



MINOR DEVIATIONS

General Information

Frequently Asked Questions

Regarding Application Requirements and Findings Needed for Approval

WHAT IS A MINOR DEVIATION?

A Minor Deviation is a procedure that allows a property owner to request minor deviation from established zoning development standards or restrictions within certain limits and in accordance to a procedure established in Tulare County Zoning Ordinance (Section 16, Paragraph I Subsection D – Minor Deviations.) Property development standards include, but are not limited to, building height, lot area, structural coverage, building setbacks, lot frontage, or lot depth-to-width ratio.

Action on Minor Deviations is delegated to the Resource Management Agency (RMA) Director or designee. The RMA Director is not compelled to approve Minor Deviations. A Minor Deviation must:

1. Be consistent with the General Plan;
2. Is substantial compliance with this ordinance;
3. Is exempt from California Environmental Quality Act (CEQA) review;
4. Does not adversely affect surrounding properties or the property of the applicant; and
5. Is for good cause and to avoid substantial hardship.

Minor Deviations may not be granted for an economic hardship or allow a use on property which is not otherwise permitted. Each Minor Deviation is a special and unique case which must be decided on its own merits.

WHAT ARE THE SUBMITTAL REQUIREMENTS FOR A MINOR DEVIATION?

Prior to submitting a Minor Deviation, the applicant must complete, in consultation with RMA planning staff, a Minor Deviation Application and Checklist. The application and checklist questions identify information specific to the property which may affect submittal and processing of the application.

The application package for a Minor Deviation includes (but is not limited to) the following:

1. Application form, which includes the applicant's statement of Minor Deviation findings, and filing fees as established by the Board of Supervisors from time to time;
2. One copy of a detailed site plan - The site plan must be a clear and accurate drawing of suitable size showing the following:
 - Parcel/lot dimensions (in feet)
 - Location of all existing and proposed above and below ground development improvements, including any type of buildings, septic systems, wells, etc. (designate whether existing or proposed).
 - Distances (in feet) between existing and proposed development improvements, including distances from buildings and the closest property boundaries.
3. Deed restrictions
4. Indemnification and Cost Recovery Agreement (separate attachment);
5. Completed Minor Deviation Pre-Application Checklist
6. Signature by the applicant acknowledging the fact that the request may not be approved.

Once staff completes its analysis of the required findings and, if necessary, meets with the applicant, a staff report is then prepared for the RMA Director or designee. The report includes a summary of the analysis and a recommendation for approval (with or without conditions) or denial of the Minor Deviation.

WHAT IS THE PROCESS A MINOR DEVIATION GOES THROUGH?

After the required application submittals are determined to be complete and are accepted:

1. The application(s) are routed to County Departments and various other agencies for review;
2. The Minor Deviation request will be mailed to the adjacent property owners. Notice of the application and the comment period shall be given to all owners of contiguous properties as shown on the latest equalized assessment roll by first-class mail at least ten (10) working days prior to the rendering of a decision by the Director. After receiving a request for a Minor Deviation for any of those items specified in Section 16, Paragraph I Subsection D – Minor Deviations, the RMA Director or designee shall either grant, deny, or grant with conditions, the application. The applicant, all owners of contiguous and adjacent property and members of the Planning Commission and Board of Supervisors shall be mailed a copy of the Director's decision. The decision shall be final unless appealed.
3. Following the comment period, 10 working days, staff reviews the proposed Minor Deviation to determine if the findings required granting a Minor Deviation (see above) can be made. Should it be determined that the findings cannot be made, Planning Staff will contact the applicant to discuss options.

HOW LONG DOES THE MINOR DEVIATION PROCESS TAKE?

Generally a Minor Deviation application will take 30 working days to process. Additional time may be necessary when associated with a separate application or sufficient information is not provided. The time period may be extended if additional information is required of the applicant during the Application Review Process. The applicant will be notified if additional information or special studies are needed in order to continue processing the application.

IF THE MINOR DEVIATION IS APPROVED, WHAT NEXT?

After a decision is made on the Minor Deviation, there is a 10-day appeal period during which the applicant, or any other affected party, may appeal the determination of the RMA Director or designee to the Board of Supervisors.

Approval of the Minor Deviation does not address all requirements that must be met in order for development to proceed. Other requirements may include a site plan review application, mapping application, grading permits, building permits and associated fees. In addition, fees may be required by other agencies (e.g. school district, flood control district).

County staff is available to answer any questions you may have regarding the Minor Deviation application process at Tulare County Resource Management Agency, 5961 South Mooney Blvd., Visalia, CA 93277. Please call (559) 624-7100, for assistance.



TULARE COUNTY RESOURCE MANAGEMENT AGENCY APPLICATION MINOR DEVIATION



General Information:

Applicant _____ E-Mail _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ Fax # _____

Property Owner (if different) _____ E-Mail _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ Fax # _____

Agent (if applicable) _____ E-Mail _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ Fax # _____

Site Address: _____ **City/Town:** _____

Physical Location of Site (cross streets & nearest community): _____

Assessor's Parcel No(s): _____

THIS SPACE FOR PERMIT CENTER STAFF USE ONLY

Project Number: _____ **Supervisor District:** _____ **Economic Development:** _____

Current Zoning: _____ **General Plan Land Use:** _____ **UAB/UDB/HDB/MSB:** Yes No

Project Description _____

Agricultural Preserve (if applicable) – **Preserve No.** _____ **Contract No.** _____

Filing Fee(s): _____ **Total Amount Paid:** _____ **Payment Type:** _____

Date Received: _____ **Existing Entitlements/References:** _____

Application Received/Reviewed by: _____

PERMIT CENTER HOURS: MONDAY – THURSDAY 9:00 A.M. TO 4:30 P.M. FRIDAY 9 A.M. -11 A.M.

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
****5961 S. Mooney Blvd. Visalia, CA 93277 ** PHONE: 559-624-7000 ****

MINOR DEVIATION APPLICATION NO.

REQUIREMENTS, FEES AND INSTRUCTIONS *(Please use dark blue or black ink)*

The application form must be filled out completely and in every respect with all questions answered and all required attachments before the County can officially accept the application for processing. In the course of accepting and processing the application, the Permit Center Official or Planner may ask the applicant to clarify, correct or otherwise supplement the required information. The application may be filed with the Resource Management Agency Permit Center, at 5961 S. Mooney Blvd., Visalia CA 93277. Phone is (559) 624-7100.

- Ordinance No. 352, as amended, requires a filing fee to be paid at the time of filing an application for a Minor Deviation. This fee is to cover the cost to the County for advertising, investigations and processing the application through its various stages.

Type of Application	Fee Amount (SUBJECT TO CHANGE AT ANY TIME)
Minor Deviation Filing Fee	\$1,210.00
Additional Fees Due Prior to Approval <i>(if Applicable)</i>	
Compliance Monitoring Fee	\$65.00 deposit
Recording Fee (Including SB2 - Building Homes and Jobs Act Fee)	\$150.00

IMPORTANT NOTICE: The applicant is responsible for the payment of all fees associated with this application. All fees charged for this application are required to be paid to the County upon submittal of application.

SUMMARY OF REQUIREMENTS FOR A MINOR DEVIATION APPLICATION

	Applicant	Agent
1. Completed Minor Deviation Application AND Checklist	<input type="checkbox"/>	<input type="checkbox"/>
2. Owner's Affidavit <i>(signed by property owner)</i>	<input type="checkbox"/>	<input type="checkbox"/>
3. Filing Fees	<input type="checkbox"/>	<input type="checkbox"/>
4. One copy of the Site Plan (Plot Plan) <i>Note: Additional copies may be required</i>	<input type="checkbox"/>	<input type="checkbox"/>
5. Copy of Deed Restrictions, if applicable	<input type="checkbox"/>	<input type="checkbox"/>
6. Supplemental Information "Identified Hazardous Waste Sites"	<input type="checkbox"/>	<input type="checkbox"/>
7. Indemnification and Cost Recovery Agreement <i>(separate attachment)</i>	<input type="checkbox"/>	<input type="checkbox"/>

- Minor Deviation Request.** *(Please state exactly and in detail what the Minor Deviation is and why it is being requested.)*

(If additional space is needed, please use the back of this form or attach a separate sheet.)

- Parcel or Lot size(s)** *(in acres or sq. ft. as appropriate):* _____

- How much area of the total parcel or lot is involved with the Minor Deviation request?** _____

- Present use of the project site?** _____

- List the original deed restrictions**, if applicable, or attach copy of deed restrictions that were placed on the property which pertain to the type of improvements permitted (you may attach a copy of these restrictions). Provide the date that the restrictions expire.

- Related Application #'s (if any)** _____

IN ORDER FOR A MINOR DEVIATION APPLICATION TO BE APPROVED, ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED AFFIRMATIVELY.

1. Is the request listed in those items specified in Section 16, Paragraph I Subsection D– Minor Minor Deviations?

YES NO Please identify the section: _____

What is being requested: _____

2. Is the request consistent with the General Plan/Community Plan?

YES NO Please state the reasons you believe the Minor Deviation is in compliance with the General Plan.

3. Is the request in substantial compliance with this ordinance?

YES NO If yes, explain: _____

4. Will the Minor Deviation avoid adversely affecting surrounding properties or the property of the applicant?

YES NO If No Please state reasons: _____

5. Is the request for Minor Deviation for good cause and to avoid substantial hardship?

YES NO If yes, explain: _____

I acknowledge that this checklist pertains to this Minor Deviation application for submittal and that the responses noted above or in any attachments are accurate and complete to the best of my knowledge. I acknowledge that affirmative responses to all of the checklist items does not guarantee that the requested Minor Deviation will be approved once the full review process has been completed.

Applicant (print name)

Signature

Date

Planner (print name)

Signature

Date

**SUPPLEMENTAL INFORMATION FOR
APPLICATION OF ANY DEVELOPMENT PROJECT**

HAZARDOUS WASTE AND SUBSTANCES STATEMENT:

Per California Government Code Section 65962.5(f), before the County accepts as complete an application for any development project, the applicant or owner shall consult the State's lists of hazardous waste facilities, shall submit a signed statement to the County indicating whether the project is located on a site that is included on any of the lists. The "Identified Hazardous Waste Sites" list may be viewed on the web at <http://www.envirostor.dtsc.ca.gov/public> or reviewed at the Resource Management Agency Permit Center, 5961 South Mooney Blvd., Visalia, California.

Before any application can be accepted as complete by the Tulare County Resource Management Agency, the owner of the subject property, or the owner's authorized agent, must complete this form.

STATEMENT:

I have reviewed the "Identified Hazardous Waste Sites" list (which may be viewed on the web at <http://www.envirostor.dtsc.ca.gov/public>) dated _____, 20____, and state that:

"The site(s) of the project subject to this application ___ is / ___ is not on the "Identified Hazardous Waste Sites" list."

(If the site is on any of hazardous waste facilities lists, the applicant shall inform the County of which list, the date of the list, the regulatory identification number of the site on the list and corrective measures that will be taken to remove the site from the State list.)

CERTIFICATION:

I hereby certify that the information furnished herein presents to the best of my knowledge and belief, true and correct facts, statements, and information, and that I am the owner, or the authorized agent of the owner, of the subject property.

Signed: _____

Dated: _____

The County of Tulare
“INDEMNIFICATION AND COST RECOVERY AGREEMENT”
(must accompany this application)

**Please download or print out the form from the
County Web Site
(located with the list of land use applications).**

**The Indemnification and Cost Recovery Agreement
must be filled in and signed by the applicant and must be
submitted as part of any land use application requiring
discretionary review by the County.**

**Please sign the Agreement in blue ink (preferred)
and submit the original, signed document with the appropriate
land use application.**
