

# **ATTACHMENT NO. 1**

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 17, Township 28 South, Range 25 East, Mount Diablo Base and Meridian, being a subdivision of Part 336 of the Official Zoning Maps. A map showing Zone Change No. PZC 22-012 approved for approximately 67.59 acres is attached hereto and incorporated herein by reference. The new zoning will be R-A-43 (Rural Residential – 43,000 sq. ft. minimum).

Section 2. The property affected by the zoning reclassification from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential – 100,000 sq. ft. minimum), filed as is briefly described as follows: Being a 67.59-acre site, located on Tulare County Assessor Parcel Numbers (APNs) 079-071-014, 079-072-005, and 079-073-001. The subject property is located on the west side of Road 132, North of St Johns River, Visalia, 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 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.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

*Approved as to Form:*

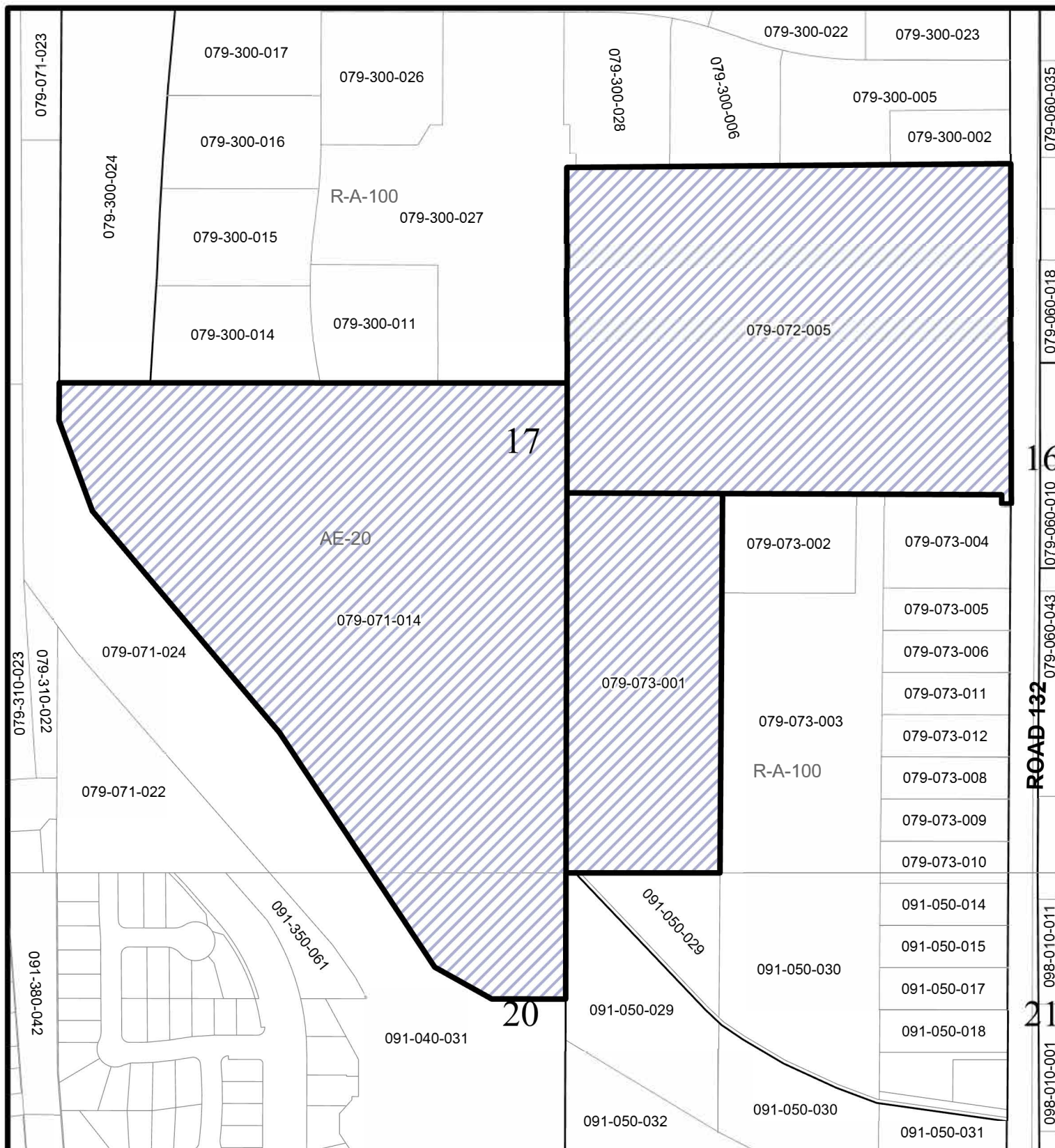
Matthew C. Pierce  
Deputy County Counsel  
Matter No. rma-general

\_\_\_\_\_  
Supervisor Dennis Townsend, District Five  
Chair, Board of Supervisors

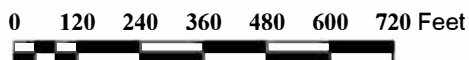
ATTEST: Jason T. Britt  
County Administrative Officer/Clerk  
Board of Supervisors

By: \_\_\_\_\_  
Deputy

## Attachment No. 1



**APN: 079-071-014; 079-072-005; and 079-073-001**  
**APROX. 67.59 ac**  
**Zone Change from A-20 (Exclusive Agricultural**  
**Zone) and R-A-100 (Rural Residential) to R-A-43**  
**(Rural Residential - 43,000 Sq. Ft. Parcels)**  
**(PZC 22-012)**



**ORDINANCE NO. \_\_\_\_\_**  
**AMENDING A PORTION OF MAP PART 336**  
**PART OF SEC. 17, T 18 S, R 25 E, M.D.B.& M.**  
**OF**  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

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

## **ATTACHMENT NO. 2**

**Planning Commission  
Resolution Numbers 10124, 10125, and 10126**

BEFORE THE PLANNING COMMISSION  
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING THAT THE	)	
BOARD OF SUPERVISORS CERTIFY AND ADOPT THE	)	
MITIGATED NEGATIVE DECLARATION AND	)	RESOLUTION NO. 10124
MITIGATION MONITORING AND REPORTING	)	
PROGRAM FOR ZONE CHANGE NO. PZC 22-012 AND	)	
TENTATIVE SUBDIVISION MAP NO. TSM 22-002 FOR	)	
THE OAK CREEK ESTATES SUBDIVISION PROJECT	)	
(SARJIT S. MALLI)	)	

Resolution of the Tulare County Planning Commission (“Commission”) recommending that the Board of Supervisors certify and adopt the Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”) for the Oak Creek Estates Subdivision Project (“Project”) for Zone Change No. 22-012 (“PZC 22-012”) to change the zone district on 67.59-acres from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential 100,000 Square Foot Minimum) to R-A-43 (Rural Residential – 43,000 Square Foot Minimum) and for Tentative Subdivision Map No. TSM 22-002 to divide 67.59-acres into thirty-five (35) parcels, as requested by Sarjit S. Malli, 9201 Avenue 272, Visalia, CA 93277. The Project site is located on the west side of Road 132, north of St Johns River, Visalia, CA (APNs: 079-071-014; 079-072-005; 079-073-001).

WHEREAS, on November 11, 2022, the Applicant filed with Tulare County Resource Management Agency (“RMA”) applications for PZC 22-012 and TSM 22-002, pursuant to Section 65905 of Government Code and regulations contained in Section 16 of Tulare County Ordinance No. 352, the Zoning Ordinance; and

WHEREAS, the Board of Supervisors is the decision-making body of the lead agency for the consideration of the MND and the MMRP, prepared for the proposed Project; and

WHEREAS, the Planning Commission advises the Board of Supervisors and makes a recommendation to the Board concerning legislative actions; and

WHEREAS, a Project Review Committee Consultation and Fact Sheet for Project Review Committee No. PRC 21-078 for the Project was referred to various public agencies and pertinent County departments for review and recommendations; and

WHEREAS, the RMA determined that the preparation of an MND was appropriate due to potentially significant environmental impacts that could be caused by implementing the Project; and

WHEREAS, the MND, including the MMRP, for the Project was prepared by Crawford & Bowen Planning, Inc. with the review and concurrence of Tulare County RMA Staff, and approved for public review by the County’s Environmental Assessment Officer; and

WHEREAS, information about the environmental determination for the Project was provided in a Notice of Intent (“NOI”) to Adopt a Mitigated Negative Declaration (“MND”) that was duly published in the Sun-Gazette (a newspaper of general circulation in Tulare County), made available for public review at the Tulare County Resource Management Agency, 5961 South Mooney Blvd., Visalia, CA, on April 19, 2023, for a 30-day public review period beginning on Wednesday, April 19, 2023, and ending on Friday, May 19, 2023; and

WHEREAS, the MND, including the MMRP, for the Project is hereby incorporated by reference and was posted on the Tulare County RMA website on April 19, 2023, and is available at the following link: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/mitigated-negative-declarations/visalia-ranch-at-st-johns/>; and

WHEREAS, on April 19, 2023, pursuant to the Guidelines for Implementation of the California Environmental Quality Act (“CEQA Guidelines”) Section 15072, the RMA submitted the Summary Form for Electronic Document Submittal, the Notice of Completion & Environmental Document Transmittal, NOI to Adopt an MND, and the MND, including the MMRP, to the State Clearinghouse for circulation to relevant State Agencies (SCH# 2023040471), requesting the 30-day public review period to begin on Wednesday, April 19, 2023, and end on Friday, May 19, 2023; the State Clearinghouse published the aforementioned documents on April 19, 2023, establishing a 30-day public review period beginning on April 19, 2023, and ending on May 18, 2023; and

WHEREAS, this resolution of the Commission recommends that the Board of Supervisors certify the MND, including the MMRP, for the Project, as being in compliance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines; and

WHEREAS, the site for the proposed Project consists of three parcels totaling approximately 67.59 acres in the Visalia Quadrangle USGS 7.5 Minute Series in Tulare County, California. The Project site is located on the west side of Road 132, north of St Johns River, Visalia, CA. It lies within Section 17, Township 18 South, Range 25 East, Mount Diablo Meridian within APNs: 079-071-014, 079-072-005, and 079-073-001; and

WHEREAS, the existing conditions described in the MND reflect the physical environmental conditions in existence at the time the NOI was distributed; and

WHEREAS, the MND included an evaluation of existing resources and potential Project impacts, and the proposed mitigation measures to reduce any impacts to a less than significant level; and

WHEREAS, through a good faith and substantial analysis of environmental impacts from the proposed Project in the MND, RMA staff found, and the Commission recommends that the Board of Supervisors agree, that the proposed Project, without mitigation, could have a significant effect on five (5) environmental resources: Agriculture / Forestry Resources; Biological Resources; Cultural Resources; Geology / Soils; and Tribal Cultural Resources. The Mitigation Measures identified in the MND, and included in the MMRP, reduces these potential impacts to these resources to less than significant; and therefore, the MND and MMRP were the appropriate level of environmental review under CEQA for the Project; and



WHEREAS, the Commission recommends that the Board of Supervisors find that the RMA has conducted the necessary investigations (including environmental review of this matter); prepared a written staff report; provided additional information affecting the MND, including the MMRP; and based on substantial evidence, submitted the MND and MMRP for the consideration of, and action by, the Board; and

WHEREAS, on August 9, 2023, a Notice of Public Hearing, was mailed to all property owners that own property within a 300 foot radius of the Project site, and was duly published in the Sun Gazette, a newspaper of general circulation in Tulare County, for the Tulare County Planning Commission to consider the proposed Project at their regularly scheduled meeting on the August 23, 2023; and

WHEREAS, on August 23, 2023, the Planning Commission held a duly noticed public hearing on the proposed Oak Creek Estates Subdivision Project (PZC 22-012 and TSM 22-002) at the Tulare County Board of Supervisors Chambers (located at 2800 W. Burrel Avenue, Visalia, CA 93291) where there was opportunity for public testimony to be received on the Project; and

WHEREAS, at the August 23, 2023, public hearing the Commission received a report presented by RMA staff that included recommendations and a report from the Environmental Planning Division of the RMA concerning the MND for the proposed Project; and

WHEREAS, at the meeting of the Commission public testimony was received and recorded from Sarjit Malli in support of the proposal, and Paul Bernal spoke in opposition to the proposal; and

WHEREAS, on August 23, 2023, after the conclusion of public testimony the Commission closed the public hearing; deliberated; and adopted Resolution No. 10124 recommending that the Board of Supervisors certify and adopt the MND and MMRP (<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/mitigated-negative-declarations/visalia-ranch-at-st-johns/>) for the proposed Oak Creek Estates Subdivision Project (PZC 22-012 and TSM 22-002); and

WHEREAS, this Commission has reviewed the MND in its entirety, including the MMRP, and recommends that the Board of Supervisors determine that the document reflects the independent judgment of the County; and

WHEREAS, the MND identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the construction and operation of the Project; and

WHEREAS, the Board of Supervisors is required, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects; and

WHEREAS, all Project-related significant environmental effects can be either substantially lessened or avoided through the adoption of feasible mitigation measures; and

WHEREAS, the Board of Supervisors is required by Public Resources Code Section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the County are actually carried out; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared, which is available at <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/mitigated-negative-declarations/visalia-ranch-at-st-johns/>; and

WHEREAS, because the adopted mitigation measures have fully mitigated or avoided all identified significant environmental effects associated with the Project, CEQA does not require the Board of Supervisors to adopt a Statement of Overriding Considerations; and

WHEREAS, this Commission determines it appropriate to recommend that the Board of Supervisors certify and adopt the MND (State Clearinghouse No. 2023040471) and the Mitigation Monitoring and Reporting Program; and

WHEREAS, this Commission recommends that the Board of Supervisors certify that based on the substantial evidence in the record as presented by staff and documented in the MND that the Project, as mitigated, will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The Commission recommends that the Board of Supervisors find that the public review period for the MND for the proposed Oak Creek Estates Subdivision Project (PZC 22-012 and TSM 22-007) closed on May 19, 2023, and that a properly noticed public hearing to consider the proposed Project, MND, and MMRP was scheduled for a regular meeting of the Commission held on August 23, 2023.

B. The Commission further finds and declares that on August 23, 2023, the Commission duly opened and conducted a public hearing. During said hearing, all individuals, groups, and agencies desiring to comment on the proposed Oak Creek Estates Subdivision Project (PZC 22-012 and TSM 22-002), MND, and MMRP were given the opportunity to address the Tulare County Planning Commission and all comments were considered by the Commission.

C. The Commission further recommends that the Board of Supervisors find that the MND and MMRP reflect the independent judgment and analysis of the County of Tulare and prior to taking action on the proposed Oak Creek Estates Subdivision Project (PZC 22-012 and TSM 22-002), the Board has independently reviewed and considered the information contained in the MND and MMRP, and other relevant evidence presented.

D. The Commission further recommends that the Board of Supervisors find that after considering all of the evidence presented, the establishment, maintenance, and operation of the proposed Oak Creek Estates Subdivision Project (PZC 22-012 and TSM 22-002), as mitigated, will not 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:


E. The Commission, after considering all of the evidence presented and based on substantial evidence, hereby recommends that the Board of Supervisors certify and adopt the MND and MMRP for the Oak Creek Estates Subdivision Project (PZC 22-012 and TSM 22-002) in compliance with CEQA, the CEQA Guidelines, and Tulare County's procedures for implementing CEQA; and direct the Environmental Assessment Officer, or designee, to file the Notice of Determination for the Project within five (5) days.



The foregoing resolution was adopted upon motion of Commissioner Millies, seconded by Commissioner Whitlatch, at a regular meeting of the Planning Commission on August 23, 2023, by the following roll call vote:

AYES: Brown; Aleman; Aguilar; Whitlatch; Millies; Lehman  
NOES: None  
ABSTAIN: None  
ABSENT: Dias; La Fleur

TULARE COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
Michael Washam, Secretary

Exhibits:  
Exhibit "A" Environmental Factors Potentially Affected  
  
Exhibit "B" Comments Received on the MND  
  
Exhibit "C" Errata

## Exhibit "A"

### A. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Less Than Significant Impact with Mitigation" or "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                      | <input checked="" type="checkbox"/> Agriculture / Forestry Resources | <input type="checkbox"/> Air Quality                          |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Energy                               |
| <input checked="" type="checkbox"/> Geology / Soils      | <input type="checkbox"/> Greenhouse Gas Emissions                    | <input type="checkbox"/> Hazards and Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality       | <input type="checkbox"/> Land Use / Planning                         | <input type="checkbox"/> Mineral Resources                    |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population / Housing                        | <input type="checkbox"/> Public Services                      |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                              | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems     | <input type="checkbox"/> Wildfire                                    | <input type="checkbox"/> Mandatory Findings of Significance   |

### B. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: \_\_\_\_\_

Hector Guerra  
Printed Name

Date: 04/17/23

Chief Environmental Planner  
Title

Signature: \_\_\_\_\_

Reed Schenke, P.E.  
Printed Name

Date: 04/18/23

Environmental Assessment Officer  
Title

## Exhibit "B"

**From:** [WB-RB5F-CentralValleyFresno](#)  
**To:** [Danielle Folk](#)  
**Subject:** RE: MND for Visalia Ranch at St. Johns (TSM 22-002, PZC 22-012) Project  
**Date:** Wednesday, April 19, 2023 12:54:03 PM

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### **This Message Is From an External Sender**

This message came from outside your organization.

Thank you for using the electronic mail box for the Central Valley Water Board's Fresno office. This note is to acknowledge receipt of your email. Your email and any attached documents will be routed to the appropriate staff person and they will contact you if needed.

## Exhibit "B"

**From:** [Schmitz, Lori@Waterboards](mailto:Schmitz_Lori@Waterboards)  
**To:** [Danielle Folk](#)  
**Cc:** [Pierce, Wendy@Waterboards](mailto:Pierce_Wendy@Waterboards)  
**Subject:** RE: MND for Visalia Ranch at St. Johns (TSM 22-002, PZC 22-012) Project  
**Date:** Thursday, April 20, 2023 9:44:41 AM

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**This Message Is From an External Sender**

This message came from outside your organization.

Danielle,

Thanks for letting us take a look at this document. I have screened the document and determined the Project will not trigger a water supply permit for our Division of Drinking Water or drinking water funding for our Division of Financial Assistance. As a result, no comment letter will be needed.

Thanks!

Lori Schmitz

Lori Schmitz  
State Water Resources Control Board  
Division of Financial Assistance  
Special Project Review Unit  
[Lori.Schmitz@waterboards.ca.gov](mailto:Lori.Schmitz@waterboards.ca.gov)

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**From:** Danielle Folk <DFolk@tularecounty.ca.gov>  
**Sent:** Wednesday, April 19, 2023 12:53 PM  
**To:** Lurana Strong (lurana.strong@usda.gov) <lurana.strong@usda.gov>; CGS Headquarters@DOC <cgs@conservation.ca.gov>; DLRP@DOC <DLRP@conservation.ca.gov>; CDFW Tracking (R4CEQA@wildlife.ca.gov) <r4ceqa@wildlife.ca.gov>; Deel, David@DOT <david.deel@dot.ca.gov>; Mendibles, Lorena@DOT <lorena.mendibles@dot.ca.gov>; bor@cpuc.ca.gov (bor@cpuc.ca.gov) <bor@cpuc.ca.gov>; NAHC@NAHC <NAHC@nahc.ca.gov>; Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>; WB-RB5F-CentralValleyFresno <CentralValleyFresno@waterboards.ca.gov>; CEQA Division (CEQA@valleyair.org) <ceqa@valleyair.org>; Cal Rossi <calvin.rossi@sce.com>; SoCal Gas (envreview@semprautilities.com) <envreview@semprautilities.com>  
**Cc:** Jessica R Willis <JWillis@tularecounty.ca.gov>  
**Subject:** MND for Visalia Ranch at St. Johns (TSM 22-002, PZC 22-012) Project

EXTERNAL:

Good afternoon.

## Exhibit "B"

The Mitigated Negative Declaration for the Visalia Ranch at St. Johns (TSM 22-002, PZC 22-012) Project is available for review. The 30-day public review period begins Wednesday, April 19, 2023, and ends on Friday, May 19, 2023.

Attached is the Notice of Intent (NOI) that was published in the Sun-Gazette on Wednesday, April 19, 2023.

The NOI contains the link the County's website; however, for your convenience the MND and NOI can both be found on the County's website at <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/mitigated-negative-declarations/visalia-ranch-at-st-johns/>.

Comments on the MND should be emailed to Mr. Hector Guerra, Chief Environmental Planner, at [hguerra@tularecounty.ca.gov](mailto:hguerra@tularecounty.ca.gov) or by mail at Tulare County RMA, 5961 S. Mooney Blvd., Visalia, CA 93277.

Please feel free to contact me if I can be of further assistance.

*Danielle Folk*

Planner III  
Tulare County Resource Management Agency  
(559) 624-7029  
[Dfolk@tularecounty.ca.gov](mailto:Dfolk@tularecounty.ca.gov)

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 840-6066 | FAX (559) 488-4195 | TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)

May 12, 2023

TUL-63-8.775  
MITIGATED NEGATIVE DECLARATION  
SPR #22049  
GTS: [02696](#)

**SENT VIA EMAIL**

Ms. Susan Currier – Senior Administrative Assistant  
City of Visalia  
315 East Acequia Avenue  
Visalia, CA 93291

Dear Ms. Currier:

Thank you for the opportunity to review the Site Plan and Mitigated Negative Declaration (MND) proposing to build 35 single-family residential homes from approximately 67.6 acres (Project). The Project site is located on the southwest corner of the Road 132 and Karolina Drive intersection, approximately 1.75 miles from State Route (SR) 63, in the City of Visalia.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Based on the information provided in the MND, this Project is anticipated to not have a significant impact to the State facility.
2. Figures 2 and 3 in the MND illustrates that there are vacant parcels adjacent/surrounding the Project. If these parcels are developed in the future, another review must be submitted to Caltrans for additional review.

If you have any other questions, please contact Scott Lau at (559) 981-7341 or [scott.lau@dot.ca.gov](mailto:scott.lau@dot.ca.gov).

Sincerely,



LORENA MENDIBLES, Branch Chief  
Transportation Planning – South





May 17, 2023

Sandy Roper  
County of Tulare  
Resource Management Agency  
5961 S. Mooney Boulevard  
Visalia, CA 93277

**Project: Initial Study and Mitigated Negative Declaration for Visalia Ranch at St. Johns**

**District CEQA Reference No: 20230381**

Dear Mr. Roper:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) from the County of Tulare (County) for the Visalia Ranch at St. Johns project. Per the IS/MND, the project consists of the construction of 35 single family homes on 67.60 acres (Project). The Project is located southwest of the intersection of Road 132 and Karolina Drive north of the City of Visalia, CA.

The District offers the following comments regarding the Project:

**1) Project Related Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, PM2.5 standards.

Based on information provided to the District, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI):

<https://www.valleyair.org/transportation/GAMAQI.pdf>.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

**1a) Construction Emissions**

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

**2) Vegetative Barriers and Urban Greening**

There are residential units located north, south, east and west of the Project. The District suggests the County consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

**3) Clean Lawn and Garden Equipment in the Community**

Since the Project consists of residential development, gas-powered residential lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm> and <http://valleyair.org/grants/cgym-commercial.htm>.

**4) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating

## **Exhibit "B"**

Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **4a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

### **4b) District Rule 9510 - Indirect Source Review (ISR)**

The District has reviewed the information provided and has determined the project size is below the District Rule 9510, section 2.1 applicability threshold of 50 residential units for a residential development. Therefore, District Rule 9510 requirements and related fees do not apply to the project.

### **4c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at:  
<http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

**4d) District Rule 4601 (Architectural Coatings)**

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at:  
<http://www.valleyair.org/rules/curnrules/r4601.pdf>

**4e) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

**4f) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no

## **Exhibit "B"**

person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:  
<http://valleyair.org/rule4901/>

### **4g) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

### **5) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Matt Crow by e-mail at [Matt.Crow@valleyair.org](mailto:Matt.Crow@valleyair.org) or by phone at (559) 230-5931.

Sincerely,

Brian Clements  
Director of Permit Services



For: Mark Montelongo  
Program Manager



# RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD  
VISALIA, CA 93277  
PHONE (559) 624-7000  
FAX (559) 615-3002

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

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## TECHNICAL MEMORANDUM

**DATE:** August, 2023

**SUBJECT:** Errata, and Clarifications and Changes Made to the Mitigated Negative Declaration for the Visalia Ranch at St Johns(TSM 22-002, PZC 22-012, WAC 22-005, WAN 22-018), SCH# 2023040471

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Revisions and clarifications to the Mitigated Negative Declaration (MND) for the Visalia Ranch at St. Johns (TSM 22-002, PZC 22-012, WAC 22-005, WAN 22-018) project are indicated by strikeout text (e.g. ~~strikeout~~), indicating deletions, and underline text (e.g. underline), indicating additions.

Corrections of typographical errors (such as punctuation, capitalization, spelling, general formatting, etc.) have been made throughout the document and are not included in the summary below.

### **Project Name**

1. Applicant had initially named the subdivision project as "Visalia Ranch at St. Johns." The subdivision name has now been changed to "Oaks Creek Estate". Any reference to Visalia Ranch at St. Johns are superseded by "Oaks Creek Estate.

### **Zoning**

1. The applicant found that a R-A-43 Zone would be appropriate for the entire project site. As such, references to the R-A-100 Zone are superseded by the R-A-43 Zone.



BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE )  
ZONING REGULATIONS, CASE NO. ZONE CHANGE )  
NO. PZC 22-012 FOR THE OAK CREEK ESTATES ) RESOLUTION NO. 10125  
SUBDIVISION (SARJIT S. MALLI) )

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors approve a Mitigated Negative Declaration consistent with the California Environmental Quality Act (“CEQA”) and the Guidelines for Implementation of the California Environmental Quality Act (“CEQA Guidelines”); and approve Change of Zone No. PZC 22-012, requested by Sarjit S. Malli, 9201 Avenue 272, Visalia, CA 93277 (Agent: 4-Creeks (David Duda), 324 S. Santa Fe Street, Suite A, Visalia, CA 93292), to change the zone district on 67.59-acres from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential 100,000 Square Foot Minimum) to R-A-43 (Rural Residential – 43,000 Square Foot Minimum) located on the west side of Road 132, north of St Johns River, Visalia, CA (APNs: 079-071-014; 079-072-005; 079-073-001). Tentative Subdivision Map No. 22-002 has been submitted in conjunction with PZC 22-012 and proposes to divide 67.59-acres into thirty-five (35) parcels.

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 August 9, 2023, a Notice of Public Hearing, was mailed to all property owners that own property within a 300 foot radius of the Project site, and was duly published in the Sun Gazette, a newspaper of general circulation in Tulare County, for the Tulare County Planning Commission to consider the proposed Project at their regularly scheduled meeting on the August 23, 2023; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on August 23, 2023; and

WHEREAS, at that meeting of the Planning Commission public testimony was received and recorded from Sarjit Malla in support of the project and from Paul Bernal in opposition to the project.

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 Mitigated Negative Declaration 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 CEQA and the CEQA Guidelines, prior to taking action on the Change of Zone.

B. This Planning Commission hereby recommends that the Board of Supervisors determine that the following findings are relevant in evaluating this application:

1. The applicants have requested a Change of Zone No. PZC 22-012 to change the zone district on 67.59-acres from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential 100,000 Square Foot Minimum) to R-A-43 (Rural Residential – 43,000 Square Foot Minimum) in order to facilitate the division of 67.59-acres into thirty-five (35) parcels, located on the west side of Road 132, north of St Johns River, Visalia, CA (APNs: 079-071-014; 079-072-005; 079-073-001).
2. The project site is located within the Visalia Urban Area Boundary (“UAB”) and the Land Use Designation is “Rural Residential.” If a PZC is approved, changing the Zone from the AE-20 (Exclusive Agriculture, 20-Acre Minimum) Zone and R-A-100 (Rural Residential with a 100,000 square foot minimum) Zone to R-A-43 (Rural Residential with a 43,000 square foot minimum) Zone, then the proposed project would be consistent with relevant policies of the Tulare County General Plan.

The proposed project is consistent with Attachment #1 of The City of Visalia and Tulare County MOU, dated November 19, 2012. Specifically, UAB Provision No. 2 states that any future development project is subject to the Rural Valley Lands Plan (RVLP) and subject to PF 4.19 and 4.21 with exceptions listed in PF 4.18 of the TCGP.

The proposed project is consistent with PF-4.19 because the RVLP is only advisory within County Adopted City Urban Area Boundaries (CACUABs). In addition, none of the exceptions listed in PF-4.18 would be applicable to the proposed project. Therefore, a RVLP analysis is not required.

3. The property is currently in the AE-20 (Exclusive Agriculture, 20-Acre Minimum) Zone and R-A-100 (Rural Residential with a 100,000 square foot minimum). PZC 22-012 proposes to change the zone from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential 100,000 Square Foot Minimum) to R-A-43 (Rural Residential – 43,000 Square Foot Minimum).
4. The applicant requests that the zone districts be changed concurrently with TSM 22-002. If the Board of Supervisors approves the Zone Change and the division of 67.59-acres (APNs: 079-071-014, 079-072-005, and 079-073-001) into 35 parcels, then the project would be consistent with Section 4 of the Tulare County Zoning Ordinance (“TCZO”). The Rural Residential Zone is intended for one-family dwellings of a permanent character placed in permanent locations and one-family manufactured homes installed on a foundation system;

Private garages to accommodate not more than three (3) cars; Transitional/Supportive Housing; and Growing and harvesting of field crops and the raising of farm animals.

5. An MND identified potentially significant effects on the environment and a Mitigation Monitoring and Reporting Plan (“MMRP”) was prepared by Crawford and Bowen Planning, Inc. with review and concurrence of Tulare County RMA Staff, indicating that, although the project may have a significant effect on the environment, mitigation measures were incorporated into the project that would reduce any impact to a point where clearly no significant effect on the environment could occur and there is no substantial evidence that the Project would have a significant effect on the environment.

Information about the environmental determination for the Oak Creek Estates Subdivision was provided in a Notice of Intent (“NOI”) to Adopt a Mitigated Negative Declaration (“MND”) that was published in the Sun Gazette and mailed to local agencies, state agencies, federal agencies, and interested parties on April 19, 2023, for a thirty-day public review period beginning on April 19, 2023, and ending on May 19, 2023. In addition, a Notice of Public Hearing was published in the Sun Gazette and mailed to surrounding property owners on August 9, 2023, for a ten-day review period.

The MND was posted on the Tulare County Resource Management Agency website on April 19, 2023, at the following link: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/mitigated-negative-declarations/visalia-ranch-at-st-johns/>. The MND is hereby incorporated by reference.

The MND was submitted to the State Clearinghouse on April 19, 2023, and the 30-day public review period was requested to begin on Wednesday, April 19, 2023, and ending on Friday, May 19, 2023. The MND was posted by the State Clearinghouse on Wednesday, April 19, 2023, initiating the 30-day public review period beginning on Wednesday, April 19, 2023, and ending on Thursday, May 18, 2023.

6. The applicant also filed Tentative Subdivision Map No. TSM 22-002, Planning Commission Resolution No. , to subdivide 67.59-acres into 35 parcels.
7. 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.

C. This Planning Commission, after considering all of the evidence presented, hereby recommends that the Board of Supervisors find that the proposed Ordinance amendment and Zoning Map (Exhibit A) is consistent with the purpose of Ordinance No. 352 and further find that the petition is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

D. This Commission hereby recommends that the Board of Supervisors find that the Mitigated Negative Declaration is the appropriate environmental determination and recommends that the Board approve an Amendment to the Tulare County Zoning Ordinance, No. 352 via Case No. PZC 22-012 from the AE-20 (Exclusive Agriculture, 20-Acre Minimum) Zone and R-A-100 (Rural Residential with a 100,000 square foot minimum) Zone to R-A-43 (Rural Residential with a 43,000 square foot minimum) Zone.

The foregoing resolution was adopted upon motion of Commissioner Millies, seconded by Commissioner Whitlatch, at a regular meeting of the Planning Commission on August 23, 2023, by the following roll call vote:

AYES: Brown; Aleman; Aguilar; Whitlatch; Millies; Lehman  
NOES: None  
ABSTAIN: None  
ABSENT: Dias; La Fleur

TULARE COUNTY PLANNING COMMISSION


  
\_\_\_\_\_  
Michael Washam, Secretary

Exhibit "A"

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 17, Township 28 South, Range 25 East, Mount Diablo Base and Meridian, being a subdivision of Part 336 of the Official Zoning Maps. A map showing Zone Change No. PZC 22-012 approved for approximately 67.59 acres is attached hereto and incorporated herein by reference. The new zoning will be R-A-43 (Rural Residential – 43,000 sq. ft. minimum).

Section 2. The property affected by the zoning reclassification from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential – 100,000 sq. ft. minimum), filed as is briefly described as follows: Being a 67.59-acre site, located on Tulare County Assessor Parcel Numbers (APNs) 079-071-014, 079-072-005, and 079-073-001. The subject property is located on the west side of Road 132, North of St Johns River, Visalia, 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 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.

Exhibit "A"

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

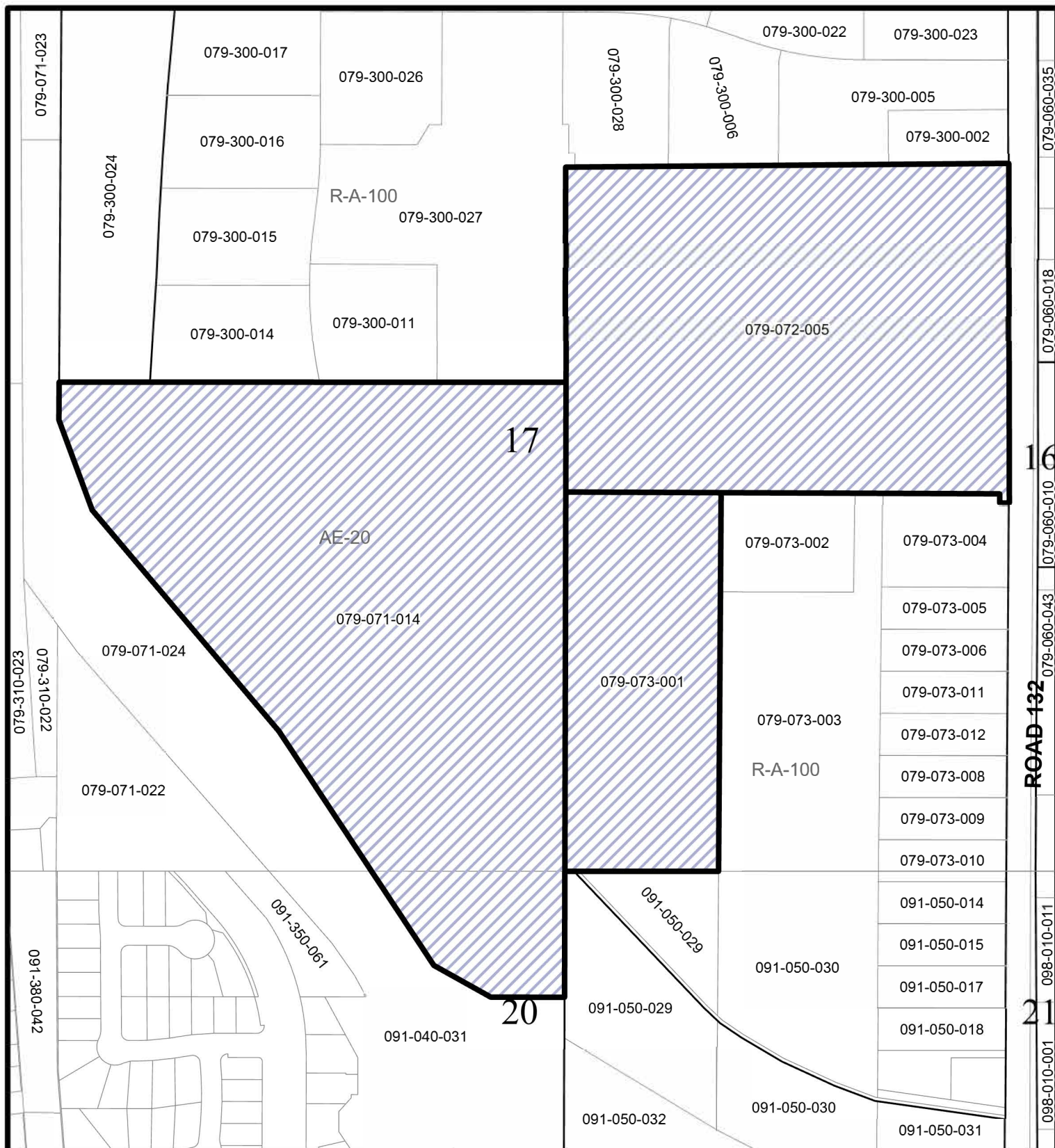
\_\_\_\_\_  
Supervisor Dennis Townsend, District Five  
Chair, Board of Supervisors

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

By: \_\_\_\_\_  
Deputy



# Exhibit "A"



APN: 079-071-014; 079-072-005; and 079-073-001  
 APROX. 67.59 ac  
 Zone Change from A-20 (Exclusive Agricultural Zone) and R-A-100 (Rural Residential) to R-A-43 (Rural Residential - 43,000 Sq. Ft. Parcels) (PZC 22-012)

0 120 240 360 480 600 720 Feet



ORDINANCE NO. \_\_\_\_\_  
 AMENDING A PORTION OF MAP PART 336  
 PART OF SEC. 17, T 18 S, R 25 E, M.D.B. & M.  
 OF  
**OFFICIAL ZONING MAP**  
**COUNTY OF TULARE, CA.**

TULARE COUNTY BOARD OF SUPERVISORS  
 ADOPTED: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF TENTATIVE SUBDIVISION       )  
MAP NO. TSM 22-002 (SARJIT S. MALLI)                )  
OAK CREEK ESTATES SUBDIVISION                    )       RESOLUTION NO. 10126

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors approve Tentative Subdivision Map No. TSM 22-002, submitted by Sarjit S. Malli, 9201 Avenue 272, Visalia, CA 93277 (Agent: 4-Creeks (David Duda) 324 S. Santa Fe Street, Suite A, Visalia, CA 93292), requests to divide 67.59-acres into thirty-five (35) parcels, located on the west side of Road 132, north of St Johns River, Visalia, CA (APNs: 079-071-014; 079-072-005; 079-073-001). It should be noted that this application has been filed in conjunction with Zone Change No. PZC 22-012.

WHEREAS, the Planning Commission has given public notice of the proposed Tentative Subdivision Map as provided in Section 7-01-2305 of the Ordinance Code of Tulare County; and

WHEREAS, staff has performed necessary investigations, prepared a written report and recommended approval of this application subject to certain conditions of approval; and

WHEREAS, the Planning Commission considered the staff report and found the facts and findings contained therein to be essentially true and correct; and

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

WHEREAS, on August 9, 2023, a Notice of Public Hearing by the Tulare County Planning Commission was mailed to surrounding property owners and 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 August 23, 2023; and

WHEREAS at that meeting of the Planning Commission, public testimony was received and recorded from Sarjit Malli in support of the proposal and Paul Bernal spoke in opposition to the proposal; and

WHEREAS, the Planning Commission reviewed said Subdivision Map for conformity to the regulations contained in Sections 7-01-1000 to 7-01-2855 of the Ordinance Code of Tulare County.

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 Mitigated Negative Declaration that was prepared for the project, and is applicable to the project site and the Tentative Parcel Map, 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 Tentative Subdivision Map.

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 applicants have proposed Tentative Subdivision Map No. TSM 22-002 to divide 67.59-acres into thirty-five (35) parcels, located on the west side of Road 132, north of St Johns River, Visalia, CA (APNs: 079-071-014; 079-072-005; 079-073-001). Zone Change No. PZC 22-012 has been filed in conjunction with this project.
2. The project site is located within the Visalia Urban Area Boundary (“UAB”) and the Land Use Designation is “Rural Residential.” If a PZC is approved, changing the Zone from the AE-20 (Exclusive Agriculture, 20-Acre Minimum) Zone and R-A-100 (Rural Residential with a 100,000 square foot minimum) Zone to R-A-43 (Rural Residential with a 43,000 square foot minimum) Zone, then the proposed project would be consistent with relevant policies of the Tulare County General Plan.

The proposed project is consistent with Attachment #1 of The City of Visalia and Tulare County MOU, dated November 19, 2012. Specifically, UAB Provision No. 2 states that any future development project is subject to the Rural Valley Lands Plan (RVLP) and subject to PF 4.19 and 4.21 with exceptions listed in PF 4.18 of the TCGP.

The proposed project is consistent with PF-4.19 because the RVLP is only advisory within County Adopted City Urban Area Boundaries (CACUABs). In addition, none of the exceptions listed in PF-4.18 would be applicable to the proposed project. Therefore, a RVLP analysis is not required.

3. The property is currently in the AE-20 (Exclusive Agriculture, 20-Acre Minimum) Zone and R-A-100 (Rural Residential with a 100,000 square foot minimum). PZC 22-012 proposes to change the zone from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential 100,000 Square Foot Minimum) to R-A-43 (Rural Residential – 43,000 Square Foot Minimum).
4. The applicant requests that the zone districts be changed concurrently with TSM 22-002. If the Board of Supervisors approves the Zone Change and the division of 67.59-acres (APNs: 079-071-014, 079-072-005, and 079-073-001) into 35 parcels, then the project would be consistent with Section 4 of the Tulare County Zoning Ordinance (“TCZO”). The Rural Residential Zone is intended for one-family dwellings of a permanent character placed in permanent locations and one-family

manufactured homes installed on a foundation system; Private garages to accommodate not more than three (3) cars; Transitional/Supportive Housing; and Growing and harvesting of field crops and the raising of farm animals.

5. An MND identified potentially significant effects on the environment and a Mitigation Monitoring and Reporting Plan (“MMRP”) was prepared by Crawford and Bowen Planning, Inc. with the review and concurrence of Tulare County RMA Staff, indicating that, although the project may have a significant effect on the environment, mitigation measures were incorporated into the project that would reduce any impact to a point where clearly no significant effect on the environment could occur and there is no substantial evidence that the Project would have a significant effect on the environment.

Information about the environmental determination for the Oak Creek Estates Subdivision was provided in a Notice of Intent (“NOI”) to Adopt a Mitigated Negative Declaration (“MND”) that was published in the Sun Gazette and mailed to local agencies, state agencies, federal agencies, and interested parties on April 19, 2023, for a thirty-day public review period beginning on April 19, 2023, and ending on May 19, 2023. In addition, a Notice of Public Hearing was published in the Sun Gazette and mailed to surrounding property owners on August 9, 2023, for a ten-day review period.

The MND was posted on the Tulare County Resource Management Agency website on April 19, 2023, at the following link: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/mitigated-negative-declarations/visalia-ranch-at-st-johns/>. The MND is hereby incorporated by reference.

The MND was submitted to the State Clearinghouse on April 19, 2023, and the 30-day public review period was requested to begin on Wednesday, April 19, 2023, and ending on Friday, May 19, 2023. The MND was posted by the State Clearinghouse on Wednesday, April 19, 2023, initiating the 30-day public review period beginning on Wednesday, April 19, 2023, and ending on Thursday, May 18, 2023.

6. To accommodate the proposed Project, a Williamson Act Partial Non-Renewal (WAN 22-018) was approved by the Tulare County Board of Supervisors (Board) on February 7, 2023, when Resolution No. 2023-0118 was adopted and a Williamson Act Cancellation (WAC 22-005) was tentatively approved by the Board on April 4, 2023, when Resolution No. 2023-0272 was adopted.
7. The applicant also filed Zone Change Map No. PZC 22-022, Planning Commission Resolution No. 10125, to from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential 100,000 Square Foot Minimum) to R-A-43 (Rural Residential – 43,000 Square Foot Minimum).

8. APNs: 079-072-005 and 079-073-001, and the portion of APN: 079-071-014 that is located east of the levee, are located within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06107C0935E, for Community Number 065066 (Tulare County Unincorporated Areas), dated June 16, 2009. There are no development restrictions associated with Other Areas Zone X since these are areas determined to be outside the 0.2 percent annual chance floodplain.
9. The portion of APN: 079-071-014 that is west of the levee is within Zone AE (Special Flood Hazard Area), with a base flood elevation that ranges from 335.8 feet to 337 feet, as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06107C0935E, for Community Number 065066 (Tulare County Unincorporated Areas), dated June 16, 2009. The subject parcel is located in a federally identified Special Flood Hazard Area as depicted on said plat. Individual site plan approval is required for any parcel located within or partially within a special flood hazard area prior to the issuance of any permits. The location of a structure within the special flood hazard area shall require compliance with the National Flood Insurance Program under the Federal Emergency Management Agency (FEMA) and the special provisions of the Tulare County Flood Damage Prevention Ordinance.
10. The Planning Commission, after consideration of all evidence presented, found that approval of said Tentative Subdivision Map will promote the orderly growth of the unincorporated portions of the County and will assure the health, safety, and welfare of the people of the County.
11. 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 Developer Impact Fees. New Development may be subject to County Development Impact fees.

C. This Planning Commission further recommends that the Board of Supervisors determine that the proposed project, together with the provisions for its design and improvements, is consistent with the Tulare County General Plan, as amended, and

D. This Planning Commission, after considering all evidence presented, recommends that the Board of Supervisors find that approval of said Tentative Subdivision Map will promote the orderly growth of the County and will assure the health, safety, and welfare of the people of the County.

AND, BE IT FURTHER RESOLVED as follows:

E. This Commission hereby recommends that the Board of Supervisors find the Mitigated Negative Declaration is the appropriate environmental determination and approve Tentative Subdivision Tract No. TSM 22-002 subject to the following conditions:

### **GENERAL CONDITIONS**

1. Failure to cause the recording of a Final Map, an approved or conditionally approved Tentative Subdivision Map within two (2) years after the date of its approval or conditional approval shall cause the Tentative Subdivision Map to expire, in accordance with the Tulare County Subdivision Ordinance. However, upon application by the owner or his authorized agent, the time at which the approval of Tentative Subdivision Map expires may be extended for a period or periods not exceeding a total of five years by the Planning Commission.
2. The applicant(s), at their sole cost and expense, shall defend, indemnify, and hold harmless the County of Tulare, its agents, legislative body, officers, or employees in any legal or administrative action, claim or proceeding concerning approval of Tentative Subdivision Map No. TSM 22-002 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.

### **PLANNING CONDITIONS**

3. In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, the content of the Right to Farm Notice (Exhibit "B") shall be placed in a prominent location on the Parcel Map for acknowledgment by the subdivider; or, the Notice itself shall be signed by the subdivider and recorded as a separate sheet to accompany the Parcel Map.
4. Liquid waste disposal is by means of individual septic systems. Existing septic systems will be subject to the Local Agency Management Program requirements per Part VII, Chapter 1, Articles 1-9, Ordinance of Tulare County, pertaining to Sections 7-01-1320 through 7-15-1575. Installation of new, on-site septic systems will require a site evaluation and soils testing. This evaluation must be done by a Qualified Professional, with the appropriate licensure (PE, PG, CHG, REHS, or CPSS). The report of this evaluation must be submitted to Tulare County Environmental Health Services Division (TCEHSD) for review, before approval can be granted for any building permits.
5. If, during construction or grading activities on the site, any resources of an historic or prehistoric nature are discovered, the applicant, his heirs and assigns shall ensure that all construction or grading is immediately ceased, and the Tulare County Resource Management Agency Director is immediately 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.



6. Prior to recording the Final Map for TSM 22-002 the Board of Supervisors shall approve PZC 22-012.
7. The Project shall comply with all applicable rules and regulations of the San Joaquin Valley Air Pollution Control District.
8. The Project shall comply with all applicable rules and regulations of the State Water Resources Control Board.
9. Prior to recording the Final Map, the cancellation fee shall be paid for Williamson Act Cancellation No. WAC 22-005 and final approval of WAC 22-005 shall be obtained from the Board of Supervisors.
10. All mitigation measures in the Mitigated Negative Declaration and the MMRP for PZC 22-012 and TSM 22-002 are adopted as conditions of approval as follows:

#### **AGRICULTURAL AND FOREST RESOURCES**

- 2-1 The applicant will be required to create an agricultural land conservation easement at a ratio of one acre of developed property for 57 acres of conserved agricultural land (a 1:1 ratio). This amount of 1:1 will be represented by 57 acres within the County. Any replacement acreage will be to the satisfaction of the Planning Director of Tulare County. The applicant will purchase an agricultural land conservation easement, of like agricultural land within the County, on the entire 57 acres to be maintained and kept in agriculture in perpetuity. The “ultimate” agricultural easement shall be placed on other suitable and agriculturally compatible property, of the same soil types and arability, within Tulare County; at a replacement ratio of 1:1, and to be established as an agricultural land conservation easement in perpetuity. If creating a 57-acre agricultural land conservation easement is not feasible, the applicant will be required to provide to the County in-lieu fees sufficient to purchase an agricultural land conservation easement at a ratio of one acre of developed property for 57 acres of conserved agricultural land (a 1:1 ratio). The applicant will be required to either create an agricultural land conservation easement at a 1:1 ratio as described above, pay in-lieu fees to the Tulare County Resource Management Agency to purchase an agricultural land conservation easement at a ratio of 1:1, or a combination thereof to satisfy the ultimate 1:1 ratio prior to the issuance of any building permit.

#### **BIOLOGICAL RESOURCES**

- 4-1 **Nesting Birds Protection:** A qualified biologist/botanist will
- To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August.
  - If it is not possible to schedule construction between September and January, preconstruction surveys for nesting birds shall be conducted by a qualified

biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has otherwise failed for non-construction related reasons.

## **BIOLOGICAL RESOURCES**

- 5-1 Before initiation of construction or ground- disturbing activities associated with the Project, the County shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;
- 5-2 The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and
- 5-3 If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The Tulare County shall implement said measures.
- 5-4 The Project applicant will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the Tulare County, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement those measures, which may include



avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.

## **GEOLOGY / SOILS**

See Measures 5-1 and 5-2.

## **TRIBAL CULTURAL RESOURCES**

See Measures 5.1 through 5.3.

## **CODE COMPLIANCE CONDITIONS**

11. No active code violation exists on the parcel. Currently, there are no objections from the Code Division.

**FIRE CONDITIONS** *(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.)*

12. Access to the subdivision.
13. Fire lanes shall be marked and painted.
14. An approved pressurized fire hydrant system with minimum 6" fire mains shall be approved and inspected, plans shall be drawn and approved prior to grading.
15. Blue reflective marker adjacent to Fire hydrants. (NFPA 1142, sec. 8.4.7)
16. Fire hydrant location shall be approved prior to grading.
17. Address on the driveway, 4" by 3" by 1/2" stroke number visible from the public way.
18. Fire sprinkler system (13D) for all single-family residences.
19. CO/smoke detectors required in the hallways and smoke detectors required in each bedroom, for each residence.

## **PUBLIC WORKS CONDITIONS**

20. The tentative map has not provided for a means of collection and disposal of surface water runoff. The subdivider should be required to construct a storm drainage system to collect and dispose of runoff or retain all runoff generated from adjacent road frontages and lots on each respective lot in the subdivision. Should runoff be allowed to be retained on each respective lot, drainage plans should be required at building permit stage. Consideration to providing drainage easements for this purpose may be warranted.
21. As shown on Panel Number 935 of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Maps

(FIRM) for Community Number 065066 dated June 16, 2009, the subject site is located within Flood Zone X.

22. The subject site is located within the boundaries the St. John's designated floodway of The Central Valley Flood Protection Board (CVFPB). However, pursuant to a 1989 agreement with the State Reclamation Board, Tulare County administers the floodplain pursuant to the county's building, zoning, and subdivision regulations.
23. The subdivider shall provide for an assessment district for the maintenance of the public streets and roadways within the boundary of the subdivision. Approval of this tentative map shall be conditioned so that the subdivider provides for said assessment district, or other acceptable funding mechanism, before recordation of the final map.
24. Road improvements within this subdivision shall be constructed in conformance with Class 2 county road standards and all other applicable standards contained in the county improvement standards.
25. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvements Standards, unless and except as such standards are modified within.
26. All utility easements shall be shown on the final map.
27. Any infrastructure serving this subdivision shall be located within public road rights-of-way.
28. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the county.
29. The subdivider shall be responsible for the cost of materials and installation for street name and traffic signs at locations recommended by the county engineer. Installation of street name and traffic signs will be done by the Resource Management Agency and the cost for such subsequently reimbursed by the subdivider.
30. A master drainage and grading plan prepared by a registered civil engineer detailing the means of stormwater disposal shall be submitted to and approved by the Resource Management Agency.
31. If applicable, the subdivider or his contractor shall obtain encroachment permits from the Tulare County Resource Management Agency before performing work within the county road right-of-way.
32. One (1) foot reserve strips, extending the full width of all stubbed streets, shall be dedicated to the county pursuant to Section 7-01-1270 of the Subdivision

Ordinance. A barricade constructed in accordance with the county improvement standards is required at these locations.

33. The applicant or the applicant's contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right-of-way of a county-maintained road. The applicant may contract the Resource Management Agency – Encroachment Permit Section at 624-7000 for information on the requirements for encroachment permits in order to avoid unexpected delays. Improvements that typically require encroachment permits are drive approaches, curb and gutter, sidewalk, paveout and utilities.
34. The subdivider shall submit an application and pay the required fee to the Tulare County RMA for the formation of an assessment district for the maintenance of the public streets and roadways within the boundary of the subdivision. Formation of the assessment district must be completed before the recordation of the final map. The formation process will begin at the time the application and fee are received. The subdivider may also submit proof to the Tulare County RMA of another means of providing for permanent, long-term maintenance of the public streets and roadways such as a homeowners association. This other means will need to be approved by the Tulare County RMA and the process completed before the recordation of the final map.
35. The subdivider shall submit an application and pay the required fee to the Tulare County RMA for the formation of an assessment district for the permanent, long-term maintenance of the storm drainage system. Formation of the assessment district must be completed before the recordation of the final map. The formation process will begin at the time the application and fee are received. The subdivider may also submit proof to the Tulare County RMA of another means of providing for permanent, long-term maintenance of the storm drainage system such as a homeowners association. This other means will need to be approved by the Tulare County RMA and the process completed before the recordation of the final map.
36. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a county road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the county. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a county road.

#### **ENVIRONMENTAL HEALTH DIVISION CONDITIONS**

37. New on-site septic system installations will require submission of a site evaluation report. The report shall be submitted to the Tulare County Environmental Health Services Division (TCEHSD) for review, before approval can be granted for any building permits. This evaluation must be done by a Qualified Professional. Qualified Professionals must possess the appropriate State licensure (PE, PG, CHG, REHS or CPSS).

38. Installation of domestic wells are subject to requirements of the Groundwater Sustainability Agency (GSA) in which the proposed wells are to be located. GSAs may attach well permit conditions including, but not limited to, depth limitations, perforation limitations and additional setback requirements on wells to be constructed or deepened within their jurisdictions. Issuance of a well permit does not guarantee future usage of the proposed well depending upon GSA requirements. Actual operation of the proposed well must be consistent with the ordinances, regulations, and other policies active within a GSAs jurisdiction. For more information, please contact Paul Charpentier, with the TCEHSD, at (559) 624-7400.

B. The Secretary of the Planning Commission is hereby directed to file this resolution, along with the site plan (attached as Exhibit “A”) and the Right to Farm Notice (attached as Exhibit “B”) for Tentative Subdivision Map No. TSM 22-002, for the record with the Recorder of the County of Tulare, pursuant to Section 7-01-2365.

The foregoing resolution was adopted upon motion of Commissioner Millies, seconded by Commissioner Whitlatch, at a regular meeting of the Planning Commission on August 23, 2023, by the following roll call vote:

AYES: Brown; Aleman; Aguilar; Whitlatch; Millies; Lehman  
NOES: None  
ABSTAIN: None  
ABSENT: Dias; La Fleur

TULARE COUNTY PLANNING COMMISSION



Michael Washam, Secretary

Exhibit “A” Site Plan

Exhibit “B” Right to Farm Notice

# Exhibit "A"

## OakCreek Estates

OakCreek Estates is a fine, large lot living area near the City of Visalia. The neighborhood is a short distance to shopping, dining, and all other amenities Visalia offers. The quiet subdivision consists of 35 parcels of varying large sizes on 67.60 acres in Tulare County.



VICINITY MAP

Prepared for:

Prepared by:

Malli Investment, LLC.  
9201 Avenue 272  
Visalia, CA 93277  
TEL: 559.730.1513



324 S. Santa Fe Street, STE A  
P.O. BOX 7593  
VISALIA, CA 93291  
TEL: 559.802.3052  
FAX: 559.802.3215



**Exhibit "B"**

RIGHT TO FARM NOTICE

RE: Use Permit No. \_\_\_\_\_

or

Parcel Map No. \_\_\_\_\_

or

Subdivision Map No. TSM 22-002

or

Mining and Reclamation Plan No. \_\_\_\_\_

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

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

## **ATTACHMENT NO. 3**

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY  
NOTICE OF INTENT TO ADOPT  
A MITIGATED NEGATIVE DECLARATION  
Visalia Ranch at St Johns  
(TSM 22-002, PZC 22-012, WAC 22-005, WAN 22-018)**

**NOTICE IS HEREBY GIVEN** that Tulare County intends to adopt a Mitigated Negative Declaration (MND) for the Visalia Ranch at St Johns (TSM 22-002, PZC 22-012, WAC 22-005, WAN 22-018) Project. The MND 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. 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.

1. **PROJECT:** Visalia Ranch at St Johns (TSM 22-002, PZC 22-012, WAC 22-005, WAN 22-018)
2. **APPLICANT:** Malli Investment, LLC, 324 S. Santa Fe St., Visalia, CA 93292
3. **LOCATION:** The site is located at the southwest of the intersection of Road 132 and Karolina Drive (APNs 079-073-001, 079-071-014, and 079-072-005), adjacent to and north of the City of Visalia in Tulare County, California.
4. **PROJECT DESCRIPTION:** The proposed Project consists of subdividing approximately 67.60 acres into 35 single-family residential parcels ranging in size from 1.0 - 2.5 acres (see Figure 3) with associated access roads, lighting and landscaping. Specifically, the Project includes 24 1.0-acre parcels and 11 2.5-acre parcels. The proposed Project site covers three land parcels: APN 079-073-001, zoned as R-A-100, and APNs 079-071-014 and 079-072-005, zoned as AE-20. To accommodate the proposed Project a Williamson Act Partial Non-Renewal (WAN 22-018) was approved by the Tulare County Board of Supervisors (Board) on February 7, 2023, and a Williamson Act Cancellation (WAC 22-005) was approved by the Board on April 4, 2023. The proposed Project will also require Board approval of a Zone Change from R-A-100 and AE-20 to R-A-110 (PZC 22-012) and a Tentative Subdivision Map (TSM 22-002).
5. **ENVIRONMENTAL DOCUMENT:** The MND can be viewed at the Resource Management Agency office located at the address above; at the Visalia Main Branch Library at 200 W. Oak Ave, Visalia, CA 93291, (559) 713-2700; the Tulare Public Library at 411 E. Kern Ave, Tulare, CA 93274, or on the County website at <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/mitigated-negative-declarations/visalia-ranch-at-st-johns/>.
6. **REVIEW PERIOD:** April 19, 2023 – May 19, 2023, at 5:00 p.m.
7. **CONTACT FOR MORE INFORMATION:** Hector Guerra, Chief Environmental Planner at (559) 624-7121 or [HGuerra@tularecounty.ca.gov](mailto:HGuerra@tularecounty.ca.gov) (para Español llame Brenda Alcantar (559) 624-7000).



The MND has a review period of **30 days**, starting on **Wednesday, April 19, 2023**, and ending on **Friday, May 19, 2023**, which has been approved by the State of California, Office of Planning and Research. Any written comments on the MND should be sent to the Tulare County Resource Management Agency at the address noted above, to the attention of: Hector Guerra, Chief Environmental Planner.

After the close of the public comment review period on the MND established by this notice, this matter will be set for public hearing before the **Tulare County Planning Commission**. Notice of the date, time and place for such public hearing will be published and/or mailed as provided by law.

Please take notice that - pursuant to Public Resource Code Section 21177, Government Code Section 65009, and other applicable law - if you challenge the proposed action described above in court, then you may be limited to raising only those issues or objections you or someone else raised during the public comment period or the public hearing, or in written correspondence delivered to the Tulare County Resource Management Agency within the review period, or to the Planning Commission during the public hearing.

HECTOR GUERRA, CHIEF ENVIRONMENTAL PLANNER  
REED SCHENKE, P.E., ENVIRONMENTAL ASSESSMENT OFFICER

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TO BE PUBLISHED ONCE ONLY ON: April 19, 2023

SEND BILL AND TEAR SHEET TO:  
TUL CO RESOURCE MGMT.  
5961 SOUTH MOONEY BLVD.  
VISALIA, CA 93277-9394

SEND TO: Exeter Sun-Gazette

NOTICE OF PUBLIC HEARING AND AVAILABILITY  
OF ENVIRONMENTAL DOCUMENT

A **Mitigated Negative Declaration** for **Zone Change No. PZC 22-012** and **Tentative Subdivision Map No. TSM 22-002** 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 **Sandy Roper at (559) 624-7101** or email him at [sroper@tularecounty.ca.gov](mailto:sroper@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:** Zone Change No. PZC 22-012 and Tentative Subdivision Map No. TSM 22-002

**APPLICANT/AGENT:** Sarjit S. Malli, 9201 Avenue 272, Visalia, CA 93277/4-Creeks (David Duda), 324 S. Santa Fe Street, Suite A, Visalia, CA 93292

**LOCATION:** The project is located on the west side of Road 132, North of St Johns River, Visalia, CA (APNs: 079-071-014; 079-072-005; 079-073-001)

**PROJECT DESCRIPTION:** Zone Change No. PZC 22-012 proposes to change the Zone from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential 100,000 Square Foot Minimum) to R-A-43 (Rural Residential – 43,000 Square Feet Minimum). Tentative Subdivision Map No. TSM 22-002 proposes to subdivide 67.59-acres (APNs: 079-071-014, 079-072-005, and 079-073-001) into 35 parcels.

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**REVIEW PERIOD:** 10 days until Monday, August 21, 2023, at 5:00 p.m.

**PUBLIC HEARING:** Planning Commission on Wednesday, August 23, 2023, at 9:00 a.m.

All meetings are currently held at the Board of Supervisors Chambers, 2800 West Burrell 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 Hector Guerra, 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.

HECTOR GUERRA, CHIEF ENVIRONMENTAL PLANNER  
REED SCHENKE, ENVIRONMENTAL ASSESSMENT OFFICER

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TO BE PUBLISHED ONCE ONLY ON: August 9, 2023

SEND BILL AND TEAR SHEET TO:

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

SEND TO: Sun Gazette 9-3-2023

NOTICE OF PUBLIC HEARING  
AKERS BUSINESS PARK GENERAL PLAN AMENDMENT,  
ZONE CHANGE, AND TENTATIVE PARCEL MAP

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, October 24, 2023, 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 an Initial Study (IS) / Mitigated Negative Declaration (MND) for Zone Change No. PZC 22-012 and Tentative Subdivision Map No. TSM 22-002. The MND can be viewed at the Resource Management Agency office located at the address above; at the Visalia Main Branch Library at 200 W. Oak Ave, Visalia, CA 93291, (559) 713-2700; or on the County website at: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/mitigated-negative-declarations/visalia-ranch-at-st-johns/>

The proposed Project consists of Zone Change No. PZC 22-012 to change the Zone from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential 100,000 Square Foot Minimum) to R-A-43 (Rural Residential – 43,000 Square Feet Minimum) and Tentative Subdivision Map No. TSM 22-002 to subdivide 67.59-acres (APNs: 079-071-014, 079-072-005, and 079-073-001) into 35 parcels. The proposed Project is located on the west side of Road 132, North of St Johns River, Visalia, CA (APNs: 079-071-014; 079-072-005; 079-073-001). The appropriate environmental determination is a Mitigated Negative Declaration for PZC 22-012 and TSM 22-002, consistent with the California Environmental Quality Act (CEQA) and the CEQA Guidelines pursuant to § 21082.1 of CEQA and §15070 to § 15075 of the CEQA Guidelines. For further information regarding this project, please call Sandy Roper (559) 624-7101 or email him at [sroper@tularecounty.ca.gov](mailto:sroper@tularecounty.ca.gov).

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

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

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## **ATTACHMENT NO. 4**

# NOTICE OF DETERMINATION

**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:** Tulare County Resource Management Agency  
5961 South Mooney Blvd  
Visalia, CA 93277 (559) 624-7000  
Attn: [hguerra@tularecounty.ca.gov](mailto:hguerra@tularecounty.ca.gov) and [jwillis@tularecounty.ca.gov](mailto:jwillis@tularecounty.ca.gov)

DATE RECEIVED FOR FILING AT TULARE COUNTY CLERK'S OFFICE

**Applicant(s):** Sarjit S. Malli  
9201 Avenue 272  
Visalia, CA 93277 (559) 730-1513

**Subject:** Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

**Project Title:** Zone Change No. PZC 22-012 & Tentative Subdivision Map No. TSM 22-002 for the Oak Creek Subdivision (formerly known as Visalia Ranch at St. Johns)

**State Clearinghouse Number:** 2023040471

**Contact Person:** Hector Guerra, Chief Environmental Planner

**Telephone Number:** 559-624-7121

**Project Location:** The project is located on the west side of Road 132, North of St Johns River, Visalia, CA (APNs: 079-071-014; 079-072-005; 079-073-001).

**Project Description:** Zone Change No. PZC 22-012 proposes to change the Zone from AE-20 (Exclusive Agriculture – 20 Acre Minimum) and R-A-100 (Rural Residential 100,000 Square Foot Minimum) to R-A-43 (Rural Residential – 43,000 Square Feet Minimum). Tentative Subdivision Map No. TSM 22-002 proposes to subdivide 67.59-acres (APNs: 079-071-014, 079-072-005, and 079-073-001) into 35 parcels.

This is to advise that the TULARE COUNTY PLANNING COMMISSION, as ☒ Lead Agency ☐ Responsible Agency, has approved the above-described project on August 23, 2023, and has made the following determinations regarding the above-described project:

1. The project [☐ will ☒ will not] have a significant adverse impact on the environment.
2. ☒ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [☒ were ☐ were not] made a condition of approval of this project.
4. A Mitigation Monitoring and Reporting Plan [☒ was ☐ was not] adopted for this project.
5. A Statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provision of CEQA.

This is to certify that the environmental document and record of project approval is available to the General Public and may be examined at: Tulare County Resource Management Agency, 5961 S Mooney Blvd., Visalia CA 93277.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Chief Environmental Planner  
Hector Guerra

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: Environmental Assessment Officer  
Reed Schenke, P.E. RMA Director

☒ Signed by Lead Agency

☒ Dept. of Fish & Wildlife Fees Required

☐ EIR

☒ MND

☐ ND

☐ Dept. of Fish & Wildlife Fees Not Required – Fees Paid

Receipt Number: \_\_\_\_\_

Cc: California. Dept. of Fish & Game, 1416 Ninth St., 12<sup>th</sup> Floor, Sacramento, CA 95814

Note: Authority cited: Section 21083, Public Resource Code; Reference: Sections 21108, 21152 and 21167, Public Resource Code.