounding properties are zoned R-A-12.5 and PD-R-A-12.5 (Planned Development – Rural Residential – 12,500 sq. ft. minimum) and contain rural residential subdivisions, open space and agricultural farmland.

c. The Subdivision Map Act, Section 66426, states "A tentative and final map shall be required for all subdivisions creating five or more parcels...." Tentative Parcel Map No. PPM 03-052 (Parcel Map No. 4698) was previously approved for this site on July 9, 2004, by Site Plan Review Committee Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land would create 6 parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing.

d. The 1982 Kings River plan designates the site as "Residential," (maximum 4 units per acre). The maximum density of development is four dwelling units per acre. There is no specific minimum density. The project is in compliance with the General Plan as the property is in an area designated for residential uses by the Kings River Plan.

e. A waiver of the preliminary design conference was requested. This subdivision will create only two lots and a remainder parcel and a waiver of the preliminary design conference is appropriate for this project because of its small size; it will still enable the County to promote the public health, safety, convenience and general welfare of the population.

f. As per Tulare County Health Services Department correspondence for this project, the applicant has submitted well log information on the existing domestic well which included the depth and gpm of the well, as well as a recent Nitrate test. In addition, the applicant arranged for a percolation test and a 10-foot soil boring for Lots 1 and 2. Soil boring included the depth and description of the individual soils and ground water depth. Also, a "Will Serve" letter, dated August 5, 2009, has been received of the Resource Management Agency from the Fairway Mutual Water Co.

g. Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage. Curb and gutter will be required across the Avenue 393 frontage of Lots 1, 2 and the Remainder. There is an existing storm drainage retention basin on the proposed Remainder Lot which will provide drainage for proposed Lots 1 and 2. The retention basin was constructed per County Development Standards, subsequent to the approval of PPM 03-052, and currently provides drainage for four parcels and the subject site.

h. This activity is exempt from CEQA according to Section 15315, Class 15, pertaining to Minor Land Divisions.

5. Adopted the following conditions of approval for Tentative Subdivision Tract No. TM 807

Engineering Conditions:

a. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvement Standards, unless and except as such standards are modified within.
b. All utility easements shall be shown on the final map.
c. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County.
d. Curb, gutter, and associated pavement widening is required to be constructed along the Avenue 393 frontage of Parcels 1, 2 and Remainder in conformance with Class 2 county road standards. The paveout shall consist of asphalt over aggregate base and is necessary to properly tie the curb and gutter into the existing pavement. The curb, gutter, and paveout shall be constructed in accordance with the Tulare County Improvement Standards. The design of the curb, gutter and paveout shall be submitted to the County for approval. The feasibility of the curb, gutter and paveout shall be evaluated during the design process. The County will make the final determination on the feasibility of the curb, gutter and paveout. If the curb, gutter and paveout are determined to not be feasible, then the County will prepare a long term deferred improvement agreement to be signed by the property owner.
e. A registered civil engineer shall prepare improvement plans. The improvement plans shall address all aspects of constructing the public improvements and shall identify existing topography, lot grading and proposed contours for the development, road improvement details, drop inlets, top of curb elevations, storm drain lines and storm drainage system details, sewer and water system details, street sign locations, utility relocations and any other details relevant to constructing the public improvements. All water lines, sewer lines and storm drain lines and related infrastructure shall be located within public road rights-of-way. Hydraulic calculations shall be submitted with the improvement plans justifying the drainage system design. The storm drainage system shall be designed based on a 10-year, 10-day storm frequency. The improvement plans shall be submitted to and approved by the Tulare County RMA before initiation of construction.

Fire Conditions:

f. A fire hydrant system shall be installed in compliance with the current Tulare County Subdivision Ordinance, Fire Protection Standards.
g. Blue raised reflective pavement markers shall be installed on the surface of the roadways as per the Fire Chief's recommendations to identify fire hydrant locations.

h. If street lights are proposed, their locations should coincide with fire hydrant locations where possible.
i. Any revisions to the subdivision map involving the changing of lot numbers would require further review by the Tulare County Fire Department.
j. Two (2) copies of fire protection improvement plans shall be submitted to the Tulare County Fire Department and the Public Works Department for approval prior to construction.

Planning Conditions:

k. In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, the content of the Right to Farm Notice shall be placed in a prominent location of the final map for acknowledgment by the subdivider; or, the Notice itself shall be signed by the subdivider and recorded as a separate sheet to accompany the final map (Exhibit B).
l. If, during construction or grading activities on the site, any resources of an historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resource Management Agency Director shall immediately be notified of the discovery. Further development shall not continue until the Tulare County Resource Management Agency Director certifies that appropriate recovery measures, if deemed necessary, have been completed.
m. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Tentative Subdivision Tract No. TM 807 or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition."

6. Directed the Clerk of the Board of Supervisors to return the signed Notice of Exemption to the Resource Management Agency.

ATTACHMENT NO. 8

(BOS Public Hearing November 13, 2012)

Planning Commission Agenda Summary,
Staff Report/Initial Study, and Graphics
Dated September 8, 2010

5961 S. Mooney Blvd
Visalia, CA
93277
624-7000 Phone
730-2653 Fax

RESOURCE MANAGEMENT AGENCY
COUNTY OF TULARE
PLANNING COMMISSION AGENDA

PLANNING COMMISSION

CHAIRMAN: Nancy Pitigliano
VICE-CHAIR: Wayne Millies

COMMISSIONERS:
Bill Whitlatch
John Elliott
Ed Dias
Melvin Gong
Charlie Norman
Gil Aguilar (Alt.)

AIRPORT LAND USE COMMISSIONERS (ALUC)
Doug Silveria
Jack Ritchie

PROJECT NO.: TM 807	**AGENDA DATE:**	9.8.2010
APPLICANT: Keith and Lisa Wilson	**AGENDA ITEM NUMBER. :**	
AGENT: Lane Engineers, Inc.		
SUBJECT: Tentative Subdivision to divide a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 Zone, located on the north side of Avenue 393, southeast of the City of Kingsburg.	**AGENDA ITEM TYPE**	
	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
	Other:	
	ACTION REQUESTED	
ENVIRONMENTAL DOCUMENT: Categorical Exemption	Resolution – Site Plan Review Committee	
	Resolution – Planning Commission	X
CONTACT PERSON: Dana Mettlen	Decision – Zoning Administrator	
	Recommendation to BOS	X

REQUEST(S):

That the Planning Commission: Accept the Categorical Exemption as the appropriate environmental document and recommend the Board of Supervisors approve Tentative Subdivision Tract No. TM 807 requested by Lane Engineers, Inc., 979 N. Blackstone, Tulare, CA 93275 on behalf of Keith and Lisa Wilson, 4731 Avenue 400, Dinuba, CA 93618 for the division of a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone, located on the north side of Avenue 393, approximately 1,000 feet west of Road 34, adjacent to the south boundary of the Kings River Golf and Country Club, approximately 2 miles southeast of the City of Kingsburg.

PLANNING COMMISSION ACTION:

Option No. 1: Accept the Categorical Exemption as the appropriate environmental document and move to recommend the Board of Supervisors approve the proposal as recommended and adopt the attached Resolution establishing findings and conditions (see Attachment No. 1)

Option No. 2: Accept the Categorical Exemption as the appropriate environmental document and move to recommend the Board of Supervisors approve the proposal, subject to modifications through addition or deletion of conditions as discussed

Option No. 3: Move to deny

Option No. 4: Refer back to Staff for further study and report

PROJECT SUMMARY:

This project is a tentative subdivision to divide a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone. The site is zoned R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) and contains a single-family residence, propane tank, storage shed, septic tank – leach line system, domestic well, and a ponding basin. The properties to the east, north and west are zoned R-A-12.5 and PD-R-A-12.5 (Planned Development – Rural Residential – 12,500 sq. ft. minimum) and contain rural residential subdivisions and open space. The property to the south is zoned AE-20 (Exclusive Agricultural – 20 acre minimum) and contains agricultural farmland. The R-A-12.5 Zone allows one single family residence per lot, with a minimum parcel size of 12,500 sq. ft. This zone allows limited agricultural uses and animals, and has a front and rear yard requirement of at least 25 feet, and side yard requirements of 5 feet.

The Subdivision Map Act, Section 66426, states "A tentative and final map shall be required for all subdivisions creating five or more parcels...." Tentative Parcel Map No. PPM 03-052 (Parcel Map No. 4698) was previously approved for this site on July 9, 2004, by Site Plan Review Committee Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land will create 6 parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing.

The 1982 Kings River Plan designates the site as "Residential," (maximum 4 units per acre). The residential designation applies to areas considered appropriate for residential uses, as described in the policies. Uses allowed within this designation are single-family attached or detached residences as well as all accessory uses permitted in the R-A (Rural Residential) Zone. The maximum density of development is four dwelling units per acre. There is no specific minimum density. The property is in an area designated for residential uses by the Kings River Plan. Policy No. 1 of Goal 1 of the Kings River Plan states that: "Areas reserved for residential development shall be limited to portions of the Kings River Plan area that are oriented to the Kings River Golf Course and Kings River School and which are characterized by Class III or poorer agricultural soils. In identifying such areas, emphasis shall also be given to areas which have historically been used or zoned for residential developments, are vacant or

unused or are in-fill areas between clusters of existing development." The proposed division creates rural residential lots in an area located just south of the Kings River Golf Course and that are surrounded by residential uses to the north, east and west. The site is located on Avenue 393, just east of the City of Kingsburg and the proposal should have a low impact on agriculturally zoned properties to the south. Therefore, the project is compliant with the County General Plan.

A waiver of the preliminary design conference was requested. This portion of the subdivision will create only two lots and a remainder parcel and a waiver of the preliminary design conference is appropriate for this project because of its small size; it will still enable the County to promote the public health, safety, convenience and general welfare of the population.

As per Tulare County Health Services Department correspondence for this project, the applicant has submitted well log information on the existing domestic well which included the depth and gpm of the well, as well as a recent Nitrate test. In addition, the applicant arranged for a percolation test and a 10-foot soil boring for Lots 1 and 2. The well log information indicates the water level is at 28 feet and pumping at 45-50 gpm; the nitrate test indicated "not detected" at or above the reporting limit. Soil boring was conducted at a depth of 5 feet below existing ground surface. The results indicate that the average percolation rate at the primary field location for parcel #3 was 7.07 minutes/inch and 5.4 minutes/inch for parcel #4.

Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage. Class 2 roads contain 2 lanes with a design velocity of 30 mph. Curb and gutter will be required across the Avenue 393 frontage of Lots 1, 2 and the Remainder. There is an existing storm drainage retention basin on the proposed Remainder Lot which will provide drainage for proposed Lots 1 and 2. The retention basin was constructed per County Development Standards, subsequent to the approval of PPM 03-052 and currently provides drainage for four parcels and the subject site. The total area to be served by the storm drainage system is approximately 194,000 sq. ft. Divided by 20, the required ponding area would calculate to 9,700 sq. ft. The retention basin is approximately 12,800 sq. ft.

There is an existing septic tank – leach line system and an existing domestic well on the proposed Remainder Lot. Septic tank – leach line systems are proposed for Lots 1 and 2. Also, proposed Lots 1 and 2 will be served by the Fairway Mutual Water Co. A "Will Serve" letter, dated August 5, 2009, has been received of the Resource Management Agency. The Lot size of 12,500 sq. ft. for Lots 1 and 2 complies with Section 7-01-1350 with regard to sewage disposal by individual system and water provided by a community system.

ENVIRONMENTAL SUMMARY:

This activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be

seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PUBLIC NOTICE:

Government Code §65009(b) requires the County to include in any public notice pursuant to Government Code, Title 7, Planning and Land Use, a notice substantially stating all of the following: "If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of Tulare at, or prior to, the public hearing."

ATTACHMENTS:

1. Draft Resolution recommending the BOS accept the categorical exemption and approve the project
   Exhibit "A" – Site Plan
   Exhibit "B" – Right to Farm Notice
2. Staff Research and Background Reports
3. Consultation and Other Agency Comments and Recommendations
4. Maps and Graphics
5. Public Notice Information
6. Site Specific Studies
   Exhibit "A" – Will Serve Letter
   Exhibit "B" – Percolation Test and Boring Log
   Exhibit "C" – Laboratory Analytical Report for Nitrates

PROJECT PLANNER:

Dana Mettlen

CHIEF PLANNER:

Benjamin A. Kimball

ATTACHMENT NO. 2

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
PLANNING BRANCH
STAFF REPORT/ENVIRONMENTAL ASSESSMENT INITIAL STUDY

TENTATIVE SUBDIVISION NO. TM 807

I. GENERAL

1. Applicants/ Property Owners: Keith and Lisa Wilson
4731 Avenue 400
Dinuba, CA 93618

2. Authorized Agent: Lane Engineers, Inc.
979 N. Blackstone
Tulare, CA 93275

3. Proposal:

A tentative subdivision to divide a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone.

4. Location:

North side of Avenue 393, approximately 1,000 feet west of Road 34, adjacent to the south boundary of the Kings River Golf and Country Club, approximately 2 miles southeast of the City of Kingsburg.

Section 29, Township 16 South, Range 23 East, MDB&M
APN: 028-420-011.

II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICES

1. Zoning/Land Use:

Site: The site is zoned R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) and contains a single-family residence, propane tank, storage shed, septic tank – leach line system, domestic well, and a ponding basin. Surrounding zoning and land uses are as follows:

North: PD-R-A-12.5 (Planned Development – Rural Residential – 12,500 sq. ft. minimum) and R-A-12.5 – Rural Residential and Kings River Golf Course. The Kings River is located approximately 600 feet to the northwest.

East: R-A-12.5 and AE-20 (Exclusive Agricultural – 20 acre minimum) – Rural Residential, Ceasar Ditch, and Agriculture.

South: AE-20 – Agriculture and Ceasar Ditch.

West: R-A-12.5 and PD-R-A-12.5 – Rural Residential Subdivisions (TM 637 and TM 575) and Open Space.

2. Zoning and Other Ordinance Characteristics:

The Tulare County Zoning Ordinance: The R-A-12.5 Zone allows one single family residence per lot, with a minimum parcel size of 12,500 sq. ft. This zone allows limited agricultural uses and animals, and has a front and rear yard requirement of at least 25 feet, and side yard requirements of 5 feet.

The Building Line Setback Ordinance specifies setbacks for numbered subdivisions. Where sewage disposal systems or other underground improvements are to be provided, they may be located in the front yard, no closer than 10' from the edge of the right-of-way. Above ground improvements must be no closer than 25' from the edge of the right-of-way for the front yard area.

Staff Comment: The proposal is in compliance with zoning.

3. Subdivision Ordinance Characteristics:

Exceptions to the Subdivision Ordinance have been requested as follows: None Requested.

The Subdivision Map Act, Section 66426, states "A tentative and final map shall be required for all subdivisions creating five or more parcels...." Tentative Parcel Map No. PPM 03-052 was previously approved for this site on July 9, 2004, by Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land will create 6 parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing.

4. General Plan Elements:

A. Applicable Land Use & Circulation Element(s): The Tulare County General Plan has been superseded by the 1982 Kings River Plan.

Land Use Designation: The 1982 Kings River plan designates the site as "Residential," (maximum 4 units per acre)

The residential designation applies to areas considered appropriate for residential uses, as described in the policies. Uses allowed within this designation are single-family attached or detached residences as well as all accessory uses permitted in the R-A (Rural Residential) Zone. The maximum density of development is four dwelling units per acre. There is no specific minimum density.

Circulation: Avenue 393 is a County-maintained road and classified as a local road. The primary function of a local road is to provide access to abutting properties. All streets not shown on the circulation plan are classified as local streets. According to the Improvement Standards of Tulare County, a local street is a class 1, 2, or 3.

Per conditions of approval, Avenue 393 will be required to be constructed to a Class 2 road standard across the subdivision frontage.

B. **Open Space:** The plan for open space contained in the 1972 Environmental Resources Management Element (ERME) of the Tulare County General Plan has been superseded by the Kings River Plan.

Because the Kings River Plan severely limits the amount of land available for urban development, the County does not believe that there are any conflicts with the ERME recommendations pertaining to protection of prime agricultural lands. In this respect, it should be emphasized that 5,760 acres, or 87 percent of the planning area, will continue to be designated for agricultural and for open space uses in conformance with ERME. Thus, the policies established in the Kings River Plan are a further refinement to the general course of action recommended in the ERME made applicable to the specific area.

C. **Noise Element:** The 1988 Noise Element of the Tulare County General Plan indicates the subject site is not within any noise-exposure contour.

D. **Urban Boundaries Element:** The 1974 Urban Boundaries Element (last amended in 1988) of the Tulare County General Plan indicates that the subject site is not within any Urban Area or Urban Development Boundary.

Compliance with General Plan: Yes. The property is in an area designated for residential uses by the Kings River Plan. Policy No. 1 of Goal 1 of the Kings River Plan states that: "Areas reserved for residential development shall be limited to portions of the Kings River Plan area that are oriented to the Kings River Golf Course and Kings River School and which are characterized by Class III or poorer agricultural soils. In identifying such areas, emphasis shall also be given to areas which have historically been used or zoned for residential developments, are vacant or unused or are in-fill areas between clusters of existing development." The proposed division creates rural residential lots in an area located just south of the Kings River Golf Course and that are

surrounded by residential uses to the north, east and west. The site is located on Avenue 393, just east of the City of Kingsburg and the proposal should have a low impact on agriculturally zoned properties to the south.

5. **Status of Required Reports:**

Preliminary subdivision design conference: Waiver requested. This subdivision will create only two lots and a remainder parcel and a waiver of the preliminary design conference is appropriate for this project because of its small size: it will still enable the County to promote the public health, safety, convenience and general welfare of the population.

Final Map Waiver: Not requested.

Preliminary Geological/hydrological Report: As per Tulare County Health Services Department correspondence for this project, the applicant has submitted well log information on the existing domestic well which included the depth and gpm of the well, as well as a recent (within the last 6 months) Nitrate test. In addition, the applicant arranged for a percolation test and a 10-foot soil boring for Lots 1 and 2. Soil boring included the depth and description of the individual soils and ground water depth.

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

Tract No. 778, an 11 Lot subdivision east of the subject site, was approved by Planning Commission on June 14, 2006, by Resolution No. 8161, and recorded on August 7, 2007.

Tract No. 637, a 27 Lot subdivision west of the subject site, was approved by Planning Commission in March 1982, by Resolution No. 5791, and recorded on April 10, 1987.

Tract No. 575, a 17 Lot subdivision northwest of the subject site, was approved by Planning Commission in July 1977, by Resolution No. 4897, and recorded on November 16, 1978.

7. **Other:**

A. **Fire Protection:** Provided by Tulare County Fire Department, Kings River Fire Station No. 2, approximately 1.5 miles northeast of the project.

Pursuant to Section 7-01-1385(a) of the Subdivision Ordinance, fire hydrants shall be provided in a subdivision if the lots are served by a community water system. A condition of approval will require a fire hydrant be installed for proposed Lots 1 and 2.

B. **Police:** Tulare County Sheriff's Department, Orosi Sub-Station.

C. **Public Utilities:** Electric – PG&E
Gas – Propane Tanks
Sewer – Septic tank – leach line systems
Water – Lots 1 & 2: Fairway Mutual Water Co.
Remainder: Existing domestic well

III. ENVIRONMENTAL SETTING:

1. Topographical Features:

Slope: The terrain is relatively level, typical of most Valley lands.

Water Courses: The Kings River is located approximately 792 feet northwest; however, the project site is not located within the State Board of Reclamation Designated Floodway area. The Ceaser Ditch is located approximately 369 feet to the southeast of the subject site.

2. Flooding Potential:

As shown on Panel Number 270B of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Maps for Community Number 065066, the subject site is located within Flood Zone F, 0.2% annual chance flood hazard. Construction in Flood Zone B requires no flood avoidance measures; however, it is recommended that buildings be constructed at least one foot above the natural ground level.

3. Soils:

Type		Capability Class	Shrink/Swell Potential	Septic Tank Absorption	Prime Ag Lands
Tujunga sand	loamy	IIIs-4	Low	Slight	No

4. Biotic Condition:

Habitat Community Type: Cropland and pasture.

The subject site is within the USGS Quadrangle "Selma;" and, according to the California Natural Diversity Data Base (CNDDB), there are not any endangered, threatened, rare, candidate or special concern species located within the project area.

Plants: None

Animals: None

5. **Water Table:** The highest estimated water table level was between 20 and 30 feet in 1995. Bureau of Reclamation, Depth to Groundwater Maps.

6. **Agricultural Preserves:** The subject site is not within agricultural preserve.

7. **Archaeological Resources:** Goal XII, Policy 1, of the Kings River Plan states: "During the project review phase of a discretionary project, initial consultation requests shall be referred to the Area Archaeological Site Survey Office if the project site is within one mile of the Kings River...."

   A consultation request was sent to the District Archaeologist and no response has been received. In addition, those properties to the north, east, and west have all been previously developed with subdivisions.

IV. HISTORY AND PROJECT FACTS

1. **History:**

   July 9, 2004: Parcel Map No. 4698 (PPM 03-052 for 4 Parcels plus Remainder) was approved by the Site Plan Review Committee, Resolution No. 04-079.
   Dec. 14, 1982: Kings River Plan adopted, BOS Resolution No. 82-2030
   April 1, 1980: Ordinance No. 2323 was adopted, changing the zone from AE-20 to R-A-12.5

2. **Project Description:**

   Lot Design: Pursuant to Section 7-01-1355(a) and (b) of the Subdivision Ordinance, the average width of each interior residential lot shall be not less than 60 feet and the average depth shall be not less than 100 feet.

   Pursuant to Section 7-01-1360 of the Subdivision Ordinance, the side lines of lots shall run at right angles to the street upon which the lot faces.

   Staff Comment: The proposal complies with lot design requirements.

   Street Design: The project will have direct access to Avenue 393, a County maintained right-of-way with a pavement width of 24.3 feet.

   Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage. Class 2 roads contain 2 lanes with a design velocity of 30 mph. Curb and gutter will be required across the Avenue 393 frontage of Lots 1, 2 and the Remainder.

   Drainage: Pursuant to Section 7-01-1380(b) of the Subdivision Ordinance, the area of the ponding lot or lots shall be established on the basis of one subdivision lot for each

twenty lots in the subdivision, if the subdivision lots average one-half acre or less in area. In determining the number of subdivision lots to be dedicated as a ponding lot or lots, the above computation shall be adjusted to the nearest full subdivision lot. The subdivision lot or lots provided shall have an area equal to or greater than the average area of all the lots in the subdivision.

There is an existing storm drainage retention basin on the proposed Remainder Lot which will provide drainage for proposed Lots 1 and 2. The retention basin was constructed per County Development Standards, subsequent to the approval of PPM 03-052, and currently provides drainage for four parcels and the subject site. The total area to be served by the storm drainage system is approximately 194,000 sq. ft. Divided by 20, the required ponding area would calculate to 9,700 sq. ft. The retention basin is approximately 12,800 sq. ft.

Staff Comment: The proposal complies with drainage requirements.

Sewer and Water: Existing septic tank – leach line system on proposed Remainder Lot. Proposed septic tank – leach line systems for proposed Lots 1 and 2. Pursuant to Section 7-01-1395 of the Subdivision Ordinance, the County Health Department has required the applicant to arrange for a percolation test and a 10-foot soil boring for proposed Lots 1 and 2. This requirement has been fulfilled. The 12,500 sq. ft. Lot size complies with Section 7-01-1350 with regard to sewage disposal by individual system and water provided by a community system.

Existing domestic well on proposed Remainder Lot. Proposed Lots 1 and 2 will be served by the Fairway Mutual Water Co. A "Will Serve" letter, dated August 5, 2009, has been received of the Resource Management Agency.

3. **Agency Correspondence:**

Agency	Received
RMA Permits/Subdivisions	July 2, 2008
RMA Transportation	June 18, 2008 (no comment)
HHSA Environmental Health	June 18, 2008
Fire Chief	June 19, 2008
Alta Irrigation District	
Kings River Elementary School District	
Kingsburg Joint Union School District	
City of Kingsburg	
SJVAPCD	
Dept. of Fish & Game Dist 4	
Caltrans Dist 6	
District Archaeologist	

V. DETERMINATION:

This activity was found to be exempt from CEQA according to Section 15315, Class 5, pertaining to Minor Land Divisions.

VI. SUBSEQUENT ACTIONS:

1. Appeals:

The Planning Commission's action outside of urban development boundaries is advisory to the Board of Supervisors. Said appeal shall be in writing and shall specifically set forth the project case number and the reasons for the appeal and shall be accompanied by the appropriate appeals fee. The appeal letter should be sent to the Tulare County Board of Supervisors, 2800 West Burrel Avenue, Visalia, CA 93291-4582.

2. School Fees:

The subject site is within the Kings River Elementary School and Kingsburg Joint Union School Districts which have implemented developer's fees for all assessable space for new residences and expansions to existing residences and for all assessable space for new commercial/industrial structures and expansions to existing commercial/industrial structures pursuant to Government Code Section 53080. These fees are required to be paid prior to the issuance of any permit for the installation or construction of new or expanded residential, commercial and/or industrial structures. [Please contact the TCRMA-Permits Center or the applicable school district(s) for the most current school fee amounts.]

3. Right to Farm Notice:

In accordance with Section 7905(a) of the Tulare County Ordinance Code, and as a condition of approval of the subdivision map, a Right to Farm Notice shall be placed on the face of the final map, or a separate sheet shall be signed by the vested owners of the property and shall be returned to be recorded with the resolution approving a waiver of final map.

4. Air Impact Assessment:

The San Joaquin Air Pollution Control District has adopted the Indirect Source Review (District Rule 9510). Creation of 50 or more residential units may require filing of an application for an Air Impact Assessment. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at www.valleyair.org under "Land Use/Development" and then under "Indirect Source Review", or at any District Office. Assistance with applications and advice as to the applicability of the rule can be obtained from the District's ISR Group at 559-230-6000.

5. Water Impact Assessment:

If your project disturbs 1 or more acres of soil or will disturb less than 1 acre but is part of a larger common plan of development that in total disturbs 1 or more acres, you are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

If your activities or discharges from your property or business affect California's surface, coastal, or ground waters, you will need to apply for a permit from the Regional Water Quality Control Board (RWQCB). If you are discharging pollutants (or proposing to) into surface water, you must file a complete National Pollutant Discharge Elimination System (NPDES) with the RWQCB. Other types of discharges, such as those affecting groundwater or from diffused sources (e.g., erosion from soil disturbance or waste discharges to land) are handled by filing a Report of Waste Discharge with the RWQCB. For specified situations, some permits may be waived and some discharge activities can be handled through enrollment in an existing general permit.

For assistance in determining whether or not your project requires a permit call the Fresno Branch Office at 559-445-5116 or visit www.waterboards.ca.gov/centralvalley.

VII. CREDITS:

This report prepared by:

Dana Mettlen, Project Planner
Project Review Division

7/16/10
Date

This report approved by:

Benjamin A. Kimball, Chief Planner
Project Review Division

7/20/10
Date

ATTACHMENT NO. 3

CASE NO. TM 807

CONSULTING AGENCY LIST

TULARE COUNTY AGENCIES

___ R.M.A. - Building Division
___ R.M.A. - Code Compliance Division
___ R.M.A. - Countywide Division
___ R.M.A. - Community Dev./Redevelopment Division
✓ R.M.A. - Permits/Subdivisions Division
___ R.M.A. - Parks and Recreation Division
___ R.M.A. - Building Services Division
___ R.M.A. - General Services Division
✓ R.M.A. - Transportation/Utilities Division "no comment" 6/18/08
___ R.M.A. - Solid Waste Division
✓ H.H.S.A. - Environmental Health Services Division
___ H.H.S.A. - HazMat Division
✓ Fire Warden (CA Dept. of Forestry) (2 copies)
___ Sheriff's Department - Visalia Headquarters
___ Traver Substation
___ Orosi Substation
___ Pixley Substation
___ Porterville Substation
___ Agricultural Commissioner
___ Education Department
___ Airport Land Use Commission
___ Supervisor _____.
___ Assessor
___ _____.

LOCAL AGENCIES

___ Levee Dist. No 1*
___ Levee Dist. No 2*
✓ Alta Irrigation Dist*
___ _____ Pub Utility Dist*
___ _____ Comm. Service Dist*
___ _____ Town Council*
✓ Kings River Elem. School Dist*
✓ Kingsburg Joint Union High School Dist*
✓ City of Kingsburg.
___ County of _____.
___ Tulare Lake Basin Water Storage Dist*
___ _____ Advisory Council*
___ _____ Fire District*
___ _____ Mosquito Abatement*
___ Kaweah Delta Water Cons. District*
✓ SJV Unified Air Pollution Control Dist
___ _____.*

FEDERAL AGENCIES

___ Army Corps of Engineers
___ Fish & Wildlife
___ Bureau of Land Management
___ Natural Resources Conservation Dist.
___ Forest Service
___ National Park Service
___ _____.

STATE AGENCIES

✓ Dept. of Fish & Game Dist 4
___ _____, DFG Area Biologist
___ Alcoholic Beverage Control
___ Housing & Community Development
___ Reclamation Board
___ Regional Water Quality Control Board - Dist. 5
✓ Caltrans Dist. 6*
___ Dept. of Water Resources*
___ Water Resources Control Board*
___ Public Utilities Commission
___ Dept. of Conservation
___ State Clearingho use (15 copies)
___ Office of Historic Preservation
___ Dept. of Food & Agriculture
___ State Department of Health
___ State Lands Commission
___ State Treasury Dept. - Office of Permits Assist.
___ _____.

OTHER AGENCIES

___ U.C. Cooperative Extension
___ Audubon Society - Condor Research
✓ Native American Heritage Commission
✓ District Archaeologist (Bakersfield) (7-29-08)
___ TCAG (Tulare Co. Assoc. of Govts)
___ LAFCo (Local Agency Formation Comm.)
___ Pacific Bell (2 copies)
___ GTE (General Telephone) (2 copies)
___ P.G. & E. (2 copies)
___ Edison International (2 copies)
___ The Gas Company (2 copies)
___ Tulare County Farm Bureau
___ Archaeological Conservancy (Sacramento)
___ _____.

RESOURCE MANAGEMENT AGENCY

INTEROFFICE MEMORANDUM

July 2, 2008

TO: Dana Mettlen, Project Planner

FROM: Craig Anderson, Engineer III

SUBJECT: Subdivision Tract 807
OWNER: Keith and Lisa Wilson

As shown on the preliminary subdivision map, the developer wishes to develop approximately 2.88 acres into 2 residential lots and one remainder lot located southeast of the City of Kingsburg.

As shown on Panel Number 270B of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Maps for Community Number 065066 dated September 29, 1986, the subject site is located within Flood Zone B. Construction in flood zone B requires no flood mitigation measures; however, it is recommended that buildings be constructed to at least one foot above the natural ground level.

Curb and gutter shall be constructed across the Avenue 393 frontage of Lots 1, 2 and Remainder. Avenue 393 is required to be constructed to a Class 2 road standard across the subdivision frontage.

Furthermore, we recommend the following conditions for the approval of the tentative map for Tract 807:

1. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvements Standards, unless and except as such standards are modified within.

2. All utility easements shall be shown on the final map.

3. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County.

4. Curb, gutter, and associated pavement widening is required to be constructed along the Avenue 393 frontage of Parcel(s) 1, 2 and Remainder in conformance with Class 2 county road standards. The paveout shall consist of asphalt over aggregate base and is necessary to properly tie the curb and gutter into the existing pavement. The curb, gutter, and paveout shall be constructed in accordance with the Tulare County Improvement Standards. The design of the curb, gutter and paveout shall be submitted to the County for approval. The feasibility of the curb, gutter and paveout shall be evaluated during the design process. The County will make the final determination on the feasibility of the curb, gutter and paveout. If the curb, gutter and paveout are determined to not be feasible, then the County will prepare a long term deferred improvement agreement to be signed by the property owner.

5. A registered civil engineer shall prepare improvement plans. The improvement plans shall address all aspects of constructing the public improvements and shall identify existing topography, lot grading and proposed contours for the development, road improvement details, drop inlets, top of curb elevations, storm drain lines and storm drainage system details, sewer and water system details, street sign locations, utility relocations and any other details relevant to constructing the public improvements. All water lines, sewer lines and storm drain lines and related infrastructure shall be located within public road rights-of-way. Hydraulic calculations shall be submitted with the improvement plans justifying the drainage system design. The storm drainage system shall be designed based on a 10-year, 10-day storm frequency. The improvement plans shall be submitted to and approved by the Tulare County RMA before initiation of construction.

RESOURCE MANAGEMENT AGENCY

INTEROFFICE MEMORANDUM

June 19, 2008

TO: Dana Mettlen, Project Planner

FROM: Al Miller, Tulare County Fire Inspector

SUBJECT: Case No. TM 807

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

1. A fire hydrant system be installed in compliance with the current Tulare County Subdivision Ordinance, Fire Protection Standards.

2. Blue raised reflective pavement markers shall be installed on the surface of the roadways as per the Fire Chief's recommendations to identify fire hydrant locations.

3. If street lights are proposed, their locations should coincide with fire hydrant locations where possible.

4. Any revisions to the subdivision map involving the charging of lot numbers will require further review by the Tulare County Fire Department.

5. Two (2) copies of fire protection improvement plans should be submitted to the Tulare County Fire Department and the Public Works Department for approval prior to construction.

If you have any questions please call Al Miller, at 733-6291 extension 4105.

ARM:mf

cc: Dan Boone
File

Tulare County
Health & Human Services Agency
John Davis, Agency Director
Ray Bullick, Director - Health Services Department

Health Services Department ▪ Larry Dwoskin, Director ▪ Environmental Health Services

JULY 21, 2010

DANA METTLEN
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA CA 93277

Re: TM 807

Dear Ms. Mettlen:

This office has received the results for the water test and well log information that were requested for the existing well for the above referenced project. The nitrate results, along with the well certification test, were adequate. The percolation tests and soil borings submitted for the above referenced project indicate that the installation of individual sewage disposal systems, such as septic tanks and leachlines, would be an adequate method of sewage disposal.

Please contact me at (559) 624-7429 if you have any questions.

Sincerely,

Allison Shuklian
Environmental Health Specialist
Environmental Health Services Division

Tulare County
Health & Human Services Agency
John Davis, Agency Director
Ray Bullick, Director - Health Services Department

Health Services Department ▪ Larry Dwoskin, Director ▪ Environmental Health Services

September 3, 2009

DANA METTLEN
RESOURCE MANAGEMENT AGENCY
5961 SOUTH MOONEY BLVD
VISALIA CA 93277

Re: Tract Map 807 - Wilson

Dear Mr. Mettlen:

This office has received the requested items addressed in our correspondence dated June 18, 2008. Based upon our review, we have no further comments for this project at this time.

Sincerely,

Allison Shuklian
Environmental Health Specialist
Environmental Health Services Division

Tulare County
Health & Human Services Agency
John Davis, Agency Director
Ray Bullick, Director - Health Services Department

Health Services Department ▪ Larry Dwoskin, Director ▪ Environmental Health Services

June 18, 2008

DANA METTLEN
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA CA 93277

Re: TRACT MAP 807-Wilson

Dear Ms. Mettlen:

This office has reviewed the above referenced matter. Based upon our review, we offer the following comments and conditions with this project:

1. Domestic water service for proposed Lots 1 and 2 shall be provided by Fairway Mutual Water Company. Applicant shall submit a "Will Serve" letter from the Fairway Mutual Water Company to the Tulare County Environmental Health Services Division (TCEHSD) prior to the approval of the project.

2. Domestic water service for the remainder shall be provided by an on-site domestic well. Applicant shall submit well log information on the existing domestic well which includes the depth and gpm of the well, as well as a recent (within the last 6 months) Nitrate test. This information shall be submitted to the TCEHSD prior to the approval of the project.

3. Sewer service shall be by individual sewage disposal systems. Applicant shall arrange for a percolation test, and a 10 foot soil boring for lots 1 and 2. Soil boring shall include the depth and description of the individual soils (based on USCS) and ground water depth (absence/presence) and be submitted to the TCEHSD prior to approval of the project.

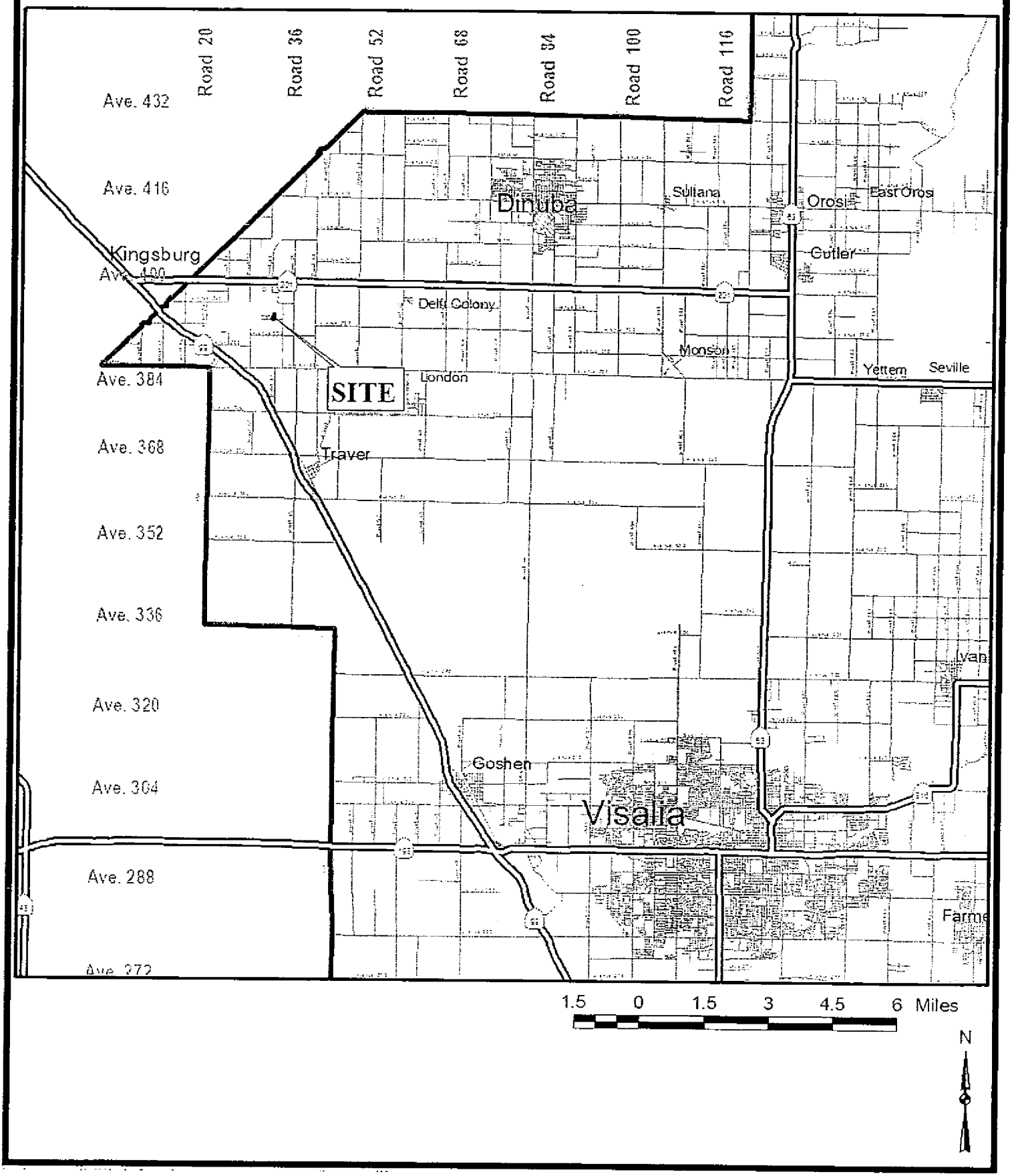
4. Any out of service wells, fuel storage or sewage disposal tanks shall be properly abandoned per Tulare County permit requirements.

Sincerely,

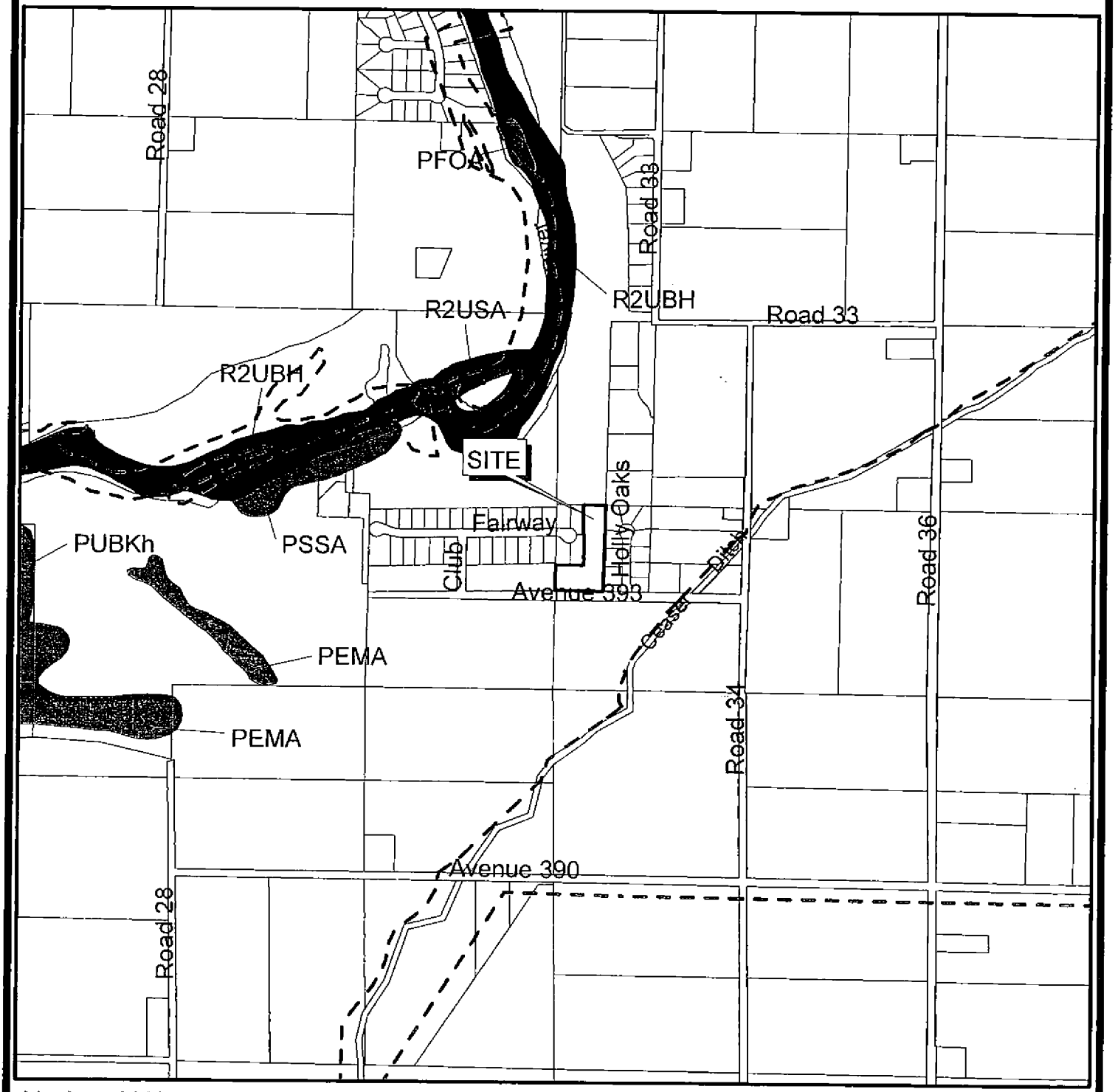
Allison Shuklian
Environmental Health Specialist
Environmental Health Services Division

ATTACHMENT NO. 4

Vicinity Map for TM 807



Wetlands Map for TM 807



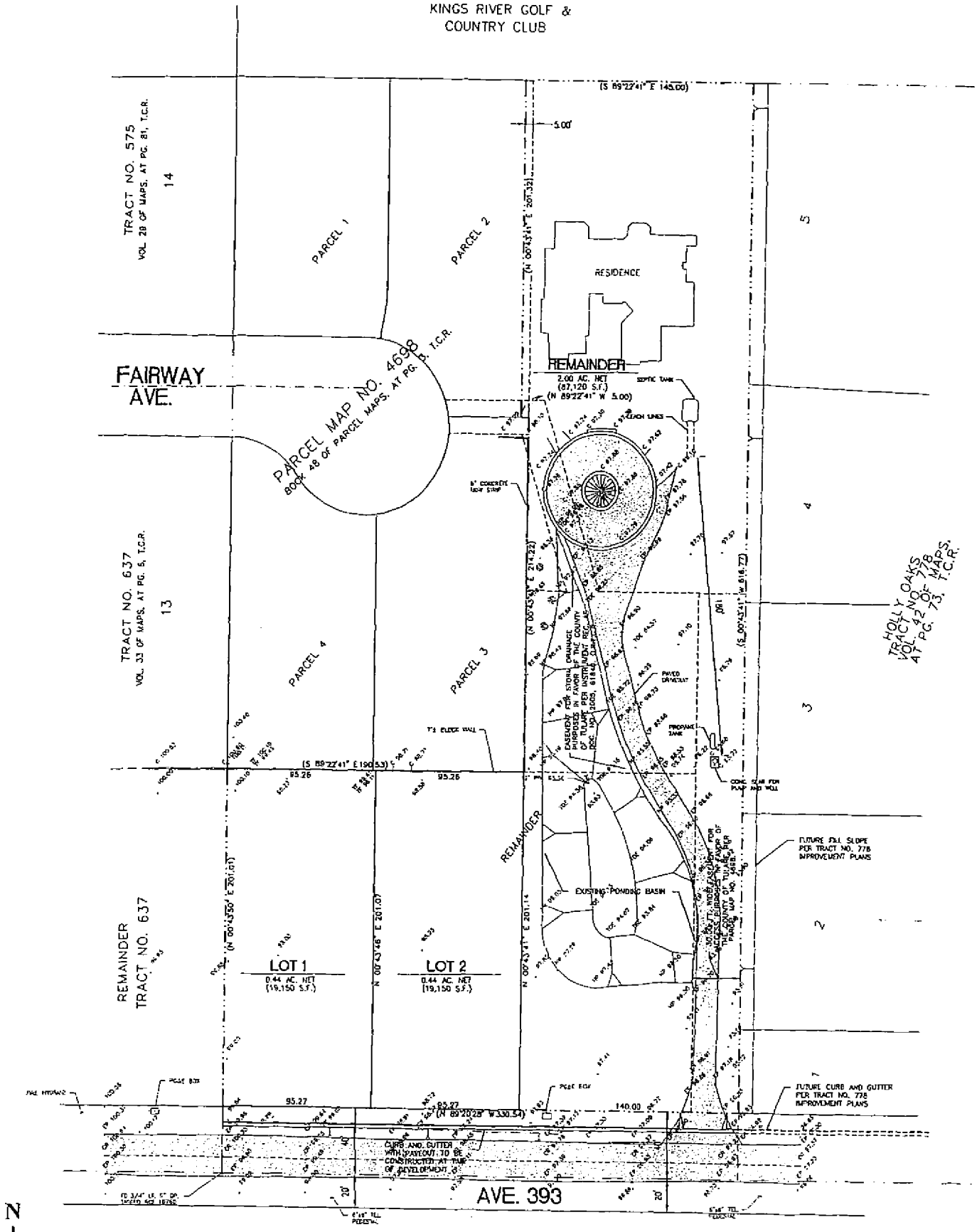
National Wetlands Inventory
- Lacustrine
- Palustrine
- Riverine
- Uplands (No Wetlands)
- No Data

500 0 500 1000 1500 2000 Feet

N

Source: U.S. Fish & Wildlife Service
National Wetlands Inventory

Map Created: Jun 23, 2008 By: Design/Graphics g:\gis_data\av_projects\bul&lb\other\tm-807.apr



No Scale

Tentative Subdivision Map TM 807

ATTACHMENT NO. 9

(BOS Public Hearing November 13, 2012)

Site Specific Analysis: Percolation Test and Boring Log, and Laboratory Analytical Report for Nitrates

CTL CONSOLIDATED TESTING LABORATORIES, INC.
603 E. Worth Avenue
Porterville, CA 93257
Telephone: 559.781.0571

PERCOLATION TEST AND BORING LOG ON PROPERTY LOCATED ON AVENUE 393, KINGSBURG, CA.

FOR:
Mr. Keith and Ms. Lisa Wilson
200 N Uruapan
Dinuba, Ca 93618

PROJECT NUMBER: 5748-09
July 22, 2009

CONSOLIDATED TESTING LABORATORIES, INC.

Soils and Materials Testing | Geotechnical and Environmental Drilling | Field Inspection

Wayne F. Harris
Registered Civil Engineer
California RCE 15342

David Harris
California C57, 544541
REA 02383

July 22, 2009
File No. 5748-09

Mr. Keith and Ms. Lisa Wilson
200 N Uruapan
Dinuba, Ca 93618

PROJECT: Avenue 393, Kingsburg, Ca.
SUBJECT: Results of percolation testing and observation boring log

Mr. and Ms. Wilson:

At your request, we have conducted field percolation testing and one observation boring for soil logging and classification at the above referenced property.

Our work was performed in accordance with the U.S. Department of Health, Manual and Septic-Tank Practice, PB-328226,526, Tulare County Health Standards, and Uniform Plumbing Code, 2006 Edition.

On July 17, 2009, a B-80 mobile drill rig with 3 ¼" I.D. hollow stem augers was used to drill the test holes. Field percolation testing was performed at the primary field location. The tests were conducted at a depth of 5' below existing ground surface.

Our results indicated that the average percolation rate at the primary field location for parcel # 3 was 7.07 minutes/inch and 5.4 for parcel # 4.

Please find attached the field percolation sheet, boring log, and location map. We will be pleased to discuss any questions that may arise during your analysis of the report.

Sincerely,

CONSOLIDATED TESTING LABORATORIES, INC.

REGISTERED PROFESSIONAL ENGINEER
WAYNE F. HARRIS
No. 15342
CIVIL
STATE OF CALIFORNIA

Wayne F. Harris
R.C.E. 15342, Exp. 3/31/11
WFH/lm

7/23/09

Enclosures (2 copies)
cc: Tulare County EHD (2 copies)

603 East Worth Avenue • Porterville, CA 93257
Telephone (559) 781-0571
FAX (559) 782-8389

Job Description: Percolation test Results
Mr. and Ms. Wilson
Avenue 393
Kinsburg, CA.
Parcel # 3, 19,326 sf

Job No.: 5748-09
Date Performed: 07-17-09
Date of Reading: 07-20-09
Performed By: D. Lopez

TESTHOLE LOCATION (PRIMARY FIELD)	DEPTH OF TEST BELOW EXIST. GRADE	PRE-SOAK TIME	TIMED INTERVAL OF READ OUT	START READING TIME/FEET	FINISH READING TIME/FEET	CHANGE IN H20 ELEV. FEET	PERCOLATION RATE MIN/IN
P-1	4'-5'	24 hrs.	10 min.	10:55/3.59	11:05/4.03	0.44	1.89
P-2	4'-5'	24 hrs.	10 min.	10:56/3.57	11:06/4.09	0.52	1.60
P-3	4'-5'	24 hrs.	10 min.	10:57/3.65	11:07/4.00	0.35	2.38
P-4	4'-5'	24 hrs.	10 min.	10:58/1.94	11:08/2.25	0.31	2.69
P-5	4'-5'	24 hrs.	10 min.	10:59/2.01	11:09/2.42	0.41	2.03
P-1	4'-5'	24 hrs.	10 min.	11:05/4.03	11:15/4.23	0.2	4.17
P-2	4'-5'	24 hrs.	10 min.	11:06/4.09	11:16/-	0	-
P-3	4'-5'	24 hrs.	10 min.	11:07/4.00	11:17/4.21	0.21	3.97
P-4	4'-5'	24 hrs.	10 min.	11:08/2.25	11:18/2.47	0.22	3.79
P-5	4'-5'	24 hrs.	10 min.	11:09/2.42	11:19/2.69	0.27	3.09
P-1	4'-5'	24 hrs.	10 min.	11:15/4.23	11:25/4.35	0.12	6.94
P-2	4'-5'	24 hrs.	10 min.	11:16/-	11:26/-	-	-
P-3	4'-5'	24 hrs.	10 min.	11:17/4.21	11:27/4.36	0.15	5.56
P-4	4'-5'	24 hrs.	10 min.	11:18/2.47	11:28/2.64	0.17	4.90
P-5	4'-5'	24 hrs.	10 min.	11:19/2.69	11:29/2.90	0.21	3.97
P-1	4'-5'	24 hrs.	10 min.	11:25/4.35	11:35/4.45	0.1	8.33
P-2	4'-5'	24 hrs.	10 min.	11:26/3.50	11:36/3.95	0.45	1.85
P-3	4'-5'	24 hrs.	10 min.	11:27/4.36	11:37/4.49	0.13	6.41
P-4	4'-5'	24 hrs.	10 min.	11:28/2.64	11:38/2.75	0.11	7.58
P-5	4'-5'	24 hrs.	10 min.	11:29/2.90	11:39/3.05	0.15	5.56
P-1	4'-5'	24 hrs.	10 min.	11:35/4.45	11:45/4.55	0.1	8.33
P-2	4'-5'	24 hrs.	10 min.	11:36/3.45	11:46/3.80	0.35	2.38
P-3	4'-5'	24 hrs.	10 min.	11:37/4.49	11:47/4.60	0.11	7.58
P-4	4'-5'	24 hrs.	10 min.	11:38/2.75	11:48/2.99	0.24	3.47
P-5	4'-5'	24 hrs.	10 min.	11:39/3.05	11:49/3.17	0.12	6.94
P-1	4'-5'	24 hrs.	10 min.	11:45/4.55	11:55/4.64	0.09	**9.26**
P-2	4'-5'	24 hrs.	10 min.	11:46/3.80	11:56/4.10	0.3	**2.78**
P-3	4'-5'	24 hrs.	10 min.	11:47/4.60	11:57/4.68	0.08	**10.42**
P-4	4'-5'	24 hrs.	10 min.	11:48/2.99	11:58/3.22	0.23	**3.62**
P-5	4'-5'	24 hrs.	10 min.	11:49/3.17	11:59/3.26	0.09	**9.26**

REMARKS: Average of 5 finals tests = 7.07 min/in.

TESTHOLE DIAMETER: 6"
STANDING WATER HOLE: 18"
HOLE DEPTH: 4'-5'
PIPE DIAMETER: 4"

Job Description: Percolation test Results
Mr. and Ms. Wilson
Avenue 393
Kinsburg, CA.
Parcel # 4, 16,115 sf

Job No.: 5748-09
Date Performed: 07-17-09
Date of Reading: 07-20-09
Performed By: D. Lopez

TESTHOLE LOCATION (PRIMARY FIELD)	DEPTH OF TEST BELOW EXIST. GRADE	PRE-SOAK TIME	TIMED INTERVAL OF READ OUT	START READING TIME/FEET	FINISH READING TIME/FEET	CHANGE IN H20 ELEV. FEET	PERCOLATION RATE MIN/IN
P-1	4'-5'	24 hrs.	10 min.	10:10/3.71	10:20/3.94	0.23	3.62
P-2	4'-5'	24 hrs.	10 min.	10:11/3.67	10:21/3.96	0.29	2.87
P-3	4'-5'	24 hrs.	10 min.	10:12/4.87	10:22/4.98	0.11	7.58
P-4	4'-5'	24 hrs.	10 min.	10:13/2.74	10:23/2.96	0.22	3.79
P-5	4'-5'	24 hrs.	10 min.	10:14/4.04	10:24/4.21	0.17	4.90
P-1	4'-5'	24 hrs.	10 min.	10:20/3.94	10:30/4.11	0.17	4.90
P-2	4'-5'	24 hrs.	10 min.	10:21/3.96	10:31/3.60	0	-
P-3	4'-5'	24 hrs.	10 min.	10:22/4.98	10:32/5.08	0.1	8.33
P-4	4'-5'	24 hrs.	10 min.	10:23/2.96	10:33/3.15	0.19	4.39
P-5	4'-5'	24 hrs.	10 min.	10:24/4.21	10:34/4.39	0.18	4.63
P-1	4'-5'	24 hrs.	10 min.	10:30/4.11	12:35/2.96	0.13	6.41
P-2	4'-5'	24 hrs.	10 min.	10:31/3.60	12:36/2.49	0.29	2.87
P-3	4'-5'	24 hrs.	10 min.	10:32/5.08	12:37/4.41	0.09	9.26
P-4	4'-5'	24 hrs.	10 min.	10:33/3.15	12:38/2.15	0.19	4.39
P-5	4'-5'	24 hrs.	10 min.	10:34/4.39	12:39/3.49	0.15	5.56
P-1	4'-5'	24 hrs.	10 min.	12:35/2.96	12:45/3.39	0.43	1.94
P-2	4'-5'	24 hrs.	10 min.	12:36/2.49	12:46/3.05	0.56	1.49
P-3	4'-5'	24 hrs.	10 min.	12:37/4.41	12:47/4.71	0.3	2.78
P-4	4'-5'	24 hrs.	10 min.	12:38/2.15	12:48/2.43	0.28	2.98
P-5	4'-5'	24 hrs.	10 min.	12:39/3.49	12:49/3.81	0.32	2.60
P-1	4'-5'	24 hrs.	10 min.	12:45/3.39	12:55/3.60	0.21	3.97
P-2	4'-5'	24 hrs.	10 min.	12:46/3.05	12:56/3.55	0.5	1.67
P-3	4'-5'	24 hrs.	10 min.	12:47/4.71	12:57/4.83	0.12	6.94
P-4	4'-5'	24 hrs.	10 min.	12:48/2.43	12:58/2.64	0.21	3.97
P-5	4'-5'	24 hrs.	10 min.	12:49/3.81	12:59/3.98	0.17	4.90
P-1	4'-5'	24 hrs.	10 min.	12:55/3.60	1:05/3.82	0.22	**3.79**
P-2	4'-5'	24 hrs.	10 min.	12:56/3.55	1:06/3.85	0.3	**2.78**
P-3	4'-5'	24 hrs.	10 min.	12:57/4.83	1:07/4.93	0.1	**8.33**
P-4	4'-5'	24 hrs.	10 min.	12:58/2.64	1:08/2.80	0.16	**5.21**
P-5	4'-5'	24 hrs.	10 min.	12:59/3.98	1:09/4.10	0.12	**6.94**

REMARKS: Average of 5 finals tests = 5.4 min/in.

TESTHOLE DIAMETER: 6"
STANDING WATER HOLE: 18"
HOLE DEPTH: 4'-5'
PIPE DIAMETER: 4"

PROJECT: Percolation test and boring log at 393 Avenue Kingsburg, CA. Parcel #3

CONSOLIDATED TESTING LABORATORIES, INC.
603 E. WORTH AVENUE
PORTERVILLE, CA 93257
(559)781-0571 *FAX(559)782-8389

JOB NO.: 5748-09
DATE: 07/17/09
BY: L. Mantooth

BORING LOG NUMBER B-1

DEPTH	%REC.	BLOW COUNTS	SAMPLE NO.	SOIL GROUP	SOIL DESCRIPTION	PERCENT MOISTURE	DRY DENSITY
0'				SP	0'-5' **Sand:** light yellowish brown, damp, fine to medium grain size, sub-rounded to sub-angular. Low resistance to auger penetration.		
5'				SW /SP	5' -10' **Sand:** light yellowish brown, moist, fine to coarse grain size, sub-rounded, low resistance to auger penetration.		
10'					Terminated drilling at 10'. No freestanding groundwater encountered.		
15'							
20'							
25'							
30'							

LOCATION: Primary Field – see location map
EQUIPMENT: B-80 mobile drill rig with 3 ¼" I.D. hollow stem augers

PROJECT: Percolation test and boring log at 393 Avenue Kingsburg, CA. Parcel #4

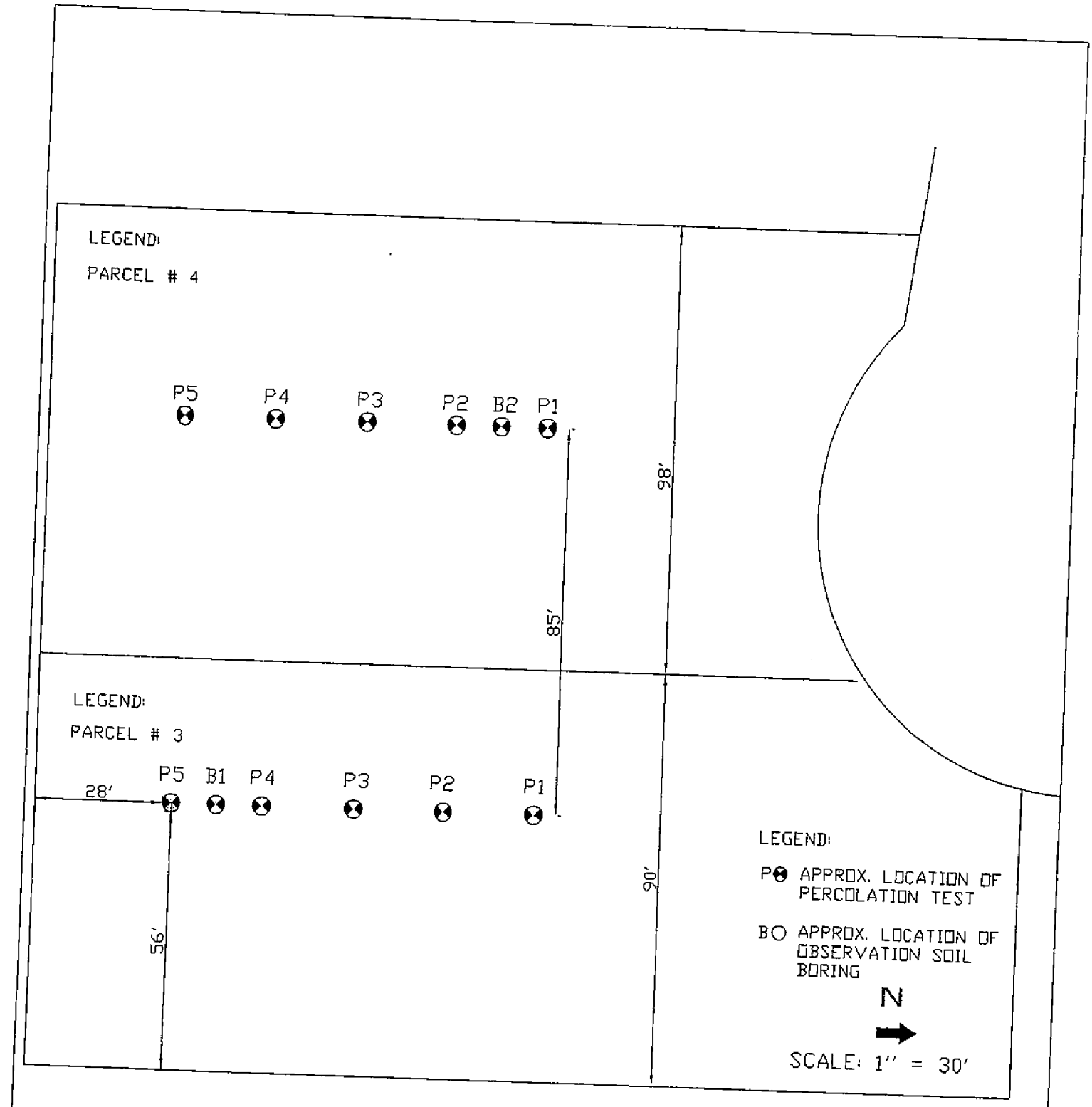
CONSOLIDATED TESTING LABORATORIES, INC.
603 E. WORTH AVENUE
PORTERVILLE, CA 93257
(559)781-0571 *FAX(559)782-8389

JOB NO.: 5748-09
DATE: 07/17/09
BY: L. Mantooth

BORING LOG NUMBER B-2

DEPTH	%REC	BLOW COUNTS	SAMPLE NO.	SOIL GROUP	SOIL DESCRIPTION	PERCENT MOISTURE	DRY DENSITY
0'				SP	0'-3' **Sand:** light yellowish brown, damp, very fine to medium grain size, sub-rounded to sub-angular. Low resistance to auger penetration.		
5'				SW /SP	3' -10' **Sand:** light yellowish brown, moist, very fine to coarse grain size, sand fraction, sub-rounded. Low resistance to auger penetration.		
10'					Terminated drilling at 10'. No freestanding groundwater encountered.		
15'							
20'							
25'							
30'							

LOCATION: Primary Field – see location map
EQUIPMENT: B-80 mobile drill rig with 3 ¼" I.D. hollow stem augers



PERCOLATION TEST AND BORING LOG

Job Location: AVENUE 393 KINGSBURG, CA

CTL

603 E. Worth Avenue
Porterville, CA 93257
Telephone 559.781.0571

For:
Mr. and Mr. WILSON

Job Number: 5748-09

Date: 07-22-09

KENOYER PUMP CO. INC.
2015 W FRONT
SELMA, CA 93662

Invoice

Date	Invoice #
8/21/2009	22374

Bill To
KEITH WILSON 3224 FAIRWAY AVE KINGSBURG, CA 93631

Description	Amount
LABORATORY ANALYTICAL REPORT FOR NITRATES DATE SAMPLED:8-12-09 DATE RECEIVED 8-12-09	0.00
LABORATORY WORK ORDER #9H12034 DRINKING WATER-PRIVATE RESULTS: (ND) ANALYTE NOT DETECTED AT OR ABOVE THE REPORTING LIMIT PUMP PERFORMANCE: PUMP IS PUMPING APPROX. 45-50 GPM	0.00
WELL DEPTH: 200' TOTAL COST FOR LABORATORY ANALYTICAL REPORT & WELL DEPTH, PUMP PERFORMANCE	148.00
SALES TAX	0.00
Total	$148.00

All invoices are due on receipt. Finance charge of 1.5% per month, 18% annual, assessed after 30 days. Should suit be necessary, all court costs and attorney fees to be paid by purchaser.

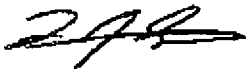
Phone #
896-2680

PAGE 02/05 KING FRESH 0908196CC 20:50 5002/02/08

KENOYER PUMP CO. INC.
2015 W FRONT ST.
SELMA, CA 93662
(559)896-2680
(559)896-5020

WELL CERTIFICATION

PUMP LOCATION: 3224 FAIRWAY AVE. KINGSBURG,
DESCRIPTION: HOME PRESSURE SYSTEM
PUMP: 3 HP PUMP & MOTOR
WELL SIZE: 8"
WELL DEPTH: 200'
WATER LEVEL: 28'
PUMP SETTING: 84'
PUMP PERFORMANCE: PUMP IS PUMPING APPROX. 45-50 GPM
PUMP TESTED BY:TIM
WELL CERTIFICATION TEST & ANALYTE FOR NITRATES



KENOYER PUMP CO. INC.
2015 W FRONT ST.
SELMA, CA 93662
(559)896-2680
(559)896-5020

ANALYTICAL REPORT FOR NITRATES

LABORATORY: ANALYTICAL REPORT FOR NITRATES
DATE SAMPLED: 08/12/09
SAMPLED BY : TIM
DATE RECEIVED: 08/12/09
LABORATORY ID # 9H12034 (DRINKING WATER)
RESULTS: (ND) ANALYTE NOT DETECTED AT OR ABOVE THE REPORTING LIMIT
COST: UNDER INVOICE NO. 22374
LOCATION OF WELL TEST: 3224 FAIRWAY AVE. KINGSBURG, CA

MOORE TWINING ASSOCIATES, INC.
California ELAP Certificate # 1371

2527 Fresno Street
Fresno, CA 93721
(559) 268-7021 Phone
(559) 268-0740 Fax

Kenoyer Pump Co. Inc. 2015 W. Front St. Selma CA, 93662	Project: Analytical Services Project Number: Analytical Services Project Manager: Tim Stone	Reported: 8/18/09

Kitchen Tap

9H12034-01 (Drinking Water - Private/Routine) Sampled:08/12/09 15:05

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Inorganics									
Nitrate as NO3	ND	2.0	mg/L	1	9H1309	08/13/09	08/13/09	EPA 300.0	

Notes and Definitions

ug/L	micrograms per liter (parts per billion concentration units)
mg/l	milligrams per liter (parts per million concentration units)
mg/kg	milligrams per kilogram (parts per million concentration units)
ND	Analyte NOT DETECTED at or above the reporting limit
RPD	Relative Percent Difference

Quality Control Data Available Upon Request

Moore Twining Associates, Inc.
Ronald J. Boquist, Director of Analytical Chemistry
Jim Brownfield, Quality Assurance Manager

The results in this report apply to the samples analyzed in accordance with the chain custody document. This analytical report must be reproduced in its entirety.

PAGE 05/05

ATTACHMENT NO. 10

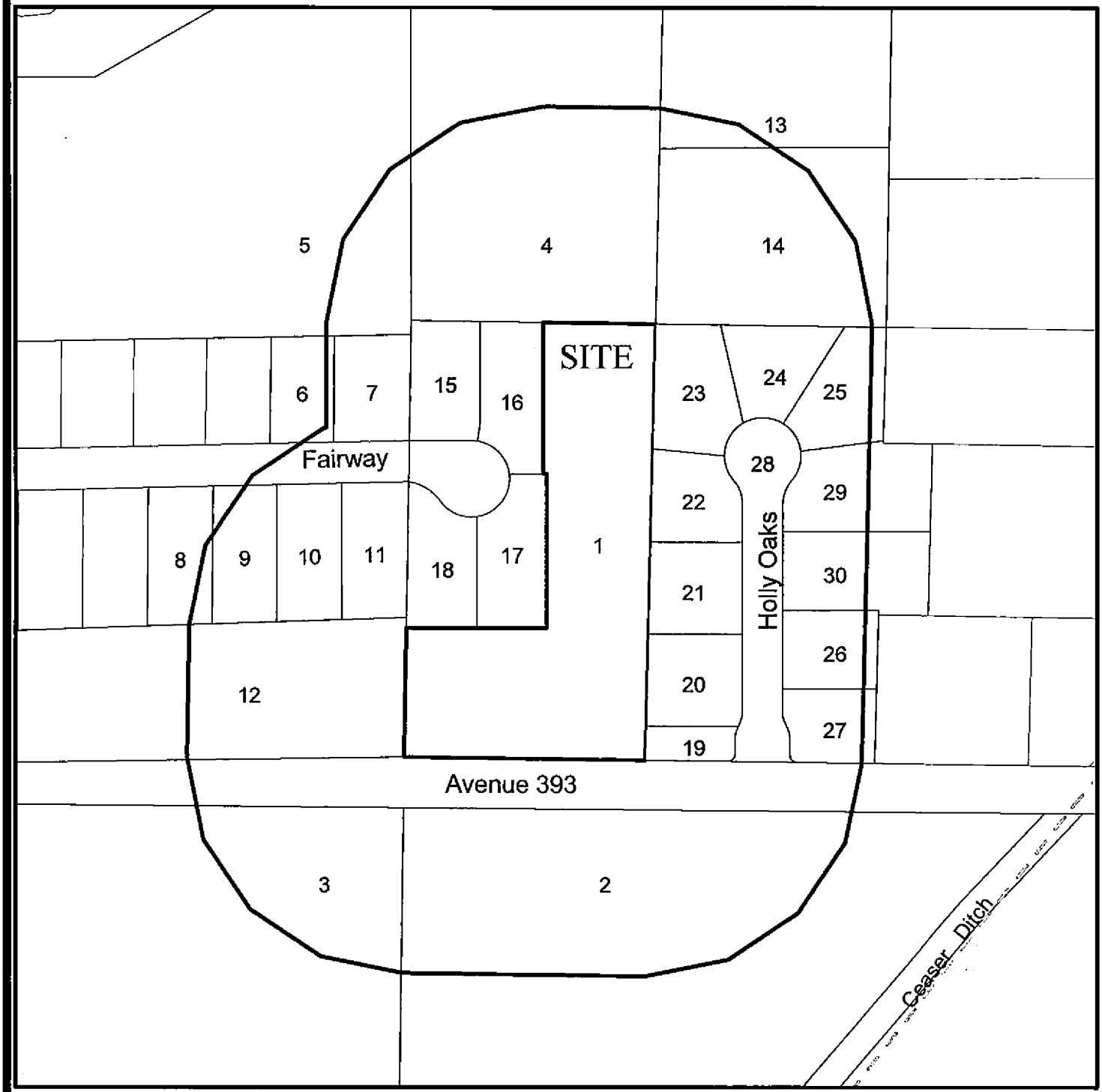
(BOS Public Hearing November 13, 2012)

Location and Property Ownership Map

County of Tulare

Geographic Information Systems

Location and Property Ownership Map for Hearing Notification for TM 807



Owner: WILSON KEITH & LISA (TRS 2004 FAM T
Address: 3224 FAIRWAY AVE
City, State ZIP: KINGSBURG CA 93631
Applicant: KEITH & LISA WILSON
Agent: LANE ENGINEERS
Supervisorial District #4
Assessors Parcel # 028420011

100 0 100 200 300 400 Feet

N

1 — Project Site for TM 807

2 - 30 — Properties within 300' of project site, to receive written notification of proposal (as required by State Law)

Map Created: Jun 15, 2012 By: Design/Graphics g:\gis_data\av_projects\buf&lb\other\tm-807.apr

ATTACHMENT NO. 11

(BOS Public Hearing November 13, 2012)

Notice of Exemption

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☐ Tulare County Clerk
Room 105, Courthouse
221 South Mooney Boulevard
Visalia, California 93291

Lead Agency: Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, Ca 93277

Applicant(s): Lane Engineers
979 N. Blackstone
Tulare, CA 93275

Project Title: Tentative Tract Map No. TM 807

Project Location - Specific: North side of Avenue 393, approximately 1,000 feet west of Road 34, adjacent to the south boundary of the Kings River Golf and Country Club, approximately two miles southeast of the City of Kingsburg
Project Location- Section, Township, Range: Section 29, Township 16 South, Range 23 East; APN 028-420-011
Project Location - City: Kingsburg **Project Location – County:** Tulare

Description of Nature, Purpose, and Beneficiaries of Project: Tentative Tract Map to divide a 2.59-acre parcel into two residential lots and a Remainder (Lot 1 consisting of 19,150 sq. ft.; Lot 2 consisting of 19,150 sq. ft.; Remainder consisting of 87,120 sq. ft.),in the R-A-12.5 (Rural Residential-12,500 sq. ft. minimum) zone. The Subdivision Map Act, Section 66426, states, "A tentative and final map shall be required for all subdivisions creating five or more parcels..." Tentative Parcel map NO. PPM 03-052 was previously approved for this site on July 9, 2004, By Resolution No. 04-079. The subject site is the Remainder Parcel from PPM 03-052 and the addition of this division of land will create six parcels and a Remainder from the original unit of land. Therefore, a Tentative and Final Map are required for processing. .

Exempt Status: (*check one*)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ General Rule: CEQA guidelines 15061 (b)(3)
- x Categorical Exemption:
- ☐ Statutory Exemptions: Article 18, Section 15274

Reasons why project is exempt: Section 15303, Class 3, pertaining to Construction or Conversion of Small Structures. The project is compatible with this exemption because two additional parcels will be created, each having the potential to construct one single-family dwelling. A Negative Declaration was prepared for the site in 2004 for Tentative Parcel Map No. PPM 03-052; this site was analyzed at that time. Residences are less likely to be developed on the Remainder Parcel, due to a condition of approval restricting improvements. No endangered species are known to exist at the site.

Name of Public Agency Approving Project: County of Tulare, Resource Management Agency
Project Planner: Dana Mettlen Area Code/Telephone: 559-624-7000

Signature: _____ Date: _____ Title: Environmental Assessment Officer
Michael C. Spata

Signature: _____ Date: _____ Title: Chief Environmental Planner
Hector Guerra

x Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: _____
Date Sent to the Clerk of the Board: _____

ATTACHMENT NO. 12

(BOS Public Hearing November 13, 2012)

Public Hearing Notification for November 13, 2012 Public Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, November 13, 2012, at 9:30 am., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California.

The hearing will pertain to a Tentative Tract Map No. TM 807 for the division of a 2.59-acre parcel into 2 residential lots and a Remainder (Lot 1 = 19,150 sq. ft.; Lot 2 = 19,150 sq. ft.; Remainder = 87,120 sq. ft.) in the R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum) Zone, located on the north side of Avenue 393, approximately 1,000 feet west of Road 34, adjacent to the south boundary of the Kings River Golf and Country Club, approximately 2 miles southeast of the City of Kingsburg.

The project is exempt from the California Environmental Quality Act under Section 15303, Class 3, pertaining to Construction or Conversion of Small Structures.

All interested persons may appear and be heard at said time and place.

If you challenge the decision of the Board of Supervisors on the foregoing matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors of the County of Tulare at, or prior to, the public hearing.

Jean M. Rousseau, County Administrator/Clerk, Board of Supervisors

---

TO BE PUBLISHED ONLY ONCE

BY: October 30, 2012

Send to: Visalia Times Delta

SEND BILL AND TEAR SHEET TO:
Tulare County Resource Management
Agency - Planning Branch
5961 South Mooney Blvd.
Visalia, CA 93277-9394