



**Board of Supervisors
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: May 8, 2018

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 type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Julieta Martinez PHONE: 636-5000				

SUBJECT: Designate RMA Director to review 3 acre conversion exemptions

REQUEST(S):

That the Board of Supervisors:
Adopt a resolution designating and authorizing the Tulare County Resource Management Agency Director, or his designee, to review, comment on, and take all other related actions pertaining to less than 3 acre conversion exemption applications received by CAL FIRE.

SUMMARY:

The Board of Forestry and Fire Protection (Board) has been addressing the issue of conversion of timberland for the purposes of cannabis cultivation over the course of the last several years. In September of 2016, the Board held a special workshop to investigate the potential environmental and public safety impacts of cannabis cultivation and Less Than 3 Acre Conversion Exemptions (Exemption).

The conversion of timberland to a use other than growing timber requires, prior to conversion, a Timberland Conversion Permit (or its equivalent) to be approved by CAL FIRE or, if eligible, a Less Than 3 Acre Conversion Exemption (Exemption) to be accepted by CAL FIRE. CAL FIRE has responded to concerns by educating timberland owners, Registered Professional Foresters (RPF) and Licensed Timber Operators (LTOs) to prevent illegal conversions and enforcement to gain compliance where violations have been identified. However, the lack of county appointed authorized designees to review Exemptions was identified as an integral component of Exemption review that may be underutilized, consequently minimizing the opportunity to reduce impacts.

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The Board, pursuant to section (§) 1104.1(a)(1)(D) of title 14 of the California Code of Regulations (14 CCR), acknowledges the importance of county participation in land use decision making by giving the county the opportunity to determine that the proposed timberland conversion is in conformance with all county regulatory requirements through the incorporation of a signed and dated statement from an authorized designee of the County Board of Supervisors. When a county does not have an authorized designee, the county relinquishes this opportunity and it falls to the RPF preparing the Exemption to certify that the county has been contacted and the conversion is in conformance with county regulatory requirements. RPFs have communicated that this determination has been challenging because they may work in multiple counties, each of which may have different regulatory requirements.

The primary issues that have been raised, related to cannabis cultivation on timberland or lands converted from timber production, have been environmental impacts and threats to public safety.

Potential individual and cumulative environmental impacts have been alleged to be severe and pervasive in localized areas. Evidence indicates that these impacts may include:

- Water diversions and water storage that cause environmental damage.
- Water diversions that decrease summer base flows and impact downstream water users.
- Erosion and sedimentation from extended and increased use of seasonal roads that heighten stress on aquatic species.
- Habitat loss and habitat fragmentation and inappropriate use of fertilizers and pesticides that impact sensitive species.
- Improper storage of fertilizers, pesticides, oil, diesel and gasoline that cause environmental damage.
- Improper soil stabilization that cause sediment to enter watercourses that degrade water quality and impact fish habitat.
- Deficient slash cleanup that increase the risk of catastrophic wildfire.
- Removal of trees that cause unmitigated impacts to long term carbon dioxide storage.
- Light pollution that impact biological and visual resources.
- Conflicting landowner objectives that impact the manageability on adjacent timberland.

Potential public safety threats may include:

- Violence, associated with crop protection, which result in fatalities and serious injury.
- Inappropriate use of fertilizers and pesticides that impact the quality of domestic water.
- Accumulations of human waste and garbage that create a public health hazard.
- Improper fire clearance, substandard wiring and outdoor refuse burning, associated with grow encampments, that increase the risk of catastrophic wildfire.

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The Board is asking County Boards of Supervisors, if they have not already done so, to appoint an authorized designee to ensure land uses conform to county regulatory requirements. An authorized designee provides counties with the opportunity to verify that project applicants have demonstrated a true and accurate intent to convert land to a use other than growing timber that conforms with county requirements.

CAL FIRE shared their support for Counties in their efforts to create and maintain an effective system of evaluation of environmental impacts from various projects that require timberland conversion for their implementing.

FISCAL IMPACT/FINANCING:

There is no fiscal impact associated with the response to this request.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The letter of opposition supports Tulare County's Strategic Initiative of Quality of Life – Promote public health and welfare, educational opportunities, natural resource management and continued improvement of environmental quality.

ADMINISTRATIVE SIGN-OFF:

Julieta Martinez
Chief of Staff

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

Attachment(s)

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

IN THE MATTER OF DESIGNATE RMA)
DIRECTOR TO REVIEW 3 ACRE) **Resolution No. _____**
CONVERSION EXEMPTIONS) **Agreement No. _____**
)

WHEREAS, CAL FIRE enforces the laws that regulate logging on privately-owned lands in California under the rules of the Forest Practice Act (FPA) of 1973 and other duly adopted regulations; and

WHEREAS: within these rules and regulations is a provision that allows for a one time conversion exemption of up to 3 acres of forested land to be converted to another land use such as a home site or an agricultural use; and

WHEREAS, CAL FIRE acknowledges the importance of county participation in reviewing the conversion exemption applications to ensure that said application are in conformance with all county regulatory requirements; and

WHEREAS, in order for a county to take advantage of this review opportunity the Board of Supervisors must appoint a designee to review conversion exemption application and should a county not do so it relinquishes this review opportunity; and

WHEREAS, the County of Tulare Board of Supervisors has duly considered this issue and has determined that it is in the County's best interest to appoint and authorize a designee to review less than 3 acre conversion exemption applications.

NOW, THEREFORE BE IT RESOLVED, that the Tulare County Board of Supervisors does hereby designate and authorize the Tulare County Resource Management Agency Director, or designee, to review, comment on, and take all other related actions pertaining to less than 3 acre conversion exemption applications received by CAL FIRE.

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

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

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Adopted a resolution designating and authorizing the Tulare County Resource Management Agency Director, or his designee, to review, comment on, and take all other related actions pertaining to less than 3 acre conversion exemption applications received by CALFIRE.