



**RESOURCE MANAGEMENT  
AGENCY  
COUNTY OF TULARE  
PLANNING COMMISSION  
SUMMARY**

5961 S. Mooney Blvd  
Visalia, CA 93277  
624-7000 Phone  
730-2653 Fax

**PLANNING COMMISSION**

CHAIRMAN: Gil Aguilar

VICE-CHAIR: Ed Dias

COMMISSIONERS:

Gil Aguilar

Bill Whitlatch

Wayne O. Millies

Maria McElroy

Ed Dias

Terra Brown

Dennis Lehman

Carlos Aleman

AIRPORT LAND USE COMMISSIONERS  
(ALUC)

Bill Whitlatch  
(VACANT)

|  |  |                  |
|--|--|------------------|
| <b>Project Number:</b> EOT 22-001  | <b>Agenda Date:</b>                    | <b>9/28/2022</b> |
| <b>Applicant:</b> Julia Ramirez  | <b>Agenda Item Number:</b>             | <b>4A</b>        |
| <b>Agent:</b> N/A  | <b>AGENDA ITEM TYPE</b>                |                  |
| <b>Subject:</b> Request for a two-year extension of time for Special Use Permit No. PSP 13-064<br><br><b>Environmental Review:</b> Notice of Exemption Title 14, Cal. Code Regulations, Section 15303, regarding new construction filed with Special Use Permit No. PSP 13-064 | Presentation                           |                  |
|  | Consent Calendar                       | X                |
|  | Unfinished Business                    |                  |
|  | New Business                           |                  |
|  | Public Hearing                         |                  |
|  | Continued Public Hearing               |                  |
|  | Discussion                             |                  |
|  | <b>ACTION REQUESTED</b>                |                  |
|  | Recommendation to Board of Supervisors |                  |
| <b>Motion(s):</b> One Motion   | Resolution – Planning Commission       | X                |
| <b>Contact Person:</b> Russell Kashiwa, Project Planner  | Decision - Director                    |                  |

**RECOMMENDATIONS:**

**That the Planning Commission:**

1. Approve, by Resolution of the Planning Commission of the County of Tulare, a two-year extension of time for Special Use Permit No., PSP 13-064 to September 28, 2024.

**PLANNING COMMISSION ALTERNATIVES:**

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

**Alternative No. 2:** Move to deny, resulting in expiration of the Special Use Permit.

**PROJECT OVERVIEW:**

Two-Year Extension of Time for Special Use Permit no., PSP 13-064, submitted by Julia Ramirez, PO Box 270, Sultana, CA 93666, to establish a third residence on a 0.81-acre parcel in the A-1 (Agricultural) Zone, located on the west side of Road 105 and approximately 250 feet north of Avenue 416, in Sultana (APN 021-151-005).

**ENVIRONMENTAL SUMMARY:**

Notice of Exemption Title 14, Cal. Code Regulations, Section 15303, regarding new construction filed with Special Use Permit No. PSP 13-064, Planning Commission Resolution No. 8960 recorded as document number 2014-0024413 on May 15, 2014.

**PROJECT PLANNER:**

*Russell F. Kashiwa*

Russell Kashiwa, Project Planner  
Project Processing Division

**PROJECT PROCESSING DIVISION**

*Aaron R. Bock*

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

**ENVIRONMENTAL PLANNING DIVISION**

*Hector Guerra*

Hector Guerra, Chief Planner  
Environmental Planning Division  
Economic Development & Planning Branch

**R.M.A. ASSOCIATE DIRECTOR**

*Michael Washam*

Michael Washam, Associate Director  
Resource Management Agency

**ATTACHMENTS:**

Attachment No. 1 – Draft Resolution Granting a Two-Year Extension of Time  
Attachment No. 2 – Copy of recorded Special Use Permit No., PSP 13-064

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF EXTENSION OF )  
TIME NO. EOT 22-001 FOR SPECIAL ) RESOLUTION NO. [DRAFT]  
USE PERMIT NO. PSP 13-064 )  
RAMIREZ )

Resolution of the Planning Commission of the County of Tulare granting a two-year extension of time to September 28, 2024 for Special Use Permit No. PSP 13-064, requested by Julia Ramirez, PO Box 270, Sultana, CA 93666, to establish a third residence on a 0.81-acre parcel in the A-1 (Agricultural) Zone, located on the west side of Road 105 and approximately 250 feet north of Avenue 416, in Sultana (APN 021-151-005).

WHEREAS, on April 23, 2014, the applicant was granted Special Use Permit No. PSP 13-064 by the Planning Commission, Resolution No. 8960 and record in the Tulare County Clerk/Recorders Office on May 15, 2014, Recorded Document No. 2014-0024413.

WHEREAS, the applicant submitted a request for a two-year extension of time on April 11, 2022, and

WHEREAS, said Use for which the Special Use Permit was obtained, has not begun, and

WHEREAS, said Use Permit would become null and void after April 24, 2022, unless an extension of time is granted, and

WHEREAS, Staff has recommended that a two-year extension of time would be appropriate, and

WHEREAS, the Planning Commission determined, after considering all the evidence presented, that extending the Use Permit for two years would 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 of Tulare, and

NOW, THEREFORE, BE IT RESOLVED THAT a two-year extension of time, to September 28, 2024, for Special Use Permit no. PSP 13-064 pertaining to the establishment of a third residence on a 0.81-acre parcel in the A-1 (Agricultural) Zone, to be granted.

The foregoing resolution was adopted upon motion of Commissioner [NAME], seconded by Commissioner [NAME], at a regular meeting of the Planning Commission on September 28, 2022, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

---

Michael Washam, Secretary





2014-0024413

12  
J

**RECORDING REQUESTED BY:**

Tulare County Resource Management Agency

**AND WHEN RECORDED MAIL TO:**

Tulare County Resource Management Agency  
Project Review Planning Division  
5961 South Mooney Blvd.  
Visalia, CA 93277-9394

Recorded  
Official Records  
County of  
Tulare  
ROLAND P. HILL  
Clerk Recorder

REC FEE 50.00

01:31PM 15-May-2014 | JD  
Page 1 of 12

**THIS SPACE FOR RECORDER'S USE ONLY**

Please record attached Special Use Permit PSP 13-064 for Resolution No. 8960

Thank you,

May 5, 2014

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(ADDITIONAL RECORDING FEE APPLIES)

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF SPECIAL USE PERMIT )

Resolution No. 8960

NO. PSP 13-064 FOR A THIRD RESIDENCE )

Resolution of the Planning Commission of the County of Tulare approving a categorical exemption as the appropriate environmental determination and conditionally approving Special Use Permit No. PSP 13-064, requested by Jose Ramirez Gutierrez, P.O. Box 270, Sultana, CA 93666, to allow a third residence (mobilehome), on a 0.81-acre parcel in the A-1 (Agricultural) Zone, Sultana.

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

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

WHEREAS, Staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this application subject to conditions, and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on April 23, 2014, and

WHEREAS, at the April 23, 2014 meeting of the Planning Commission, Samuel Ramirez, son of the owner/applicant, spoke in support of the project and no one spoke in opposition to the proposal and no written or verbal comments were received.

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

1. The Special Use Permit will allow a third residence (mobilehome) on a 0.81-acre parcel in the A-1 (Agricultural) Zone, in Sultana. The third residence will be occupied by a member of the owner's family. A condition of approval states that it shall be removed when no longer occupied by relatives of the property owners, employees who work on the property or farmworkers. The site contains two existing single family residences (both mobilehomes), a small shed, landscaping and fencing.

2. Surrounding properties are zoned A-1 or R-3 (Multiple Family Zone) and contain generally single family or multiple family residences on small lots.

The A-1 Zone (Zoning Ordinance Section 10 and Appendix 1) allows mobilehomes and residences for the owners and lessees of the property and for housing farmworkers or employees who work on the property. One additional mobilehome or single-family residence for persons other than those mentioned above, for each 2-1/2 acres in the entire property, or (as in this case), if a lot has less than 2-1/2 acres and was of record on January 11, 1973, one single-family residence or mobilehome for persons other than those mentioned above. The subject parcel has two existing residences which fit these criteria. An application for a third residence on the 0.81-acre property will require a Special Use Permit, which must be secured as described in Section 16 Part II of the Ordinance.

3. The site has direct access to Road 105, a County maintained roadway with a 50 foot existing right-of-way and 60 foot ultimate right-of-way. Existing pavement width is 30 feet and pavement type is RMA. RMA-Engineering staff has recommended conditions of approval to construct a drive approach at each point of access and to surface all on-site parking areas and driveways for all-weather conditions.
4. The use permit complies with all zoning regulations applicable to the subject property.
5. The site is located within the Sultana Urban Development Boundary. There is not yet a Community Plan for Sultana, and the site is governed by relevant General Plan policies included in the Planning Framework section 2 (PF-2).
  - a. The Land Use Element of the 2030 General Plan Update designates the site as "Mixed Use." The subject parcel is 0.81 acres± acres in size and contains two permitted residences. These are occupied by the owner and extended family members.
  - b. The site has hardpan soil, rated "Class 2." The land has been in residential use for several decades. The California Farmland Mapping and Monitoring Program characterizes the land as "Urban or Built-up."
6. The project is consistent with relevant policies of the County of Tulare's General Plan Elements.
7. Planning Commission Resolution No. 7777 regarding administrative approval of special use permits for second residences or mobilehomes in agricultural zones, does not apply here, since there are already two mobilehomes onsite. The small site is residential in nature, and is surrounded by similar residential parcels. Staff concludes that third residences such as the project that do not remove agricultural crops, are consistent with County policies and will not have enforcement problems.

8. The site has direct access to Road 105, a County maintained roadway with a 50 foot existing right-of-way and 60 foot ultimate right-of-way. Existing pavement width is 30 feet and pavement type is RMA, per the 2010 Pavement Management System database. RMA-Engineering recommends conditions of approval to construct a drive approach at each point of access and to surface all on-site parking areas and driveways for all-weather conditions.
9. The Tulare County Environmental Health Services Division (TCEHSD) stated that the proposed project is located in the Sultana Community Services District, which has provided a "Will Serve" letter agreeing to provide sewer and water service for the proposed residence.
10. The project lies within an unnumbered Federal Emergency Management Agency (FEMA) Flood Hazard Zone X. Construction within Zone X requires no specific flood mitigation measures.
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 Development Impact Fees. New Development may be subject to County Development Impact fees.

C. This Planning Commission, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the use of building or land applied for PSP 13-064 will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

AND, BE IT FURTHER RESOLVED as follows:

A. This Planning Commission hereby finds that Special Use Permit No. PSP 13-064 is categorically exempt, consistent with the California Environmental Quality Act of 1970 (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations, Section 15303, regarding new construction of limited small new facilities. The project that does not have the potential for causing a significant effect on the environment and, therefore, is not subject to CEQA.

The subject parcel contains two existing single family residences, both mobile homes, and a small shed. The parcel is in Flood Hazard Zone X, which does not typically require mitigation. Although zoned "A-1," an agricultural zone, the project site and surrounding parcels are residential in nature and are not suited to agriculture. There are parcels in agricultural use located outside of the Sultana UDB. These are zoned A-20, and some are in Williamson Act. The project site is small and is surrounded by other residential parcels, no impacts are anticipated on agricultural parcels. However, the applicant will be required to sign a Right-to Farm Notice.

With respect to other environmental impacts, the project site and surrounding area are not located in an environmentally sensitive area. There are no identified sensitive plant or animal species within 1 mile of the project site. The project will have no significant impact on aesthetics, air quality, biological or cultural resources, geology/soils, Greenhouse Gas Emissions, hazards, hydrology, land

use and planning mineral resources, noise, population/housing, public services, recreation, transportation/ traffic and water quality.

B. This Planning Commission hereby approves Special Use Permit No. PSP 13-064, subject to the following conditions:

**General Conditions**

1. Development shall be in accordance with the plan as submitted by the applicant and/or as modified by the Planning Commission (Exhibit "A") and in accordance with County-adopted Development Standards.
2. Regardless of Condition No. 1 above, the Planning Director is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his successors, as long as said modifications do not materially affect the determination of the Planning Commission. Such modifications shall be noted on the approved plans and shall be initialed by the Planning Director.
3. The property owners shall sign a Right to Farm Notice (Exhibit "B"), which will be recorded at with the Tulare County Recorder's Office with the Resolution approving this Special Use Permit.
4. A Compliance Reporting and Monitoring Schedule (Exhibit "C") has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance.
5. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
6. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures.
7. If there are conditions set down herein which require construction of improvements, they shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises, and the traveling public, shall be protected. The Planning Commission may grant exceptions to this condition upon request by the applicant.
8. This Special Use Permit may not become effective until after the appeal period, which is ten (10) days after the action taken by the Planning Commission. During the ten day appeal period, County staff will mail, to the applicant's most recent known address, the following forms to sign - an "Acceptance" of conditions of approval and a Right to Farm Notice. Within ten (10) days of the action taken by the Planning Commission, the applicant shall be required to sign and return all documents related to the Special Use Permit. Upon receipt, Staff shall file all

appropriate documents with the County Recorder. Failure to sign all required documents may cause the application to be considered null and void.

9. All standard conditions and all special conditions of approval of this Special Use Permit must be complied with at all times in order to continue the use allowed. Compliance with such conditions is subject to review at any time. Normally, an initial review of compliance shall be conducted by the Tulare County Planning Commission twelve months after the granting of said permit; however, the Planning Commission may schedule the review sooner under certain circumstances. Additional reviews may be undertaken at the discretion of the Planning Commission. Fees as established by the County shall be paid in advance to offset the costs for the required reporting.
10. This Special Use Permit shall automatically expire and become null and void two years after the use for which it was granted is discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Planning Commission may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.
11. 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 Special Use Permit No. PSP 13-064; 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.

#### **RMA-Engineering Conditions**

12. A drive approach shall be constructed at each proposed and/or existing point of access to Road 105 on the subject site. The drive approach shall have a maximum width of 24 feet at the right of way line and shall be constructed in accordance with the Tulare County Improvement Standards. A wider drive approach may be constructed if geometric calculations justifying the wider drive approach are submitted to and approved by the Tulare County RMA-Engineering Branch.
13. 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 contact 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.

14. 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.

#### **Planning Conditions**

15. The applicant shall ensure that the mobilehome being used as a third residence shall be removed when no longer occupied by relatives of the property owners, employees who work on the property or farmworkers.
16. The applicant shall provide one parking space for the third residence on the subject parcel.
17. The applicant shall provide smoke detectors in the mobilehome in accordance with section 1210(a) of the 2010 Edition of the California Building Code.
18. The applicant shall install a portable fire extinguisher of a minimum 2A 10BC rating in the mobilehome. The extinguisher shall be located in a conspicuous location near an exit from the mobilehome.
19. The applicant shall ensure that a mobilehome installation permit shall be obtained for the placement of the mobilehome on the property and the placement of the mobilehome shall conform to all applicable Building Code regulations.
20. Pursuant to Section 15.A.5.c. of the County Zoning Ordinance, the mobilehome shall have the perimeter of the space between the ground and the undercarriage of the mobilehome structure enclosed by construction materials approved pursuant to the California Building Code as adopted by the Tulare County Ordinance Code.
21. If, during construction or grading activities on the site, any resources of an historic or prehistoric nature are discovered, the applicant shall ensure that all construction or grading is temporarily 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 certifies that appropriate recovery measures, if deemed necessary, have been completed.

The foregoing resolution was adopted upon motion of Commissioner Pitigliano, seconded by Commissioner Aguilar, at a regular meeting of the Planning Commission on April 23, 2014, by the following roll call vote:

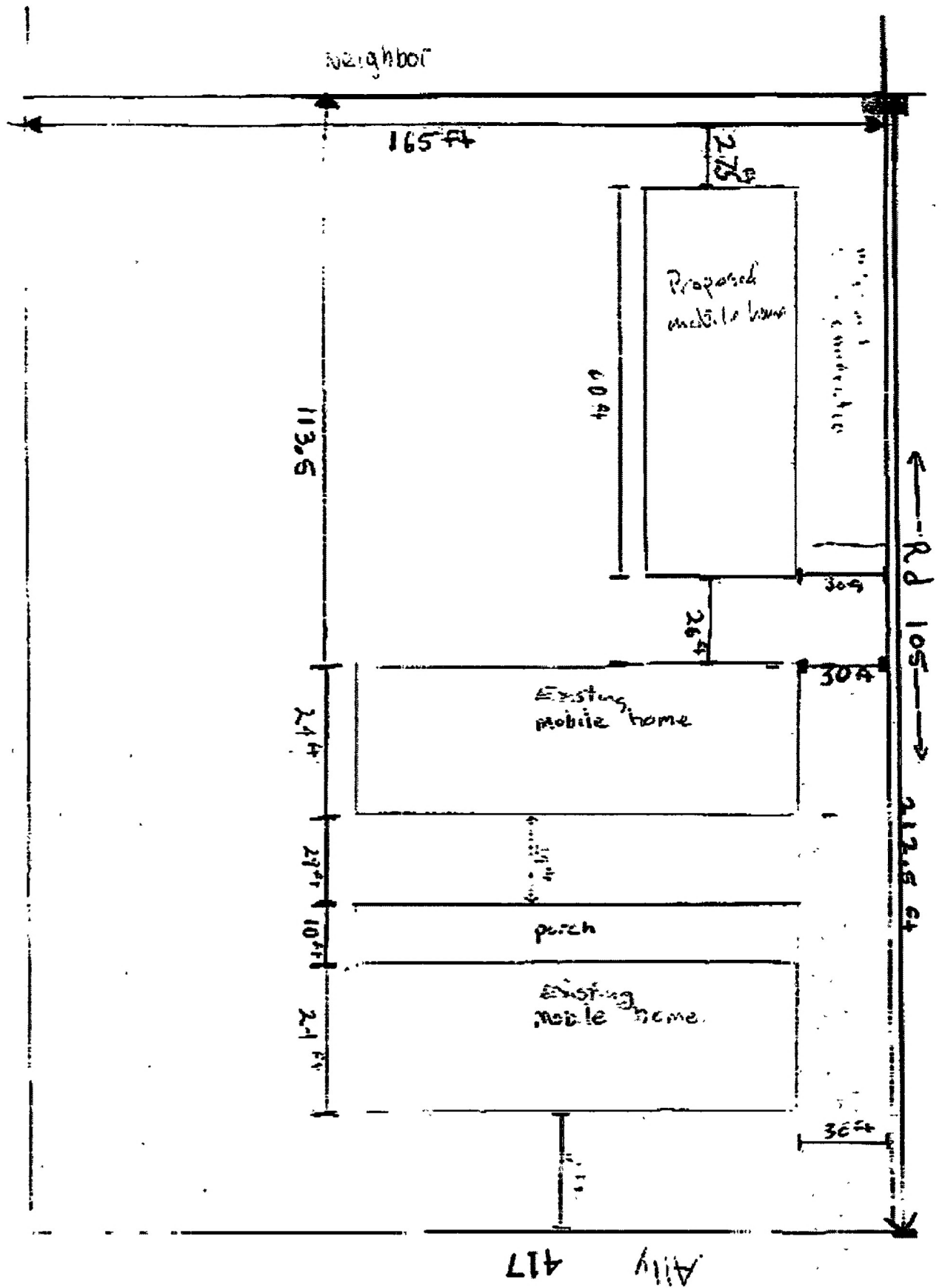
AYES:       Dias, Aguilar, Elliott, Gong, Norman, Pitigliano, Whitlatch  
NOES:       None  
ABSTAIN:   None  
ABSENT:     Millies

TULARE COUNTY PLANNING COMMISSION

  
Michael C. Spata, Secretary



Back Alley



No Scale

Site Plan  
for  
PSP 13-064  
P.C. Exhibit "A"



## EXHIBIT "C"

### **COMPLIANCE REPORTING AND MONITORING** **SCHEDULE AND FEE NOTICE**

CASE NO. PSP 13-064

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

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

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

Prior to recording the Resolution/Decision and Acceptance Form, a deposit of \$ 65 must be made to the Compliance Reporting and Monitoring Account. **This deposit was made before project approval.** Additional deposits may be required if the account is depleted and may be made at the Tulare County Resource Management Agency offices, located at 5961 S. Mooney Blvd., Visalia. If the use has not commenced and an extension of time is needed, an additional deposit is required with the extension of time request.

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

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

ACCEPTANCE

I Jose Ramirez Gutierrez

do hereby accept the Special Use Permit granted by the foregoing resolution of the Planning Commission and agree that I, my heirs, executors, administrators, and assigns will well and faithfully observe all of the conditions and qualifications to said Special Use Permit set forth in the foregoing resolution of the Planning Commission attached thereto, and I, acknowledge and agree that should I, my heirs, executors, administrators, or assigns, fail to observe any of the said conditions or qualifications to said Special Use Permit, the Planning Commission or any body or officer designated by law or ordinance may, on its own motion, revoke or modify said Special Use Permit pursuant to the procedure established by law or ordinance and said Special Use Permit shall thereupon be null and void and of no further effect.

Jose Ramirez Gutierrez

(signature)

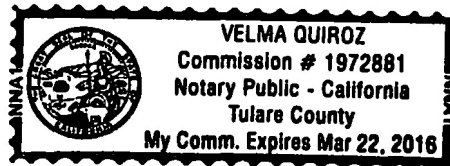
State of California }  
County of Tulare }

On 5-2-14 before me, Velma Quiroz, Notary Public, personally appeared Jose Ramirez Gutierrez who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Velma Quiroz  
Signature of Notary Public



**DO NOT RECORD UNTIL THIS SECTION HAS BEEN SIGNED OFF BY  
THE RESOURCE MANAGEMENT AGENCY**

Compliance Fees \$ 130.00 Received by SC Receipt No. R1305829 Date 12/4/13