



Resource Management Agency

COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

LARRY MICARI
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: May 2, 2023 – REVISED

Public Hearing Required	Yes
Scheduled Public Hearing w/Clerk	Yes
Published Notice Required	Yes
Advertised Published Notice	Yes
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	N/A

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: General Plan Amendment No. GPA 22-003, Zone Change No. PZC 22-010, & Tentative Parcel Map No. PPM 23-007 Akers Business Park (NFDI, LLC)

REQUEST(S):

That the Board of Supervisors:

1. Hold a Public Hearing at 9:30 a.m. or shortly thereafter.
2. Adopt the Initial Study/Mitigated Negative Declaration for General Plan Amendment No. GPA 22-003, Zone Change No. PZC 22-010, & Tentative Parcel Map No. PPM 23-007 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, as set forth in Planning Commission Resolution No. 10068.
3. Approve General Plan Amendment No. GPA 22-003, Akers Business Park, to change the County's land use designation within the Urban Area Boundary (UAB) of Tulare, on approximately 65.45-acres, from "Valley Agriculture" to "Mixed Use", located at the southwest corner of Road 100 (Oaks Street) and Oakdale Avenue, east of State Route (SR) 99, APN 149-090-006, directly north of Tulare city limits as set forth in Planning Commission Resolution No. 10069.
4. Adopt the findings of approval, as set forth in Planning Commission Resolution No. 10070, pertaining to Zone Change No. PZC 22-010.
5. Adopt an ordinance amending Paragraph B of Section 3 of Ordinance No. 352, the Tulare County Zoning Ordinance for Change of Zone No. PZC 22-010 on approximately 65.45-acres from AE-20 (Exclusive Agricultural – 20 Acre Minimum) to C-3-MU (Service Commercial with a Mixed-Use Overlay Zone), on Assessor's Parcel Number APN 149-090-006.

SUBJECT: General Plan Amendment No. GPA 22-003, Zone Change No. PZC 22-010, & Tentative Parcel Map No. PPM 23-007 Akers Business Park (NFDI, LLC)
DATE: May 2, 2023

6. Find that this ordinance by statute can only be passed after notice and a public hearing, so it is exempt from the usual requirements that an ordinance be read in full and adopted over two regular meetings.
7. Direct the Clerk of the Board to publish the full text of the adopted Ordinance and Amended Zoning Map for PZC 22-010, as required by law.
8. Adopt the findings of approval, as set forth in Planning Commission Resolution No. 10071, and approve Tentative Parcel Map No. PPM 23-007.

SUMMARY:

The Applicant, NFDI, LLC, and Owner, J & M Thomas Ranch, Inc. (C/O Michael Thomas, 715 E. Oakdale Avenue, Tulare, CA 93274), are requesting to change the County's land use designation within the County Adopted Urban Area Boundary (CACUAB) of Tulare on approximately 65.45-acres "Valley Agriculture" to "Mixed Use", change the zone district from AE-20 (Exclusive Agricultural – 20 Acre Minimum) to C-3-MU (Service Commercial with a Mixed-Use Overlay Zone), and subdivide a 65.45-acre parcel to facilitate the development of the proposed Akers Business Park. The proposed Project is a mixed use commercial development that includes the expansion of the existing Magic Touch Recreational Vehicle Sales facility at the south end of the proposed Project (3567 N. Oaks St. Tulare, CA 93274), contractor offices, boat sales, and other related uses allowed in the C-3-MU Zone.

On May 5, 2022, a Microsoft Teams Virtual Project Review Committee ("PRC") Meeting was held concerning the Akers Business Park Project, which the City of Tulare participated in. During the PRC Meeting the City of Tulare did not request a Rural Valley Lands Plan ("RVLP") analysis and the City stated that the proposed Project is consistent with the "Regional Commercial" Land Use Designation that the City of Tulare 2035 General Plan shows for the proposed Project site.

ENVIRONMENTAL SUMMARY

An Initial Study / Mitigated Negative Declaration (IS / MND) has been completed for this project. This project will not have a significant effect on the environment with mitigation and has been determined to be 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. The IS/MND can be found at: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/mitigated-negative-declarations/akers-business-park/mitigated-negative-declaration-for-the-akers-business-park-gpa-22-003-pzc-22-010-ppm-23-007/>

On March 13, 2023, Golden State Environmental Justice Alliance ("GSEJA") sent a letter to the County commenting on the IS/MND for the Akers Business Park Project. Staff found the GSEJA comment letter to be without merit, as detailed in Exhibit "B" of Planning Commission Resolution No. 10068. Most of the assertions are supported by nothing more than brief arguments from GSEJA's attorney, without reference to any evidence, including no opinions or analysis from an environmental consultant or other expert that has the necessary qualifications to review the MND's conclusion. Staff found the IS/MND to still be the appropriate document for the project under CEQA.

SUBJECT: General Plan Amendment No. GPA 22-003, Zone Change No. PZC 22-010, & Tentative Parcel Map No. PPM 23-007 Akers Business Park (NFDI, LLC)
DATE: May 2, 2023

FISCAL IMPACT/FINANCING:

No Net County Cost to the General Fund.

The applicant cost is an initial deposit of \$10,000 for a General Plan Amendment, \$6,000 for a Zone Change, and \$3,000 for a Tentative Parcel Map to the Tulare County Resource Management Agency. Additional fees of \$115 per hour may be charged, if the actual cost of processing the applications exceed the deposits. CEQA documentation and compliance for the project is also charged at a full cost recovery basis.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the "Economic Well Being Initiative - to promote economic development opportunities, effective growth management and a quality standard of living." The requested General Plan Amendment, Zone Change, and Tentative Parcel Map help encourage growth consistent with the County General Plan.

ADMINISTRATIVE SIGN-OFF:

/s/ Aaron R. Bock

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

/s/ Michael Washam

Michael Washam, ACE
Associate Director

/s/ Reed Schenke

Reed Schenke, P.E.
Director

Cc: County Administrative Office

Attachment 1 – General Plan Amendment Map
Attachment 2 – Zoning Ordinance and Zoning Map
Attachment 3 – Copy of Planning Commission Resolutions No. 10068, 10069, 10070 and 10071
Attachment 4 – Notices
Attachment 5 – Notice of Determination