

Attachment No. 1

**Memorandum of Findings and Conclusions for
Denial of Appeal (PSP 23-119) of Appellant, Juan Altamirano**

The below Findings and Conclusions are in furtherance of the Board of Supervisor's Decision on July 24, 2024. The Planning Commission's Decision was denied by a Vote of (3-3), to approve the Project on July 24, 2024. Due to a tie vote the motion did not pass, The Decision was appealed by the applicant (Juan Altamirano) on August 5, 2024.

With respect to the Appeal(s) of the Planning Commission's decision to Special Use Permit (PSP 23-119), the Tulare County Board of Supervisors (the Board) hereby incorporates all the records by reference, certifies the record, denies all of or certain aspect of this appeal, and affirms the overall Planning Commission's Decision. The Board does so based on substantial evidence found in the Staff Report, Staff Presentations, and the Planning Commission Discussions as described in the Minutes of the July 24, 2024 Planning Commission meetings (See Exhibit "B"), and Resolution No. 10244 (See Attachment 2); and hereby finds and concludes as follows:

Summary

Project: Juan Altamirano requested authorization for the establishment of a Contractor's Storage Yard, on a 0.9-acre parcel, in the R-A (Rural Residential) Zone, located at 233 E. Wade Avenue (Owner: Jacqueline Rosales), on the South side of E. Wade Avenue and approximately 630 feet West of S. Casa Street, Tulare (APN: 187-071-007).

The Applicant is requesting for the establishment of a Contractor's Storage Yard on a 0.9-acre site in the R-A (Rural Residential) Zone. The project site currently contains two (2) mobilehomes (one is being used for storage and the other is non-livable), a carport shade and areas for vehicle storage (Operating and Non-operating vehicles) and equipment. An application for a Special Use Permit was submitted in response to a Code Compliance Violation (No. GC2300057), which was issued for the storage of vehicles and for operating a Contractor's Storage Yard without an approved Special Use Permit.

After Staff presentation was concluded, and the Commissioners received the facts of the case, Commission Whitlatch questioned whether the use is more in line of a wrecking yard rather than a Contractor's Storage Yard. Assistant Director, Aaron Bock responded that the use of a wrecking yard required the dismantling of and removal of the vehicles and the proposed use is for the storage of vehicles which is more in line of the use of a Contractor's Storage Yard. Mr. Bock added that the purpose of this project is to bring this site into compliance with the Tulare County Zoning Ordinance, and that by allowing a use permit, the County can place conditions of approval to reduce impacts to aesthetics.

Commissioner Lehman had concerns regarding the number of vehicles stored on the property as well as the handling of hazardous materials (gasoline and motor oil). Chief Building Official, Hector Ramos, responded that there are at least 50 vehicles on the site, if not more, and the information regarding the handling of hazardous materials is unknown, but it could be added as a condition of approval. Commissioner Launer has concerns regarding soil contamination caused by the hazardous materials, however, the Tulare County Environmental Health Services Division commented to a consultation request and required a condition to be added to address this concern. The condition would require the Applicant to submit for a Hazardous Materials Business Plan.

A public hearing was held on July 24, 2024. At the July 24th hearing, one (1) member of the public (Noemi Arenas), spoke and translated on behalf of the Applicant in favor of the proposed project during the public hearing. Mrs./Ms. Arenas believes that the proposed project is not determinantal to the community but did not expand on how this is being accomplished.

Commissioner Aguilar questioned the intent of the vehicles that are stored on the property. Mrs./Ms. Arenas responded that the use is just for a hobby for the Applicant and his son. She also indicated that the site was used as a prior tire shop. Upon Mrs./Ms. Arenas' testimony, Commissioner Launer questioned the intent again if this use is for a hobby or for a commercial business. She also added the hobby is for the Applicant's vehicles where he buys parts to repair them, but not for profit.

The Planning Commission voted to approve PSP 23-119, and this was motioned by Commissioner Dias and Seconded by Commissioner Aguilar and the motion was a tied vote with 3 (Aguilar, Aleman and Dias) to 3 (Launer, Lehman and Whitlatch). This motion did not pass (Denied) due to a tie vote. The Planning Commission finds that under the Tulare County Zoning Ordinance, Section 15.A.10: Approval, conditional approval or disapproval authorized, "The use shall not become a nuisance by reason of odor, visual aesthetic, dust, smoke, noise, vibrations, or may impose a health hazard to health or property." and that the approval of the proposed Contractor's Storage Yard could be, under the circumstances of this particular case, detrimental to the safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Findings and Conclusions:

Appeal: (Applicant Juan Altamirano, henceforward "Appellant"). The Appellant filed his appeal of Resolution 10244 on August 5, 2024, citing that the primary use of the site is for a hobby to honor the Appellant's deceased brother's memory. The Appellant notes that they are renting out a portion of the property and that the contract between the landowner and the Appellant would last several years. The

previous violations were the result of a previous tenant, and the Appellant is using their own resources to correct the violations.

The Appellant would like to continue their hobby and is committed to continue to clean up the site which they view as an “open garage”.

- (1) Staff is sympathetic to the passing of the Appellant’s brother and commends the Appellant for honoring his brother’s memory. It should be noted that the previous violations (GC1700304) were not caused by the Appellant or his brother. The Appellant notes that there is no handling of hazardous chemicals or spills of hazardous chemicals, however the Appellant fails to address the concerns of brought up by the Planning Commissioners about if the hazardous chemicals are drained from the vehicles that are stored on site, and if so, are the chemicals stored or disposed of.**

The Appellant mentioned that the cars are used frequently for personal purposes and the hauling of trailers are used to fulfill the daily duties of the use. Furthermore, the Property Owner also stores vehicles on the project site such as farm trailers.

- (2) The Appellant made no mention of the number of vehicles stored on the site nor the how long they are being stored from either the Appellant’s own vehicles or the Property Owner’s vehicles. As previously mentioned, the Appellant states that only light maintenance and repairs are done off-site and that the intended storage of the vehicles are for a hobby.**

Determination of Denial of the Appeal of Juan Altamirano, in the Matter of PSP 23-119 (Appeal of PSP 23-119)

Given the above findings and clarifications, the Board finds and concludes as follows:

That the Board Denies the Appeal made by Juan Altamirano, in agreement with the decision to deny PSP 23-119, Juan Altamirano, (Appellant) who filed his appeal on August 5, 2024 citing the reasons for their appeal: (1) the use if for a hobby, (2) there is no handling of hazardous chemical or spills of hazardous chemicals on the site, and (3) the vehicles on site either belong to the Appellant or the Property Owner. These reasons were found to be (1) inapplicable, (2) and does not mitigate or address the issues.

Affirmative Statement of Due Process of Law, Not Abridging Constitutional Property Rights, Concurrence of the use of the Planning Commission’s Police Powers, and Procedural Adequacy.

The Board affirmatively states that the Project is compliant with the County's General Plan. The Board states that the Board's and Planning Commission's Land Use Authority and Responsibilities were fully utilized and that both Tulare County Land Use Authority's Discretionary Bodies found that staff presented and analyzed the Project thoroughly. The Board states that the Project is not in compliance with all of the General Plan and Zoning Code and Procedural policies, as stated in the Staff Report, Planning Commission Resolution, and this Board's Findings. These include all policies under the Tulare County 2030 General Plan, the Special Use Permit for Assemblages of People, as provided in Section 16.V of said Ordinance No. 352, Ordinance Code Section 165 pertaining to appeals and procedures, Section 65905 of the Government Code of the State of California, and the Code Enforcement Procedures of Tulare County.

Affirmative Statement of Tulare County General Plan (GP), Zoning Compliance and Procedural Adequacy.

The Board affirmatively states that the Project is compliant with the County's General Plan. The Board states that the Board's and Planning Commission's Land Use Authority and Responsibilities were fully utilized and that both Tulare County Land Use Authority's Discretionary Bodies found that staff carefully and methodically, presented and analyzed the Project thoroughly. The Board states that the Project is not in compliance with all of the General Plan and Zoning Code and Procedural policies, as stated in the Staff Report, Planning Commission Resolution, and this Board's Findings. These include all policies under the Tulare County 2030 General Plan, the Special Use Permit for Assemblages of People, as provided in Section 16.V of said Ordinance No. 352, Ordinance Code Section 165 pertaining to appeals and procedures, Section 65905 of the Government Code of the State of California, and the Code Enforcement Procedures of Tulare County.

Certification of the Record

Therefore, on this date, October 22, 2024, the Board of Supervisors hereby incorporates all the records by reference, certifies the record, denies this appeal and affirms the Planning Commission's Staff Report, Findings of Fact, Staff Presentation, and Resolutions No. 10244, based on substantial evidence, found in the Board's Findings and Conclusions and Staff's Response to Comment as found in Attachment 1, as stated above.

Exhibit "A"

Attachment No. 2

**SPECIAL USE PERMIT FACT SHEET
PSP 23-119**

I. General Plan

1. Land Use Element: Matheny Tract Legacy Plan
2. Land Use Designation: "Mixed Use"
3. Compliance:

a. Land Use Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
b. Circulation Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
c. Noise Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
d. Open Space Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
e. Safety Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
f. Housing Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
g. Conservation Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
4. Urban Boundaries Element:

Outside UAB/UDB	<input type="checkbox"/>	Inside UAB	<input checked="" type="checkbox"/>	Inside UDB	<input checked="" type="checkbox"/>
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5. Airport Land Use Area

Consistent with the policies of the Tulare County "Comprehensive Airport Land Use Plan."	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
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II. Zoning (Note: special overlay i.e., PD, SR, Airport Impact, Etc.)

1. Site: R-A (Rural Residential) Zone: The project site is relatively flat land and currently consists two (2) mobilehomes (One is being used for storage), a carport shade and areas for vehicle storage and equipment. The proposed project is within a 0.9-acre parcel.
2. Surrounding Area: Surrounding properties to the north, south, and west are all zoned R-A except for one (1) property located southwest adjacent to this project site is zoned R-2 (Two-Family Residential) and consists of mostly residential and accessory structures. The City of Tulare is located approximately 0.1 of a mile northeast of the project site.
3. Compliance: Yes ☒ No ☐
The subject site is zoned R-A (Rural Residential) and the use of a Contractor's Storage Yard is an allowed use subject to the conditions of approval of a Special Use Permit. Section 16.II.B of the Zoning Ordinance allows the establishment of a Contractor's Storage Yard in the R-A Zone with an approved Special Use Permit provided that the Contractor's Storage Yard shall also comply with Section 15.A.10 (Regulations for Contractor's Storage Yards in R-A Zones). The proposal for a request for the establishment of a Contractor's Storage Yard, in the R-A Zone is consistent with relevant policies of the Tulare County General Plan.

III. Subdivision Ordinance

1. Final Map Waiver:

Not Applicable	<input checked="" type="checkbox"/>	Recommended	<input type="checkbox"/>	Meets Findings for Approval	<input type="checkbox"/>
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2. Exceptions:

Not Applicable	<input checked="" type="checkbox"/>	Recommended	<input type="checkbox"/>	Meets Findings for Approval	<input type="checkbox"/>
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IV. Environmental Setting

1. Topographical Features:

Slope: <10%	<input checked="" type="checkbox"/>	10% - 20%	<input type="checkbox"/>	20% - 30%	<input type="checkbox"/>
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2. Water Courses: N/A
3. Flood Zone: The project site is within Zone X and Zone A as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 065066, dated June 16, 2009, Panel No. 1275. Construction of building within Zone X requires no specific flood mitigation measures.
4. Ground Water Table: The depth to groundwater is between 140 and 160 feet, SGMA Data Viewer, Spring 2023.
5. Archaeological: N/A

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6. Soil: Soils are Colpien Loam. The project site is located on Prime Land. The project site is rated severe for septic tank absorption, with a moderate shrink-swell potential.

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

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

VI. Agricultural Preserve

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

VII. Parcel Information:

1. Were Parcels created inside or outside UDB/UAB? ☒ Inside ☐ Outside
2. Previous Parcel Activity/Permits:
- PRC 22-018 for a Contractor's Storage Yard to resolve Code Compliance Violation No. GC2200048.
 - A0700021 (Withdrawn/Voided) for a building permit to install a mobilehome.
 - A0800994 for a building permit for an electrical service upgrade for a residence.
 - V207-078 (Closed) for an accumulation of solid waste.
 - MJ1700115 (Closed) for outside grow of cannabis.
 - MJ1800237 (Closed) for outside grow of cannabis.
 - MJ2000033 (Closed) for outside grow of cannabis.
 - MJ2000439 (Closed) for outside grow of cannabis.
 - MJ2100034 (Closed) for outside grow of cannabis.
 - MJ2100081 (Closed) for outside grow of cannabis.
 - GC2200048 (Closed) for a storage yard without an approved use permit.
3. Access to Parcels: ☒ Direct: The project site is located on APN 187-071-007, which has direct access to E Wade Avenue
- ☐ Indirect: _____
4. Water Source: ☐ Domestic Well ☐ Irrigation Well
- ☒ District City of Tulare Will Serve Letter on File ☐
- ☐ Community System California Water Service
- ☐ Private Water Co. _____
5. Sewage Disposal: ☒ Septic Tank-Leach Line System _____
- ☐ District _____ Will Serve Letter on File ☐
- ☐ Other _____
6. Fire Protection: Fire Station #25, Tulare Fire Station, approximately 2.66 miles northeast of the project site.
7. Police Protection: TC Sheriff: Visalia Headquarters
8. Public Utilities: Electric Service – SCE
9. Environmental Determination: ☒ Exempt (Sections 15332, Class 32)
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration

Attachment No. 2

VIII. SUBSEQUENT ACTIONS:

1. **Appeals:**

The Planning Commission's decision for approval or denial of the Special Use Permit is final unless the decision is appealed to the Board of Supervisors within ten (10) calendar days after the decision. Said appeal shall be in writing and shall specifically set forth the project case number and the reasons for the appeal and shall be accompanied by the appropriate appeals filing fee. The appeal letter should be sent to the Tulare County Board of Supervisors, 2800 West Burrell Avenue, Visalia, CA 93291.

2. **School Impact Fees:**

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

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

3. **Right to Farm Notice:**

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

4. **Storm Water Permit:**

A General Construction Activity Storm Water Permit CAS000002 shall be required (prior to commencement of the construction) for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of more than five acres or which is less than five acres but is part of a larger common plan of development or sale. And, depending on the Standard Industrial Classification (SIC) Code of the final project, a General Permit No. CAS000001 for Discharges of Storm Water Associated With Industrial Activities may be required. A Notice of Intent (NOI) shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the appropriate annual fee. Permits shall be required until the construction is completed.

Oct. 2010/CB

Exhibit "B"

**TULARE COUNTY PLANNING
COMMISSION BOARD OF
SUPERVISORS CHAMBERS
2800 W. Burrel Avenue Visalia, CA
93291**

NOTE: Information concerning the following agenda items is available for public consideration during normal working hours at the Resource Management Agency, Permit Center, 5961 S. Mooney Blvd., Visalia, California. The staff will assist in answering questions. For further information about the Planning Commission see last page.

All public hearings are scheduled for certain times, or as soon thereafter as the matter can be heard. All nontimed items will be considered following the public hearings or when time permits. Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.

As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Resource Management Agency at (559) 624- 7000 AGENDA March 25, 2020, 09:00 AM Planning Commission Convenes

MINUTES

Wednesday, July 24, 2024, Planning Commission Convenes

1. ROLL CALL

PRESENT: Gil Aguilar, Carlos Aleman, Ed Dias, Christopher Launer, Dennis Lehman, Bill Whitlatch

Absent: Terren Brown, Wayne Millies

PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Planning Commission at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Planning Commission consideration. So that all interested parties have an opportunity to speak, any person addressing the Planning Commission may be limited at the discretion of the Chair. (NOTE: In order to be considered by the Planning Commission, testimony on Public Hearing items must be given at the time scheduled for the public hearing.) At all times, please use the microphone and state your name and address for the record.

No Public Comment

3. CONSENT CALENDAR - Action on all items in this section will be taken with one motion and vote, unless anyone wishing to discuss any one of these items requests that it be pulled from the Consent Calendar and held over for such discussion. The Consent Calendar is an untimed item and may be taken up at any time during the course of today's meeting, as time allows.

(A) Extension of Time No. EOT 24-005 for TSM 834
Castlewood Development/AW Engineering

Extension of Time No. EOT 24-005 to Request for a two-year extension of time for Tentative Subdivision Map No. TSM 834, to September 23, 2026, to allow time to complete necessary tasks. Tentative Subdivision Map No. TSM 834 is to divide three lots totaling 46.17 acres into 48 parcels, ranging from 0.25 acres to 2.09 acres, in the PD-C-3-SC (Planned Development – Service Commercial – Scenic Corridor) Zone, within the Visalia Urban Development Boundary, with the Land Use Designation of Service Commercial. The site is located on the southwest corner of State Route 198 and Road 156, Visalia, CA. Contact David Alexander at (559) 624-7000 or email at DAlexander@tularecounty.ca.gov. (ONE MOTION)

Approve: A Two-Year Extension of Time for the conditionally approved Tentative Subdivision Map No. TSM 834, to September 23, 2026.

Resolution No. 10243

Motion by Dias, seconded by Whitlatch, to Approve a Two-Year Extension of Time for the conditionally approved Tentative Subdivision Map No. TSM 834.

AYES: Gil Aguilar, Carlos Aleman, Ed Dias, Christopher Launer, Dennis Lehman, Bill Whitlatch

NOES:

Final Result: 6-0

David Alexander, Project Planner

Public Comments – No public comment received.

4. **PUBLIC HEARINGS** - To members of the public who wish to participate, you may do so at the time the public comment portion of the hearing is opened. At this time, please state your name and address for the record in order for it to be heard by everyone in the room. Your statements will go out on the live audio stream and will be included in the audio recording of the hearing. The timer will be set to 3 minutes, so please adhere to this time limit.

(A) **Special Use Permit No. PSP 23-119**
Juan Altamirano

Categorical Exemption for Special Use Permit No. PSP 23-119 requests for the establishment of a Contractor's Storage Yard, located in the R-A (Rural Residential) Zone. The project site contains two (2) mobilehomes (one is being used for storage), a carport shade, and areas for vehicle storage and equipment in the R-A (Rural Residential) Zone. The site is located at 233 E. Wade Avenue, Tulare, CA. Contact: Jose Saenz at (559) 624-7000 or email him at Jsaenz@tularecounty.ca.gov. (ONE MOTION)

Approve: Categorical Exemption, consistent with the California Environmental Quality Act (CEQA) and the CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15332, Class 32, pertaining to In-Fill Development Projects and conditionally approve Special Use Permit No. PSP 23-119.

Resolution No. 10244

Motion by Dias, seconded by Aguilar, Special Use Permit No. PSP 23-119 received a tie vote, automatically denied the project.

AYES: Gil Aguilar, Carlos Aleman, Ed Dias

NOES: Christopher Launer, Dennis Lehman, Bill Whitlatch

Final Result: 3-3

Jose Saenz, Project Planner

Public Comments – Noemi Arenas

(B) **Setback Variance No. PSV 24-001**
Moises Cadena

Categorical Exemption for Setback Variance No. PSV 24-001 requests to construct a 3' 6" block wall with 2' 6" wrought iron fence on top within the 50-foot setback in the R-A-43 (Rural Residential – 43 Acre Minimum) Zone. The site is located at 17930 Road 232, on the east side of Road 232 and approximately 783 feet north of Avenue 178 within the Porterville Urban Area Boundary. Contact: Russell Kashiwa at (559) 624-7000 or email him at Rkashiwa@tularecounty.ca.gov. (ONE MOTION)

Approve: Categorical Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15303, Class 3, pertaining to New Construction or Conversion of Small Structures, and conditionally approve Setback Variance No. PSV 24-001.

Resolution No. 10245

Motion by Aguilar, seconded by Whitlatch, to Approve Setback Variance No. PSV 24-001.

AYES: Gil Aguilar, Carlos Aleman, Ed Dias, Christopher Launer, Dennis Lehman, Bill Whitlatch

NOES:

Final Result: 6-0

Russell Kashiwa, Project Planner

Public Comments – No public comment received.

5. INFORMATION AND DISCUSSION ITEM

Civic Sparks Fellow presentation regarding the Climate Adaptation and Resiliency Plan as a part of the Safety Element of the General Plan. This item will be presented by Civic Sparks Fellow Jymanii Williams who has worked with Tulare County over the last year. The presentation will provide a brief overview of their project, as well as learning experiences and highlights during their time with Tulare County.

6. DIRECTOR'S REPORT

Aaron Bock and staff congratulated Susan Simon on her retirement.

7. Planning Commission discussion items and request for future agenda items – no action other than discussion and referral to a future meeting.

ADJOURNMENT: Adjourn the meeting of the Tulare County Planning Commission to reconvene on August 14, 2024, at 9:00 a.m., at the Board of Supervisors Chambers, 2800 West Burrel Avenue, Visalia, California.

TULARE COUNTY PLANNING COMMISSION AND AIRPORT LAND USE COMMISSION

COMMISSIONERS

Carlos Aleman, Commissioner (Vice-Chair)
Gil Aguilar, Commissioner
Bill Whitlatch, Commissioner
Wayne O. Millies, Commissioner (Chair)
Christopher Launer, Commissioner
Ed Dias, Commissioner
Terren Brown, Commissioner
Dennis Lehman, Commissioner
Bill Whitlatch - ALUC only (Chair)
Matthew Stoll - ALUC only (Vice Chair)

COMMUNITY RESIDENCE

District 1
Tulare – District 2
Visalia- District 3
At Large
Dinuba- District 4
Visalia- At Large
Porterville- District 5
Alternate
Visalia

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

SENIOR STAFF

Reed Schenke, RMA Director
Michael Washam, Associate RMA Director
Sherman Dix, Assistant RMA Director - Fiscal Services
Aaron Bock, Assistant Director, Economic Development & Planning
Vacant - Public Works
Vacant, Planning and Permit Manager
Gary Mills, Chief Planner, Environmental Planning
Sandy Roper, Chief Planner, Special Projects
Hector Ramos, Building and Housing Manager

OFFICE

Tulare County
Resource Management Agency
5961 S. Mooney Boulevard
Visalia, CA 93277-93277
(559) 624-7000
Violation Line 624-7060
Zone Line 624-7100

PROCEDURE FOR CONDUCT OF PUBLIC HEARINGS AND DISCUSSION ITEMS BY THE TULARE COUNTY PLANNING COMMISSION*

1. Open for public hearing.
2. Presentation of factual staff report and environmental finding.
3. Public testimony -- proponent's presentation
4. Public testimony -- opposition's presentation

NOTE: To avoid cumulative and repetitious testimony, the Chair may restrict testimony or place time limits on presentations. Testimony and evidence must be germane to the topic of the hearing.

5. Summation and/or rebuttal by applicant (at the discretion of the Chair, usually limited to five minutes.)
6. Summation and/or rebuttal by opposition (at the discretion of the Chair, usually limited to five minutes.)
7. Staff recommendation including reasons or criteria for choice.
8. Close of public testimony phase of the hearing -- no additional testimony is taken following the staff recommendation unless rebuttal is specifically requested, and such request is granted by the Chair.
9. Discussion and decision by the Planning Commission -- final decision shall include reference to applicable criteria or ordinance bearing influence on the decision.
10. Notification of date for Board of Supervisors' action (if applicable) and rights of appeal.
11. Close of public hearing -- no further action is to be taken on the matter before the Commission. Any public hearing may be continued from time to time.

NOTE: Planning Commission actions are advisory for all General Plan Amendments, Zone Changes, Planned Unit Developments, and all subdivisions located outside urban areas. Such matters require final action by the Board of Supervisors. All Planning Commission actions are final on Special Use Permits, Zone Variances, Setback Variances, and Subdivisions within urban areas unless appealed to the Board of Supervisors. All Planning Commission actions on any of the above matters may be appealed to the Board of Supervisors. Any appeal must be filed in writing with the Board of Supervisors within 10 days and an appeals fee is required. *(Planning Commission Resolution No. 72.1, as amended by Resolution Nos. 4931 and 7392)

Attachment No. 2

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF SPECIAL USE PERMIT NO.)
PSP 23-119 TO ALLOW FOR A CONTRACTOR’S) RESOLUTION NO. 10244
STORAGE YARD IN THE R-A ZONE)
(JUAN ALTAMIRANO))

Resolution of the Planning Commission of the County of Tulare denying Special Use Permit No. PSP 23-119 requested by Juan Altamirano, 233 E. Wade Avenue, Tulare, CA 93474 (Owner: Jacqueline Rosales) for the request to allow for the establishment of a Contractor’s Storage Yard, located in the R-A (Rural Residential) Zone. The project site is located at 233 E. Wade Avenue, approximately 600 feet west of S. Casa Street, on the southside of E. Wade Avenue, Tulare, CA, Assessor Parcel Number (APN) 187-071-007.

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

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

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

WHEREAS, on July 10, 2024, 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 July 24, 2024; and

WHEREAS at that meeting of the Planning Commission, public testimony was received and recorded from Juan Altamirano and Noemi Arenas in support of the proposal, and nobody spoke in opposition to the proposal; and

WHEREAS, after closing the public hearing this Commission deliberated; and

WHEREAS, upon motion of Commissioner Dias, seconded by Commissioner Aguilar, at a regular meeting of the Planning Commission on July 24, 2024, this Commission voted 3-3 to approve PSP 23-119 and,

WHEREAS, the motion did not pass due to a tie vote.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that the Commission has reviewed and considered the information contained in the staff report for the proposed project together with any comments received during the public review process, in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Quality Act of 1970 prior to taking action on the project.

B. This Planning Commission hereby adopts the following findings of fact as to the reasons for why the motion did not pass:

1. Under the Tulare County Zoning Ordinance, Section 15.A.10, "The use shall not become a nuisance by reason of odor, visual aesthetic, dust, smoke, noise, vibrations, or may impose a health hazard to health or property." The Planning Commission finds that approval of a Contractor's Storage Yard in the R-A Zone could be, under the circumstances of this particular case, detrimental to the safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
2. The following concerns were brought up during the public hearing:
 - a. The handling of and storage of hazardous materials contained within the vehicles;
 - b. The amount of time the vehicles are stored on the site;
 - c. The intent of the proposed use of the site.

AND, BE IT FURTHER RESOLVED as follows:

C. This Planning Commission hereby finds the denial of said Special Use Permit to be exempt, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15270 because CEQA does not apply to projects which a public agency rejects or disapproves.

D. This Planning Commission hereby denies Special Use Permit No. PSP 23-119.

The foregoing resolution was adopted upon motion of Commissioner Dias, seconded by Commissioner Aguilar, at a regular meeting of the Planning Commission on July 24, 2024, by the following roll call vote:


AYES: Aguilar, Aleman, Dias

NOES: Launer, Lehman, Whitlatch

ABSTAIN:

ABSENT: Millies, Brown

TULARE COUNTY PLANNING COMMISSION



Michael Washam, Secretary

Attachment No. 3

RECEIVED

AUG 05 2024

TULARE COUNTY
CLERK OF THE BOARD

July 25th, 2024

Re:Appeal Letter

Project Number: *Special Use Permit No:* PSP 23-119

Applicant: Juan Altamirano

Location: 233 E. Wade Avenue Tulare, CA 93274

Project Description: Request for the establishment of a Contractor's
Storage Yard located in the Rural Residential Zone

To whom it may concern,

I write this letter to respectfully appeal, and to kindly plea that you grant me the planning permit(s) requested, which are much needed, as stipulated on the documentation submitted per your request months ago. I am in desperate hope that you reconsider your decision and concede my plea in good faith, as I will continue to show that I have made good on my end by fulfilling all of the requirements needed in order to make this happen. I have wholeheartedly gone to great lengths to keep a shared hobby that has gone beyond being a passion, it has become a mission that my only brother and I shared.

Sadly, my brother passed during the pandemic in 2021, as a result of COVID complications, leaving me brokenhearted, lost, and in limbo with our "project" that I have continued keeping alive with the help of my son. It has brought us together and made our bond stronger, while we keep my brother's memory and shared passion of remodeling our cars. We are able to spend much quality time, as was the case when my brother was alive. Since my brother's untimely passing, we have gradually relocated some of his cars, and with my sister-in-law's input and go ahead, my son and I will continue to extract the remainder of his cars, thereby allowing us to continue cleaning and reorganizing the premises.

So, as you can imagine, my devastation goes beyond words and sentiment! Because this hobby is immensely important to my son and I, and detrimental to my overall well-being while I continue to cope and mourn my monumental loss, I commit myself to continue abiding by the laws and regulations to do so with your guidance and approval. Although I am not the owner of the property in question, I am handling this predicament so fervently as I have invested far too much financially,

emotionally, and spiritually, along with an insurmountable amount of hours rearranging our vehicles and organizing my tools and equipment.

Please bear in mind and rest assured that there are no handling of hazardous chemicals, nor are there spills of any kind or at any times, as my son and I perform any light maintenance and repairs on our vehicles at our home with liberty. In any case where we need to maintain a vehicle, we pick up and transport any given car with the necessary tools to my residence. Our cars, equipment, and tools are stored at the property lot in questions at all times. Some of the cars are used quite often for personal purposes, and my hauling trailers are used daily to fulfill my daily work duties, and are brought back to the storage property for overnight storage after my work day has ended.

The fraction of the land that I rent is only that, a fraction of space, since the owner has one trailer home that serve as storage for my aforementioned tools, machinery and equipment. The land owner also has farm trailers that were used to transfer feed etc and part of another trailer home that is not enclosed. The owner is, with all due respect, heavily reliant on others for everything, a big procrastinator, very disconnected and irresponsible, has not put forth any interest nor effort, and is simply there to collect. That being said, I find it important to also mentioned that prior to my coming in to rent the part of land from him, he had allowed for numerous violations to accumulate were a result of previous renters that he had. I am in no way, shape, or form related, nor implicated in any of those violations, and truly hope that that history doesn't pose any issues to my petition and efforts to make things right. I am fully aware that in the long-run, everything that I am doing here will not benefit me, other that perhaps clear me so that I can continue renting until my agreement that was paid years in advance, ends.

Once again, I paid the owner rent for our space years in advance shortly after I lost my business, and was, as I continue now, in desperate need to continue using the premises as an exposed garage. And here I am, in good faith, taking it upon myself to lawfully make good on a lot of land that I have not, and don't benefit from financially. My only benefit is having the peace of mind that all that my brother and I have worked tirelessly for for years, and keeps me busy when I am off working hours is housed in this "open garage". The owner will never reimburse me for any of the fees paid or any of the efforts made to bring his property up to code, but my being able to continue to rent and keep my shared hobby of having our cars alive feeds my soul in my brother's physical absence. The only gain for my son and I, as previously mentioned, that we will not have

the mental and physical burden of finding another place to relocate, that will thereby serve the same purpose as this property has, a place to house our cars, machines, equipment, tools...and also our dreams!

As mentioned beforehand in the planning application that I previously completed, the residential lot in question is an undeveloped empty lot that is unpaved, not landscaped, and is not intended for building on it. That is, it simply and strictly serves as an open storage area where I park operating and non-operating vehicles on a fraction of the land, as it serves the same purpose for the land owner himself. In the lot also resides two mobile homes that are not adapted to live in, one is used to house my expensive tools, new and used tires, and some of my smaller, expensive equipment, while the other is a disconnected part of a double wide mobile home that is solely parked there without serving any storage purposes.

To reiterate, the lot in question is nestled between two occupied residences that are in no way, shape, or form disturbed or affected. My use of the property, as an uncovered garage per se, facilitates my shared hobby of having my cars, those belonging to my son, as those that also belonged to my brother before he passed. As stated above, no one resides on the property, as it is only intended for storage purposes. As a sign of my commitment to do right by your demands and to do away with any lingering concerns, I will gladly provide you with pictures that will show how much has been done to improve the safety in and around the "garage" and the tidier appearance throughout the property. Please feel free to call me should you have any further questions at (559) 300-7807. Without further ado, I thank you for your time, patience, understanding and consideration.

Respectfully,
Juan Altamirano



Attachment No. 4

NOTICE OF PUBLIC HEARING
APPEAL OF PSP 23-119 - ALTAMIRANO

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, October 22, 2024, at 9:30 a.m., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California.

The hearing pertains to an appeal of Special Use Permit No. PSP 23-119 to establish a Contractor's Storage Yard on an approximate 0.9-acre parcel in the R-A (Rural Residential) Zone, located at 233 East Wade Avenue, Tulare, CA [Assessor Parcel number (APN) 187-071-007].

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

To view the live stream of the Board of Supervisors meetings, please visit <https://tularecounty.ca.gov/board/board-meetings/board-of-supervisors-meetings/> or <https://www.youtube.com/channel/UCtio73xNL9t2b8Aq-R84abg>

If you challenge the decision of the Board of Supervisors on the foregoing matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors of the County of Tulare at, or prior to, the public hearing. Judicial review of this Board of Supervisors decision is appealable pursuant to Code of Civil Procedure Section 1094.6.

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
