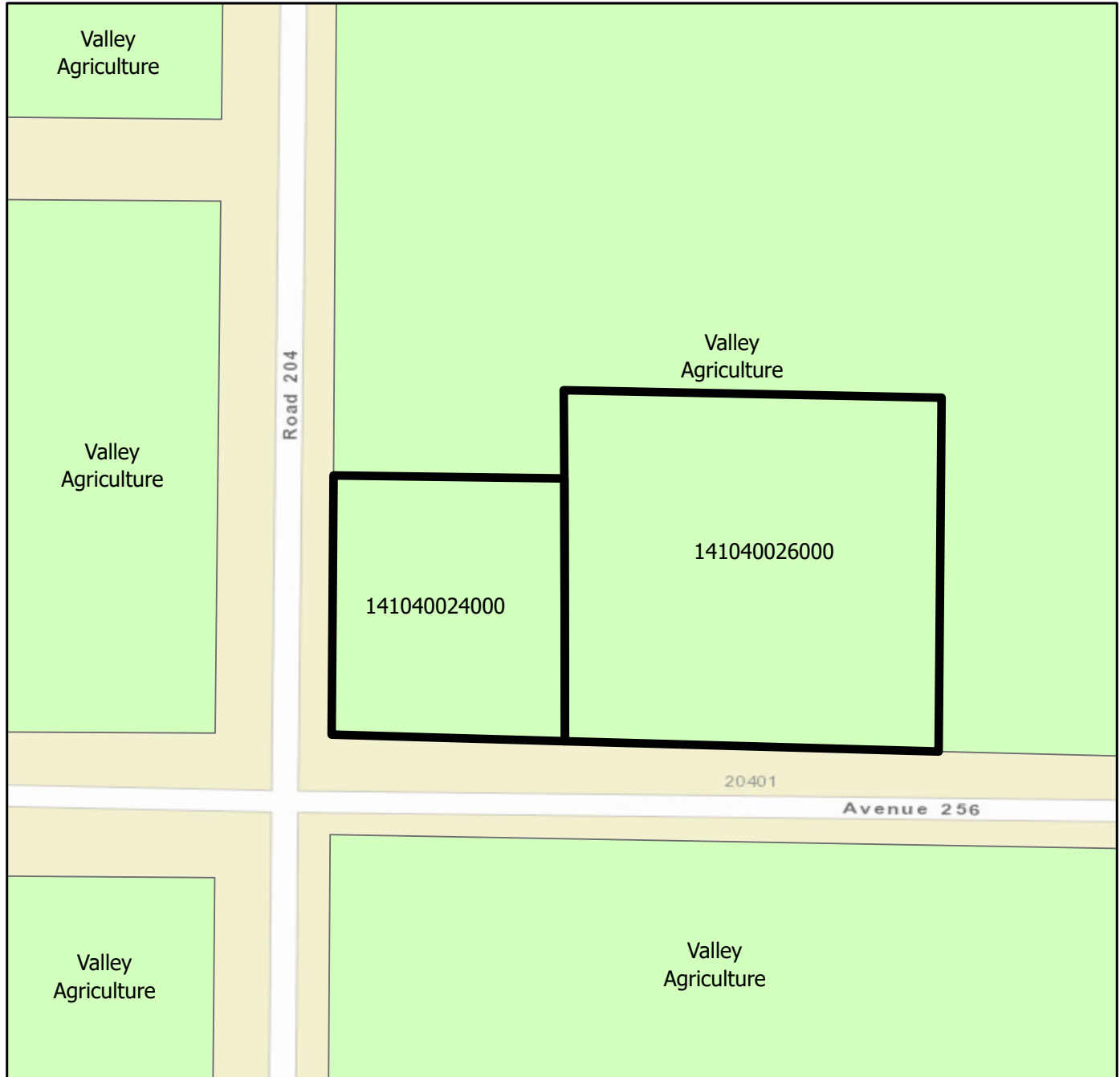


Attachment No. 1



Existing Land Use Map for GPA 24-003 & PZC 24-001



Owner: PINNACLE INVESTMENTS LLC.

Address: 1187 N. Willow Ave. #103

City, State, ZIP: CLOVIS, CA 93611

Applicant: SAME

Agent: N/A

Supervisory District: 1

Assessors Parcel: 141-040-024 & 141-040-026

0 19 38 76 114 152 Feet

■ GPA 24-003 & PZC 24-001

□ Parcels

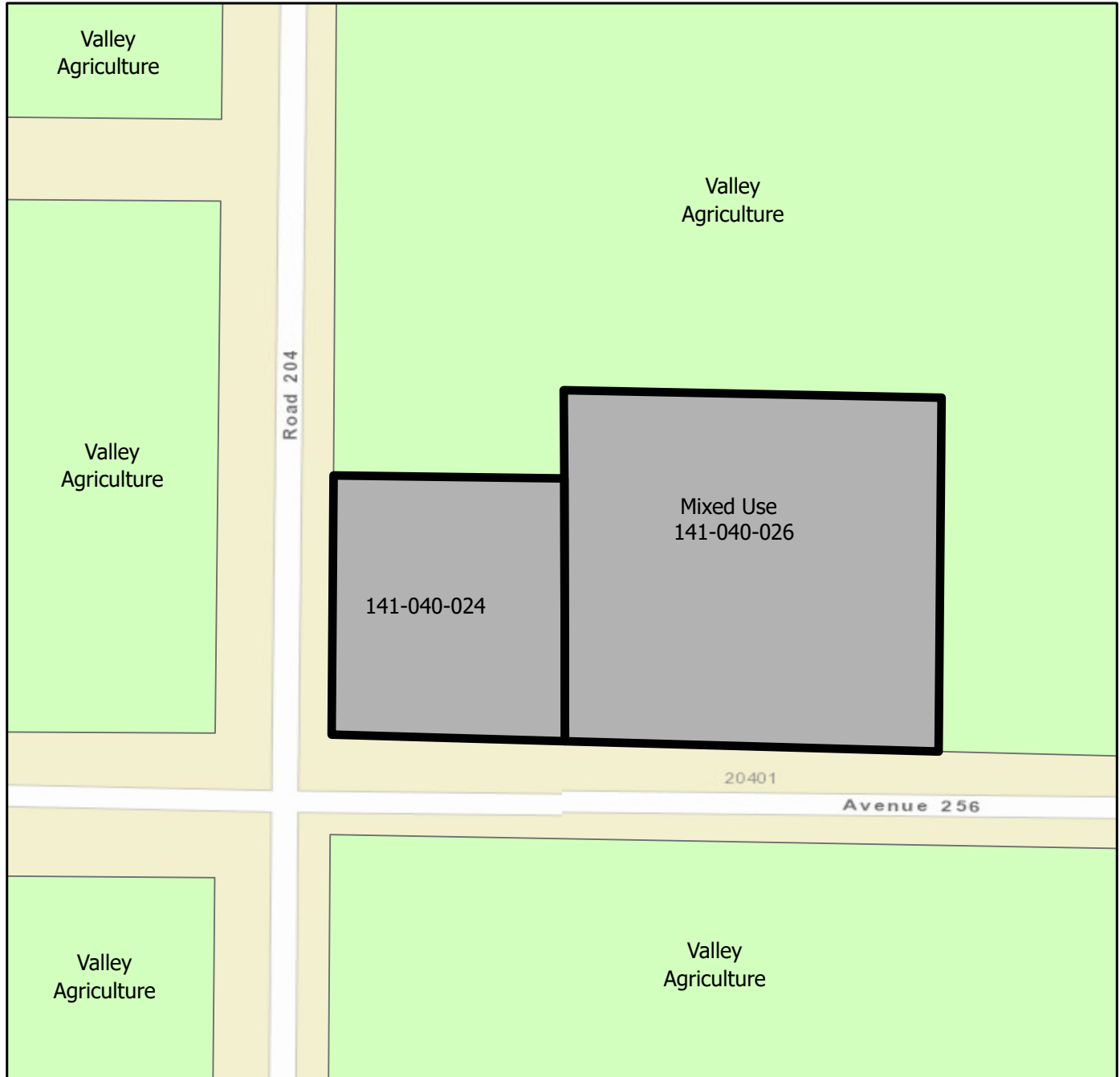
Landuse

■ Valley Agricultural





Proposed Land Use Map for GPA 24-003 & PZC 24-001



Owner: PINNACLE INVESTMENTS LLC.
Address: 1187 N. Willow Ave. #103
City, State, ZIP: CLOVIS, CA 93611
Applicant: SAME
Agent: N/A
Supervisory District: 1
Assessors Parcel: 141-040-024 & 141-040-026

0 19 38 76 114 152 Feet

■ GPA 24-003 & PZC 24-001
□ Parcels
Landuse
■ Valley Agricultural
■ Mixed Use



Attachment No. 2

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, BEING AN ORDINANCE ESTABLISHING AND REGULATING LAND USES WITHIN CERTAIN ZONES IN THE COUNTY OF TULARE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of a portion of Section 24, Township 19 South, Range 26 East, Mount Diablo Base and Meridian, being a subdivision of Part 430 of the Official Zoning Maps. A map showing Zone Change No. PZC 24-001 approved for approximately 1.17 acres is attached hereto and incorporated herein by reference. The new zoning will be C-2-MU (General Commercial – Mixed-Use Overlay Zone).

Section 2. The property affected by the zoning reclassification from AE-20 (Exclusive Agriculture – 20 Acre Minimum), filed as is briefly described as follows: Being a 1.17-acre site, located on Tulare County Assessor Parcel Number (APN)s 141-040-024 and 141-040-026. The subject property is located at 20440 Avenue 256, south of Exeter, CA.

Section 3. This Ordinance shall take effect thirty (30) days from the date of the passage hereof, or if published more than 15 days after the date of passage, then 30 days after publication, whichever is later, and, shall be published once in the Sun-Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

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THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 9th day of July 2024, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair, Board of Supervisors

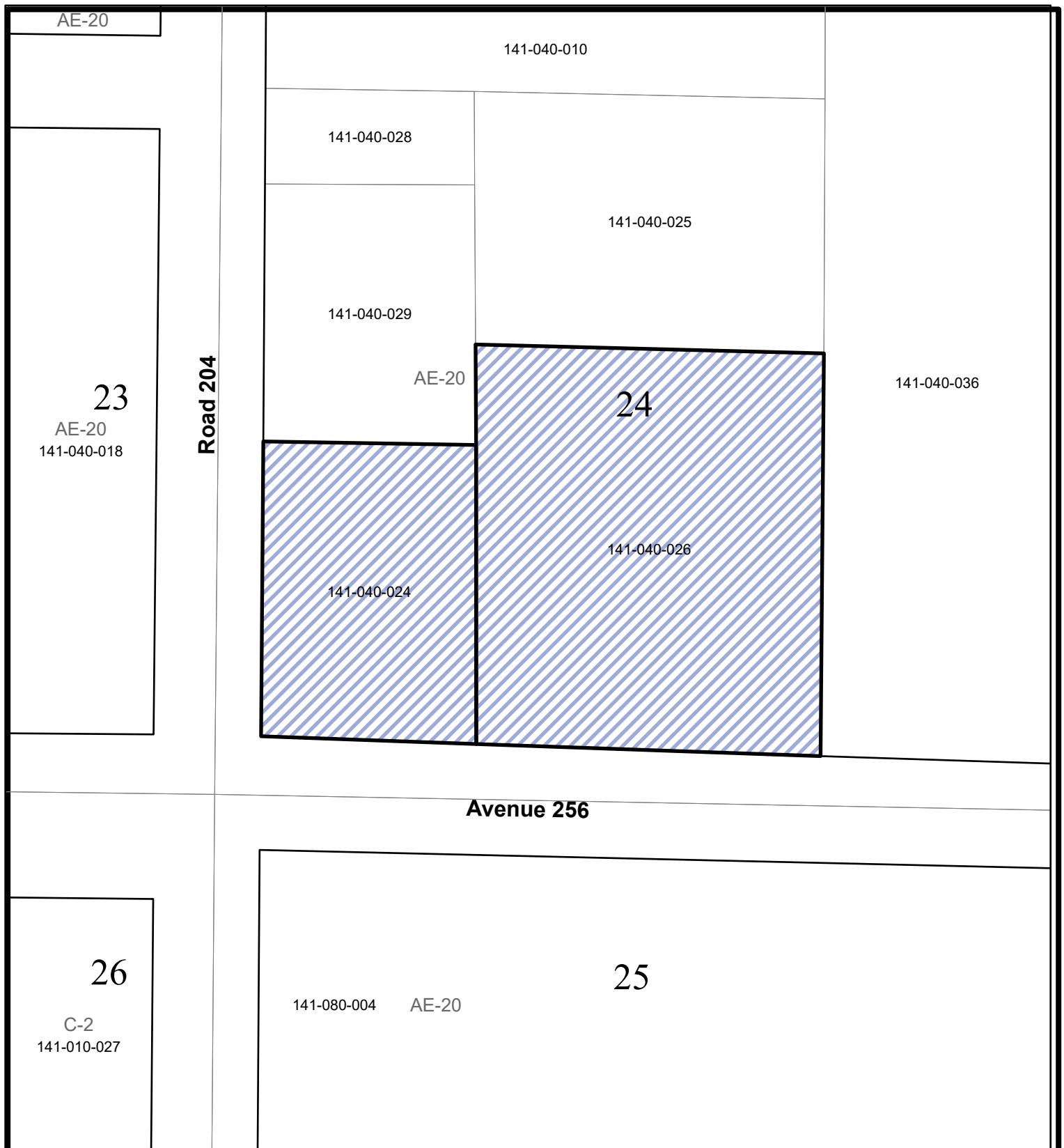
ATTEST: Jason T. Britt
County Administrative Officer/Clerk
Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
COUNTY COUNSEL

By: Jeffrey L. Kuhn
Deputy

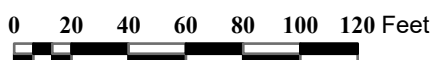
Matter No. RMA-General



APN: 141-040-024 and 141-040-026
APROX. 1.17 AC.

Zone Change from AE-20 (Exclusive Agricultural -
20 acre minimum) to C-2-MU (General Commercial
- Mixed Use)

(PZC 23 - 004)



ORDINANCE NO. _____
AMENDING A PORTION OF MAP PART 430,
PART OF SEC. 24, T 19 S, R 26 E, M.D.B. & M.
OF

OFFICIAL ZONING MAP COUNTY OF TULARE, CA.

TULARE COUNTY BOARD OF SUPERVISORS
ADOPTED: ____/____/____

Attachment No. 3

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF GENERAL PLAN AMENDMENT)
NO. GPA 24-003 TO CHANGE THE LAND USE)
DESIGNATION OF APNs: 141-040-024 AND 026) RESOLUTION NO. 10232
FROM "VALLEY AGRICULTURE" TO "MIXED USE")
(PINNACLE INVESTMENTS LLC))

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors approve a Categorical Exemption consistent with the California Environmental Quality Act ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act ("CEQA Guidelines") and approve General Plan Amendment No. GPA 24-003, requested by Pinnacle Investments LLC, 1187 N. Willow Avenue #103, Clovis, CA 93611 (Co-Owner: William Haas), to change the County's land use designation on approximately 1.17-acres from "Valley Agriculture" to "Mixed Use", located on the northeast corner of Road 204 and Avenue 256, south of Exeter, APNs 141-040-024 and 141-040-026. It is noted that this application has been filed in conjunction with Change of Zone No. PZC 24-001.

WHEREAS, the Planning Commission has given notice of the proposed amendment to the General Plan as provided in Sections 65353 and 65090 of the Government Code of the State of California and as provided for in the County's California Environmental Quality Act Guidelines; and

WHEREAS, staff has made such investigation of fact bearing upon the proposed General Plan Amendment to assure action consistent with the procedures and purposes set forth in the California Government Code, the State General Plan Guidelines, and the Tulare County General Plan; and

WHEREAS, staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this proposed General Plan Amendment; and

WHEREAS, the Planning Commission recognizes the need and desirability to conduct reviews of, and consider amendments to, the General Plan to accommodate the changing needs of the County; and

WHEREAS, on May 29, 2024, a Notice of Public Hearing for General Plan Amendment No. GPA 24-003 was duly published in the Sun Gazette, a newspaper of general circulation in Tulare County; and

WHEREAS, a duly noticed public hearing was held, and an opportunity for public testimony was provided, at a regular meeting of the Planning Commission on June 12, 2024; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on June 12, 2024. Public testimony was provided for the proposed project, and.

WHEREAS, the action recited herein is found to be essential for the preservation of public

health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby recommends that the Board of Supervisors certify that the Board 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 (CEQA) and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970 prior to taking action on the General Plan Amendment.

B. This Planning Commission hereby recommends that the Board of Supervisors adopt the following findings of fact as to the reasons for approval of this General Plan Amendment:

1. The proposed Project consists of the development of a Gas Station and associated Convenience Store on approximately 1.17-acres located on the northeast corner of Road 204 and Avenue 256, south of Exeter, APNs 141-040-024 and 141-040-026. The proposed Project includes a General Plan Amendment ("GPA") to change the Land Use Designation from "Valley Agriculture" to "Mixed Use," a Zone Change ("PZC") to change the Zone from AE-20 (Exclusive Agricultural – 20 Acre Minimum) to C-2-MU (General Commercial with a Mixed-Use Overlay Zone).
2. On April 23, 2024, the Tulare County Board of Supervisors adopted Resolution No. 2024-0333, which approved General Plan Initiation No. GPI 24-002 and authorized the Applicant to proceed with the project by filing an application for a General Plan Amendment.
3. The subject parcels, APNs: 141-040-024 and 141-040-026, are presently zoned Exclusive Agriculture – 20-acre minimum. The site currently contains a single-family residence and single shop building which are both vacant. Surrounding land uses are agricultural, scattered rural residential, and commercial. The site located to the southeast of the subject site is zoned C-2 and contains a restaurant.
4. A Notice of Exemption that was prepared for the project and is applicable to the project site and the General Plan Amendment and Change of Zone, together with any comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the General Plan Amendment Change of Zone.
5. The project site (APNs: 141-040-024 and 141-040-026) is located within the Rural Valley Lands Plan and the General Plan Land Use designation is "Valley Agriculture".

Under the Rural Valley Lands Plan Analysis, the parcel would receive five (5) RVLP points. A parcel receiving 12 to 16 points shall be determined to have fallen within a "gray" area in such instances, the Planning Commission and Board of Supervisors shall make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by this system. This initiation is

approvable under the RVLPA analysis as being less than 12 points.).

6. The project is consistent with the following applicable elements of the County of Tulare General Plan.

General Plan – The subject site is in the Rural Valley Lands (RVLPA) with a land use designation of Valley Agricultural. The proposed General Plan Amendment is a request to change the Land Use Designation from “Valley Agricultural” to “Mixed Use”. This proposed project is consistent with relevant policies of the Tulare County General Plan, including ED-2.2 Land Requirements; ED-3.1 Diverse Economic Base; ERM-2.9 Compatibility; PF-1.1 Maintain Urban Edges; PF-1.2 Location of Urban Development; PF-1.4 Available Infrastructure; PF-4.21, LU-1.2 Innovative Development; LU-1.10 Roadway Access; and LU-5.4 Surrounding Land Use.

7. The applicant also filed Change of Zone No. PZC 24-001 to change the Zone from AE-20 (Exclusive Agricultural – 20 Acre Minimum) to C-2-MU (General Commercial with a Mixed-Use Overlay Zone).
8. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution No. 2010-2927, a Notice of Intent to Collect Tulare County Public Facilities Fees, also known as Developer Impact Fees; therefore, new development may be subject to County Development Impact Fees.
9. The proposed project is located at the intersection of Avenue 256 and Road 204 (Spruce). The intersection is currently controlled by a four-way stop. The County (RMA) is in process of developing a traffic signal with turn lanes at this intersection. As part of the project, adequate right of way and setbacks from the properties in question will be established to allow for the signal’s construction.

C. This Planning Commission, after considering all of the evidence presented, found that the proposed General Plan Amendment will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

AND, BE IT FURTHER RESOLVED as follows:

D. This Planning Commission hereby recommends the Board of Supervisors approve General Plan Amendment No. GPA 24-003 (Exhibit “A”) to change the County’s land use designation on approximately 1.17-acres from “Valley Agriculture” to “Mixed Use”.

The foregoing resolution was adopted upon motion of Commissioner Lehman, seconded by Commissioner Aleman, at a regular meeting of the Planning Commission on June 12, 2024, by the following roll call vote:

AYES: Aleman, Launer, Lehman, Millies, Whitlatch

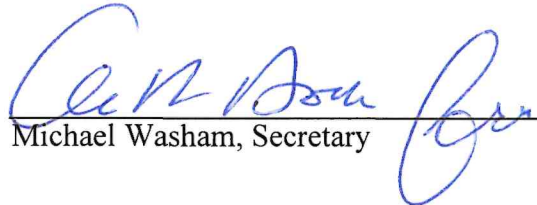
NOES: Dias

ABSTAIN:

ABSENT:

RECUSED: Aguilar

TULARE COUNTY PLANNING COMMISSION

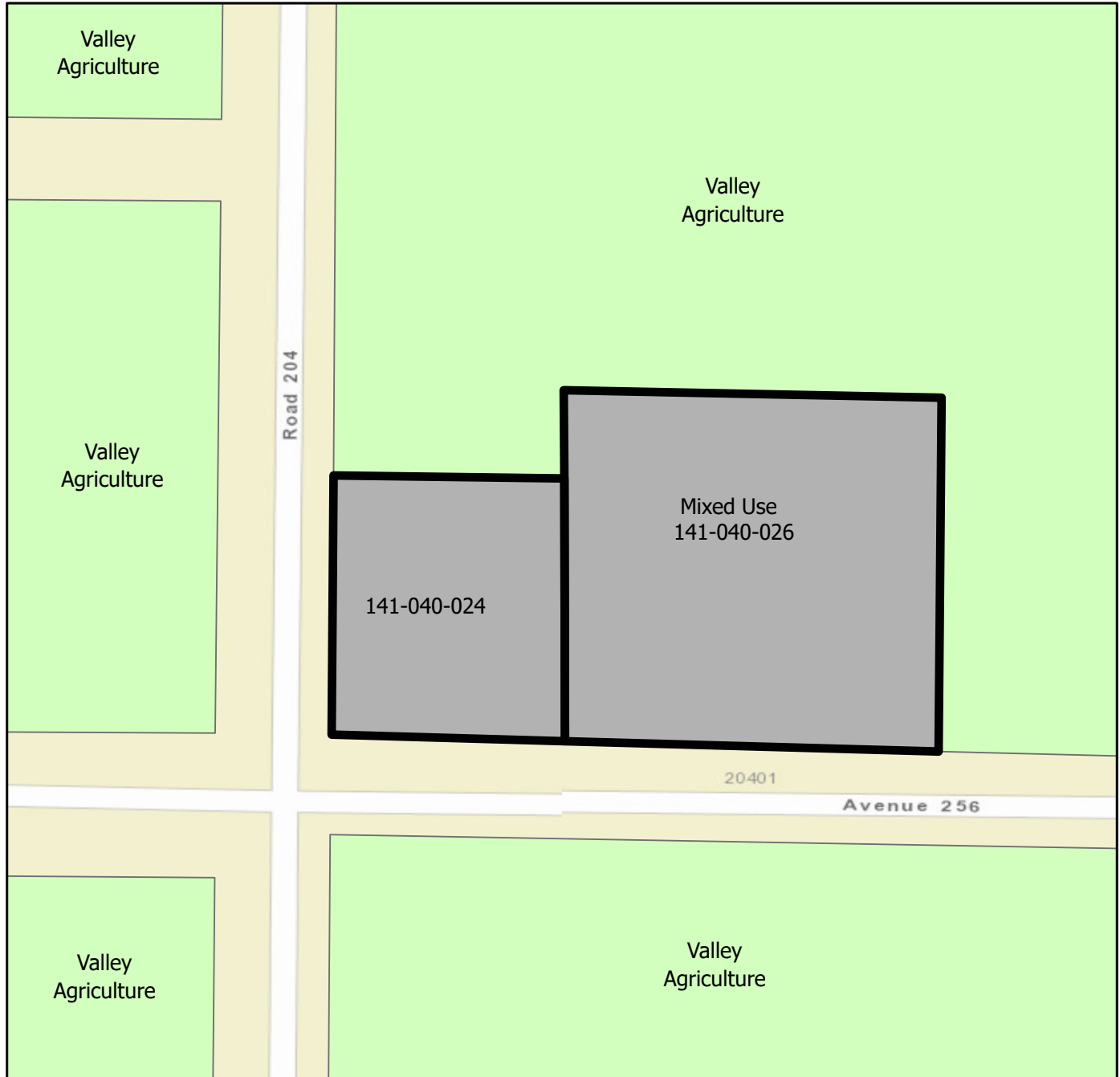


Michael Washam, Secretary

Exhibit "A" GPA 24-003 General Plan Land Use Designation Change to Mixed Use



Proposed Land Use Map for GPA 24-003 & PZC 24-001



Owner: PINNACLE INVESTMENTS LLC.
Address: 1187 N. Willow Ave. #103
City, State, ZIP: CLOVIS, CA 93611
Applicant: SAME
Agent: N/A
Supervisory District: 1
Assessors Parcel: 141-040-024 & 141-040-026

■ GPA 24-003 & PZC 24-001
□ Parcels
Landuse
■ Valley Agricultural
■ Mixed Use

0 19 38 76 114 152 Feet



BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A ZONE AMENDMENT)
CHANGE FROM AE-20 TO C-2-MU, CASE NO.) RESOLUTION NO. 10233
PZC 24-001 FOR PINNACLE INVESTMENTS LLC)

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve a Categorical Exemption consistent with the California Environmental Quality Act ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act ("CEQA Guidelines") and approve the Change of Zone No. PZC 24-001 requested by Pinnacle Investments LLC, 1187 N. Willow Avenue #103, Clovis, CA 93611, to allow a change of the zoning designation from the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone to the C-2-MU (General Commercial with Mixed Use Overlay) Zone, at 20440 Avenue 256 on the northeast corner of Avenue 256 and Road 204 (Spruce) south of Exeter. General Plan Amendment No. GPA 24-003 has been submitted in conjunction with PZC 24-001 and proposes to change the land use designation from Valley Agriculture to Mixed Use on the two parcels (APN: 141-040-024 & 141-040-026).

WHEREAS, a petition has been filed pursuant to the regulations contained in Section 17 of Ordinance No. 352, the Zoning Ordinance, and

WHEREAS, the Planning Commission has given notice of the Ordinance amendment as provided in Section 18 of said Ordinance No. 352 and Section 65854 of the Government Code of the State of California, and

WHEREAS, staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this Ordinance amendment, and

WHEREAS, all attached exhibits are incorporated by reference herein; and

WHEREAS, on May 29, 2024, a Notice of Public Hearing by the Tulare County Planning Commission was duly published in the Exeter Sun Gazette, a newspaper of general circulation in Tulare County to consider the proposed Project; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided. The applicant was the only comment received at a regular meeting of the Planning Commission on June 12, 2024, and

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Notice of Exemption that was prepared for the project and is applicable to the project site and the Change of Zone, together with any comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the Change of Zone.

B. This Planning Commission, after considering all the evidence presented, hereby recommends that the Board of Supervisors determine that the following findings are relevant in evaluating this application:

1. The applicant has requested a Change of Zone No. PZC 24-001 to allow a change of zone from the AE-20 (Exclusive Agricultural – 20 Acre Minimum) to the C-2-MU (General Commercial – Mixed-Use Overlay) Zone, in order to facilitate the development of a gas station and convenience store on a 1.17 acre site located at 20440 Avenue 256, Exeter (APN: 141-040-024 & 141-040-026).
2. The subject parcels, APNs: 141-040-024 and 141-040-026 are presently zoned AE-20 (Exclusive Agricultural – 20 Acre Minimum). The site currently contains a single-family residence and single shop building which are both vacant. Surrounding land uses are agricultural, scattered rural residential, and commercial. The site located to the southeast of the subject site is zoned C-2 and contains a restaurant.
3. A Notice of Exemption that was prepared for the project and is applicable to the project site and the General Plan Amendment and Change of Zone, together with any comments received during the public review process, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, prior to taking action on the General Plan Amendment Change of Zone.
4. The project site (APNs: 141-040-024 and 141-040-026) is located within the Rural Valley Lands Plan and the General Plan Land Use designation is “Valley Agriculture”.

Under the Rural Valley Lands Plan Analysis, the parcel would receive five (5) RVLP points. A parcel receiving 12 to 16 points shall be determined to have fallen within a “gray” area in such instances, the Planning Commission and Board of Supervisors shall make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by this system. This initiation is approvable under the RVLP analysis as being less than 12 points.).
5. The applicant requests that the zone district be changed concurrently with GPA 24-003. If the Board of Supervisors approves the Zone Change and the General Plan Amendment, then the project would be consistent with the Tulare County Zoning Ordinance (“TCZO”).
6. The applicant also filed General Plan Amendment No. GPA 24-003, Planning Commission Resolution No. 10232 recommending that the Board of Supervisors change the land use designation from Valley Agriculture to Mixed Use.
7. The proposed project is located at the intersection of Avenue 256 and Road 204 (Spruce). The intersection is currently controlled by a four-way stop. The County (RMA) is in the process of developing a traffic signal with turn lanes at this intersection. As part of the project, adequate right of way and setbacks from the properties in question will be established to allow for the signal’s construction.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the Zoning Map (Exhibit A), and Site Plan (Exhibit B) to be consistent with the purpose of Ordinance No. 352 and further finds the petition is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

D. The Commission, after considering all of the evidence presented and based on substantial evidence, hereby recommends that the Board of Supervisors approve Categorical Exemption, Zone Change from AE-20 (Exclusive Agricultural – 20 acre minimum) Zone to the C-2-MU (General Commercial with Mixed Use Overlay) Zone.

The foregoing resolution was adopted upon motion of Commissioner Lehman, seconded by Commissioner Aleman, at a regular meeting of the Planning Commission on June 12, 2024, by the following roll call vote:

AYES: Aleman, Launer, Lehman, Millies, Whitlatch

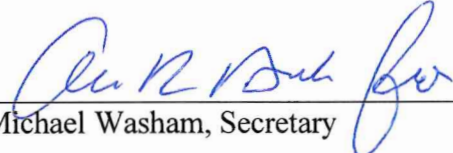
NOES: Dias

ABSTAIN:

ABSENT:

RECUSED: Aguilar

TULARE COUNTY PLANNING COMMISSION



Michael Washam, Secretary

Attachment No. 3

GENERAL PLAN AMENDMENT/CHANGE OF ZONE FACT SHEET GPA 24-003 & PZC 24-001

I. General Plan

1. Land Use Element: Rural Valley Lands Plan
2. Land Use Designation: "Valley Agriculture"

The project site is located within the Rural Velly Lands Plan ("RVLP") and the current land use designation is "Valley Agriculture". The current zoning designation is the AE-20 (Exclusive Agricultural - 20-Acre Minimum) Zone. The project proposal would change the land use designation from Valley Agriculture to Mixed-Use through a general plan amendment and would change the zoning from the AE-20 (Exclusive Agricultural – 20 acre minimum) to the C-2-MU (General Commercial – Mixed Use Overlay) Zone. This would allow for the development of a gas station and associated convenience store. The proposed project would be consistent with some of the following relevant policies of the Tulare County General Plan listed below:

ED-2.2 Land Requirements
ED-3.1 Diverse Economic Base
ERM-2.9 Compatibility
PF-1.1 Maintain Urban Edges
PF-1.2 Location of Urban Development;
PF-1.4 Available Infrastructure
LU-1.2 Innovative Development;
LU-1.10 Roadway Access
LU-5.4 Surrounding Land Use.

3. Compliance:

a. Land Use Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
b. Circulation Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
c. Noise Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
d. Open Space Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
e. Safety Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
f. Housing Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
g. Conservation Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
4. Urban Boundaries Element:
Outside UAB/UDB ☒ Inside UAB ☐ Inside UDB ☐
5. Airport Land Use Area
Consistent with the policies of the Tulare County "Comprehensive Airport Land Use Plan."
Yes ☐ No ☐ N/A ☒

II. Zoning (Note: special overlay i.e., PD, SR, Airport Impact, Etc.)

1. Site: AE-20 Zone (Exclusive Agricultural – 20 acre minimum): The existing zone would need to be changed from an agricultural zone to a commercial zone to allow for commercial uses. The project proposal is to change the zone to C-2-MU (General Commercial Mixed-Use Overlay) Zone which would allow for a gas station/convenience store or similar type land use. The project site is relatively flat land and currently consists of an existing abandoned residence. The proposed project is within a 1.17-acre site on two parcels.
2. Surrounding Area: Properties to the east and west are zoned AE-20. Property to the southwest is zoned C-2. Properties to the north are zoned AE-20. The City of Exeter is located approximately 2.4 miles northwest of the project site.
3. Compliance: Yes ☒ No ☐
The subject site is zoned AE-20 (Exclusive Agricultural – 20 acre minimum). APN 141-040-024 contains a boarded-up structure, and APN 141-040-026 contains a single-family residence. There are no active Code Violations on the site. The applicant proposes constructing a convenience store and gas station. The proposal would require the change of the land use designation and zoning designation to allow for commercial development. The project would allow for the active re-use and development of a 1.17 acre that is considered a

Attachment No. 3

substandard size for agricultural production. If approved the proposal would be consistent with the relevant policies of the Tulare County General Plan as referenced in Item 2 above.

III. Subdivision Ordinance

1. Final Map Waiver:
Not Applicable ☒ Recommended ☐ Meets Findings for Approval ☐
 2. Exceptions:
Not Applicable ☒ Recommended ☐ Meets Findings for Approval ☐
-

IV. Environmental Setting

1. Topographical Features:
Slope: <10% ☒ 10% - 20% ☐ 20% - 30% ☐
2. Water Courses: N/A
3. Flood Zone: The project site is within Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 065066, dated June 16, 2009, Panel No. 0990. Construction of building within Zone X requires no specific flood mitigation measures, however it is recommended that all finished floor levels be elevated one (1) foot above adjacent natural ground.
4. Ground Water Table: The groundwater level at the project site is estimated to be at 170 feet per the California Department of Water resources website Groundwater Information Center Fall 2022 Map.
5. Archaeological: N/A
6. Soil: Soils are Exeter Loam which has a moderate permeability rating with 2 to 9 percent slopes. The project site is rated slight for septic tank absorption, with a low shrink-swell potential.

V. Reports/Studies (If required, see attached)

- | | | | | |
|-----------------------------|--------|-------------------------------------|----------|--------------------------|
| 1. Geological/Hydrological: | Waived | <input checked="" type="checkbox"/> | Required | <input type="checkbox"/> |
| 2. Biotic: | N/A | <input checked="" type="checkbox"/> | Required | <input type="checkbox"/> |
| 3. Traffic: | N/A | <input checked="" type="checkbox"/> | Required | <input type="checkbox"/> |
| 4. Archaeological: Required | N/A | <input checked="" type="checkbox"/> | Required | <input type="checkbox"/> |
| 5. Other: _____ | N/A | <input checked="" type="checkbox"/> | Required | <input type="checkbox"/> |

VI. Agricultural Preserve

Agricultural Preserve	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
Agricultural Preserve No. _____					Contract No. _____
PNR Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
PNR Previously Filed	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	(Expiration Date _____)
Contract Amendment	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	

VII. Parcel Information:

1. Were Parcels created inside or outside UDB/UAB? ☐ Inside ☒ Outside
2. Previous Parcel Activity/Permits:
 - PSP 00-055 (Voided/Withdrawn) for a request to establish an Agricultural Service Establishment for Ag water storage
 - PRC 23-062 for a proposed convenience store/gas station in the AE-20 Zone
 - GPI 24-002 for change of land use designation from Agriculture to Commercial
 - PZC 23-014 for Zone Change Initiation for a change of zone to allow for a convenience store/gas station
 - A9403877 for a building permit for installation of a manufactured home
 - A9501524 for a building permit to rehab a manufactured home and decks
 - A9901595 for a building permit to replace a power pole
 - A1502503 for a building permit for a temporary 2,500-gallon water tank

Previously activity/code cases/violations on the project site include the following:

- MM513028 (Closed) for a construction of a fence over six (6) feet and marijuana cultivation in an

Attachment No. 3

unenclosed facility

- V505-014 (Closed) and V505-015 (Closed) for storage of contractor equipment in an AE-20 Zone
- V600-008 (Closed) for operating a commercial business in an AE-20 Zone
- V695-020 (Closed) for an auto repair and auto wrecking
- V696-033 (Closed) for a commercial shop
- AV505004 (Closed), AV5050007 (Closed) and AV507012 (Closed) for inoperable vehicles stored on the property

3. Access to Parcels: ☒ Direct: The project site is located on APN 141-040-024 & 141-040-026, which has direct access to Avenue 256 & Avenue 204 (Spruce)
☐ Indirect: _____
4. Water Source: ☒ Domestic Well ☐ Irrigation Well
☐ District _____ Will Serve Letter on File ☐
☐ Community System California Water Service
☐ Private Water Co. _____
5. Sewage Disposal: ☒ Septic Tank-Leach Line System 1,000-gallon with 100' leach lines
☐ District _____ Will Serve Letter on File ☐
☐ Other _____
6. Fire Protection: Fire Station #11 Exeter Fire Station / Fire Station #15 Lindsay
7. Police Protection: TC Sheriff: Porterville Substation / Lindsay Police
8. Public Utilities: Electric Service – SCE
9. Environmental Determination: ☒ Exempt (Sections 15303, Class 3)
☐ Negative Declaration
☐ Mitigated Negative Declaration

Attachment No. 3

VIII. SUBSEQUENT ACTIONS:

1. Appeals:

The Planning Commission's decision is for a recommendation of approval or denial of the General Plan Amendment and Zone Change request before the Board of Supervisors. Note: This project will have a subsequent noticed public hearing before the Board of Supervisors at a future date to be determined. The Planning Commission decision is final unless the decision is appealed to the Board of Supervisors within ten (10) calendar days after the decision. 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 filing fee. The appeal letter should be sent to the Tulare County Board of Supervisors, 2800 West Burrell Avenue, Visalia, CA 93291.

2. **Fish and Game Fee:** The project qualifies for a Categorical Exemption from the California Environmental Quality Act and will not be required to pay State Fish and Wildlife fees. However, the Fish and Game Code requires that the applicant pay to the Tulare County Clerk's office a \$58 document handling fee for the required filing of the Notice of Exemption. The Notice of Exception is required to be filed within five (5) days of project approval. The applicant shall pay the fee to the Tulare County Resource Management Agency. Checks shall be made payable to: "Tulare County RMA". Applicants cannot avoid payment of the required Department of Fish and Game fee since a provision of AB 3158 declares that decisions on private projects are not "operative, vested, or final" until the fee is paid to the County Clerk. A Negative Declaration prepared for this project would indicate that there will be minor impacts, either individually or cumulatively, on wildlife resources, and as such, Section 711.4 of the Fish and Game Code would require that the applicant pay a fee of \$2,916.75 as a user fee (effective January 1, 2024) to allocate the transactional costs of fish and wildlife protection to those who consume those fish and wildlife resources through urbanization and development. A Mitigated Negative Declaration prepared for a project would indicate that the project was determined to not have a significant effect on the environment if mitigation measures were incorporated that could reduce the potential environmental impacts to a level of insignificance.

3. School Impact Fees:

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

NOTICE: Pursuant to Government Code Section 66020(d)(1), this will serve to notify you that the 90-day approval period, in which you may protest to the school district the imposition of fees or other payment identified above, will begin to run from the date on which they are paid to the school district(s) or to another public entity authorized to collect them on the district(s) behalf, or on which the building or installation permit for this project is issued, whichever is earlier.

4. **Construction Storm Water Permit:** Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-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. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment

Attachment No. 3

monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. A complete Notice of Intent package (Notice of Intent, site map, and fee) and Notice of Termination (upon completion of each section), shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the appropriate annual fee. Permits shall be required until the construction is completed.

Attachment No. 3

APPLICATION NO.: GPA 24-003/PZC24-001

APPLICANT'S NAME: Pinnacle Investments LLC

RURAL VALLEY LANDS PLAN - PARCEL EVALUATION CHECKLIST

A. RESTRICTED TO AGRICULTURAL VALUES

If a following factor meets the "Restricted to Agriculture" criteria, place an "R" in the value column and stop the evaluation; if the factor meets the "Non-agricultural" criteria, place a "0" in the value column and continue.

	VALUE
1. Agricultural Preserve Status	0
2. Limitations for Individual Waste Disposal Facilities	0

B. VARIABLE POINT VALUE

Each of the following land capability ratings (as per USDA Soil Conservation Service data have been awarded a number value, as follows:

LAND CAPABILITY	POINT VALUE
Class I, II, or III	4 points
Class IV	2 points
Class V, VI or VII	0 points

For the following factor, determine the land capability rating(s) of the parcel under review and award its corresponding point value.

Class I, II, or III	4 points	2
Class IV	2 points	
Class V, VI or VII	0 points	

C. POINT VALUES

If a following factor meets the highest relative suitability criteria, award the factor the number of points listed for the category; if the factor meets the lowest relative suitability criteria, award it a "0".

FOUR POINT CATEGORY

1. Existing Parcel Size (use gross acreage figure)	0
2. Existing Land Use/Suitability for Cultivation	0
	0

THREE POINT VALUE CATEGORY

1. Surrounding Parcel Size (do not evaluate this factor if the site received "0" points for "Existing Land Use/Suitability for Cultivation"; enter a "0" in such cases)	0
2. Surrounding Land Use	0
3. Proximity of Inharmonious Uses (NOTE: Flexible Point Value applicable in some cases)	0
4. Proximity to Lands in Agricultural Preserve	0

TWO POINT VALUE CATEGORY

1. Level of Groundwater and Soil Permeability	0
---	---

ONE POINT VALUE CATEGORY

1. Proximity to Fire Protection Facilities (NOTE: Three Point Value applicable in some cases)	0
2. Access to Paved Roads	0
3. Historical Sites, Archaeological Sites, Wildlife Habitats, and/or Unique Natural Features	0
4. Flood Prone Areas	0
5. Availability of Community Domestic Water/Fire Flow Requirements	1
6. Surface Irrigation Water	1
7. Groundwater Recharge Potential (do not evaluate this factor if the site received "0" points for "Surface Irrigation Water"; enter "0" in such cases)	1

TOTAL POINTS 5

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BACK UP STATEMENT FOR RURAL VALLEY LANDS PLAN (RVLP) EVALUATION CHECKLIST For Zone Change No. GPA 24-003 & PZC 24-001

SITE EVALUATED: The 1.17 acre site was evaluated under the RVLP point exception system. The site is on two (2) legal parcels, assigned Assessor Parcel Numbers (APNs) 141-040-024 and 026.

A. RESTRICTED TO AGRICULTURAL VALUES

1. Agricultural Preserve Status:

The subject 1.17-acre site is not under contract as an Agricultural Preserve. Zero points are allocated. (Note: One point is allocated if property is in Ag Preserve and **Zero** points are allocated if property isn't in Ag Preserve)

2. Limitation for Individual Waste Disposal Facilities:

The property can utilize septic systems. **Zero** points are allocated. (Note: One point is allocated if property is prohibited from having a septic system and Zero points are allocated if property isn't prohibited from having a septic system)

B. VARIABLE POINT VALUE

1. Land Capability:

The Soil Conservation Service has rated the agricultural capability of the soil type Exeter Loam, 2 to 9 percent slopes. The property is designated as Non-Prime, Class IVe-8 (Dry). Although the subject site is not currently irrigated, an adjacent parcel is irrigated, so **Two** points are allocated.

Note: Class I, II, or III soils are allocated 4 points

Class IV soils are allocated 2 points

Soils that are not Class I, Class II, Class III, or Class IV are allocated 0 points

C. FOUR POINT VALUE CATEGORY

1. Existing Parcel Size:

The subject 1.17-acre site under evaluation is not considered economically viable for productive agriculture. **Zero** points are allocated.

Note: Sites that are five acres (gross) or larger are considered economically viable for productive agriculture and are allocated 4 points. Sites that are less than five acres (gross) are not considered economically viable for productive agriculture and are allocated **Zero** points.

2. Existing Land Use/Suitability for Cultivation:

The property hasn't been in agricultural use since at least 1984 and doesn't have the potential for cultivation. The 2018 Tulare County Important Farmland designates the site as Rural Residential Land. Adjacent properties have been successfully farmed. The property is not in agricultural use. **Zero** points are allocated.

D. THREE POINT VALUE CATEGORY:1. Surrounding Parcel Size:

Approximately (insert the percentage of the area) of the area within a ¼ mile radius of the site is devoted to parcels that are 5 acres or larger. Approximately (insert the percentage of the area) of the area within a ¼ mile radius of the site is devoted to parcels that are less than 5 acres. **Zero** points are allocated since the site received Zero points for Existing Land Use/Suitability for Cultivation.

Note: The highest suitability is applied when 35 percent or less of the area is devoted to parcels smaller than 5 acres. The lowest suitability is applied when more than 35 percent of the area is devoted to parcels smaller than 5 acres.

2. Surrounding Land Uses:

The site is abutted on three sides with nonagricultural uses and within one-quarter mile (1,320 feet) of the perimeter of the site, at least 15 percent of the area is devoted to nonagricultural use. **Zero** points are allocated. 349.32 acres are located with one-quarter mile (1,320 feet) of the perimeter of the site. 15.06927 percent of the area (52.64 acres) is devoted to nonagricultural use (52.64 acres / 349.32 acres = 15.06927 percent).

3. Proximity to Inharmonious Uses (dairies, feed lots, concentrated animal raising operations, sand and gravel operations, waste disposal sites, airports and/or agricultural chemical research stations, etc.):

There are no inharmonious uses within 1/4 mile (1,320 feet) of the site. **Zero** points are allocated.

4. Proximity to Lands within Agricultural Preserves:

The site is not abutted by properties within agricultural preserve. Approximately 15% of lands within ¼ mile are agricultural preserves, which is less than the 64% threshold. **Zero** points are allocated.

E. TWO POINT VALUE CATEGORY:1. Level of Groundwater and Soil Permeability:

The soil type on the site is Exeter Loam, 2 to 9 Percent Slopes, which has a moderate permeability rating. The groundwater level is estimated to be at 170 feet per a California Department of Water Resources website Groundwater Information Center Fall 2022 Map, deeper than the 20 feet desirable for agriculture. Such lands are more suitable for installation of domestic, commercial, and industrial waste disposal systems. **Zero** points are allocated.

F. ONE POINT VALUE CATEGORY:

1. Proximity to Fire Protection Facilities:
The subject site is within the 5 mile response distance area of the County Fire Stations located in Exeter and Lindsay, which makes it more suitable for nonagricultural uses. This factor receives Zero points.
2. Access to Paved Roads:
The site has direct access to a paved public road and is better suited for non-agricultural uses than areas without such access; therefore, Zero points are allocated.
3. Historical, Archaeological, Wildlife Habitat, and Unique Natural Features:
The subject site contains a single-family residence, so is less likely to contain features that may be destroyed by commercial activity. Therefore, Zero points are allocated.
4. Flood Prone Areas:
The entire site is in FEMA Flood Zone X, where flooding is not a problem and non-agricultural uses would not experience flood hazards; therefore, Zero points are allocated.
5. Availability of Community Domestic Water:
The subject site does not currently have access to a community domestic water system, and is not expected to have access in the near future. The requirements of the Tulare County Fire Flow Ordinance for commercial zone changes cannot be met. Therefore, the site receives an allocation of One point.
6. Surface Irrigation Water:
Surface irrigation water is available to neighboring parcels and the site's landowner could apply for water rights for irrigation; therefore, One point is allocated.
7. Groundwater Recharge Potential:
The site is not irrigated by surface water sources. Exeter Loam soil permeability is moderate and the soil has a restrictive layer. One point is awarded.

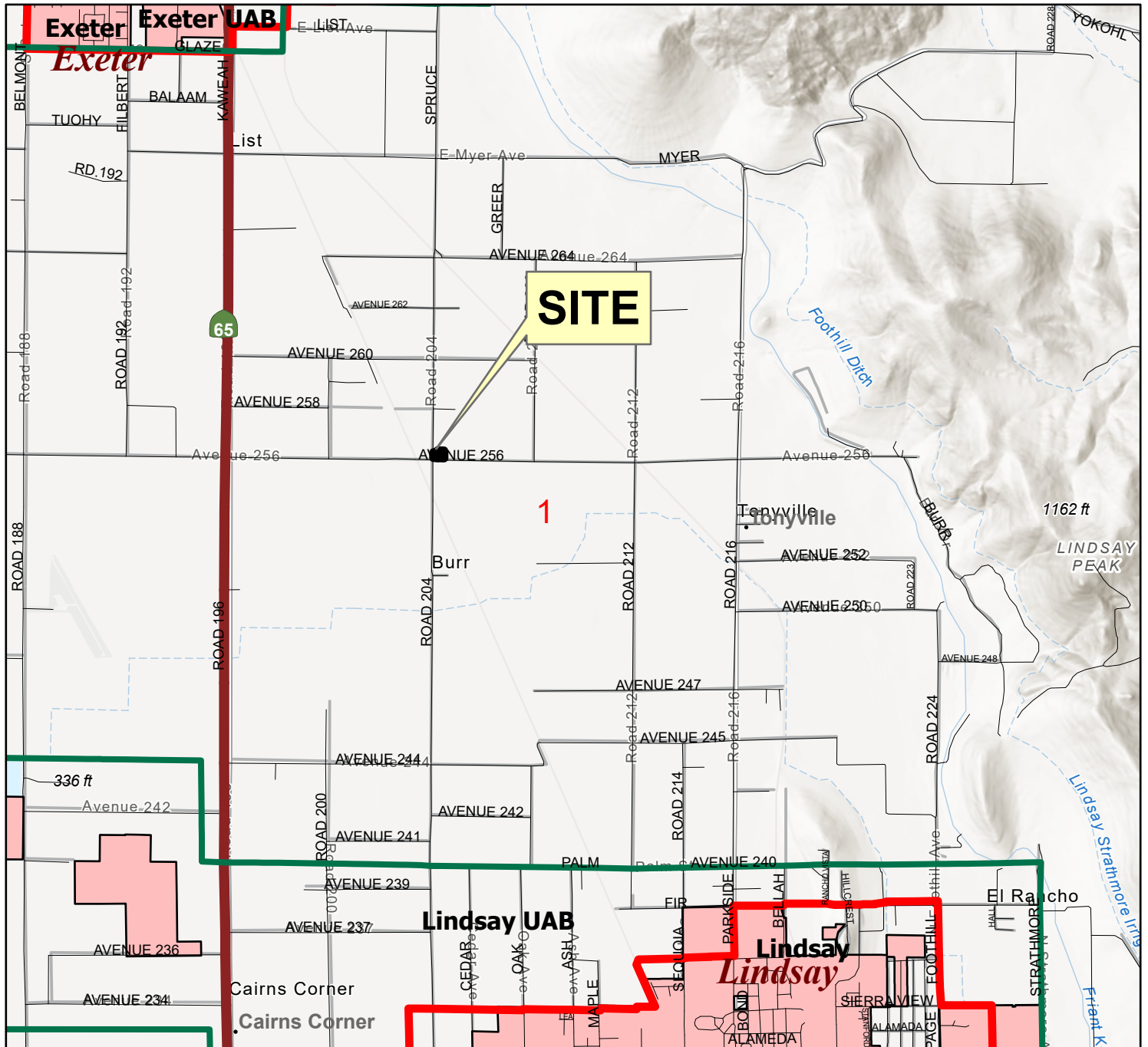
Total Points = 5

If the number of points accumulated is seventeen (17) or more, then the parcel shall remain agriculturally zoned. If the number of points accumulated is eleven (11) or less, the parcel may be considered for nonagricultural zoning. A parcel receiving 12, 13, 14, 15, or 16 points shall be determined to have fallen within a "gray" area in which no clear cut decision is readily apparent. In such instances, the Planning Commission and Board of Supervisors shall make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by this system.

Attachment No. 4



Vicinity Map for GPA 24-003 & PZC 24-001



Legend

- | | | |
|-------------------------|-----------------|-------------------------|
| Supervisorial Districts | Place Names | UDB |
| hwymerg | Cities | UAB |
| Streets | County Boundary | GPA 24-003 & PZC 24-001 |

Supervisorial District: 1

0 0.28 0.55 1.1
Miles





Aerial Photograph for GPA 24-003 & PZC 24-001



Owner: PINNACLE INVESTMENTS LLC.
Address: 1187 N. Willow Ave. #103
City, State, ZIP: CLOVIS, CA 93611
Applicant: SAME
Agent: N/A
Supervisory District: 1
Assessors Parcel: 141-040-024 & 141-040-026

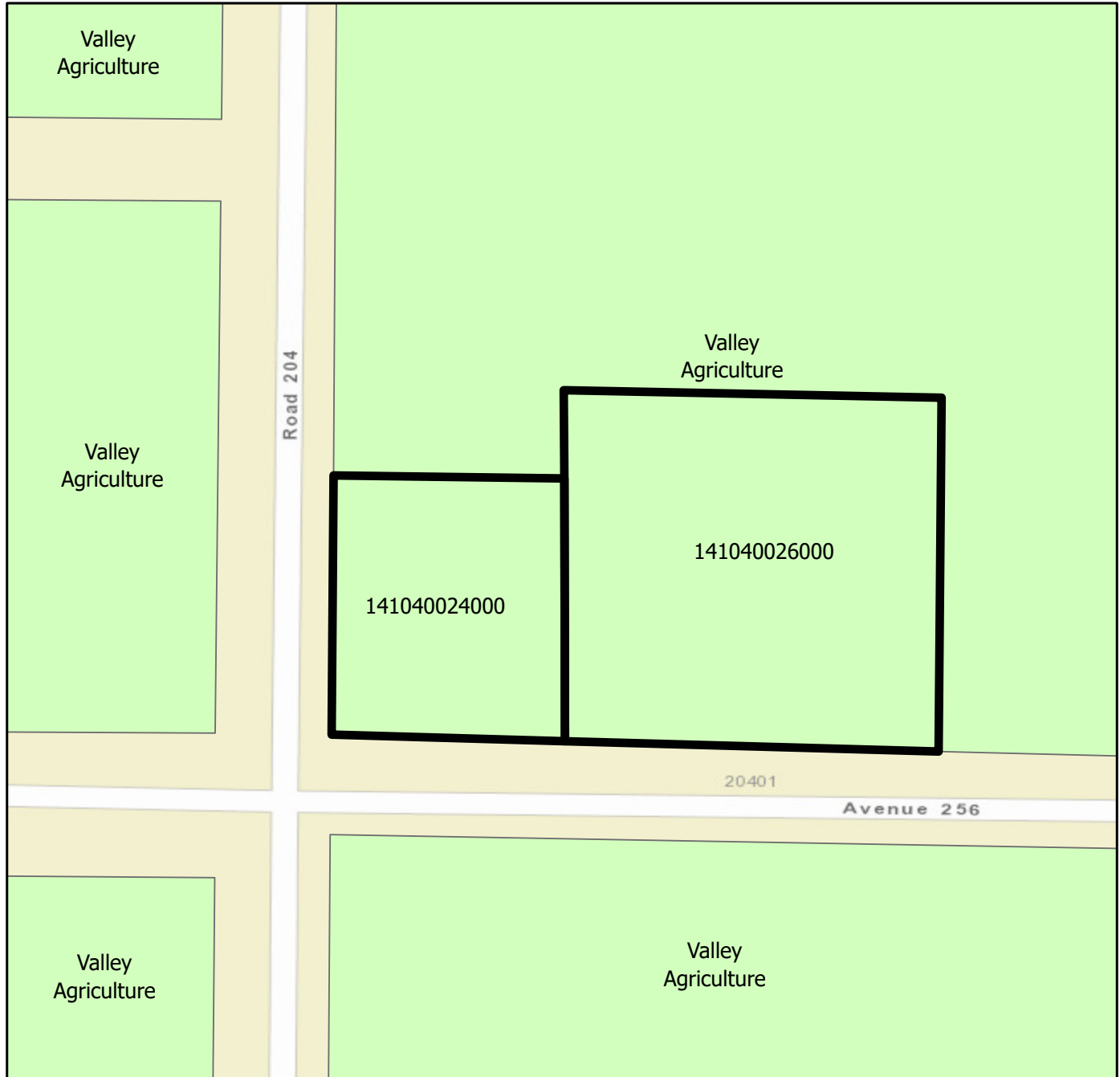
0 25 50 75 100 125 150 Feet

 Parcels
 GPA 24-003 & PZC 24-001





Existing Land Use Map for GPA 24-003 & PZC 24-001



Owner: PINNACLE INVESTMENTS LLC.

Address: 1187 N. Willow Ave. #103

City, State, ZIP: CLOVIS, CA 93611

Applicant: SAME

Agent: N/A

Supervisory District: 1

Assessors Parcel: 141-040-024 & 141-040-026

0 19 38 76 114 152 Feet

■ GPA 24-003 & PZC 24-001

□ Parcels

Landuse

■ Valley Agricultural





Proposed Land Use Map for GPA 24-003 & PZC 24-001



Owner: PINNACLE INVESTMENTS LLC.
Address: 1187 N. Willow Ave. #103
City, State, ZIP: CLOVIS, CA 93611
Applicant: SAME
Agent: N/A
Supervisory District: 1
Assessors Parcel: 141-040-024 & 141-040-026

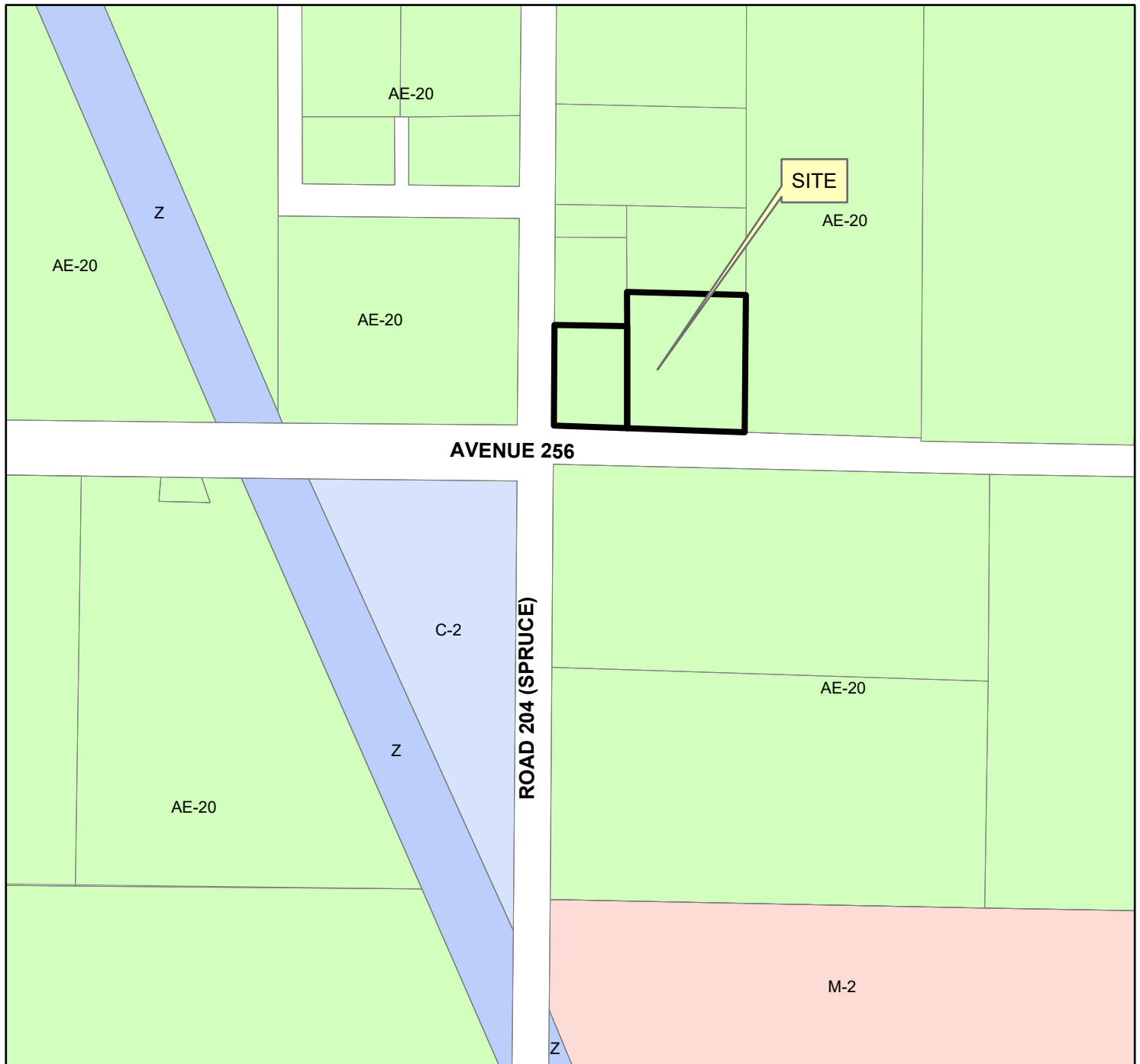
■ GPA 24-003 & PZC 24-001
□ Parcels
Landuse
■ Valley Agricultural
■ Mixed Use

0 19 38 76 114 152 Feet

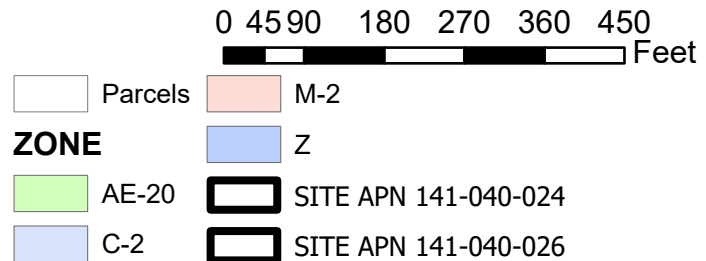




Existing Zoning Map for GPA 24-003 & PZC 24-001

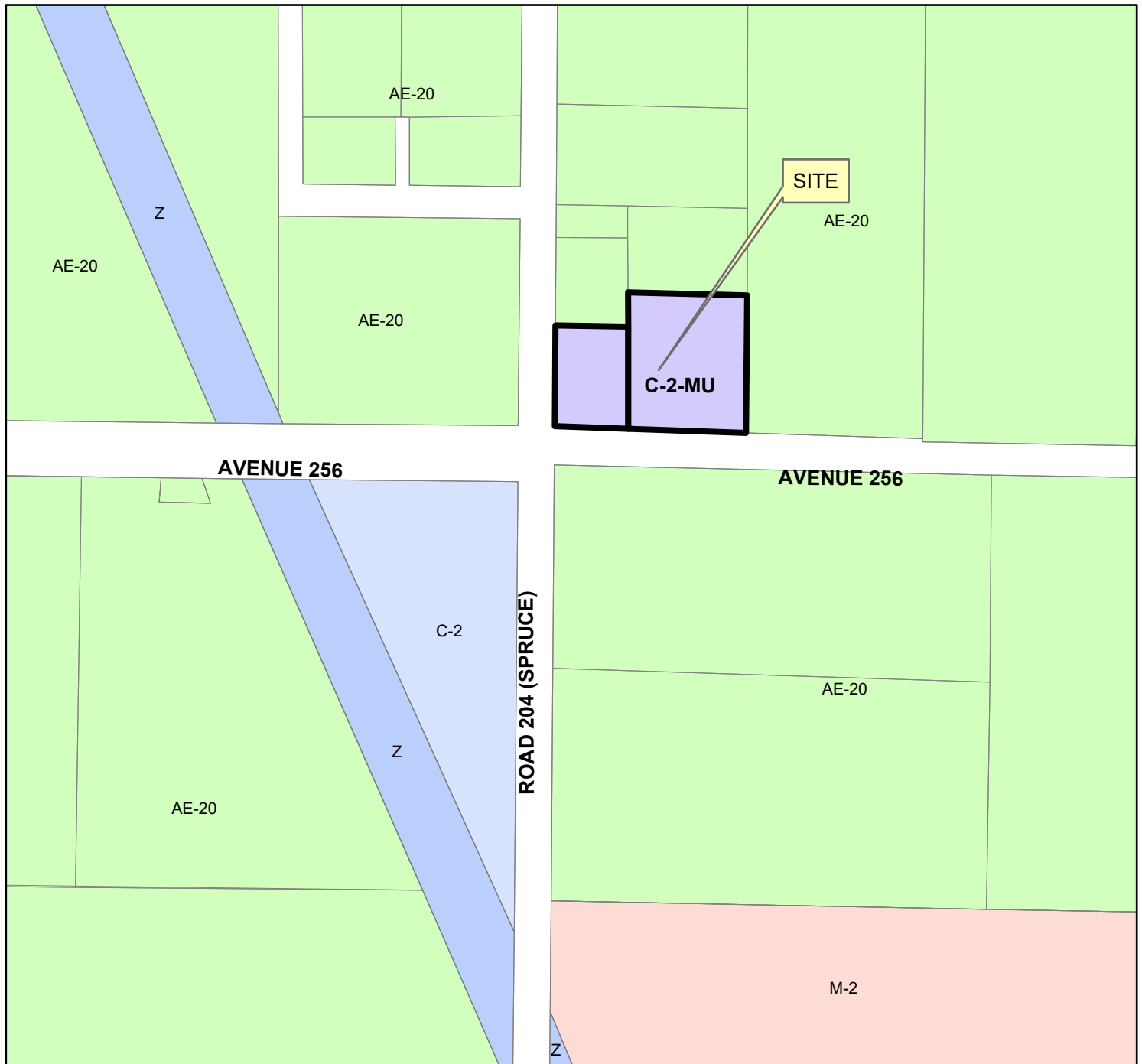


Owner: PINNACLE INVESTMENTS LLC.
Address: 1187 N. Willow Ave. #103
City, State, ZIP: CLOVIS, CA 93611
Applicant: SAME
Agent: N/A
Supervisory District: 1
Assessors Parcel: 141-040-024 & 141-040-026

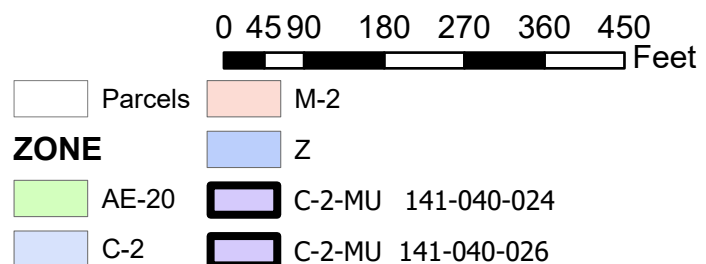




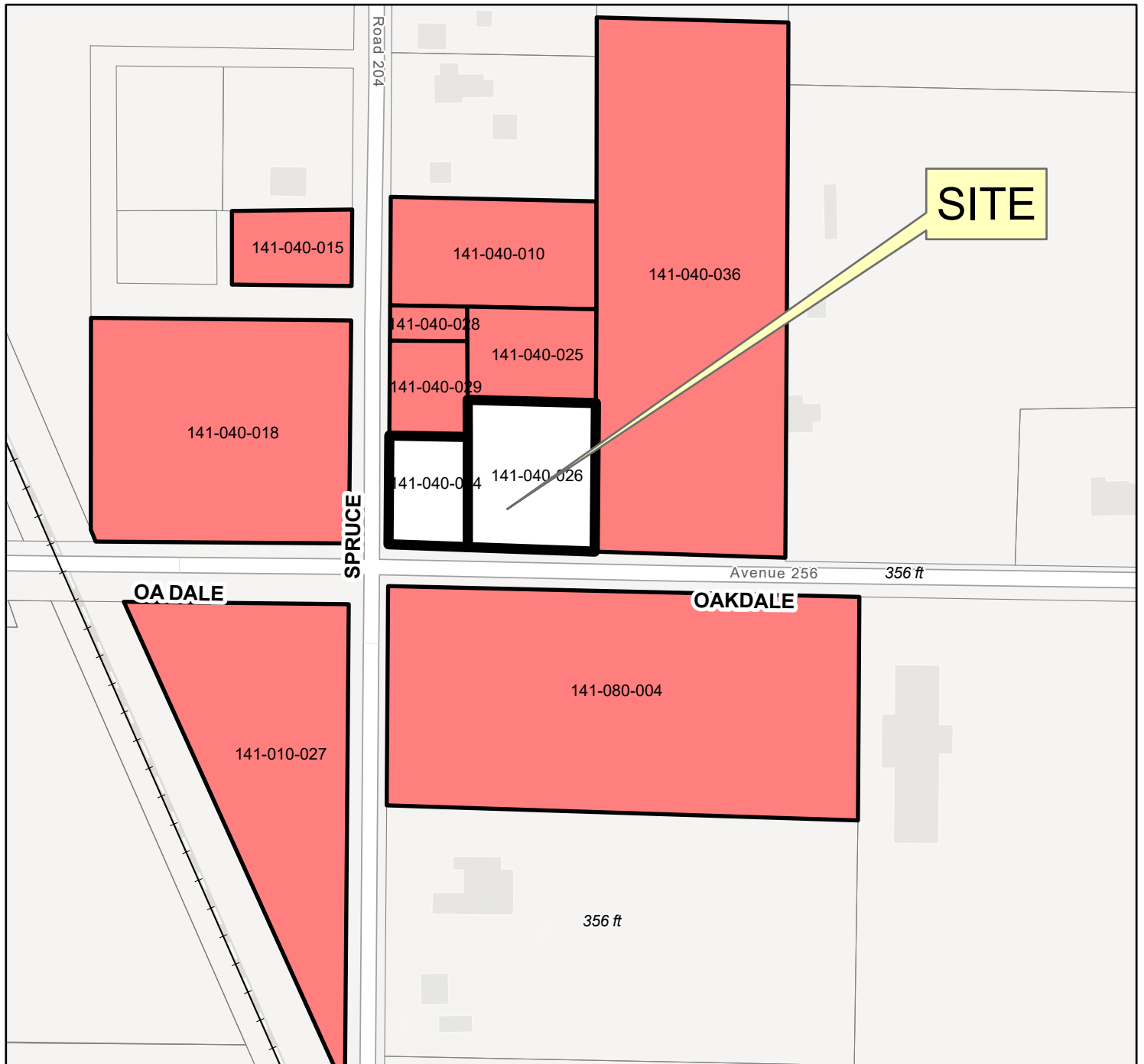
Proposed Zoning Map for GPA 24-003 & PZC 24-001



Owner: PINNACLE INVESTMENTS LLC.
Address: 1187 N. Willow Ave. #103
City, State, ZIP: CLOVIS, CA 93611
Applicant: SAME
Agent: N/A
Supervisory District: 1
Assessors Parcel: 141-040-024 & 141-040-026



Location and Property Ownership Map for Hearing Notification for GPA 24-003 & PZC 24-001



Owner: PINNACLE INVESTMENTS LLC.

Address: 1187 N. Willow Ave. #103

City, State, ZIP: CLOVIS, CA 93611

Applicant: SAME

Agent: N/A

Supervisory District: 1

Assessors Parcel: 141-040-024 & 141-040-026

0 40 80 160 240 320 400
Feet

Parcels
GPA 24-003 & PZC 24-001
300' Radius Properties



NOTICE OF PUBLIC HEARING
GENERAL PLAN AMENDMENT GPA 24-003 AND ZONE CHANGE PZC 24-001

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, July 9, 2024, at 9:30 a.m., 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 pertains to General Plan Amendment No. GPA 24-003 to amend the land use designation from Valley Agriculture to Mixed Use and Zone Change No. PZC 24-001 to change the zoning designation from the AE-20 (Exclusive Agricultural – 20 acre minimum) to the C-2-MU (General Commercial - Mixed Use Overlay) Zone on a 1.17 acre site. The subject site is located at 20440 Avenue 256, on the northeast corner of Avenue 256 and Road 204 (Spruce Road) south of Exeter, CA. The site is within Section 24, Township 19 South, Range 26 East, MDB&M (APNs: 141-040-024 & 141-040-026). Under the California Environmental Quality Act (CEQA), a Categorical Exemption is appropriate and applicable, which is consistent with CEQA and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures, as the project would convert the existing residential use/development to a commercial use compatible with existing neighboring development (commercial uses across the street).

For further information regarding this project, please call Jason Garcia-LoBue at (559) 624-7123 or email him at Jgarcia-lobue@tularecounty.ca.gov.

All interested people may appear and be heard at said time and place. To view the live stream of the Board of Supervisors meetings, please visit <https://tularecounty.ca.gov/board/board-meetings/board-of-supervisors-meetings/> or <https://www.youtube.com/channel/UCtio73xNL9t2b8Aq-R84abg>

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. Judicial review of this Board of Supervisors decision is appealable pursuant to §1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting contact Tulare County Resource Management Agency by telephone at (559) 624-7000, 48-hours in advance of this meeting.

Jason T. Britt County Administrative Officer/Clerk, Board of Supervisors

Attachment No. 5

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 Blvd.
Visalia, CA 93291

Lead Agency: County of Tulare c/o Resource Management Agency
5961 South Mooney Blvd
Visalia, CA 93277
(559) 624-7000

Attn: gmills@tularecounty.ca.gov and jwillis@tularecounty.ca.gov

DATE RECEIVED FOR FILING AT TULARE COUNTY CLERK'S OFFICE

Applicant(s): Pinnacle Investments LLC
1187 N. Willow Avenue #103
Clovis, CA 93611
(559) 994-1821

Project Title: General Plan Amendment No. GPA 24-003 & Zone Change No. PZC 24-001

Project Location - Specific: The project site is located at 20440 Avenue 256 on the northeast corner of Avenue 256 and Road 204 (Spruce).

Project Location- Section, Township, Range: Section 24, Township 19 S., Range 26 E., M.D.B. & M.

Project Location - City: Exeter

Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: General Plan Amendment to change the land use designation from Valley Agriculture to Mixed Use and a Zone Change from the AE-20 (Exclusive Agricultural Zone – 20 Acre Minimum) Zone to the C-2-MU (General Commercial – Mixed Use Overlay) Zone for the future development of a gas station and associated convenience store.

Exempt Status: (*check one*)

- ☐ Common Sense Rule: CEQA guidelines 15061(b)(3)
- ☒ Categorical Exemption: CEQA Guidelines Sections 15303, Class 3, New Construction or Conversion of Small Structures
- ☐ Statutory Exemptions: CEQA Guidelines Section 15262 Feasibility and Planning Studies

Reasons why project is exempt: The action is consistent with Section 15303, Class 3 since the project would convert the existing residential use/development to a commercial use compatible with existing neighboring development (commercial uses across the street). Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Subparagraph (c) lists "A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive" The use of Section 15303(c) is applicable and appropriate because the project site in an urbanized area, upon project approval, establishing a convenience store and gas station up to four such commercial buildings, or similar allowed uses, not exceeding 10,000 square feet in floor area would be new construction that is allowed by right in the C-2-MU Zone.

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

Project Planner/Representative: Project Planner - Jason Garcia-LoBue, Planning & Permit Manager **Telephone:** (559) 624-7123

Signature: _____
Gary Mills

Date: _____

Title: Chief Environmental Planner

Signature: _____
Reed Schenke, P.E.

Date: _____

Title: Environmental Assessment Officer
RMA Director

☒ Signed by Lead Agency

Date submitted to the OPR/SCH: _____