



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

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
PETE VANDER POEL
District Two
PHILLIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: July 13, 2010

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						
CONTACT PERSON: Celeste Perez PHONE: (559) 624-7000						

SUBJECT: Amendment to Resolution Interpretation to Tulare County Zoning Ordinance No. 352

REQUEST(S):
That the Board of Supervisors:

Amend Resolution No. 2010-0458 to include Agricultural Zone Districts in the Solar and Wind Electrical Generation Facilities of Tulare County Zoning Ordinance No. 352.

SUMMARY:
On June 8, 2010 at a regular scheduled Board of Supervisor Meeting, the Board of Supervisors considered a request for a zoning interpretation to include solar and wind electrical generation facilities as public utility structures.

Patricia Stever, Executive Director of the Tulare County Farm Bureau requested the consent item to be pulled for discussion. The outcome of the discussion was that the agenda item should receive recommendations from the Tulare County Agricultural Advisory Committee (AAC) on whether or not these facilities should be allowed in agricultural zones with a Special Use Permit and Development Agreement.

The Board of Supervisors approved the definition of solar and wind electrical generation facilities as public utility structures but excluded this interpretation from

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the Agricultural zones and referred the matter back to the AAC for comments.

On June 16, 2010, the AAC met and considered the request from Resource Management Agency (RMA) Planning staff.

Comments were received from project proponents, land owners, the Farm Bureau, as well as RMA staff and AAC members. The AAC concluded that both solar and wind electrical generation facilities subject to a Special Use Permit and a Development Agreement under Private and Public Utility Structures could include agricultural lands, however; there was a general consensus to add additional review criteria for those projects located on Williamson Act contracted lands and prime farmlands.

Additionally, the AAC requested to review and comment on the methodology for these facilities located on prime farmlands and contracted lands prior to the Board of Supervisors determination, and suggested there be a numeric scoring system for reviewing these proposals, similar to the RVLP scoring system.

The request is now being brought back to the Board of Supervisors to amend Resolution 2010-0458 to include agricultural lands in the definition of solar and wind electrical generation facilities within the meaning of Public and Private Utility Structures, subject to a Special Use Permit and Development Agreement as suggested by the AAC.

RMA staff will prepare a suggested evaluation methodology for solar and wind generating facilities. A report will be presented to the Board for consideration.

FISCAL IMPACT/FINANCING:

Initial costs associated with the processing of these Special Use Permits are paid by the applicant in the form of a \$1,750 deposit. Subsequent costs, including staff time are billed at the rate of \$100 per hour.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The solar and wind electrical generation facilities meet the goals of the plan by providing economic development opportunities and can increase economic activity, job creation and other revenues.

ALTERNATIVES:

Do not accept the recommendation of the AAC.

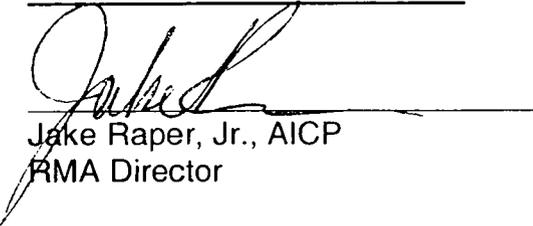
INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

Agricultural Advisory Committee

SUBJECT: Amendment to Resolution Interpretation to Tulare County Zoning Ordinance No. 352

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ADMINISTRATIVE SIGN-OFF:



Jake Raper, Jr., AICP
RMA Director

cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s) Agricultural Advisory Committee Draft Minutes June 16, 2010

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

IN THE MATTER OF AMENDMENT) RESOLUTION NO. _____.
TO RESOLUTION INTERPRETATION)
TO TULARE COUNTY ZONING)
ORDINANCE NO. 352)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JULY 13, 2010, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Amended Resolution No. 2010-0458 to include Agricultural Zone Districts in the Solar and Wind Electrical Generation Facilities of Tulare County Zoning Ordinance No. 352.

“DRAFT” MINUTES
Tulare County Agriculture Advisory Committee
Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277
(559) 624-7000

Meeting Date: June 16, 2010

Present:

Committee members in attendance were: David Sharp, Scott Spear, Roy Pennebaker, Jim Sullins, Keith Watkins, Larry Dwoskin, Gavin Iacono who was filling in for Marilyn Kinoshita, Bill Rowley, Lee Belau, Patrick Pinkham, Fred Brusuelas, Richard Gress and Supervisor Phillip Cox.

Committee members excused: Irene Santos, Ben Curti and Tony Souza.

Call to Order:

The meeting was called to order by Chairman David Sharp at 3:00 p.m.

Introductions:

All those in attendance who wished to do so introduced themselves.

Public Comment:

There was no public comment.

Approval of Minutes:

Minutes from the last meeting were included in the June AAC packets for review prior to the meeting. The minutes were approved by a motion from Keith Watkins that was seconded by Lee Belau.

RMA Staff Reports:

Jason LoBue presented the AAC with a committee membership update. Staff has received and processed several applications. A more detailed report will be available at the next meeting. No further action was taken on the topic by members of the Committee.

Jason LoBue reported that a copy of the amended AAC By-Laws, BOS Resolution No. 94-0917, to add a member of the Board of Supervisors or his/her representative, as a non-voting member to the Committee was included in member packets. A brief discussion followed that resulted in a motion being presented by Jim Sullins and seconded by Fred Brusuelas. The motion was that an attendance sheet be attached to future agenda's as an incentive for more attendance. The motion passed.

Jason LoBue representing the Tulare County "DART TEAM" reported that the "DART" team members have been actively processing applications. Mr. LoBue discussed the General Plan Amendment (GPA 10-002) with the committee regarding the update to the Animal Confinement Facilities Plan and that staff has begun researching and tallying the 2009 compliance reports and that staff is currently working on the Notice of Preparation. A brief discussion followed. No action was taken on the topic by members of the Committee.

Status updates regarding the June 8, 2010 BOS agenda item number 25: Adopting zoning interpretation for Solar and Wind Electrical Generation Facilities was presented by RMA Staff Planner John Heiser. Committee member Roy Pennebaker abstained from voting regarding this item due to conflicts of interest. A lengthy discussion followed with participation from committee members and audience members in attendance. Jim Sullins made a motion for a recommendation from the AAC that was seconded by Keith Watkins. The motion reads:

Approve the Zoning Interpretations including adding both Solar and Wind Electrical Generation Facilities to the definition of "Public Utility Facilities" within agricultural zones. Public Utility Facilities require Special Use Permits and are subject to CEQA and public hearing process. And further AAC recommends that BOS refer this back to AAC and RMA staff to develop policy for Williamson Act compatibility; and the development of a systematic scoring system based on RVLP scoring and appropriate criteria.

The motion passed.

Fred Brusuelas reported that Ann Chapman did not have any further information to present regarding Tulare County Williamson Act & Subvention Funding Update. When Ms. Chapman has more information she will report back to the AAC.

Jason LoBue reported on behalf of Nick Hahn regarding the update for Section 16.V of the Tulare County Zoning Ordinance. Mr. LoBue reported that the item is scheduled to go before the Board of Supervisors on August 10, 2010. The Planning Commission did add language requiring the applicant to post the permit on site. No action was taken on the topic by members of the Committee.

Jason LoBue reported on behalf of Nick Hahn regarding the update for, Tulare County Ordinance Amendment Section 15.D.2 of the Tulare County Zoning Ordinance. Mr. LoBue reported that the item is scheduled to go before the Board of Supervisors on July 20, 2010. A discussion followed with committee members requesting a copy of the Ordinance be included in the July AAC packet. This item was included in a motion at the end of the meeting (please refer to *) asking that it be brought back as the first item on the July Agenda.

Under Agenda Item III., Upcoming items/items of interest, Supervisor Phil Cox asked more information be presented to the AAC regarding cleaning up the zoning process regarding sub-standard parcels in regards to the Williamsons Act.

Next Meeting

* A motion to change the next meeting date to Wednesday July 14, 2010 at 3:00 and to continue item G. Update regarding, Tulare County Ordinance Amendment Section 15.D.2 of the Tulare County Zoning Ordinance over as the first item on the July agenda was made by Jim Sullins and seconded by Roy Pennebaker. The motion passed.

The next regular meeting of the Agriculture Advisory Committee is scheduled for Wednesday July 14, 2010 at 3pm in the Planning Commission Conference Room.

Adjournment: The meeting was adjourned at 5:23 p.m

Submitted by; Jason LoBue
Tulare County RMA, Planner III