



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: November 14, 2017

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

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

SUBJECT: Text Amendments to the Tulare County Zoning Ordinance No. 352 for the Animal Confinement Facilities Plan (PZC 17-040)

REQUEST(S):

Request that the Board of Supervisors

On November 14, 2017:

1. Introduce and waive the first reading of Zone Text Amendments (PZC 17-040) to the Tulare County Zoning Ordinance No. 352 as follows:
 - A. Amendment to Section 2 pertaining to the definitions of bovines and bovine facilities.
 - B. Amendment to subsection B of Part II of Section 16 to the use permitting and criteria for certain compliant bovine facilities.
 - C. Amendment to Section 22.1 to the compliance reporting and monitoring of animal confinement facilities.
 - D. Delete Section 15.1.
2. Approve the Ordinance Amendment summary and direct the Clerk of the Board to publish such summary and to post a certified copy of the complete ordinance five (5) days prior to the Ordinance Amendment adoption date of December 12, 2017, as required by Government Code Section 25124 et. seq.
3. Set the Public Hearing for December 12, 2017 at 9:30 a.m. or shortly thereafter as can be heard.

SUBJECT: Text Amendments to the Tulare County Zoning Ordinance No. 352 for the Animal Confinement Facilities Plan (PZC 17-040)
DATE: November 14, 2017

SUMMARY:

The County has received a general plan amendment and zoning application from the Dairy Community Alliance for Responsible Environmental Stewardship (Dairy CARES) requesting the amendment and modification to the Tulare County Animal Confinement Facilities Plan (ACFP). The proposed ACFP would add a new process for County authorization and documentation of existing dairies and other bovine facilities, and streamlines California Environmental Quality Act compliance and permitting for facility expansions in compliance with the ACFP, the ACFP Environmental Impact Report, and the Dairy and Feedlot Climate Action Plan. The zoning component of the project is necessary to implement the proposed update. The proposed zoning ordinance amendment (PZC 17-040) reaffirms the zoning districts for bovine facilities allowed by the existing ACFP, and implements the proposed ACFP by allowing administrative special use permits to be issued for compliant bovine facilities. (A "compliant bovine facility" is an existing bovine facility that is in compliance with applicable Central Valley Regional Water Quality Control Board, San Joaquin Valley Air Pollution Control District, and current County regulations.) It also revises the ACFP's existing bovine facilities compliance reporting and monitoring program.

On October 25, 2017, the Tulare County Planning Commission held a public hearing on the project and recommended by resolution that the Tulare County Board of Supervisors:

1. Certify the Final Environmental Impact Report (EIR) prepared for the proposed Animal Confinement Facilities Plan (ACFP), Dairy and Feedlot Climate Action Plan (Dairy CAP) (SCH # 2011111078); and that the Board of Supervisors adopt the proposed California Environmental Quality Act (CEQA) Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP) for the ACFP and Dairy CAP.
2. Adopt the proposed ACFP (GPA 10-002), and the Dairy CAP, and amend the Zoning Ordinance to implement the proposed ACFP (PZC 17-040). (Attachment No. 1 – Exhibit B)
3. Adopt Criteria and Standards for Administrative Action for Certain Compliant Bovine Facilities.

At this time, it is anticipated that a public hearing for all three of the above-mentioned items will be held during the regularly scheduled Board of Supervisors meeting on December 12, 2017. In accordance with California Government Code Section 25124 et. seq., the textual amendment (PZC 17-040) requires that an ordinance summary be published five days prior to the hearing date (Attachment No. 1 – Exhibit A). As such, this agenda item has been prepared and brought before the Board of Supervisors for its consideration.

SUBJECT: Text Amendments to the Tulare County Zoning Ordinance No. 352 for the Animal Confinement Facilities Plan (PZC 17-040)

DATE: November 14, 2017

FISCAL IMPACT/FINANCING:

There is No Net Cost to the General Fund.

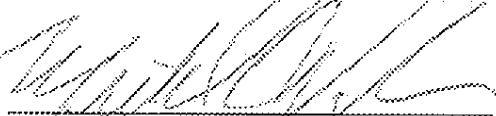
The County of Tulare received the general plan amendment and zoning application request. As part of the request, the applicant paid a deposit and fees offsetting the cost of application processing.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

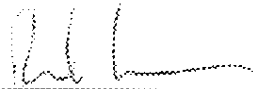
The County's five-year strategic plan includes the "Economic Well Being Initiative - to promote economic development opportunities, effective growth management and a quality standard of living" and "Quality of Life Initiative - to promote public health and welfare, educational opportunities, natural resource management and continued improvement of environmental quality." The Animal Confinement Facilities Plan will continue to support the agricultural economy while implementing the County General Plan. In doing so, it will promote sustainability, economic development and prosperity by providing design flexibility, streamline approval process and aid in reducing environmental impacts within unincorporated Tulare County.

ADMINISTRATIVE SIGN-OFF:

RESOURCE MANAGEMENT AGENCY



Michael Washam
Associate Director



Reed Schenke, P.E.
Director

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s):

Attachment No. 1 – Text Amendments to Tulare County Zoning Ordinance No. 352
Exhibit "A" – Ordinance Amendment Summary
Exhibit "B" – Planning Commission Resolution No. 9359

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF TEXT AMENDMENTS)
TO THE TULARE COUNTY ZONING) Resolution No. _____
ORDINANCE NO. 352 FOR THE ANIMAL) Ordinance No. _____
CONFINEMENT FACILITIES PLAN)
(PZC 17-040))

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD
OF SUPERVISORS, AT AN OFFICIAL MEETING HELD ON NOVEMBER 14, 2017, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Introduced and waived the first reading of Zone Text Amendments (PZC 17-040) to the Tulare County Zoning Ordinance No. 352 as follows:
 - A. Amendment to Section 2 pertaining to the definitions of bovines and bovine facilities.
 - B. Amendment to subsection B of Part II of Section 16 to the use permitting and criteria for certain compliant bovine facilities.
 - C. Amendment to Section 22.1 to the compliance reporting and monitoring of animal confinement facilities.
 - D. Delete Section 15.1.
2. Approved the Ordinance Amendment summary and directed the Clerk of the Board to publish such summary and to post a certified copy of the complete ordinance five (5) days prior to the Ordinance Amendment adoption date of December 12, 2017, as required by Government Code Section 25124 et. seq.
3. Set the Public Hearing for December 12, 2017 at 9:30 a.m. or shortly thereafter as can be heard.

Attachment No. 1

**Text Amendments to Tulare County Zoning
Ordinance No. 352**

Exhibit "A"

Ordinance Amendment Summary

ORDINANCE NO.

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF AN ORDINANCE AMENDING SECTION 2, SECTION 2.2, SUBSECTION B OF Part II OF SECTION 16, SUBSECTION G OF PART II OF SECTION 16, AND SECTION 22.1 AND DELETING SECTION 15.1 OF UNCODIFIED TULARE COUNTY ORDINANCE NO. 352 (COMMONLY KNOWN AS THE TULARE COUNTY ZONING ORDINANCE), PERTAINING TO ANIMAL CONFINEMENT FACILITIES.

SUMMARY OF PROPOSED ORDINANCE

The proposed ordinance will amend Section 2, Section 2.2, Subsection B of Part II of Section 16, Subsection G of Part II of Section 16, and Section 22.1, and deleting section 15.1 of Tulare County Ordinance No. 352, pertaining to bovine facilities. These amendments will amend the definitions of bovines and bovine facilities; clarify the locations for bovine facilities and bovine facility expansions, providing that certain compliant bovine facilities may be considered under the administrative special use permit process and addressing compliance reporting and monitoring process for said facilities. For the purposes of this ordinance, a bovine facility is defined as a dairy, cattle feedlot or other confined animal facility for bovines.

The Tulare County Board of Supervisors will consider the ordinance, herein summarized, on December 12, 2017, at a regular meeting of said Board. At least five (5) days prior to December 12, 2017, a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors and shall be available for public inspection at that location.

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: MICHAEL C. SPATA
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Exhibit "B"

Planning Commission Resolution No. 9359

BEFORE THE PLANNING COMMISSION COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTERS OF THE PROPOSED ANIMAL)
CONFINEMENT FACILITIES PLAN (GENERAL)
PLAN AMENDMENT NO. GPA 10-002), DAIRY) RESOLUTION NO. 9359
AND FEEDLOT CLIMATE ACTION PLAN, AND)
ZONING ORDINANCE AMENDMENT NO. PZC)
17-040)

Resolution of the Planning Commission ("Commission") of the County of Tulare recommending that the Board of Supervisors adopt General Plan Amendment No. 10-002 for the proposed Animal Confinement Facilities Plan ("ACFP"), adopt the Dairy and Feedlot Climate Action Plan ("Dairy CAP"), and adopt zoning ordinance amendment No. PZC 17-040.

WHEREAS, the Tulare County Board of Supervisors, on January 26, 2010 initiated the action to amend the Tulare County General Plan (General Plan Initiation No. GPI 10-001 pursuant to Title 7, Chapter 3, Articles 5 and 6 of the Government Code of the State of California; and

WHEREAS, the County has given notice of the proposed General Plan amendment (proposed ACFP) to the Tulare County General Plan as provided in Sections 65353 and 65090 of the Government Code; and

WHEREAS, the County has complied with SB 18 (adopted in 2004) through notifying Native American tribes identified by the Native American Heritage Commission (NAHC) of the opportunity to consult on the proposed General Plan amendment. Pursuant to SB 18, consultation notification letters were sent to six tribal (6) contacts of record at the time, on June 3, 2010 for pre-consultation. Additional notification was sent with the release of the Notice of Preparation (NOP) on November 30, 2011. On February 2, 2016, with the release of the EIR Notice of Availability (NOA), SB 18 consultation notification was sent to fifteen (15) tribal contacts on record with the County at the time, in which the Tribes could access the NOA for the EIR at the Tulare County Web Site from February 4, 2016 to March 21, 2016. No requests for consultation were received as a result of these notifications; and

WHEREAS, pursuant to Government Code Section 65352 the County has referred the proposed General plan amendment to the required government entities, and provided a 45 day comment period; and

WHEREAS, staff has made such investigation of facts bearing upon the proposed General Plan amendment to assure action consistent with the procedures and purposes set for the in the Government Code and other elements of the Tulare County General Plan; and

WHEREAS, the Planning Commission has reviewed the proposed ACFP, and found that it is consistent with the Tulare County General Plan; and

WHEREAS, the proposed ACFP, which updates and replaces Chapter 12 in Component C of Part I of the Tulare County General Plan, adds a new process for County authorization of existing dairies and other bovine facilities, and streamlines CEQA compliance and permitting for facility expansions in compliance with the ACFP, the ACFP EIR and the Dairy CAP; and

WHEREAS, the Dairy CAP establishes a streamlined process for California Environmental Quality Act (CEQA) review of greenhouse emissions from expanded and new dairies and other bovine facilities; and

WHEREAS, said proposed ACFP and Dairy CAP as Attachment 4 of the October 25, 2017 Planning Commission Agenda are hereby incorporated by reference; and

WHEREAS, proposed Zoning Ordinance Amendment No. PZC 17-040 (Exhibit A) reaffirms allowable zoning districts for bovine facilities allowed by the existing ACFP, and implements the proposed ACFP by allowing administrative special use permits to be issued for compliant bovine facilities. (A "compliant bovine facility" is an existing bovine facility that is in compliance with applicable CVRWQCB, SJVAPCD, and current County regulations.) It also revises the ACFP's existing bovine facilities compliance reporting and monitoring program; and

WHEREAS, a Public Hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on October 25, 2017; and

WHEREAS, on October 12, 2017, a Notice of Public Hearing was published in the Visalia Times-Delta for a Planning Commission meeting set for October 25, 2017; and

WHEREAS, on October 25, 2017, staff presented evidence regarding the proposed ACFP and Dairy CAP to the Planning Commission and answered Planning Commission questions; and

WHEREAS, at the Planning Commission hearing on October 25, 2017, public testimony was received and recorded; and

WHEREAS, the Planning Commission is the advisory body to the Board of Supervisors with respect to adoption of the proposed ACFP, Dairy CAP, and zoning ordinance amendment; and

WHEREAS the Board of Supervisors is the decision-making body for adoption of the proposed ACFP Dairy CAP, and zoning ordinance amendment; and

WHEREAS, in a separate resolution adopted on the same date as this resolution, the Planning Commission recommended that the Board of Supervisors certify the Final EIR, and adopt CEQA Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the proposed ACFP, Dairy CAP and zoning ordinance amendment;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. This Planning Commission hereby recommends that the Tulare County Board of Supervisors adopt the proposed ACFP (General Plan Amendment No. 10-002), and adopt the proposed Dairy CAP.
2. This Planning Commission recommends that the Tulare County Board of Supervisors adopt Zoning Ordinance Amendment No. PZC 17-040 to implement the proposed ACFP.

The foregoing resolution was adopted on motion of Commissioner Aguilar, seconded by Commissioner Gong, at a regular meeting of the Planning Commission held on October 25, 2017 by the following roll call vote:

AYES: Gong, Millies, Elliot, Whitlatch, Pitigliano, Aguilar

NOES:

ABSTAIN:

ABSENT: Dias

TULARE COUNTY PLANNING COMMISSION

A handwritten signature in cursive script, appearing to read "Michael Washam", written over a horizontal line.

Michael Washam, Secretary

EXHIBIT A

DRAFT ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 2, SECTION 2.2, SUBSECTION B OF Part II OF SECTION 16, SUBSECTION G OF PART II OF SECTION 16, AND SECTION 22.1 AND DELETING SECTION 15.1 OF UNCODIFIED TULARE COUNTY ORDINANCE NO. 352 (COMMONLY KNOWN AS THE TULARE COUNTY ZONING ORDINANCE), PERTAINING TO THE DEFINITIONS OF BOVINES AND BOVINE FACILITIES, CLARIFYING THE LOCATIONS FOR BOVINE FACILITIES AND BOVINE FACILITY EXPANSIONS, PROVIDING THAT CERTAIN COMPLIANT BOVINE FACILITIES MAY BE CONSIDERED UNDER THE ADMINISTRATIVE SPECIAL USE PERMIT PROCESS AND ADDRESSING COMPLIANCE REPORTING AND MONITORING.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. "Section 2: Definitions" of the uncodified ordinance no. 352 (hereinafter referred to as the Tulare County Zoning Ordinance) is amended to add the following definitions after the definition of "Borrow Pit" and before the definition of "Building":

Bovine or Bovine Animal: Dairy (including mature cows and support stock) and beef cattle and/or other similar ox-like animals.

Bovine Facility: A dairy, cattle feedlot or other confined animal facility for bovines.

Bovine Facility Expansion: Any expansion of either an existing bovine facility or a new bovine facility authorized by the County under Section 2.5 of the Animal Confinement Facilities Plan or any other applicable regulations.

Section 2. "Section 2: Definitions" of the Tulare County Zoning Ordinance is amended to add the following definition after the definition of "Commission" and before the definition of "Convalescent Homes":

Compliant Bovine Facility: Each existing bovine facility which has obtained Waste Discharge Requirements (WDRs) from the California Regional Water Quality Control Board (RWQCB) via General Order R5-2007-0035 or via an individual order, and which has obtained a Permit to Operate from the San Joaquin Valley Air Pollution Control District (SJVAPCD) (unless expressly exempt from such permit), and which is in compliance with the permitted herd size as provided in the ACFP List.

Section 3. "Section 2: Definitions" of the Tulare County Zoning Ordinance is amended to add the following definition after the definition of "Exhibition" and before the definition of "Family":

Existing Bovine Facility: Each of the bovine facilities existing in Tulare County as of December 31, 2013, as same may be expanded by a bovine facility expansion.

Section 4: "Section 2.2: Definitions Pertaining to Animal Confinement Facilities" of the Tulare County Zoning Ordinance is amended to delete the definition of "Animal Unit".

Section 5: The definition of "Crop Acreage" in "Section 2.2: Definitions Pertaining to Animal Confinement Facilities" of the Tulare County Zoning Ordinance is amended to read:

CROP ACREAGE

Irrigable portion of lands serving and essential to a bovine facility, including wastewater conveyance ditches, areas used for wastewater discharge and for facility feed crops, excluding buildings, corrals and/or pens, feed and/or manure storage areas, lagoons/sumps, canals, waterways, and public road rights-of-way.

Section 6: Section 15.1 CONFINED ANIMAL FEEDING OPERATIONS is deleted.

Section 7. Subsection B of Part II of "Section 16: Variances and Special Use Permits" of the Tulare County Zoning Ordinance is amended to delete the use "Dairy" and add the use "Bovine Facility" after "Borrow pit" and before "Bowling Alley" to read:

Bovine Facility – A new bovine facility when more than 25 bovine animals are on the property at any time - AE-40, AF. An existing bovine facility or existing bovine facility expansion when more than 25 bovine animals are on the property at any time – A-E, AE-20, AE-40, AE-80, A-1, AF. Lands allocated to nutrient waste disposal for a new bovine facility – AE-20, AE-40, AE-80, AF. Lands allocated to nutrient waste disposal for an existing bovine facility or an existing bovine facility expansion - A-E, AE-20, AE-40, AE-80, A-1, AF.

Section 8: Subsection G of Part II of "Section 16: Variances and Special Use Permits" of the Tulare County Zoning Ordinance is hereby amended to add "Certain Compliant Bovine Facilities" to the list of uses eligible for consideration under the Administrative Special Use Permit process.

Section 9: "Section 22.1 CONFINED ANIMAL FEEDING OPERATIONS COMPLIANCE REPORTING AND MONITORING" is amended to read:

SECTION 22.1 BOVINE FACILITIES COMPLIANCE REPORTING AND MONITORING

PURPOSE A.

It is the purpose of this Section to establish a program to monitor all bovine facilities for compliance with the policies of the Animal Confinement Facilities Plan (ACFP), an element of the Tulare County General Plan 2030 Update as such plans may be amended from time to time. In addition, monitoring shall include compliance with all land use entitlements approved by the County for such bovine facilities and with applicable mitigation measures of the Program Environmental Impact Report (PEIR) and provisions of the Dairy Climate Action Plan (Dairy CAP) adopted for the ACFP.

ANNUAL COMPLIANCE REPORT B.

The owner and operator of each bovine facility shall complete and submit an Annual Compliance Report (ACR) to the Resource Management Agency Director ("RMA Director") in substantially the form and content set out in Appendix B to the ACFP as such form may be amended and updated from time to time by the RMA Director or his/her designee. Each ACR shall be submitted no later than July 15th of every year (or such other date set by the RMA Director upon prior written notice to the owner or operator) upon forms furnished by the Tulare County Resource Management Agency. The ACR shall cover the preceding calendar year.

COMPLIANCE INSPECTIONS C.

The RMA Director shall schedule and conduct compliance inspections for bovine facilities to determine compliance with County regulations as provided in "Purpose A" and other matters as determined by the RMA Director. The goal shall be to schedule inspections so that all bovine facilities are inspected at least every (5) years. An annual compilation of all the compliance inspections shall be prepared by the Tulare County Resource Management Agency by August 1st of each year for the preceding calendar year and may include information from any applicable ACR. Inspections may be reflected in the ACFP List established in compliance with the ACFP.

Section 10. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof [a summary] shall be published once in the _____, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the _____ day of _____, 20____, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: MICHAEL C. SPATA
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk