

**AMENDMENT GPA 09-003**

**CUTLER-OROSI  
AREA  
LAND USE PLAN**

Approved & Adopted:

Tulare County Board of Supervisors

Resolution No. 2014-0727 – October 14, 2014

**AMENDMENT TO THE  
TULARE COUNTY GENERAL PLAN  
LAND USE AND URBAN BOUNDARIES ELEMENT  
CUTLER-OROSI  
GPA 09-003**

**I. INTRODUCTION**

This document amends the Land Use Element of the Tulare County General Plan for the Cutler-Orosi Area by changing the land use designation on approximately eighteen acres of land from "Residential Reserve" to "Industrial."

**II. BACKGROUND**

The 1988 Cutler-Orosi Community Plan designated the subject parcels as "Residential Reserve."

General Plan Amendment No. GPA 94-04, adopted November 7, 1995 by Resolution 95-1273, designated an 11.3-acre portion of the 18.01 acre APN 021-260-017 as "Industrial Reserve." The eastern 6.71 acre portion of APN 021-260-017 and the southwestern drainage basin portion of APN 021-260-011 remained designated "Residential Reserve." Zone Change No. PZ 94-011 was considered concurrently with GPA 94-004 to change the zoning from AE-20 to M-1 (Light Manufacturing), but was denied without prejudice by the Planning Commission on September 27, 1995, indicating that until such time as the Community Plan criteria were met, the site should retain AE-20 Zoning.

*Cutler-Orosi Community Plan Policy 7.2 establishes three criteria that are used to determine when a site can be re-designated from a reserve designation to an urban use, in order to protect agricultural land from intruding urban uses. Those criteria are as follows:*

- 1) *The property is not subject to an agricultural preserve contract.* The Williamson Act Contract (No. 6334) on APN 021-260-017 completed non-renewal process on January 1, 2003, allowing it to be designated for an urban type use. However, an application for an Agricultural Preserve Diminishment must be submitted to remove the preserve status from the site. In addition, use permit PSP 98-100 required an application for Partial Non-Renewal for a 0.6 acre drainage basin on the adjacent northern parcel (APN 021-260-011). The Non-renewal application was filed in 2005 and will be completed on January 1, 2014, with an application for Agricultural Preserve Diminishment to follow. The Diminishment applications should be made a condition of the upcoming use permit.
- 2) *Full urban services and infrastructure sufficient to serve urban development either are available or can be made available.* The site is within the sphere of influence of the Cutler Public Utility District, which can provide domestic water and sewer services within District boundaries. The District may not have capacity to expand services 2,000± feet to the facility at this time, and further analysis would be required prior to connection. Pena's currently uses two on-site domestic wells and two septic



systems. County's Environmental Health Services Division will consider conditions of approval for an upcoming Use Permit to expand the facility. Other urban services and infrastructure in the area include a Sheriff's Department substation and Fire Station.

- 3) *The property is contiguous on at least one side to urban development.* Packing companies currently operate on adjacent parcels – one across Avenue 408 to the south in an M-1 Zone and one across Road 120 to the west in an AE-20 Zone – so the site meets the contiguity criteria.

On March 11, 2008 by Resolution No. 2008-0142, the Board of Supervisors authorized General Plan Initiation No. GPI 06-004, which authorized the applicants, Pena's Disposal, Inc. to submit a request for a General Plan Amendment and subsequent Change of Zone. General Plan Amendment No. GPA 09-003 proposed changing the land use designation of approximately 6.71 acres on APN 021-260-017 from "Residential Reserve" to "Industrial" and the remaining 11.3 acres from "Industrial Reserve" to "Industrial." Associated with the GPA is a request for a Change of Zone on the same 18± acres from the AE-20 (Exclusive Agricultural -20 acre minimum) Zone to the M-1 (Light Industrial) Zone. The GPI did not include the 0.6-acre stormwater drainage basin on APN 021-260-011, as recommended in the Initial Study/Mitigated Negative Declaration for Use Permit No. PSP 98-100. The Planning Commission advised the Board of Supervisors approve the applicant's request to add the drainage basin to the subject proposals. This amendment is a result of approval by the Board of Supervisors of that revised application.

The general plan amendment request is being made to allow Pena's Disposal, Inc. to continue operations of the existing solid waste disposal trucking facility and green waste/ recycling collection center on the 18± acre site. The Planning Commission recommended the Board of Supervisors approve General Plan Amendment No. GPA 09-003 by Resolution 8560 on March 23, 2011. The Board opened the public hearing on May 10, 2011, considered public comments and on May 17, 2011 closed the public hearing and referred the project back to staff for further study, per Resolution No. 2011-0310.

An Environmental Impact Report (EIR) was prepared for the project as a whole (combined PZ 09-004, GPA 09-003 and Special Use Permit No. PSP 10-062) and determined that the project as a whole will result in Less than Significant Impacts. However, a Significant and Unavoidable Cumulative Impact will occur to the Noise resource. A Statement of Overriding Considerations was prepared to address this significant and unavoidable impact. The Environmental Impact Report was accepted by the Planning Commission as the appropriate environmental document and adopted for the project as being in compliance with the California Environmental Quality Act (CEQA) by Resolution No. 8995 on October 14, 2014.

The Planning Commission recommended the Board of Supervisors approve General Plan Amendment No. GPA 09-003 by Resolution 8996 on October 14, 2014.

### **III. SUPERSEDURE**

This plan amendment supersedes the Cutler-Orosi Land Use Plan, as amended in 1995, insofar as General Plan Land Use Designations are concerned, for the approximate 18-acre site. No other map changes are hereby made to the Cutler-Orosi Area Land Use Plan.

### **IV. LAND USE DESIGNATIONS**

This amendment changes the land use designation on an 18± acre site located on the northeast corner of Avenue 408 and Road 120 west of the community of Cutler, as follows: 1) 6.77 acres from "Residential Reserve" to "Industrial"; and 2) 11.3 acres from "Industrial Reserve" to "Industrial."

### **V. POLICIES**

There are no specific policies in the Cutler-Orosi Area Land Use Plan that are modified by this amendment. All policies in the Cutler-Orosi Area Land Use Plan pertaining to the industrial designation are hereby applicable to the 18± acre site, subject to the amendment.

### **VI. REVIEW AND REVISION**

General Plan land use designations and urban boundaries are subject to periodic review.

### **VII. IMPLEMENTATION**

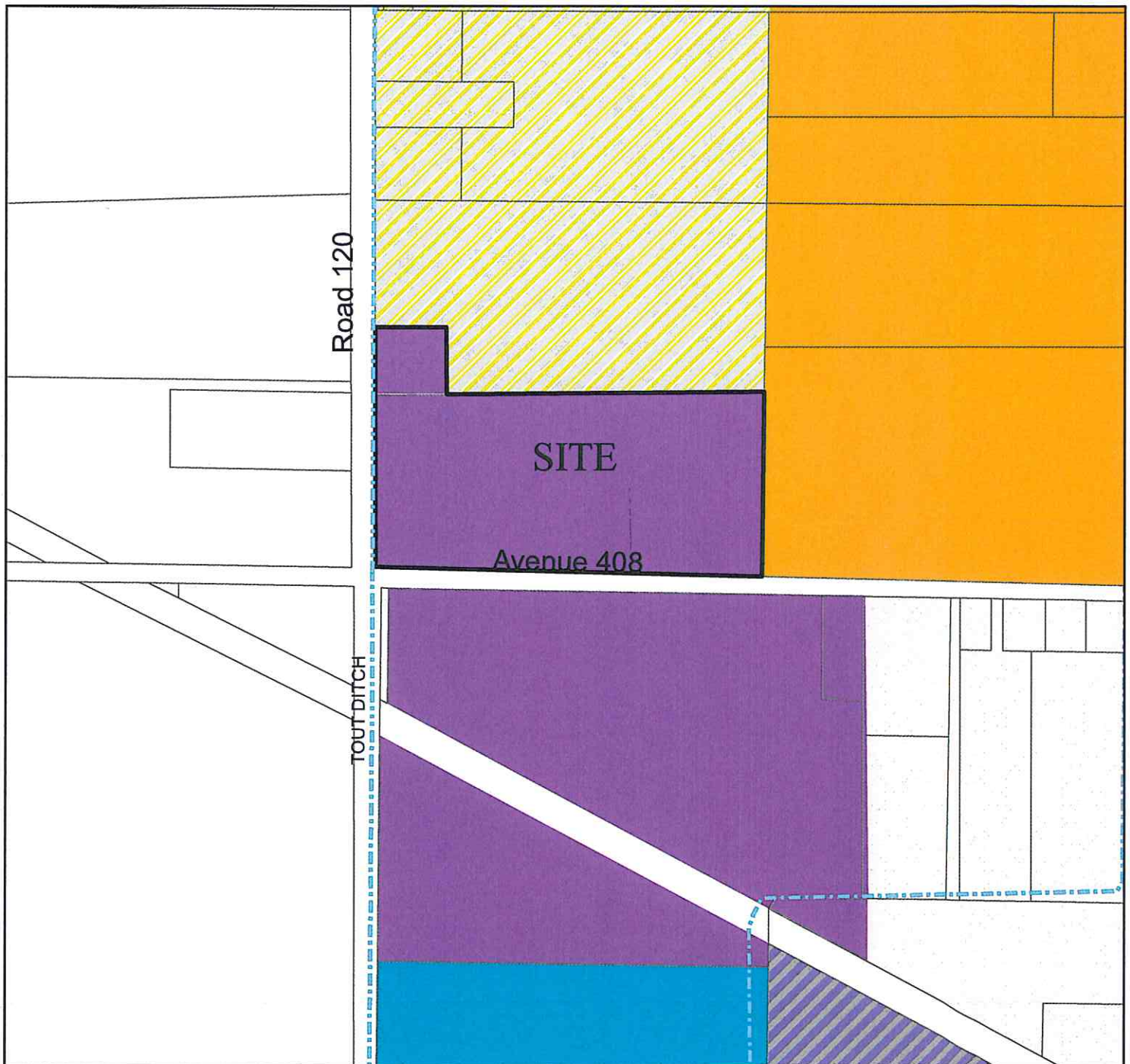
Concurrent with this general plan amendment, M-1 (Light Manufacturing) zoning to implement the land use designation will be applied to the site, as adopted by the Board of Supervisors in Resolution No. 2014-0727, Ordinance No. 3462. (Reference Case No. PZ 09-004.)

Also concurrent with this general plan amendment, Special Use Permit No. PSP 10-062 was approved by the Planning Commission on August 27, 2014 by Resolution No. 8998A (revised for clarification on September 23, 2014.)





# General Plan Map for GPA 09-003



## Cutler Orosi General Plan

- Medium Density Residential
- Service Commercial
- Industrial
- Quasi Public
- Industrial Reserve
- Residential Reserve

0 250 500 750 1,000 1,250 Feet

