



RESOURCE MANAGEMENT AGENCY COUNTY OF TULARE PLANNING COMMISSION SUMMARY

5961 S. Mooney Blvd
Visalia, CA 93277
624-7000 Phone
615-3002 Fax

PLANNING COMMISSION

CHAIRMAN: Carlos Aleman

VICE-CHAIR: Terren Brown

COMMISSIONERS:

Calros Aleman

Gil Aguilar

Bill Whitlatch

Wayne O. Millies

Christopher Launer

Dennis Lehman

Terren Brown

Matthew Stoll (Alternate)

AIRPORT LAND USE

COMMISSIONERS (ALUC)

Matthew Stoll (Chair)

Bill Whitlatch (Vice-Chair)

PROJECT NO: PSP 25-005/PSR	AGENDA DATE:	April 23, 2025
APPLICANT: Jose Luis and Arturo Nunez Cisneros	AGENDA ITEM NO.:	5B
AGENT: Frank Gomez		
SUBJECT: Approve a Special Use Permit for a Final Site Plan to allow seven (7) existing residencies on a 0.99-acre parcel in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone, located at 42007 Road 136, on the west side of the intersection of Road 136 and Avenue 420, to the west of East Orosi (APN: 025-050-030). Environmental Review: Categorical Exemption, Section 15301 – Existing Facility One Motion CONTACT PERSON: Russell Kashiwa	AGENDA ITEM TYPE	
	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
	Other:	
	ACTION REQUESTED	
	Resolution–Planning Commission	X

RECOMMENDATION(S):

That the Planning Commission:

- (1) Hold a public hearing
- (2) Approve a Categorical Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15301, Class 1, pertaining to Existing Facility and conditionally approve Special Use Permit No. PSP 25-005/PSR.

PLANNING COMMISSION ALTERNATIVES:

Alternative No. 1: Move to approve, subject to modifications as discussed by the Planning Commission.

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

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

Alternative No. 4: Continue the public hearing to a date certain.

PROJECT OVERVIEW:

A Categorical Exemption and Special Use Permit No. PSP 25-005/PSR requests to allow seven (7) existing residences to remain and to be used by the Applicant and for family members of the Applicant (three (3) mobilehomes, one (1) duplex, and two (2) single-family residences). The site is currently being used for employee housing. The Applicant wishes to remove the site from the employee housing program.

SUBJECT: Special Use Permit No. PSP 25-005/PSR (Nunez Cisneros)

Condition of approval no., 22, requires that the applicant file with the California Department of Housing and Community Development (HCD) in accordance with California Health and Safety Code section 17037.5 a certificate of non-operation for two (2) years.

The project site currently consists of seven (7) residences, three (3) septic systems, a domestic well, and two (2) sheds. The project site is located at 42007 Road 136, on the west side of the intersection of Road 136 and Avenue 420, to the west of East Orosi (APN: 025-050-030)

ENVIRONMENTAL SUMMARY:

This project will not have a significant effect on the environment and has been determined to be categorically exempt, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations, Section 15301, Class 1, Existing Facilities. The basis for the exemption is that the structures are currently in existence and the intent of the project is to bring the site into conformity after it is removed from the employee housing program.

ENTITLEMENT(S):

The project is consistent with applicable elements of the County General Plan and the Zoning Ordinance.

General Plan - The project site is located within the Rural Valley Lands Plan with a Land Use Designation of Valley Agriculture. The proposal is consistent with relevant policies of the Tulare County General Plan, including Planning Framework No. 1.2 (Location of Urban Development), Agricultural Policy 1.14 (Right-to-Farm Noticing) and Land Use Policy 1.1 (Smart Growth and Healthy Communities).

Zoning – The property is in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone. A Final Site Plan is required pursuant to Section 15 of the Tulare County Zoning Ordinance (TCZO), to allow for more than two (2) dwelling units in the AE-20 Zone. Section 15.A.6.c of the TCZO allows the decision-making body to approve modifications from Section 15.A.6.c (such as for additional residences) in individual cases if the modification is in accordance with the purposes set forth in Section 1 of TCZO, subject to the approval of a Final Site Plan application by the Planning Commission. The use permit complies with all zoning regulations applicable to the subject property, including Section 1 of the TCZO, since the proposed project serves the public health, safety, and general welfare and provides the economic and social advantages resulting from an orderly, planned use of land resources.

The proposed request is in compliance with the Tulare County Zoning Ordinance if a Special Use Permit for a Final Site Plan is approved.

PROJECT SUMMARY:

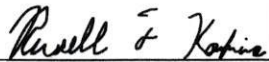
The surrounding properties are all zoned AE-20 and Scattered Rural Residences and Agriculture.

Conditions of approval are included from the County Fire Department, Environmental Health Services Division, and Building Department.

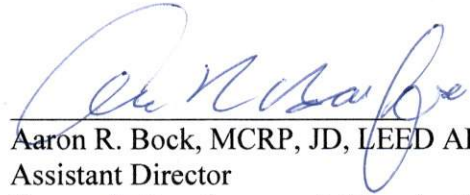
PUBLIC HEARING NOTICE:

Gov. Code Section 65009(b) requires the County to include in any public notice issued 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.”

SUBJECT: Special Use Permit No. PSP 25-005/PSR (Nunez Cisneros)



Russell Kashiwa Project Planner
Project Processing Division
Economic Development & Planning Branch



Aaron R. Bock, MCRP, JD, LEED AP
Assistant Director
Economic Development & Planning Branch



Gary A. Mills, Chief Planner
Environmental Planning Division
Economic Development & Planning Branch



Michael Washam, Associate Director
Resource Management Agency

ATTACHMENTS:

Attachment No. 1 - Draft Resolution

Exhibit A – Site Plan

Exhibit B – Compliance Monitoring

Exhibit C – Right to Farm Notice

Attachment No. 2 – Staff Report

Attachment No. 3 – Consulting Agency List and Correspondence

Attachment No. 4 – Graphics

Attachment No. 5 – Notice of Exemption

Attachment No. 6 – Location and Property Ownership Map for Hearing Notification

Attachment No. 7 – Public Hearing Notice

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF SPECIAL USE PERMIT)
FOR A FINAL SITE PLAN APPLICATION NO)
PSP 25-005/PSR) RESOLUTION NO. [DRAFT]
SEVEN (7) RESIDENCES IN THE AE-20 ZONE)
FOR NUNEZ CISNEROS)

Resolution of the Planning Commission of the County of Tulare accepting a categorical exemption as the appropriate environmental determination and conditionally approving Special Use Permit No. PSP 25-005/PSR, requested by Jose Luis and Arturo Nunez Cisneros, 42007 Road 136, Orosi, CA 93647, to allow seven (7) existing residences to remain and to be used by the Applicant and for family members of the Applicant (three (3) mobilehomes, one (1) duplex, and two (2) single-family residences), on an approximate 0.99-acre parcel, in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone, located at 42007 Road 136, on the west side of the intersection of Road 136 and Avenue 420, to the west of East Orosi (APN: 025-050-030).

WHEREAS, an application has been filed pursuant to the regulations contained in Section 16 of Ordinance No. 352, the Zoning Ordinance; and

WHEREAS, the Planning Commission has given notice of its intention to consider the granting of a Special Use Permit as provided in Section 18 of said Ordinance No. 352 and as provided in Section 65905 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 application subject to conditions; and

WHEREAS, on April 9, 2025, a Notice of Public Hearing by the Tulare County Planning Commission was duly published in The 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 at a regular meeting of the Planning Commission on April 23, 2025; and

WHEREAS, at the April 23, 2025, meeting of the Planning Commission, an opportunity to provide public testimony was offered. Public testimony [was/was not] received in support and/or in opposition to the project.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the staff report for the project together with any comments received during the public review process.

B. This Planning Commission hereby adopts the following findings of fact as to the reasons for approval of this application:

1. The Applicant requests to allow seven (7) existing residences to remain and to be used by the Applicant and for family members of the Applicant (three (3) mobilehomes, one (1) duplex, and two (2) single-family residences).
2. The site is currently being used for employee housing. The Applicant wishes to remove the site from the employee housing program. Condition of approval below requires that the applicant file with the California Department of Housing and Community Development (HCD) in accordance with California Health and Safety Code section 17037.5 a certificate of non-operation for two (2) years
3. The project site currently consists of seven (7) residences, three (3) septic systems, a domestic well, and two (2) sheds.
4. The project site is located within the Rural Valley Lands Plan with a Land Use Designation of Valley Agriculture. The proposal is consistent with relevant policies of the Tulare County General Plan, including Planning Framework No. 1.2 (Location of Urban Development), Agricultural Policy 1.14 (Right-to-Farm Noticing) and Land Use Policy 1.1 (Smart Growth and Healthy Communities).
5. Section 15 of the Tulare County Zoning Ordinance (TCZO), to allow for more than two (2) dwelling units in the AE-20 Zone. Section 15.A.6.c of the TCZO allows the decision-making body to approve modifications from Section 15.A.6.c (such as for additional residences) in individual cases if the modification is in accordance with the purposes set forth in Section 1 of TCZO, subject to the approval of a Final Site Plan application by the Planning Commission. The use permit complies with all zoning regulations applicable to the subject property, including Section 1 of the TCZO, since the proposed project serves the public health, safety, and general welfare and provides the economic and social advantages resulting from an orderly, planned use of land resources.
6. The use permit complies with all zoning regulations applicable to the subject property.
7. The building line setback requirements are separate and distinct requirements from yard areas. The Building Line Setback Ordinance (Section 7-19-1170 in the Tulare County Ordinance Code) requires a setback of the standard 50 feet from the centerline of the rights of way of Road 136. The subject site meets the building line setbacks.
8. Access to the site is via a Private Road connected to Road 136.
9. The County Public Works/Engineering Branch responded to a consultation request on February 24, 2025, the County Environmental Health Services Division (TCEHSD) responded to comments on February 27, 2025, and the Tulare County Fire Department respond to comments for PRC 24-036 on September 3, 2024. All recommended conditions of approval have been added below.

10. The project is not noise sensitive but generates noise. The nearest off-site residence is approximately 20 feet to the west of the Project Site. Normally acceptable noise levels for agricultural uses are up to 70 dB. Due to the agricultural zoning and character of the surrounding areas, sensitivity to noise impacts is relatively lower than other more populated urban areas of the County.
11. The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 0345. The subject site is located within shaded Zone X.

Construction of buildings within a shaded Zone X (0.2 percent chance flood) require no specific flood mitigation measures, however, it is recommended that all finished floor levels be elevated one (1) foot above adjacent natural ground.

12. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Development Impact Fees. New Development may be subject to County Development Impact fees

A. This Planning Commission, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the use of building or land applied for PSP 25-005/PSR would 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:

B. This Planning Commission hereby finds that said Special Use Permit for a Final Site Plan is categorically exempt, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15301, Class 1, Existing Facilities. The basis for the exemption is that the structures are currently in existence and the intent of the project is to bring the site into conformity after it is removed from the employee housing program.

C. This Planning Commission hereby approves Special Use Permit No. PSP 25-005/PSR, subject to the following conditions:

General Conditions

1. Development shall be in accordance with the plan as submitted by the applicant and/or as modified by the Planning Commission (Exhibit "A") and in accordance with County-adopted Development Standards.
2. Regardless of Condition No. 1 above, the Planning Director is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his successors, as long as said modifications do not materially affect the determination of

the Planning Commission. Such modifications shall be noted on the approved plans and shall be initialed by the Planning Director.

3. A Compliance Reporting and Monitoring Schedule (Exhibit "B") has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance.
4. The property owners shall sign a Right to Farm Notice (Exhibit "C"), which will be recorded at with the Tulare County Recorder's Office with the Resolution approving this Special Use Permit.
5. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
6. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures.
7. If there are conditions set down herein which require construction of improvements, they shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises, and the traveling public, shall be protected. The Planning Commission may grant exceptions to this condition upon request by the applicant.
8. This Special Use Permit may not be become effective until after the appeal period, which is ten (10) days after the action taken by the Planning Commission. During the ten day appeal period, County staff will mail, to the applicant's most recent known address, the following forms to sign - an "Acceptance" of conditions of approval and, if applicable, a Right to Farm Notice. Within ten (10) days of the action taken by the Planning Commission, the applicant shall be required to sign and return all documents related to the Special Use Permit. Upon receipt, Staff shall file all appropriate documents with the County Recorder. Failure to sign all required documents may cause the application to be considered null and void.
9. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant, or his/her successor, has actually commenced the use authorized by the permit within said two year period. The Planning Commission may grant one or more extensions of said two year time, upon request by the applicant.
10. All standard conditions and all special conditions of approval of this Special Use Permit must be complied with at all times in order to continue the use allowed. Compliance with such conditions is subject to review at any time. Normally, an initial review of compliance shall be conducted by the Tulare County Planning Commission twelve months after the granting of said permit; however, the Planning Commission may schedule the review sooner under certain circumstances. Additional reviews may be undertaken at the discretion of the Planning Commission. Fees as established by the County shall be paid in advance to offset the costs for the required reporting.

11. This Special Use Permit shall automatically expire and become null and void two years after the use for which it was granted is discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Planning Commission may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.
12. The applicant(s), his successors and assigns, 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 Special Use Permit No. PSP 25-005/PSR; 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.

Environmental Health Services Division

13. The applicant must contact Soux Lee at the Tulare County Environmental Health (TCEH), at 559-624-7400, for information regarding the potential permitting as a State Small Water System.

Fire Department

14. An address shall be posted to a minimum of 4" x 3" x ½" line width permanent number that shall be visible from the street.
15. The applicant or their successors and assigns shall provide all-weather (2" after compact- crushed rock, road base, or DG) 20 feet Fire Department. access road, with a maintained 13 feet 6 inches vertical clearance.
16. A fire final is required.

Planning Department

17. The applicant, his successors and assigns shall ensure that all parking areas and driveways are graded and drained in order to dispose of all surface water on the site. The parking areas and entrance roads shall be treated with acceptable dust retarding treatment so that dust and mud will not create conditions detrimental to the surrounding area and roads. Said treatment shall be maintained at all times in order to keep dust from drifting to adjoining lands.

18. The applicant, his successors and assigns shall comply with the San Joaquin Valley Air Pollution Control District's Regulation VIII – Fugitive Dust Rule and Rule 4102 - Nuisance.
19. The applicant, his successors and assigns shall ensure that, if any resources of an historic or prehistoric nature are discovered during construction or grading activities on the site, all construction or grading shall immediately 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 determines that appropriate and necessary recovery measures have been completed.
20. The applicant, his successors and assigns shall ensure that, should human remains be encountered within the project area, the County Coroner must be contacted immediately, per Section 7050.5 of the California Health and Safety Code. Construction or excavation in the vicinity of discovered human remains shall be stopped until the County coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must, as required by law (Public Resources Code Section 5097), contact the California Native American Heritage Commission (NAHC), which shall specify the procedures to be followed.
21. The applicant, his successors and assigns shall avoid and minimize impacts to known paleontological and tribal cultural resources. The owner shall include a standard "inadvertent discovery" clause in every construction contract to inform contractors of the above two conditions of approval (#38 and #39). If a qualified professional determines that the find is significant, the qualified professional shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval.
22. The applicant file with the California Department of Housing and Community Development (HCD) in accordance with California Health and Safety Code section 17037.5 a certificate of non-operation for two (2) years

The foregoing resolution was adopted upon motion of Commissioner [Name], seconded by Commissioner [Name], at a regular meeting of the Planning Commission on April 23, 2025, by the following roll call vote:

AYES:

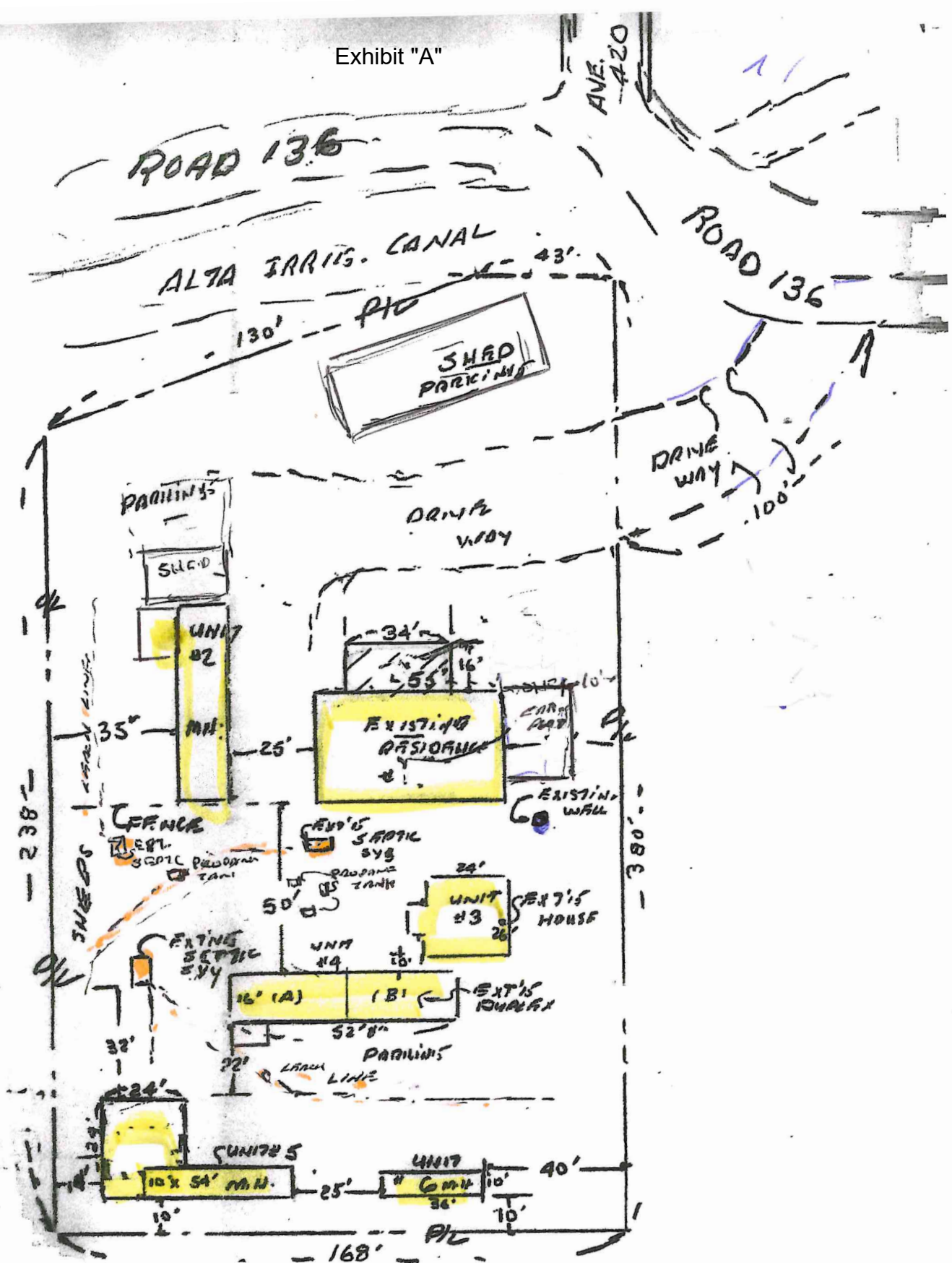
NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary



SITE PLAN SCALE: 1" = 40'

APN 025-050-30

Exhibit "B"

COMPLIANCE REPORTING AND MONITORING
SCHEDULE AND FEE NOTICE

PROJECT NO. Special Use Permit PSP 25-005/PSR

Section 22 of the Tulare County Ordinance mandates a program to monitor and ensure compliance with conditions imposed as part of approval of this project. It also mandates that fees be imposed to defray the expense incidental to any monitoring and compliance reviews.

Compliance review fees are based on an hourly rate as adopted by the Tulare County Board of Supervisors. The minimum deposit is based on the estimated number of inspections for the compliance review process.

A Compliance Reporting and Monitoring Schedule was established and imposed as a condition of the permit. **The first compliance review of this project is scheduled for 12 months from the date of approval.** If the use is to commence prior to the first scheduled inspection, call (559) 624-7000 to reschedule a first inspection.

Prior to recording the Resolution/Decision and Acceptance Form, a deposit of \$ 130 must be made to the Compliance Reporting and Monitoring Account. This deposit can be made at the Tulare County Resource Management Agency offices, located at 5961 S. Mooney Blvd., Visalia. Additional deposits may be required if the account is depleted. If the use has not commenced and an extension of time is needed, an additional deposit is required with the extension of time request.

Upon completion of the project and/or termination of the compliance reporting and monitoring schedule, the deposit account will be reviewed to determine if excess fees exist. A written request is required for a refund of excess fees remaining in the account. These fees are also subject to waiver or refund under Sections 130 and 135 of the Tulare County Ordinance Code.

If there are any questions regarding this notice, please contact Building Inspection/Code Compliance staff at (559) 624-7000.

Exhibit "C"

RIGHT TO FARM NOTICE

RE: Use Permit No. PSP 25-005/PSR

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)

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY
- PLANNING BRANCH -
Staff Report / Environmental Assessment
Special Use Permit No. PSP 25-005/PSR**

GENERAL

Applicant: Jose Luis and Arturo Nunez Cisneros
42007 Road 136
Orosi, CA 93647

Owners: Same

Agent: Frank Gomez
452 N. Bates Avenue
Dinuba, CA 93618

Requested Action:

Accept a Categorical Exemption from the California Environmental Quality Act and approve a Special Use Permit for a Final Site Plan to allow seven (7) existing residencies on a 0.99-acre parcel in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone.

Location:

42007 Road 136, on the west side of the intersection of Road 136 and Avenue 420, to the west of East Orosi (APN: 025-050-030), Section 8, Township 16S, Range 25E, MDB&M.

Applicants Proposal:

requests to allow seven (7) existing residences to remain and to be used by the Applicant and for family members of the Applicant (three (3) mobilehomes, one (1) duplex, and two (2) single-family residences). The site is currently being used for employee housing. The Applicant wishes to remove the site from the employee housing program.

Condition of approval has been added that requires that the applicant file with the California Department of Housing and Community Development (HCD) in accordance with California Health and Safety Code section 17037.5 a certificate of non-operation for two (2) years.

COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES

Zoning and Land Use:

Site: AE-20 project site currently consists of seven (7) residences, three (3) septic systems, a domestic well, and two (2) sheds.

Surroundings:

North – AE-20 and contains scattered rural residences and agriculture.
East – AE-20 and contains scattered rural residences and agriculture.
South – AE-20 and contains scattered rural residences and agriculture.

AE-20 and contains scattered rural residences and agriculture.

Entitlement: The property is in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone. A Final Site Plan is required pursuant to Section 15 of the Tulare County Zoning Ordinance (TCZO), to allow for more than two (2) dwelling units in the AE-20 Zone. Section 15.A.6.c of the TCZO allows the decision-making body to approve modifications from Section 15.A.6.c (such as for additional residences) in individual cases if the modification is in accordance with the purposes set forth in Section 1 of TCZO, subject to the approval of a Final Site Plan application by the Planning Commission. The use permit complies with all zoning regulations applicable to the subject property, including Section 1 of the TCZO, since the proposed project serves the public health, safety, and general welfare and provides the economic and social advantages resulting from an orderly, planned use of land resources.

The proposed request is in compliance with the Tulare County Zoning Ordinance if a Special Use Permit for Final Site Plan is approved.

Setbacks: The building line setback requirements are separate and distinct requirements from yard areas. The Building Line Setback Ordinance (Section 7-19-1170 in the Tulare County Ordinance Code) requires a setback of the standard 50 feet from the centerline of the rights of way of Road 136. The subject site meets the building line setbacks.

General Plan Elements:

The project site is located within the Rural Valley Lands Plan with a Land Use Designation of Valley Agriculture. The proposal is consistent with relevant policies of the Tulare County General Plan, including Planning Framework No. 1.2 (Location of Urban Development), Agricultural Policy 1.14 (Right-to-Farm Noticing) and Land Use Policy 1.1 (Smart Growth and Healthy Communities).

Access/Circulation:

The subject site lies on a private road providing access to Road 136.

Vehicle Trips: The number of residents is the same and the use will still be residential. Therefore, there will be no increase in vehicle trips than what is already in existence.

Noise:

The project is not noise sensitive but generates noise. The nearest off-site residence is approximately 20 feet to the west of the Project Site. Normally acceptable noise levels for agricultural uses are up to 70 dB. Due to the agricultural zoning and character of the surrounding areas, sensitivity to noise impacts is relatively lower than other more populated urban areas of the County.

Environmental Health

The County Environmental Health Services Division (TCEHSD) commented on February 24, 2025

1. The applicant must contact Soux Lee at the Tulare County Environmental Health (TCEH), at 559-624-7400, for information regarding the potential permitting as a State Small Water System.

Fire Department

The Tulare County Fire Department responded to comments for PRC 24-036 on September 3, 2024:

1. An address shall be posted to a minimum of 4" x 3" x ½" line width permanent number that shall be visible from the street.
2. The applicant or their successors and assigns shall provide all-weather (2" after compact- crushed rock, road base, or DG) 20 feet Fire Department. access road, with a maintained 13 feet 6 inches vertical clearance.
3. A fire final is required.

Planning Commission Policies and Precedents:

The Planning Commission has normally approved requests for residences to remain after exiting the employee housing program in the AE-20 Zone when it can be shown that the approval of said use will not adversely affect nearby residents or properties or pose a health and safety risk to those residing in the residences.

Planning Commission Development Standards:

Tulare County Development Standards have been adopted by the Planning Commission and utilized by the Board of Supervisors as policy to guide the development of property in Tulare County to provide safeguards for health, safety and general welfare. For a use not specified, the same standards shall be provided as are required for the most similar specified use, as determined by the Director of the Tulare County Resource Management Agency.

ENVIRONMENTAL SETTING

Topographical Setting: Level, typical of most valley lands.

Flooding Potential:

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 0345. The subject site is located within shaded Zone X.

Construction of buildings within a shaded Zone X (0.2 percent chance flood) require no specific flood mitigation measures, however, it is recommended that all finished floor levels be elevated one (1) foot above adjacent natural ground.

Soils: There is one type of soil on the subject parcel, San Joaquin Loam, Non-Prime soil, 0-2% slope, with low shrink-swell and Severe septic tank absorption.

Wildlife Habitats:

The California Natural Diversity Database updated on February 3, 2024, shows no species of concern on the subject site, nor are there any species of concern within 0.5 miles of the subject site.

Waterways:

No waterways are on the site, and the nearest waterway is located directly east of the subject site (Alta East Branch Canal).

Water Table:

According to the Spring 2024 SGMA Data Viewer depth points, the subject site lies approximately 2,000 feet east of the 60 foot contour line.

<https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#gwlevels>

Agricultural Preserves: The subject site is not located within an Agricultural Preserve (Williamson Act).

Archaeological Resources:

The site is not on a bluff or hillside with rocky outcroppings, and not likely to contain artifacts. Standard conditions of approval require construction to cease if artifacts or human remains are found.

HISTORY AND PROJECT FACTS

History:

1982 – The subject site was created by Lot Line Adjustment No. PLA 82-018

2024 – Subject site was acquired by the Applicant in February 2024 by Grant Deed

2024 – Applicant applied for PRC 24-036 which was held on May 16, 2024, to which it was recommended the Applicant apply for a Special Use Permit for a Final Site Plan.

Building Permits

Employee housing permits from 2013-2024

Residential Building Permit A1303146 to add a mobilehome, Finaled on 8/20/2014

A1802158 to rehab a SFD due to fire damage, Finaled on 4/11/2019

Other Facts:

Water Supply: Domestic Well

Liquid Waste Disposal: Two (2) Existing Septic Tank and Leech Lines

Solid Waste Disposal: Non-compostable solid waste will be disposed of in a dumpster and removed to be recycled or discarded at a County landfill that has sufficient permitted capacity.

Fire Protection: Tulare County Fire Station #4 Cutler-Orosi

Police Protection: Tulare County Sheriff's Department, Cutler-Orosi Substation

Energy Source: PG&E

Correspondence:

Agencies Notified

Tulare Co. RMA, Public Works/Engineering
Branch-Development Services Division
Tulare Co. HHSA, Environmental Health Services Division
Tulare Co. Fire Dept.
Tulare Co. Building Dept.

Replies Dated

2/24/2025
PRC 24-013
2/27/2025
No Response

ENVIRONMENTAL IMPACTS CHECKLIST/DISCUSSION FORM: See attached Notice of Exemption.

ENVIRONMENTAL DETERMINATION

The Environmental Assessment Officer has determined that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Section 15301, Class 1, Existing Facilities. The basis for the exemption is that the structures are currently in existence and the intent of the project is to bring the site into conformity after it is removed from the employee housing program. Therefore, Section 15301 is applicable and appropriate. The County Environmental Health Services Division, Fire Department, Public Works, and Planning Branch, require conditions of approval.

SUBSEQUENT ACTIONS

Appeals:

All Planning Commission actions on Special Use Permits are final unless appealed, in writing, to the Board of Supervisors, 2800 W. Burrel, Visalia, CA 93291-4582 within 10 calendar days after the date on which the decision is made. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

Compliance Reporting and Monitoring Schedule Fees:

A Compliance Reporting and Monitoring Schedule has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance. Fees, required to defray the expenses incidental to the compliance reporting and monitoring, will be required to be deposited into a Compliance Reporting and Monitoring Account prior to recording the Resolution (Exhibit B).

Right to Farm Notice:

In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, and as a condition of approval of the special use permit, a Right to Farm Notice shall be recorded with the resolution approving the special use permit (Exhibit C).

Air Impact Assessment:

The San Joaquin Air Pollution Control District has adopted the Indirect Source Review (District Rule 9510). Your project 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.

Water Impact Assessment:

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 discharge permit call the Fresno Branch Office at 559-445-5116 or visit www.waterboards.ca.gov/centralvalley.



RESOURCE MANAGEMENT AGENCY

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

Aaron R. Bock Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, P.E., DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

February 18, 2025

PROJECT PROCESSING - CONSULTATION NOTICE

To: Interested Agencies (see next page)

From: Russell Kashiwa, Project Planner

Subject: Case No. Special Use Permit No. PSP 25-005 – to allow for seven (7) residences to be used for family members within the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone, located at 42007 Road 136, east of Oroquieta. Currently the residences are being utilized as part of the Employee Housing Program, however the Applicant wishes to file for a Non-Operation per HCD regulations; APN 025-050-030 (REF: PRC 24-036).

The Tulare County Resource Management Agency, Development Services Branch, has received an application for a land development permit. A copy of the application package is attached for your information.

Please review this project and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation. Please indicate in your response which CEQA document this department should prepare:

☒ Categorical Exemption: Class 15301

☐ Expanded Categorical Exemption

☐ Negative Declaration:

☐ Mitigated Negative Declaration

☐ Environmental Impact Report

☐ Other: _____

To all local agencies wishing to make recommendations, all comments must be received by our office 2/18/2025, in order to be considered during the review process.

Special Notice to Agencies: Notice of a public hearing for this project will be mailed at least ten (10) days prior to the hearing. If your agency will be significantly affected by this project with respect to your ability to provide essential facilities and/or services, and you wish to receive notice of the public hearing, please state this in your response.

Our office appreciates your time and assistance with this project review. Please direct all correspondence to the Project Planner and Case Number referenced above for this project.

CASE NO. PSP 25-005
CONSULTING AGENCY LIST

TULARE COUNTY AGENCIES

☒ R.M.A. - Building Division
☒ R.M.A. - Code Compliance Division
☐ R.M.A. - Environmental Coordinator
☐ R.M.A. - Community Dev./Redevelopment Division
☒ R.M.A. - Flood/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
☐ R.M.A. - Solid Waste Division
☒ H.H.S.A. - Environmental Health Services Division
☐ H.H.S.A. - HazMat Division
☒ Fire Chief (2 copies)
☐ Sheriff's Department - Visalia Headquarters
☐ _____ Traver Substation
☐ _____ Orosi Substation
☐ _____ Pixley Substation
☐ _____ Porterville Substation
☐ Agricultural Commissioner
☐ Education Department
☐ Airport Land Use Commission
☐ Supervisor District
☐ Assessor
☐ Supervising Agricultural Standards Inspector – Gas
Stations

LOCAL AGENCIES

☐ Levee Dist. No 1*
☐ Levee Dist. No 2*
☐ _____ Irrigation Dist*
☐ _____ Pub Utility Dist*
☐ _____ Comm. Service Dist*
☐ _____ Town Council*
☐ _____ Elem. School Dist*
☐ _____ High School Dist*
☐ City of _____ *
☐ County of _____ *
☐ Tulare Lake Basin Water Storage Dist*
☐ _____ Advisory Council*
☐ _____ Fire District*
☐ _____ Mosquito Abatement*
☐ Kaweah Delta Water Cons. District*
☐ SJV 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 & Wildlife 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 Clearinghouse (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)
☐ 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)
☐ Other: _____



TULARE COUNTY FIRE DEPARTMENT

835 S Akers St, Visalia, CA 93277 - Phone (559) 802-9800 - Fax (559) 747-8242

Charlie Norman
FIRE CHIEF

September 3, 2024

Attn: Russell T Kashiwa

Tulare County Fire Department has conducted a plan review on plans # PRC 24-036, the following is a check list of requirements for: 7 housing units for family members and cancel Employee Housing program.

FIRE REQUIREMENTS

- All-weather (2" after compact- crushed rock, road base, or DG) 20 feet Fire Dept. access road, with a maintained 13 feet 6 inches vertical clearance.
- Address posted on the residence, minimum 4"x3"x 1/2" line width permanent numbers visible from the street.
- Fire Final required prior to building final. Call (559) 802-9807 to schedule.

*Note, this checklist does not exclude builder /owner from all required applicable codes. If something was missed in the plan check process, the owner /builder will be expected to comply with the applicable code, regulation, or ordinance.

Respectfully submitted.

Mark Phillips
Fire Inspector – Plans Examiner
Tulare County Fire Department
(559)624-7074



TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY

Donna Ortiz
Agency Director

Karen M. Elliott, MBA • Director • Public Health Branch
Nilsa Gonzalez, REHS • Public Health Branch Deputy Director • Environmental Health Director

February 27, 2025

RUSSELL KASHIWA
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA CA 93277

RE: Special Use Permit, PSP 25-005

This office has reviewed the above-referenced matter. Based upon our review, we have the following comments for this project:

1. The Applicant must contact Soux Lee at Tulare County Environmental Health (TCEH), at (559)624-7400, for information regarding the potential permitting as a State Small Water System.

If there are any questions, please contact me at (559) 624-7400.

Regards,

A handwritten signature in blue ink that reads "Kevin Bangsund".

Kevin Bangsund, REHS
Environmental Health Specialist III
Environmental Health Services Division

CC: Soux Lee - EH

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

February 24, 2025

TO: Russell Kashiwa, Project Planner
FROM: Vanesa Sandoval, Engineer II
SUBJECT: Case No. PSP 25-005 _____

APPLICANT: Jose Luis Nunez Cisneros and Arturo Nunez Cisneros
APN: 025-050-030

The subject Case No. PSP 25-005 has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

The subject site is not located within any Urban Development Boundary.

The subject site is not located within the boundaries of any Specific Plan.

Flood Information:

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 0345. The subject site is located within shaded Zone X.

Construction of buildings within a shaded Zone X (0.2 percent chance flood) require no specific flood mitigation measures, however, it is recommended that all finished floor levels be elevated one (1) foot above adjacent natural ground.

Right-of-way Information:

The subject site lies on a private road providing access to Road 136.

We have no recommended conditions for the subject case.



Aerial Photograph for PSP 25-005 (PC)



Owner: Jose Luis & Arturo Nunez Cisneros
Address: 42007 Road 136
City, State, ZIP: Orosi CA 93647
Applicant: Same
Agent: Frank Gomez
Supervisory District: 4
Assessors Parcel: 025-050-030

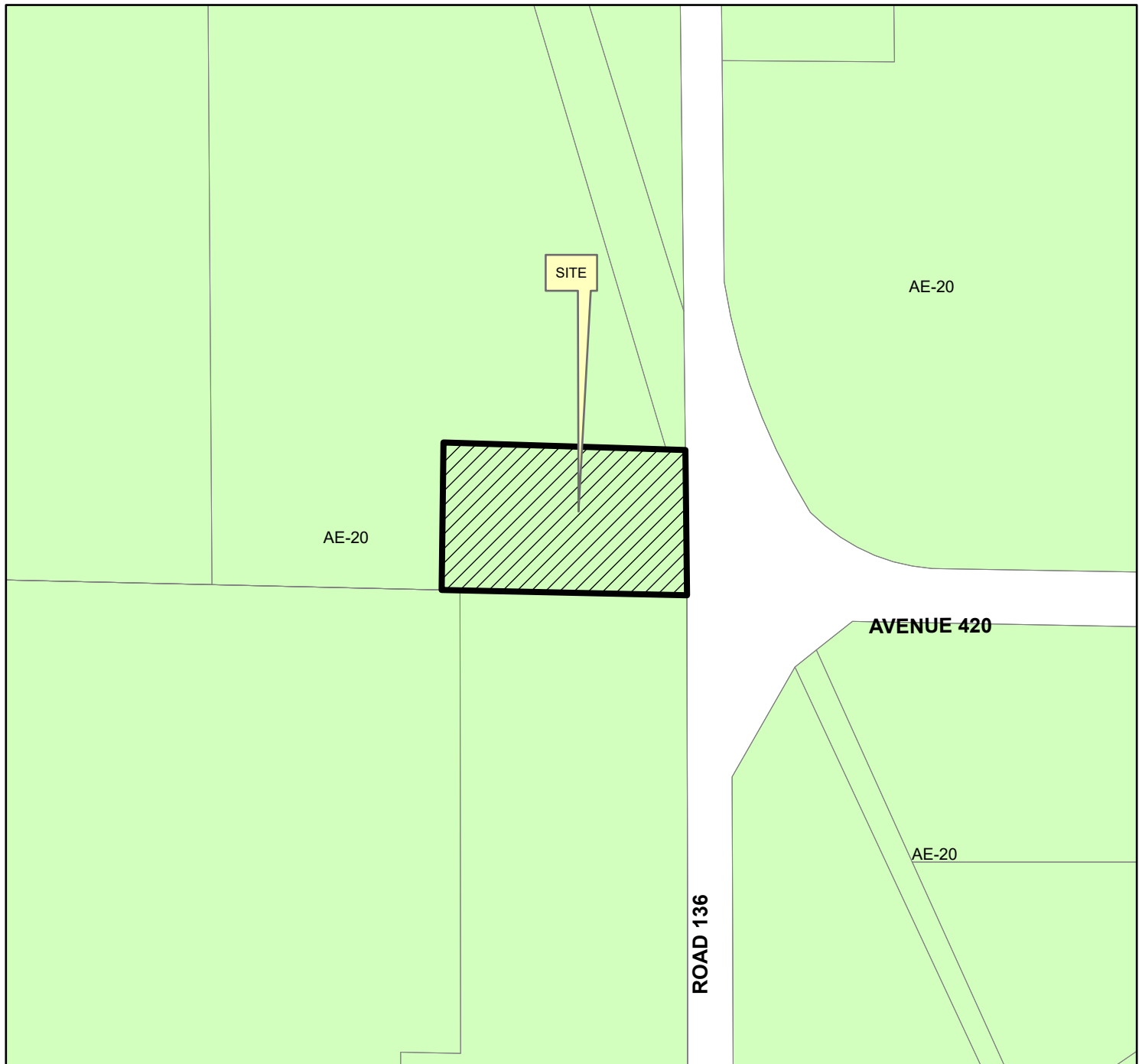
0 60 120 180 240 300 360 Feet

 Site





Existing Zoning Map for PSP 25-005 (PC)



Owner: Jose Luis & Arturo Nunez Cisneros
Address: 42007 Road 136
City, State, ZIP: Orosi CA 93647
Applicant: Same
Agent: Frank Gomez
Supervisory District: 4
Assessors Parcel: 025-050-030

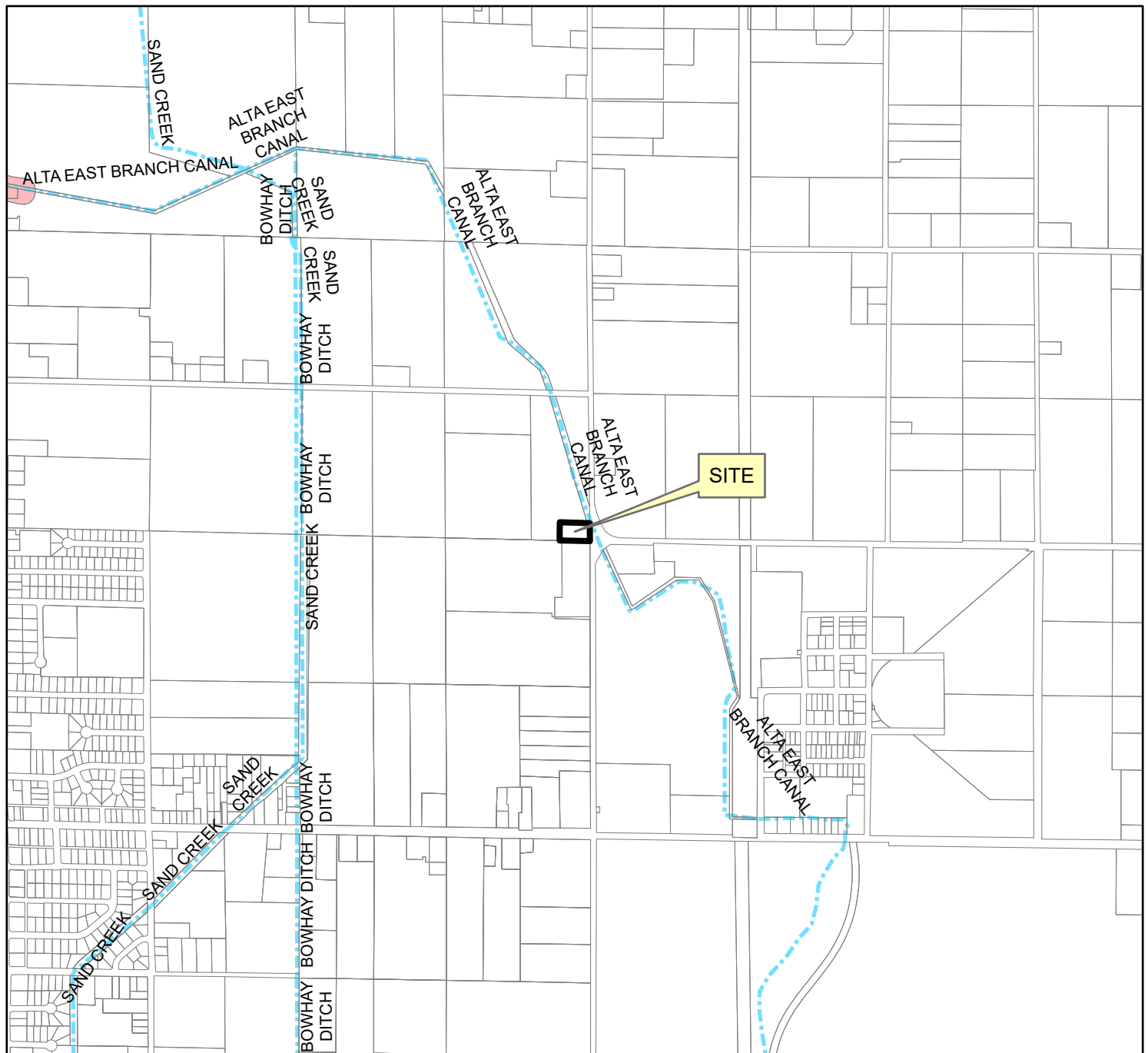
0 60 120 180 240 300
Feet

Parcels
ZONE
AE-20
Site





Species of Concern for PSP 25-005 (PC)



CNDDDB (data file last updated on 3/4/2025)

0 0.1 0.2 0.3 0.4 0.5
Miles



Legend

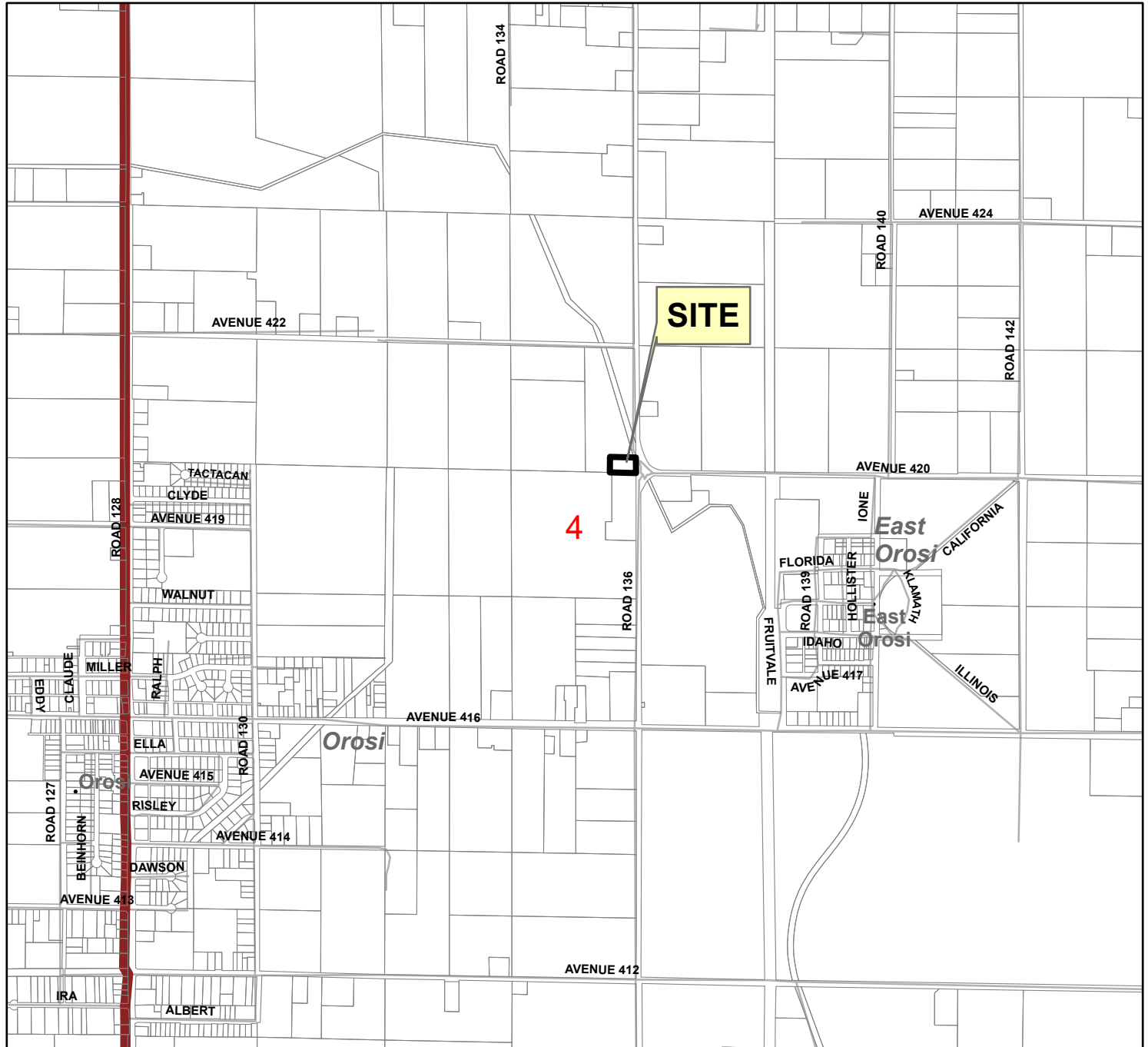
- Parcels
- Site

Species of Concern (CNDDDB)

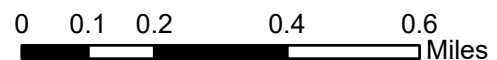
- Sanford's arrowhead
- Parcels
- Site



Vicinity Map for PSP 25-005 (PC)



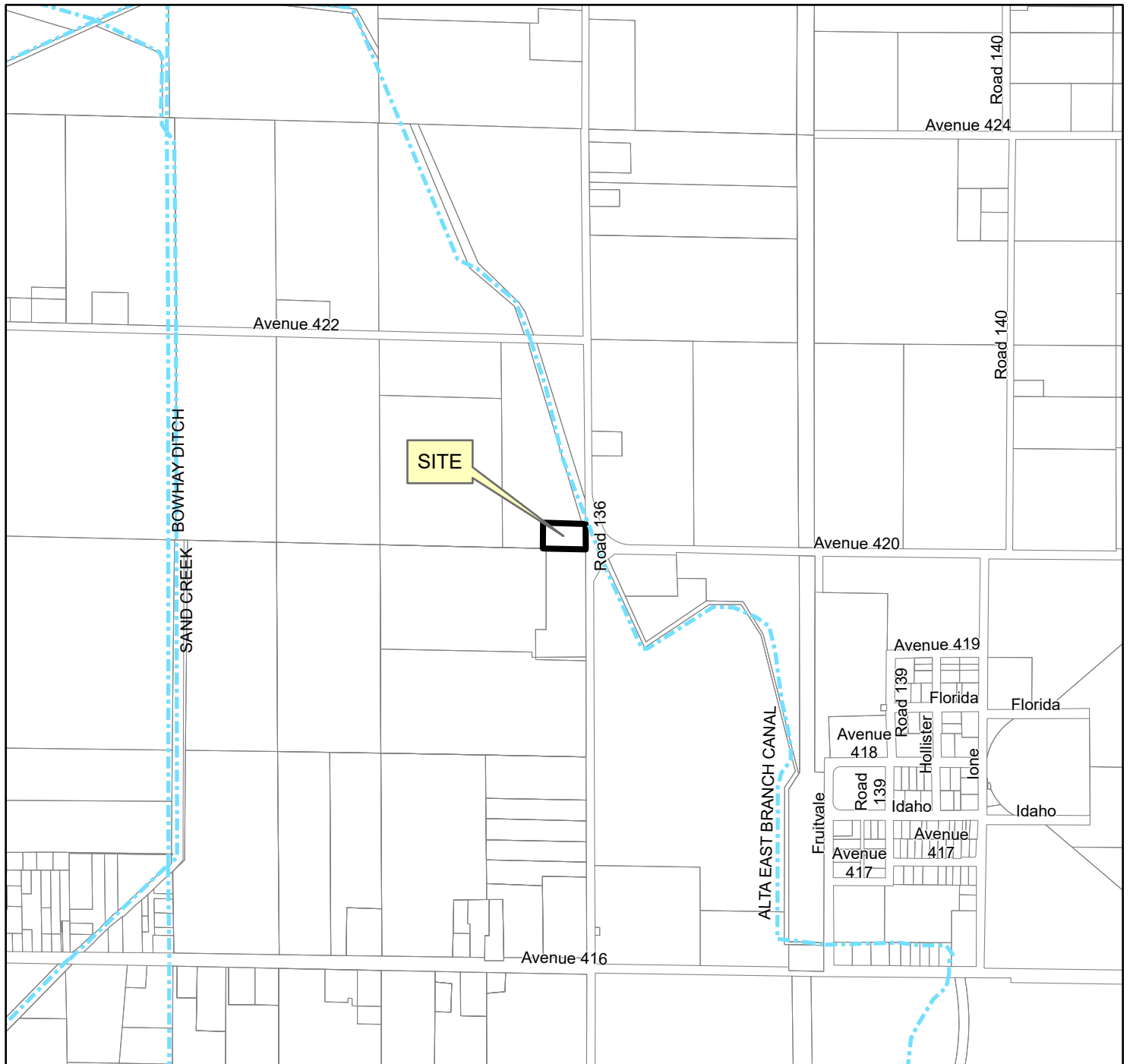
Supervisory District: 4



- Supervisory Districts
- Site
- Parcels
- Parcels



Waterways Map for PSP 25-005 (PC)



- Waterways
- Parcels
- Site

0 2,000 Feet



NOTICE OF EXEMPTION

To: ☒ Office of Land Use and Climate Innovation
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 S. 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): Jose Luis & Arturo Nunez Cisneros
42007 Road 136
Orosi, CA 93647 (559)-399-7781

Project Title: PSP 25-005/PSR - Nunez Cisneros

Project Location - Specific: 42007 Road 136, on the west side of the intersection of Road 136 and Avenue 420, to the west of East Orosi (APN: 025-050-030)

Project Location- Section, Township, Range: Section 8, Township 16S, Range 25E

Project Location - City: N/A **Project Location - County:** Tulare

Description of Nature, Purpose, and Beneficiaries of Project: The Applicant is requesting to allow seven (7) existing residences to remain and to be used by the Applicant and for family members of the Applicant (three (3) mobilehomes, one (1) duplex, and two (2) single-family residences) on a 0.99-acre parcel in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone. The site is currently being used for employee housing. The Applicant wishes to remove the site from the employee housing program. The Applicant and their family.

Exempt Status: *(check one)*

- ☐ Common Sense Exemption: CEQA Guidelines 15061(b)(3)
☒ Categorical Exemption: **CEQA Guidelines Class 3 Section 15301 Existing Facilities**
☐ Statutory Exemptions: **CEQA Guidelines Section 15262 Feasibility and Planning Studies**

Reasons why project is exempt: This action is consistent with Section 15301 Class 1, consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use of the seven (7) buildings will still be for residential purposes. Therefore, the application of CEQA Section 15301 is applicable and appropriate for this project.

Environmental Assessment Officer: Reed Schenke, P.E., RMA Director/ EAO

Name of Public Agency Approving Project: County of Tulare

Project Planner/Representative: Russell Kashiwa - Planner

Telephone: (559) 624-7000

Signature: _____
Gary A. Mills

Date: _____

Title: Chief Planner,
Environmental Planning Division

Signature: _____
Michael G. Washam, A.C.E.

Date: _____

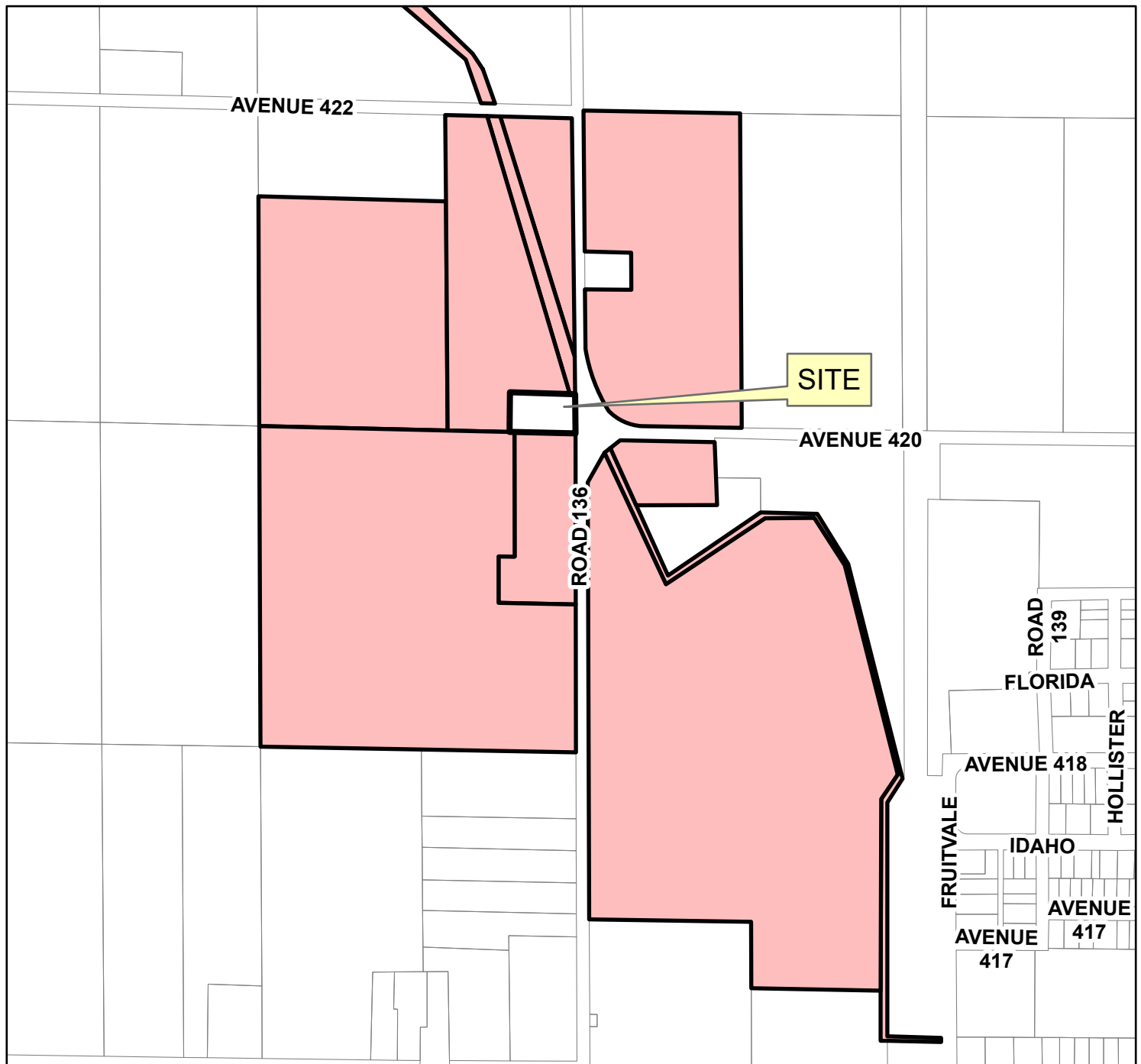
Title: Associate RMA Director, Designee

☒ Signed by Lead Agency

Date submitted to the LCI/SCH: _____



Location and Property Ownership Map for Hearing Notification for PSP 25-005 (PC)



Owner: Jose Luis & Arturo Nunez Cisneros
 Address: 42007 Road 136
 City, State, ZIP: Orosi CA 93647
 Applicant: Same
 Agent: Frank Gomez
 Supervisorial District: 4
 Assessors Parcel: 025-050-030

0 320 640 960 1280 Feet

[White box] Parcels
 [Black box] Site
 [Pink box] 300 foot rad



NOTICE OF PUBLIC HEARING AND AVAILABILITY
OF ENVIRONMENTAL DOCUMENT

A **Categorical Exemption** for **Special Use Permit No., PSP 25-005/PSR** has been approved for public review by the Tulare County Environmental Assessment Officer. Copies are available for review and comment at the Resource Management Agency, Permit Center, 5961 South Mooney Blvd., Visalia, California 93277-9394 (559) 624-7000, (Monday – Thursday: 9:00 am to 4:30 pm and Friday: 9:00 am to 11:00 am). For further information regarding this project, please call **Russell Kashiwa** at **559-624-7110** or **E-mail** at **Rkashiwa@tularecounty.ca.gov**. Comments and recommendations on the adequacy of the environmental document may be filed at the aforementioned address during the public review period established for the project.

PROJECT: Special Use Permit No., PSP 25-005/PSR – Nunez Cisneros

APPLICANT/AGENT: Jose Luis and Arturo Nunez Cisneros

LOCATION: 42007 Road 136, on the west side of the intersection of Road 136 and Avenue 420, to the west of East Oroshi (APN: 025-050-030).

PROJECT DESCRIPTION: The Applicant requests to allow seven (7) existing residences to remain and to be used by the Applicant and for family members of the Applicant (three (3) mobilehomes, one (1) duplex, and two (2) single-family residences). The site is currently being used for employee housing. The Applicant wishes to remove the site from the employee housing program.

ENVIRONMENTAL DOCUMENT: A Categorical Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15301, Class 1, pertaining to Existing Facilities.

REVIEW PERIOD: 10 days until Monday, April 21, 2025, at 5:00 p.m.

PUBLIC HEARING: Planning Commission on Wednesday, April 23, 2025, at 9:00 a.m.

All meetings are currently held at the Board of Supervisors Chambers, 2800 West Burrel Avenue, Visalia, California 93291. PLANNING COMMISSION meetings start at 9:00 a.m. All interested parties are invited to attend and be heard. Meeting Agendas, Documents, Live Broadcasts and Archived Recordings are available at the following link:

<https://tularecounty.ca.gov/rma/planning-building/planning-commission/>

For environmental questions, please call Gary Mills, Chief Environmental Planner at 624-7000. If you challenge the decision on any of the foregoing matters 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 Tulare County Resource Management Agency, Economic Development and Planning Branch, within the review period described herein. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in meetings call (559) 624-7000 48-hours in advance of the meeting.

GARY MILLS, CHIEF ENVIRONMENTAL PLANNER
REED SCHENKE, ENVIRONMENTAL ASSESSMENT OFFICER

TO BE PUBLISHED ONCE ONLY ON: April 9, 2025

SEND BILL AND TEAR SHEET TO:

TUL. CO. RESOURCE MGMT., 5961 SOUTH MOONEY BLVD., VISALIA, CA 93277-9394

SEND TO: Sun Gazette