



**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: July 9, 2013

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

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Public Hearing to Abandon and Vacate a Portion of Road 164, North of Avenue 16, Southeast of Earlimart

REQUEST(S):

That the Board of Supervisors:

1. Conduct a public hearing to consider the vacation of a portion of Road 164 north of Avenue 16, more particularly described in Exhibit A attached hereto;
2. Determine that the vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the adopted State of California CEQA Guidelines Section 15061(b)(3) and direct the Environmental Assessment Officer to sign and file a Notice of Exemption with the Tulare County Clerk;
3. Determine that the hereinbefore described road is unnecessary for present or prospective public use and vacation thereof is in the public interest;
4. Approve the Resolution to vacate the aforementioned right of way described in Exhibit A attached hereto subject to reserving public utility easements for public utility companies within the limits of the vacated road right of way and subject to the recording of the action merging the underlying parcels; and
5. Direct the Clerk of the Board to cause a certified copy of the Resolution to be recorded in the Office of the Tulare County Assessor Clerk/Recorder concurrent with the recording of the action merging the underlying parcels.

SUMMARY:

The portion of Road 164 to be abandoned is 20 feet in width and 3,963 feet in

SUBJECT: Public Hearing to Abandon and Vacate a Portion of Road 164, North of Avenue 16, Southeast of Earlimart

DATE: July 9, 2013

length. This road was dedicated to the County in 1912 by the Central California Farms Company Subdivision No. 5. It is not in the County Maintained Mileage System. It exists as a dirt surface field road.

Mr. Byron Campbell of Blanc Vineyards, owner of the adjacent parcels has requested abandonment of this road as an interested person. This abandonment will allow the Blanc Vineyards to merge their parcels for benefit of their business.

No access to any parcels will be affected and the Countywide Planning Branch of the Resources Management Agency has determined through General Plan Review 13-002 that the proposed abandonment is not in conflict with the Tulare County General Plan.

The public hearing notice for this action has been mailed to residents in the area, has been published in the Visalia Times Delta, and posted on site. Any one may attend the public hearing to voice their concerns at this time.

FISCAL IMPACT/FINANCING:

There is no net cost to the County General Fund as a result of this action. There will be no net cost to the County Road Fund as a result of this action.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Strategic Initiative 1: Safety and Security includes the goal of improving and maintaining adequate transportation infrastructure. This action promotes that goal by redirecting maintenance activities from unneeded alignments to active roadways. Strategic Initiative 2: Economic Well Being includes the goal of encouraging growth consistent with the County General Plan. This action corresponds with that goal by allowing self determination of private property use.

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

IN THE MATTER OF PUBLIC HEARING TO)
ABANDON AND VACATE A PORTION OF) Resolution No. _____
ROAD 164, NORTH OF AVENUE 16,)
SOUTHEAST OF EARLIMART)

WHEREAS, by Resolution No. 2013-0338, this Board fixed July 9, 2013 at 9:30 a.m., or thereafter, as the date and time for a public hearing to consider the request of Mr. Byron Campbell of Blanc Vineyards for the vacation of a portion of Road 164, north of Avenue 16, southeast of Earlimart, more particularly described in Exhibit A attached hereto; and

WHEREAS, due notice of said hearing was given by publication and posting pursuant to Streets and Highways Code sections 8322 and 8323, by mailed notice to all property owners adjoining the portion of road proposed for vacation and by mailed notice to all affected public utilities and public agencies; and

WHEREAS, at said hearing, Resource Management Agency Chief Engineer Kuna Muthusamy, testified and presented a written report and recommendation; and

WHEREAS, at said hearing, there was no public testimony in opposition to the proposed vacation; and

WHEREAS, by General Plan Referral, G.P.R. No. 13-002, it has been determined that the proposed vacation is not in conflict with the adopted Tulare County General Plan.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Conducted a public hearing to consider the vacation of a portion of Road 164 north of Avenue 16, more particularly described in Exhibit A attached hereto;
2. Determined that the vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the adopted State of California CEQA Guidelines Section 15061(b)(3) and the Environmental Assessment Officer is directed to sign and file a Notice of Exemption with the Tulare County Clerk;
3. Determined that the hereinbefore described right of way is unnecessary for present or prospective use and vacation thereof is in the public interest;

4. Approved the Resolution to vacate the aforementioned right of way described in Exhibit A attached hereto subject to reserving public utility easements for public utility companies within the limits of the vacated road right of way and subject to the recording of the action merging the underlying parcels; and
5. Directed the Clerk of the Board to cause a certified copy of the Resolution to be recorded in the Office of the Tulare County Assessor Clerk/Recorder concurrent with the recording of the action merging the underlying parcels.

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JULY 9, 2013, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy

Exhibit A

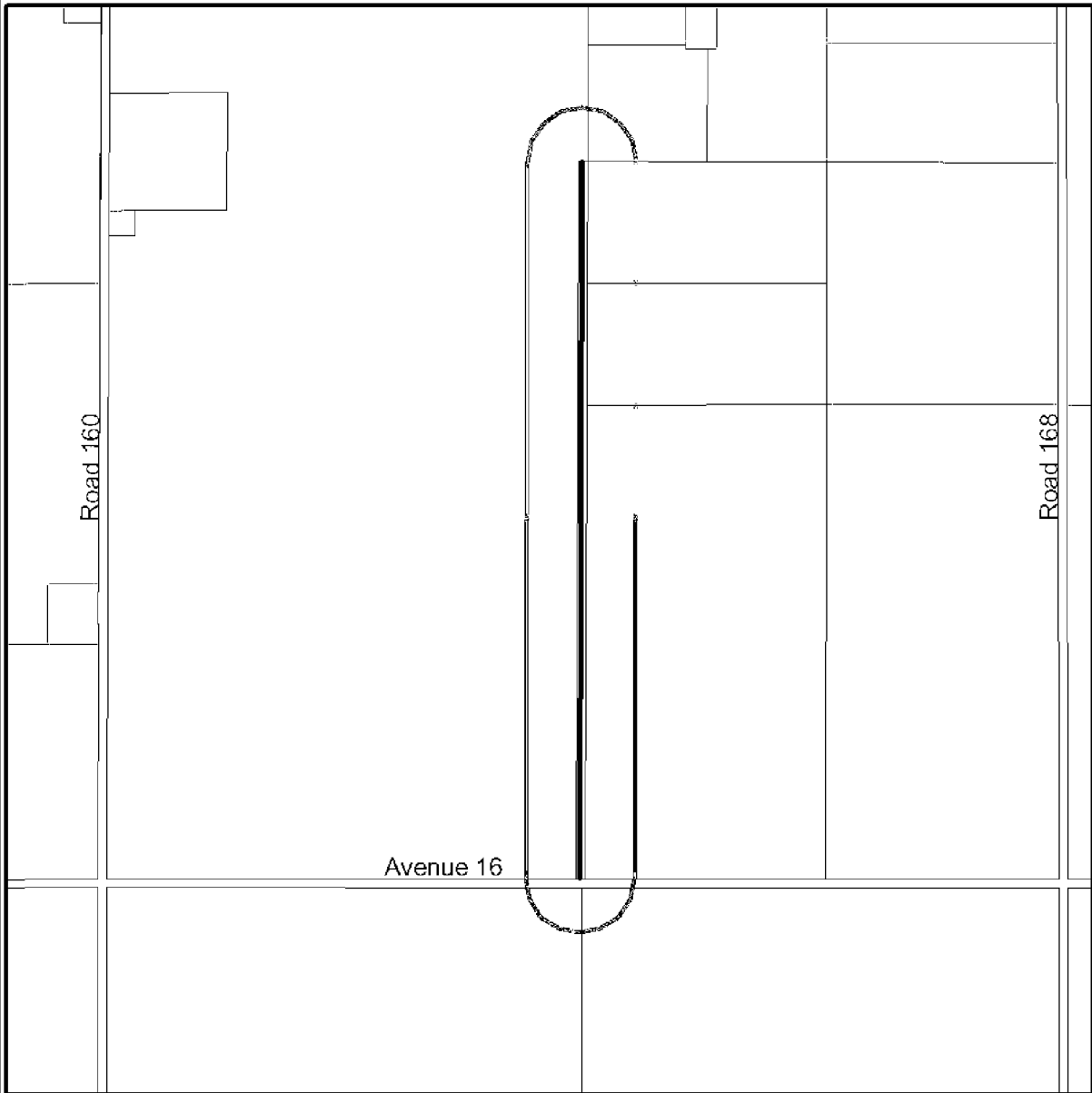
Road 164-Blanc Vineyards

The East 20 feet of the Southwest quarter and the East 20 feet of the Southeast quarter of the Northwest quarter of Section 19, Township 24 South, Range 26 East, Mount Diablo Base and Meridian, County of Tulare, State of California.

ATTACHMENT A



ATTACHMENT "A"
Location and Property Ownership Map
for Hearing Notification for
BLANC VINEYARD ROAD VACATION

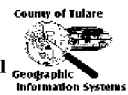


Owner: BLANC VINEYARDS LLC
C/O MC CULLOUGH HILL LEARY
Address: 701 FIFTH AVE STE 7220
City, State ZIP: SEATTLE WA 98104
Applicant: BYRON CAMPBELL
Supervisory District #2
Assessor's Parcel # 338090002

400 0 400 800 1200 Feet



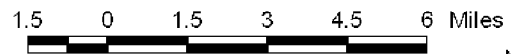
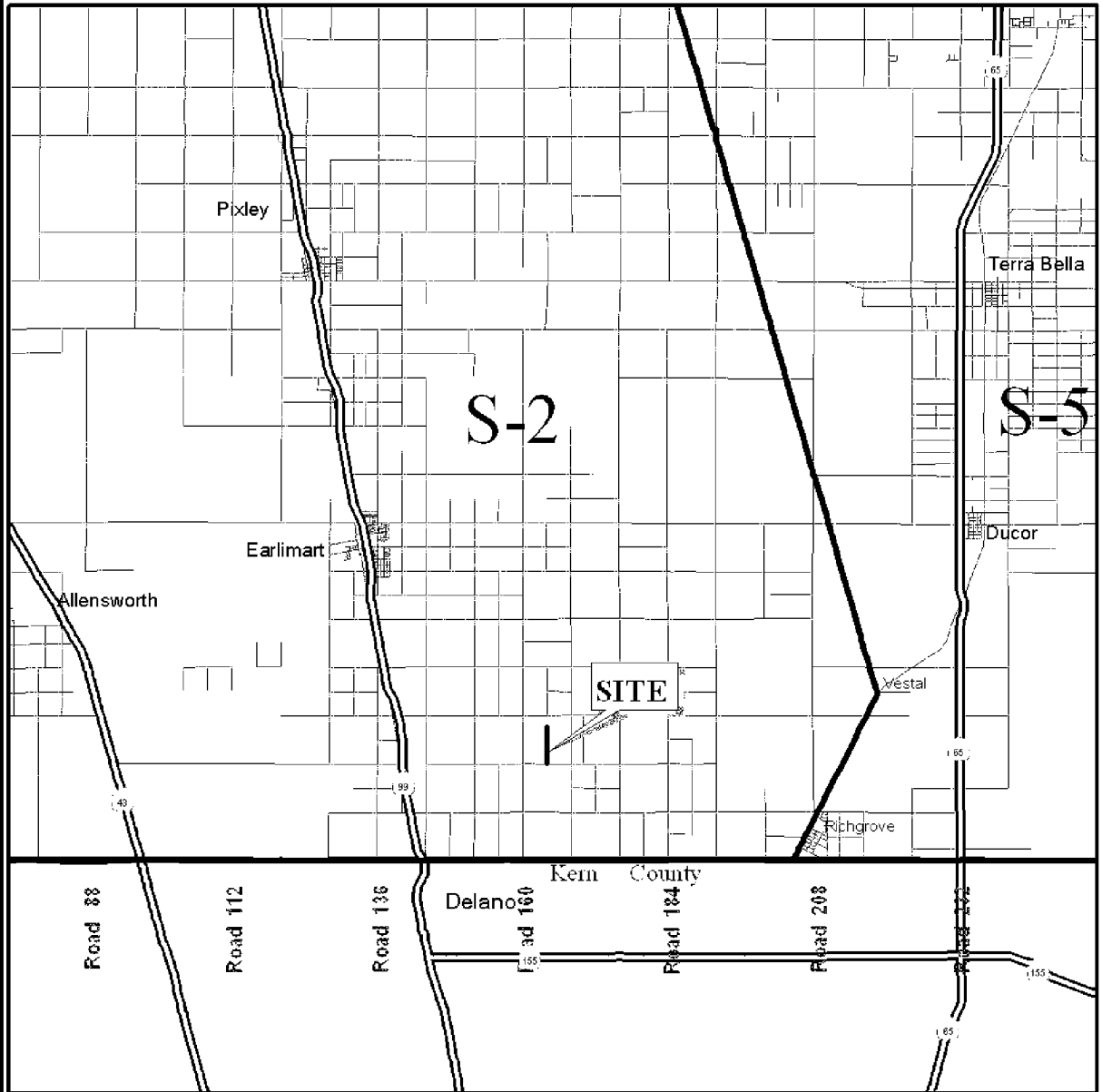
- Project Site
- Properties within 300' of project site, to receive written notification of proposal (as required by State Law)




ATTACHMENT B



ATTACHMENT "B" Vicinity Map for BLANC VINEYARD ROAD VACATION



 Supervisory Districts
Site in District #2



ATTACHMENT C

B-12095

COUNTY OF TULARE
STATE OF CALIFORNIA

PETITION FOR VACATION OF COUNTY ROAD


TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE

The undersigned persons hereby petition the Board of Supervisors of the County of Tulare to vacate the County road or portion thereof, which is described as follows: The entire length of a 20 foot road right of way adjacent to Lot 144 through Lot 149 inclusive, of Central California Farms Company Subdivision No. 5, according to the map thereof recorded in Book 11, Page 41 of Maps, Tulare County Records.

Said petitioners request the Board of Supervisors to vacate the County road or portion thereof, which is described above, for the following reasons: There is no physical road within this right of way and the same owner holds title to the property on both sides of this right of way. The owner has applied for a Voluntary Parcel Merger which would join the right of way to the properties on each side.

In accordance with Resolution No. 2009-0665 the petitioners herewith deposit with the Clerk of the Board of Supervisors the required fee of \$2148.00. The petitioners understand and agree that the \$2148.00 fee deposited with the Clerk shall cover the cost of preparing, publishing and posting notices of hearing, and investigation by the Resource Management Agency and other interested County officers and employees, and that no portion thereof shall be refunded.

Dated: _____ 20__

1. name	Byron Campbell	6. name	
signature		signature	
address	1625 Road 160, Delano, CA.	address	
phone	(559) 725-2576	phone	93215

2. name		7. name	
signature		signature	
address		address	
phone		phone	

3. name		8. name	
signature		signature	
address		address	
phone		phone	

4. name		9. name	
signature		signature	
address		address	
phone		phone	

5. name		10. name	
signature		signature	
address		address	
phone		phone	

In accordance with section 8321 of the streets and Highways Code of the State of California, this petition must be signed by not less than 10 freeholders, 2 of whom are residents of the road district in which some part of the county road affected is situated, and are taxable therein for highway purposes.



Attachment D

RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277.
PHONE (559) 624-7000
FAX (559) 730-2653

Britt L. Fussel Engineering
Jake Raper, Jr Planning
Roger Hunt Admin Services

JAKE RAPER JR., AICP, DIRECTOR

April 24, 2013

Don Dwyer
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

SUBJECT: General Plan Referral No. GPR 13-002 (Vacation of Road)

Dear Mr. Dwyer:

The Resource Management Agency Countywide Planning Division has reviewed the proposal and made the necessary investigations to determine if the project is in conformance with the General Plan. The proposal is for the vacation of approximately 3962.76' in length by 20' in width of County right-of-way along the frontage of APN 338-090-002, 338-090-025, and 338-090-026, an approximately ½ mile portion of Road 164, north of Avenue 16, southwest of Richgrove.

I have reviewed staff's findings and in accordance with Section 65402 of the Government Code, I find the above described proposal is not in conflict with the adopted Tulare County General Plan.

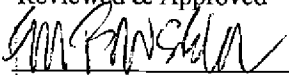
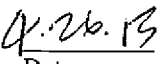
Enclosed is a copy of the staff report and associated maps. If you have any questions regarding the finding, please contact Henry Dong at (559) 624-7126.

Sincerely,

Michael C. Spata
Assistant Director
Planning Branch

Enclosures

JR/mw

Reviewed & Approved  Fred Brusuelas, AICP Chief Planner Countywide Planning Division	 Date
--	---



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277.
PHONE (559) 624-7000
FAX (559) 730-2653

Britt L. Fussel Public Works
Michael C. Spata Planning
Roger Hunt Admin Services

JAKE RAPER JR., AICP, DIRECTOR

APRIL 24, 2013

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
STAFF REPORT
GENERAL PLAN REFERRAL, GPR NO. 13-002
(VACATION OF ROAD)

PROPOSAL:

Request for vacation of approximately 3962.76' in length by 20' in width of County right-of-way along the frontage of APN 338-090-002, 338-090-025, and 338-090-026, an approximately ½ mile portion of Road 164, north of Avenue 16, southwest of Richgrove.

LOCATION:

The section of road proposed to be vacated is approximately 2,640' in length by 25' in width of County right-of-way along the frontage of APN 338-090-002, 338-090-025, and 338-090-026, an approximately ½ mile portion of Road 164, north of Avenue 16, southwest of Richgrove. The road can be found in the south half of Section 19, Township 24 South, Range 26 East of the Mount Diablo Base & Meridian.

FACTS AND FINDINGS:

1. General Plan Elements: Rural Valley Lands Plan
 - a. Land Use: Agriculture
 - b. Circulation: Not Designated
 - c. Open Space: Agriculture
 - d. Urban Boundaries: Not within any Boundaries

2. Zoning and Physical Use of the Land:

Site: Zoned AE-20 (Exclusive Agriculture – 20 acre minimum) The site is an approximate 2,640' in length by 25' in width of County right-of-way along the frontage of APN 338-090-002, 338-090-025, and 338-090-026, approximately ½ mile portion of Road 164, north of Avenue 16, southwest of Richgrove.

- Northside: Zoned AE-20 (Exclusive Agriculture – 20 acre minimum); agriculture and rural residences.
- Westside: Zoned AE-20 (Exclusive Agriculture – 20 acre minimum); agriculture and a packing house.
- Eastside: Zoned AE-20 (Exclusive Agriculture – 20 acre minimum); agriculture and rural residences
- Southside: Zoned AE-20 (Exclusive Agriculture – 20 acre minimum); agriculture and rural residences.

3. Flooding:

According to the Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) for Community No. 06107C dated June 16, 2009; Panel No. 2300E, the the northern portion of the road being vacated is within FEMA Flood Zone A. The southern portion of the road is within Flood Zone X, which has not required flood mitigation.

4. Agricultural Preserves:

The site is surrounded by agricultural preserves and Williamson Act Contracts on all sides.

5. Access:

Access will not be eliminated or restricted for as a result of the vacation of this portion of the county right of way.

6. Public Utilities:

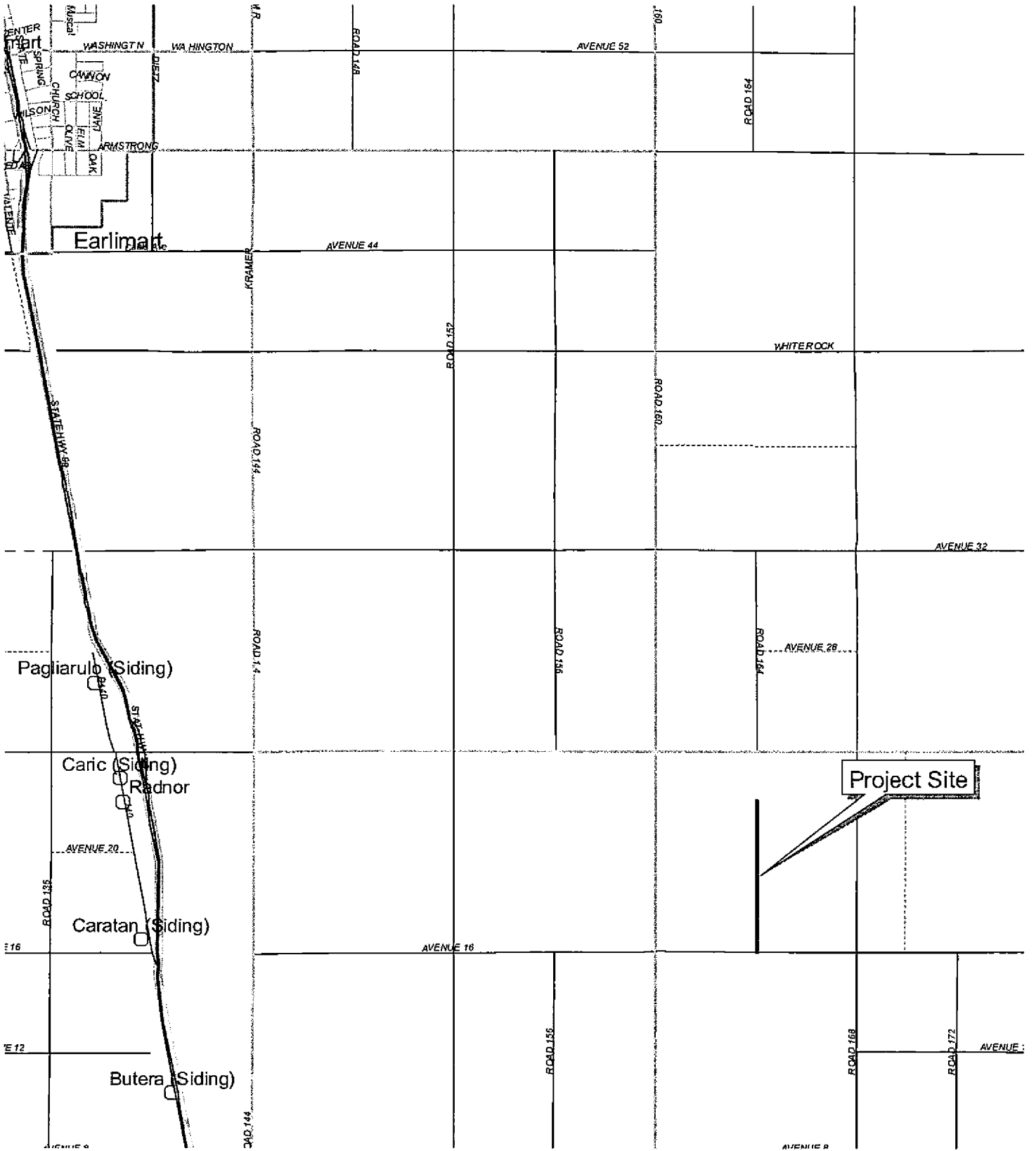
All rights-of-way and easements of record for public utilities are reserved and accepted pursuant to Section 8340 of the Streets and Highways Code.

CEQA REQUIREMENTS:

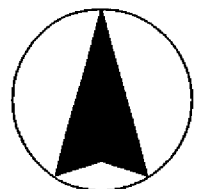
The Engineering Division of the Tulare County Resource Management, as the lead agency, will prepare the environmental documents under the provisions of the California Environmental Quality Act.

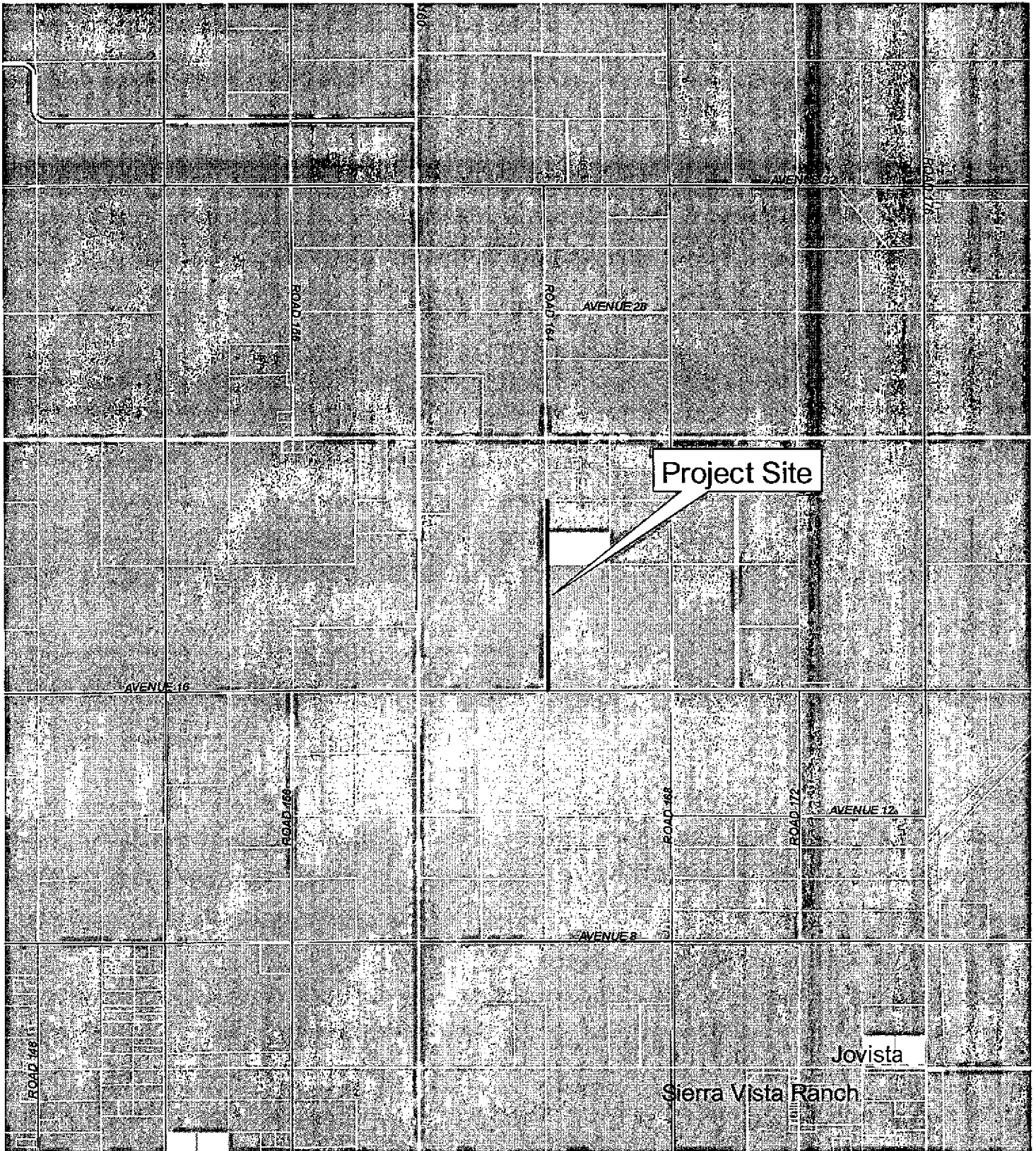
RECOMMENDATION:

Staff recommends that the Planning Branch Director find GPR 13-002 is not in conflict with the Tulare County General Plan as amended. The proposed road to be vacated is approximately 3962.76' in length by 20' in width of County right-of-way along the frontage of APN 338-090-002, 338-090-025, and 338-090-026, an approximately ½ mile portion of Road 164, north of Avenue 16, southwest of Richgrove. The proposed vacation will not eliminate access to any existing parcels in the area.



GPR 13-002
 Vacation of Road 164
 Tulare County
 Vicinity Map





Project Site

Jovista

Sierra Vista Ranch

Legend
Zoning (Detailed)
■ AE-20

GPR 13-002 Vacation of Road 164 Tulare County Zoning Map

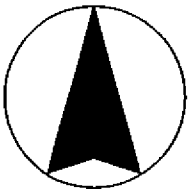


EXHIBIT "C"

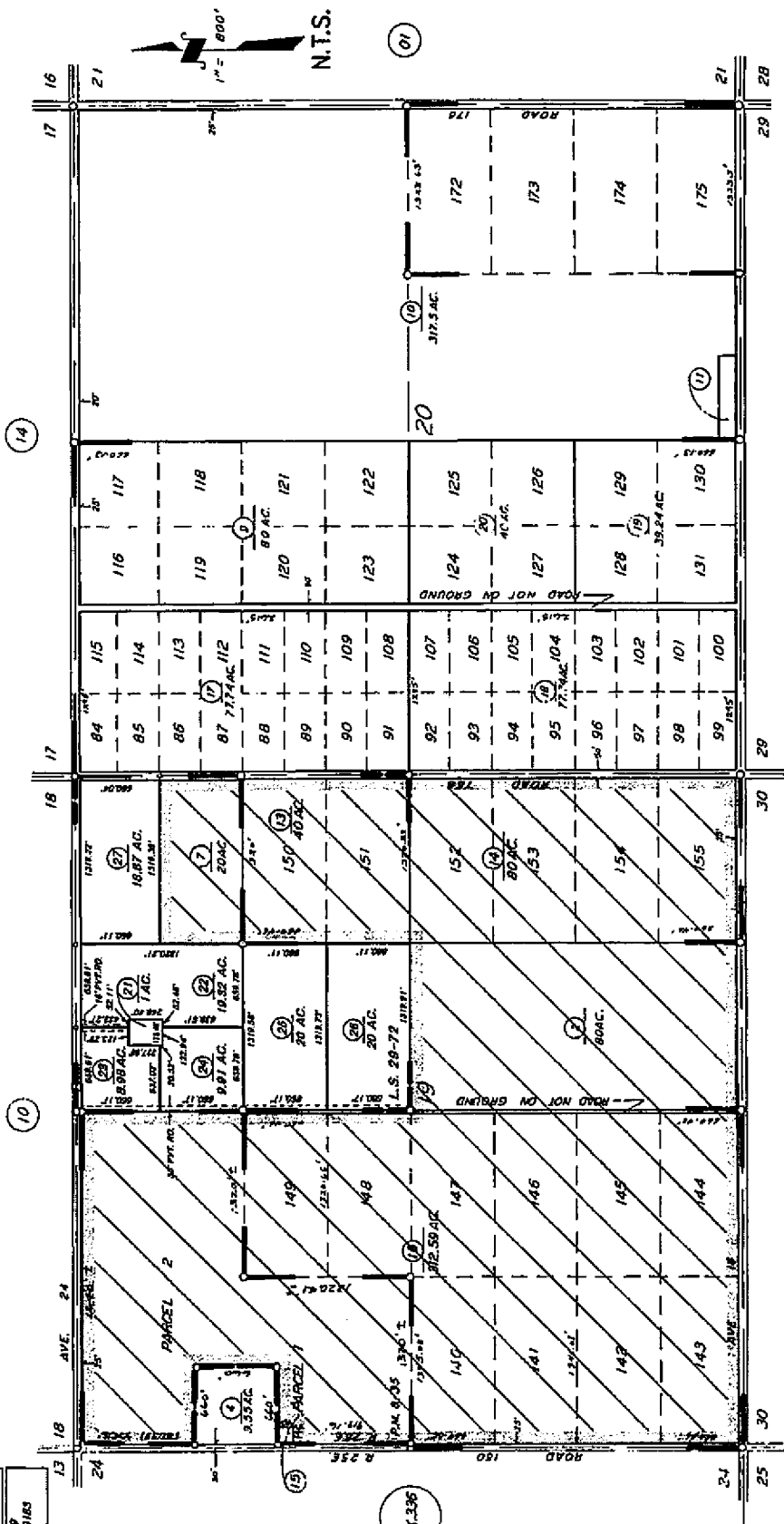
SEC'S. 19 & 20, T.24S., R.26E., M.D.B.&M.

TAX CODE AREA 338-09
066-000

DISCLAIMER
THIS MAP WAS PREPARED FOR LOCAL PURPOSES ONLY. THE ASSessor'S OFFICE DOES NOT COMPLY WITH STATE AND LOCAL SUBDIVISION ORDINANCES. NO WARRANTY OF ANY KIND IS MADE BY THE INFORMATION HEREON.

REVISED: 08/07/2009
REASON: 2008-0000183
CAD TECH: LLB

LEGEND
INDICATES BOUNDARY OF PARCELS TO BE MERGED



VICINITY OF EARLIMART
ASSESSOR'S MAPS BK. 338, PG. 09.
COUNTY OF TULARE, CALIF.

POR. CENTRAL CALIF. FARMS CO. SUB. NO. 5, R.M. 11-41
PARCEL MAP 735, P.M. 8-35
RECORD OF SURVEY, L.S. 29-72

NOTE: ASSESSOR'S BLOCK NUMBERS SHOWN IN ELIPSES
ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES

ATTACHMENT E

Notice of Exemption

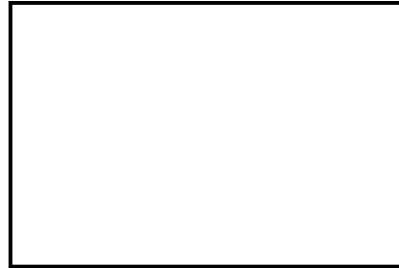
Attachment E

Fee Exempt per Government Code Section 6301

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): ~ Mr. Byron Campbell, 1625 Road 160, Delano, CA 93215 559-725-2576

Project Title: Vacation of a portion of Road 164 north of Avenue 16

Project Location - Specific: Road 164 from Avenue 16 north 3263 feet

Project Location- Section, Township, Range: Sec. 10, Twp. 24 S., Rng 26 E., MDBM

Project Location - City: Southeast of Earlimart Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project:

Vacation requested to allow Blanc Vineyards to merge parcels for the benefit of their business.

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)
- Categorical Exemption: State type(s) and section number(s):
- Statutory Exemptions: State code number

Reasons why project is exempt: The 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.

Name of Public Agency Approving Project: County of Tulare, Resource Management Agency

Project Planner: Donn Dwyer Area Code/Telephone: 559-624-7152

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

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: _____
Date Sent to the Clerk of the Board: _____ You
have five days from project approval (or 5 days from
end of appeal period).

ATTACHMENT E

Notice of Exemption

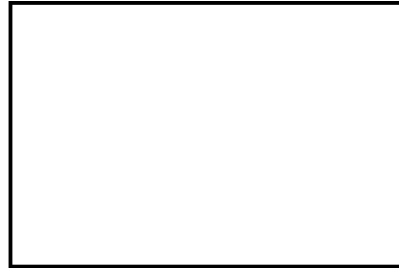
Attachment E

Fee Exempt per Government Code Section 6301

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): ~ Mr. Byron Campbell, 1625 Road 160, Delano, CA 93215 559-725-2576

Project Title: Vacation of a portion of Road 164 north of Avenue 16

Project Location - Specific: Road 164 from Avenue 16 north 3263 feet

Project Location- Section, Township, Range: Sec. 10, Twp. 24 S., Rng 26 E., MDBM

Project Location - City: Southeast of Earlimart Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project:

Vacation requested to allow Blanc Vineyards to merge parcels for the benefit of their business.

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)
- Categorical Exemption: State type(s) and section number(s):
- Statutory Exemptions: State code number

Reasons why project is exempt: The 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.

Name of Public Agency Approving Project: County of Tulare, Resource Management Agency

Project Planner: Donn Dwyer Area Code/Telephone: 559-624-7152

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

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: _____
Date Sent to the Clerk of the Board: _____ You
have five days from project approval (or 5 days from
end of appeal period).