



**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 – **REVISED**

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 type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: (559) 624-7000						

SUBJECT: Compatibility for Public and Private Utility Structures located on Agricultural Zoned Lands and lands under Williamson Act Contracts

REQUEST(S):
That the Board of Supervisors:

1. Receive Staff Report, Presentation and Direct Staff to prepare criteria considerations for Public and Private Utility Structures located on Agricultural Zoned Lands and refer to Agricultural Advisory Committee and Planning Commission for recommendation to the Board.
2. Accept the two tier process for public and private utility applications on agricultural zoned lands.

First level review. Where public and private utility structures are located on non Williamson Act contracted lands subject to a Special Use Permit and Developer Agreement.

Second level review. Where public and private utility structures are located on Williamson Act Contracted lands subject to a Special Use Permit, and Developer Agreement and findings of compatibility.

SUMMARY:
A number of meetings and actions were completed between June 8 and July 13, 2010 which are summarized in Attachment 1.

SUBJECT: Compatibility for Public and Private Utility Structures located on Agricultural Zoned Lands and lands under Williamson Act Contracts

DATE: July 13, 2010

Resource Management Agency (RMA) staff is requesting Board concurrence with the proposed process for analyzing public and private utility structure applications on agricultural lands. The request includes a process for projects on Agricultural Zoned Lands Not Under Williamson Act Contracts and a process for Agricultural Zoned Lands having Williamson Act Contracts.

Agricultural Zoned Lands not under Williamson Act Contracts. Public and private utility structures, per Resolution No. 2010-0458, requires a Special Use Permit and Developer Agreement. The basic requirements include the following as potential criteria:

- a.) Not necessarily support these facilities on prime farmlands as defined by the State Farmland Mapping and Monitoring Program (FMMP).
- b.) Analyze the coverage of these facilities on the agricultural zoned lands and their operations.
- c.) If located on non-prime farmlands, no objection.
- d.) Require developer agreements that include cost recovery, loss of subvention funds, removal of facility and reclamation requirements, and other financial incentives.
- e.) Desire locations to be in proximity to the electrical grid/corridor?
- f.) Is water readily availability or not available for agricultural operations?
- g.) CEQA findings – Temporary Use – Loss of Agricultural production on lands?
- h.) RVLP does not apply

Agricultural Zoned Lands having Williamson Act Contracts.

The second level of analysis would apply to lands under Williamson Act Contracts:

- a). All criteria noted above.
- b). Resolution No. 89-1275 – Uniform Rules for Agricultural Preserves and Resolution No. 99-0620 establishing Rules for Farmland Security Zones.
- c). Contract Contents.

SUBJECT: Compatibility for Public and Private Utility Structures located on Agricultural Zoned Lands and lands under Williamson Act Contracts

DATE: July 13, 2010

d.) Agricultural Advisory Committee's (AAC) proposal of a numeric scoring system similar to the Rural Valley Lands Plan (RVLP).

Important CEQA issues include:

The Loss of farmland. Determination if these facilities are temporary uses. Required mitigation if necessary.

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. There is no net County cost to the General Fund.

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:

1. Find that the methodology and analysis proposed by RMA staff is adequate in addressing public and private utility structures located on Williamson Act lands.
2. Find that the methodology and analysis proposed by RMA staff is inadequate, and recommend pursuing a new policy and scoring system based on the RVLP system.
3. Table the item and send back to staff for additional research and direct RMA Staff to stop the processing of Special Use Permit Applications for public and private utility structures.

SUBJECT: Compatibility for Public and Private Utility Structures located on Agricultural Zoned Lands and lands under Williamson Act Contracts

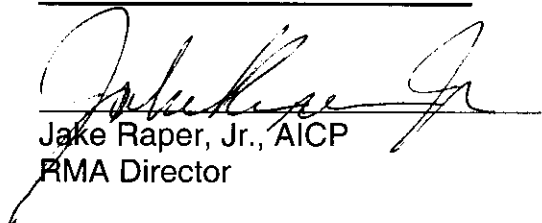
DATE: July 13, 2010

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

The Resource Management Agency Planning Branch referred the current batch of Special Use Permits for solar facilities to the follow departments and agencies for early comment:

TCRMA –Flood/Subdivisions/Surveyor/Permits Division
TCRMA – Building Division
TCHSA – Environmental Health Services Division
TCRMA – Airport Land Use Commission
TCRMA – Countywide Planning Division
TC Fire Department
TCRMA – Solid Waste Division
TCRMA – Agricultural Commissioner
TCFB – Tulare County Farm Bureau
TCAAC – Tulare County Agricultural Advisory Committee
School Districts
Caltrans – District 6
Regional Water Quality Control Board District 5.
District Archaeologist
Department of Fish and Game
San Joaquin Valley Air Pollution Control District
Edison International
Southern California Gas Company

ADMINISTRATIVE SIGN-OFF:



Jake Raper, Jr., AICP
RMA Director

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

Attachments:

Attachment 1 - Activities and meetings accomplished between June 8, 2010 and July 13, 2010

Attachment 2 - Resolution No. 89-1275 Uniform Rules for Agricultural Preserves

Attachment 3 - Resolution No. 99-0620 Establishing Rules for Farmland Security Zones

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

IN THE MATTER OF COMPATIBILITY FOR)
PUBLIC AND PRIVATE UTILITY STRUCTURES) RESOLUTION NO. _____
LOCATED ON AGRICULTURAL ZONED) AGREEMENT NO. _____
LANDS AND LANDS UNDER WILLIAMSON)
ACT CONTRACTS)

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

BY: _____
Deputy Clerk

* * * * *

1. Received Staff Report, Presentation and Directed Staff to prepare criteria considerations for Public and Private Utility Structures located on Agricultural Zoned Lands and refer to Agricultural Advisory Committee and Planning Commission for recommendation to the Board.
2. Accepted the two tier process concept for public and private utility applications on agricultural zoned lands.

First level of review. Where public and private utility structures are located on non Williamson Act contracted lands subject to a Special Use Permit and Developer Agreement.

Second level of review. Where public and private utility structures are located on Williamson Act Contracted lands subject to a Special Use Permit, and Developer Agreement and findings of compatibility.

ATTACHMENT 1 – ACTIVITIES AND MEETINGS ACCOMPLISHED BETWEEN
JUNE 8 2010 AND JULY 13, 2010

On June 8, 2010 the Board adopted Resolution No. 2010-0458 which included Solar and Wind Electrical Generation Facilities under the definition of Private and Public Utility Structures. The Board referred to the Agricultural Advisory Committee (AAC) their recommendation relating to the inclusion of the Solar and Wind Electrical Facilities under this definition.

On June 16, 2010 the AAC considered the zoning interpretation and launched a discussion on the impacts solar facilities might have on Williamson Act contracted lands. The AAC recommended that these entitlement requests be allowed on Agricultural lands subject to a Special Use Permit and Developer Agreement and further recommended that staff develop a numeric scoring system, similar to the Rural Valley Lands Plan (RVLP) scoring system. The AAC also commented upon these proposed facilities requiring a reclamation plan and concerns of property tax benefits on contracted lands.

On June 24, 2010, Resource Management Agency (RMA) staff met with the Tulare County Farm Bureau (TCFB) and these were the Bureau's Comments:

- Farm Bureau 2010 manual Policy # 142. Policy 142 that deals with Conservation of ag land, line 18-20 is the reference that CFBF made regarding cessation of agriculture from land under contract compromising the integrity of the Williamson Act.
- Will pursue lawsuit with County and property owner if public and private utility structures located on Williamson Act Contracted Lands.
- Crop production values should be considered in analysis.

RMA staff met with the Agricultural Committee (AAC) and these were the highlights of the committees concerns.

- Create a numeric scoring system similar to the RVLP.
- Require a reclamation plan for the removal of the facility after the lease term is expired or at any time during the lease term if situations require.

- Applicability of property tax benefits on Williamson Act contracted lands.

RMA staff coordinated with the California Department of Conservation (DOC) and these were the highlights of DOC's concerns.

- Supports full cancellation of the contract with findings.
- Recommends mitigation measures for loss of prime farmlands.
- Local contract between county and property owner.
- Statutes – General Compliance.

On July 13, 2010, the Board considered the AAC's recommendation and it is assumed that the Board approved the AAC's recommendation by adopting and amended Resolution No. 2010-0458 to include Agricultural zoned lands in the interpretation.

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

IN THE MATTER OF ADOPTION
OF UNIFORM RULES FOR
AGRICULTURAL PRESERVES

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RESOLUTION NO. 89-1275

Upon the motion of Supervisor Gould, seconded by
Supervisor Reed, the following Resolution was made, passed
and adopted:

A. The Board of Supervisors of the County of Tulare does hereby
determine that all of the following uses are either agricultural uses which
are allowed under the Williamson Act, or are compatible with said
agricultural uses as defined in Section 5120] of the Government Code, and
may be carried on within the Preserve:

1. Permitted uses as follows:

- a. The growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticulture specialties, and timber.
- b. The operation of apiaries and honey extraction plants.
- c. The operation of a dairy so long as no more than twenty-five (25) cows are on the property at any time.
- d. The raising and slaughter of poultry, rabbits and other fur-bearing animals, except when a Use Permit is required under paragraph 4 hereinbelow.
- e. The raising and slaughter of sheep, goats, horses, mules, swine, bovine animals, and other similar domesticated quadrupeds, except when a Use Permit is required under paragraph 4 hereinbelow.
- f. Feedlot for twenty-five animals or less.

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- g. Agricultural service establishments primarily engaged in performing agricultural husbandry services or horticultural services to farmers.
 - h. Services to farmers or farm-related activities in planting, harvesting, storage, hauling, and equipment repair and maintenance.
 - i. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, windmachines, windmills, silos and other farm buildings, private garages and carports, guest houses, storehouses, garden structures, greenhouses, recreation rooms, and the storage of petroleum products.
 - j. Mobilehomes and residences for the owners and lessees of the property, and for housing farm employees who work on the property.
 - k. Mobilehomes and residences for use by non-paying guests of the owners or lessees of the property.
 - l. Any residence which is in existence on the date that the Williamson Act Contract is entered into may be rented or leased to persons even though they are not the owners or lessees of the agricultural property which is subject to the Contract and are not farm employees who work on such property, and there shall be no minimum acreage on the amount of property to be rented or leased with such residence. This subparagraph shall not apply to any residence that is constructed after the date that the Williamson Act Contract is entered into and it shall not be a compatible use to rent or lease such residences pursuant to this paragraph.
 - m. Plant nurseries.
 - n. Sale of agricultural products and feed for livestock and fowl, including sale at roadside stands, if more than

1 one-half (1/2) of the value of the products on hand for
2 sale at any time has been produced on the property where
3 the sale is conducted or other property owned by the same
4 person.

5 o. Signs which pertain only to a permitted use on the
6 property on which the sign is situated or which pertains
7 to the sale, lease or rental of the property or a
8 structure or personal property located on the property.
9 In addition, signs which are no larger than four (4)
10 square feet in area and which pertain to production and
11 marketing associations and organizations with which the
12 owner or lessee is affiliated, are allowed.

13 p. Temporary landing of helicopters engaged in agricultural
14 uses.

15 q. The curing, processing, packaging, packing, storage and
16 shipping of agricultural products.

17 r. The installation and operation of asphalt batching plants
18 and concrete batching plants on a temporary basis for
19 producing asphalt or concrete to be used only for
20 construction or repair of a road, building, or other
21 project for the State, County or political subdivision of
22 the State. Such a batching plant may be placed within
23 the Preserve upon the commencement of such a public
24 project, and immediately after all asphalt or concrete
25 work required for the project has been completed, the
26 batching plant shall be completely removed from the
27 Preserve and the premises shall be restored to the
28 conditions existing prior to the installation of the
29 batching plant. No asphalt or concrete shall be produced
30 by such a batching plant for sale to the general public
31 or for any purposes whatsoever other than the
32 construction of the public project which it is supplying.

33 s. Fish farming operations.

t. Game preserves, public or private.

u. Biomass fuel manufacture for personal use.

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3 2. If the property is zoned AE, AE-10, AE-20, AE-40, AE-80, A-1
4 or AF, any additional uses set forth in Subsection B of
5 Sections 9.5, 9.55, 9.6, 9.7, 9.8 and 10.3, and Subsection C
6 of Section 10, of Ordinance No. 352 as presently in effect
7 and as said subsections may be amended from time to time, are
8 deemed to be compatible uses.

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10 3. If the property is zoned in classifications other than AE,
11 AE-10, AE-20, AE-40, AE-80, A-1 or AF, all the uses set forth
12 in Subsection B of Section 9.5, of Ordinance No. 352 as
13 presently in effect and as said subsection may be amended
14 from time to time, are deemed to be compatible uses.

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16 4. If the property is zoned AE, AE-10, AE-20, AE-40, AE-80, A-1
17 or AF, all the uses which are permitted in the particular
18 zone upon securing a Special Use Permit under the provisions
19 of Ordinance No. 352 as presently in effect and as said
20 provisions may be amended from time to time, are deemed to be
21 compatible uses and may be carried on when such Special Use
22 Permit has been secured. This paragraph refers to those Use
23 Permits listed in paragraph B of Part II of Section 16 of
24 Ordinance No. 352, and to those Use Permits listed in the
25 section of said Ordinance applicable to the specific zone in
26 which the Preserve is located; specifically, Subsection D of
27 Sections 9.5 and 10.3, Subsection E of Sections 9.55, 9.6,
28 9.7 and 9.8, and paragraphs 2 and 3 of Subsection C of
Section 10. If an Agricultural Preserve is located within a
zoning classification something other than AE, AE-10, AE-20,
AE-40, AE-80, A-1 or AF, then only those uses which are
permitted in the AE Zone (Subsection D of Section 9.5) upon
securing a Special Use Permit shall be deemed to be
compatible uses.

5. The erection, construction, alteration or maintenance of gas,
electric, water, and community utility facilities are also

1 determined to be compatible uses in the Preserve, provided
2 that insofar as such facilities require a Special Use Permit
3 under the provisions of Ordinance 352 as presently in effect
4 and as said provisions may be amended from time to time, and
5 may be carried on when such Special Use Permit has been
6 secured.

7 B. Nothing within Section A above is intended to deprive the owner or
8 any nonconforming use which they may have, or hereafter acquire, under the
9 Zoning Laws of the State of California or the Zoning Ordinance of the
10 County of Tulare. In addition, because of the many factors which must be
11 considered when issuing Special Use Permits, nothing in said Section A
12 shall be construed to obligate this Board to issue such a Permit if one
13 should be applied for in the future.

14 C. If the owner of the property within this Preserve enters into a
15 Contract pursuant to the Williamson Act, such property shall not be used
16 for any purpose other than those which are authorized by these Uniform
17 Rules.

18 D. The Board does further determine that a subdivision, as that term
19 is defined in Section 2 of Ordinance No. 352 as presently in effect and as
20 said Ordinance may be amended from time to time, is not a compatible use
21 and may not be created in the Preserve.

22 E. All real property, improved and/or unimproved which is shown on
23 the latest adopted tax roll as a unit or as contiguous units and which is
24 owned by the same person or persons, shall not be divided for the purpose
25 of sale, lease or financing after a Williamson Act Contract has been
26 entered into between the owner or owners and the County except in
27 compliance with this paragraph; and any such division of land which is not
28 in compliance with this paragraph shall constitute an incompatible use. If
the property is zoned AE, AE-10, AE-20, AE-40, AE-80, A-1 or AF, then such
divisions of land may be made in conformity with the provisions of Tulare
County Ordinance No. 352, as presently in effect and as said Ordinance may
be amended from time to time, applicable to the specific zone in which said
property is located. If the property is zoned something other than AE, AE-
10, AE-20, AE-40, AE-80, A-1 or AF, then such divisions of land may only be

1 made in conformity with the provisions of Tulare County Ordinance No. 252,
2 as presently in effect and as said Ordinance may be amended from time to
3 time, applicable to the AE-10 Zone.

4 The foregoing resolution was adopted at a regular meeting of the Board
5 of Supervisors on the 26th, day of September, 1989, by the
6 following vote:

7 AYES: Supervisors Gould, Conway, Mangine, Swiney and Reed

8 NOES: None

9 ABSTAIN: None

10 ABSENT: None

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18 Distribution:
19 Planning & Dev
20 Assessor
21 File 5670

22 9/27/89

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

IN THE MATTER OF)
ESTABLISHING RULES FOR) RESOLUTION NO. 99-0620
FARMLAND SECURITY ZONES)

WHEREAS, California Senate Bill 1182 (Chapter 353, Statutes of 1998) added Section 51296 to the Williamson Act, authorizing counties to establish Farmland Security Zones and execute contracts to restrict the use of agricultural lands; and

WHEREAS, on July 13, 1999 (by Resolution No. 99-0479), the Board of Supervisors established procedures for initiating, filing, and processing requests to establish Farmland Security Zones in Tulare County; and

WHEREAS, this Board wishes to establish rules for agricultural and compatible uses allowed in Farmland Security Zones.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The Board of Supervisors of the County of Tulare does hereby determine that the following uses are considered to be consistent with the intent of Senate Bill 1182 as set forth in Section 51296 of the California Government Code, and which may be carried on within any Farmland Security Zone:

Commercial Agricultural Uses

1. The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties, and timber.
2. The growing and harvesting of field crops including but not limited to grain and hay crops, floral crops, seed crops, fiber crops, and sod or forage.
3. The raising and slaughter of poultry and ratites, except when a Use Permit is required under No. 10 hereinbelow.

- 1 4. The raising and slaughter of rabbits and other similar fur-bearing animals,
2 except when a Use Permit is required under No. 10 hereinbelow.
- 3 5. The raising of sheep, goats, horses, mules, swine, bovine animals and other
4 similar domesticated quadrupeds, except when a Use Permit is required
5 under No. 10 hereinbelow.
- 6 6. Aquaculture/fish farming operations for the raising as a crop but not
7 including fishing clubs or fishing for members of the general public on a
8 commercial basis.
- 9 7. Insecticulture and vermiculture.
- 10 8. Apiary and honey extraction plant.
- 11 9. Plant nursery, not including retail sales.
- 12 10. Commercial agricultural uses that are permitted after Special Use Permit
 approval (as per Ordinance 352, as amended), as follows:

- 13 a. Mushroom growing.
- 14 b. Feedlot for more than twenty-five (25) animals.
- 15 c. Raising and slaughter of poultry based on the density or numbers of
16 poultry set forth in the Zoning Ordinance.
- 17 d. Raising and slaughter of ratites based on the density or numbers of
18 ratites set forth in the Zoning Ordinance.
- 19 e. Raising and slaughter of rabbits or other fur-bearing animals based on
20 the density or numbers of animals set forth in the Zoning Ordinance.
- 21 f. Raising of sheep, goats, horses, mules, swine, bovine animals or other
22 similar domesticated quadrupeds based on the density or numbers of
23 animals set forth in the Zoning Ordinance.
- 24 g. Dairy (when more than 25 milking cows are on the property at any
25 time).

26 B. The Board of Supervisors of the County of Tulare does hereby determine that
27 the following uses are considered to be permitted as 'Compatible' Agricultural Uses,
28 provided they are determined, on an individual case-by-case basis, to be consistent with the
 principles of compatibility set forth in Government Code Section 51238.1 (a) and (b):

Compatible Uses

1. Open space uses including, but not limited to, a scenic highway corridor, wildlife habitat area, salt pond, managed wetland area, or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
2. Biomass fuel manufacture for personal use. Biomass fuel manufacture for commercial use shall also be permitted if incidental or accessory to the agricultural use of the site and if a use permit is approved.
3. The storage and/or handling of agricultural chemicals for on-farm, non-commercial use only.
4. Sale of agricultural products, including sale at roadside stands and from vehicles, if all of the agricultural products offered for sale at any time have been produced on the property where the sale is conducted or on other property owned, leased or operated by the same person who owns, leases or operates the property where the sale is conducted. As used in this paragraph, 'agricultural products' mean commodities produced for the purpose of food, fuel, and fiber, and also include feed for livestock and fowl and trees and plants grown for ornamental use, such as Christmas trees, but not a retail plant nursery.
5. Temporary landing of aircraft engaged in agricultural uses and the landing and storage of the property owner's aircraft that is used as part of said owner's agricultural operations.
6. One (1) single-family residence or mobilehome for the entire contiguous property owned by one (1) person, firm, partnership or corporation or owned jointly by more than one (1) person, firm, partnership, or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.
7. In addition to the residence allowed under paragraph 6 above, one (1) additional residence or mobilehome for each forty (40) acres in the entire

1 property. Such additional residences and mobilehomes shall be occupied
2 only by relatives of the owner or lessee, by farmworkers, or by employees
3 who work on the property and their families, provided that the total number
4 of farmworkers and/or employees shall not exceed twelve (12) at any time
5 without Special Use Permit approval. However, if the property is less than
6 forty (40) acres in area and was of record at the time the Farmland Security
7 Zone became applicable to the property, one (1) such residence or mobile-
8 home may be constructed and used as a dwelling by the persons designated
9 hereinabove. This paragraph shall not be interpreted to require the removal
10 of any residence or mobilehome existing at the time the Farmland Security
11 Zone became applicable to the property and which does not meet the density
12 standards herein established provided that the residence or mobilehome is
occupied by the persons designated herein and was established in accordance
with all applicable building and zoning regulations.

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- 14 8. Incidental and accessory structures and uses including barns, stables, coops,
15 tank houses, storage tanks, wind machines, windmills, silos, and other farm
16 buildings, private garages and carports, storehouses, garden structures,
17 greenhouses, recreation rooms, storage and use of petroleum products, and
kennels for private, noncommercial use.
- 18 9. Signs that pertain only to a permitted use on the property on which the
19 the sign is situated or that pertain to the sale, lease, or rental of property or
20 a structure or personal property located on the property. In addition, signs
21 which are no larger than four (4) square feet in area and which pertain to
22 producer and marketing associations and organizations with which the owner
or lessee is affiliated are allowed.
- 23 10. Compatible agricultural uses that are permitted after Special Use Permit
24 approval (as per Ordinance 352, as amended), as follows:
- 25 a. Agricultural chemical experiment stations.
- 26 b. Establishments for the curing, processing, packaging, packing, storage,
27 and shipping of agricultural products, provided that all of said
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1 agricultural products are grown on the same property or on other
2 property owned, leased, or operated by the same person who owns,
3 leases, or operates the property where the establishment is located.
4 Such establishments include, but are not limited to, the following:
5 Agricultural dehydrators; Feed mills; Fish smoking, curing, and
6 canning; Olive and/or olive oil processing; and Wineries.

- 7 c. Agricultural service establishments primarily engaged in performing
8 agricultural animal husbandry services or horticultural services to
9 farmers and performing services to farmers or farm-related activities
10 such as planting, harvesting, storage, hauling, and equipment repair
11 and maintenance -- provided that such services performed are clearly
12 incidental and secondary to the use of property for bona fide agricultural
13 /farming purposes and don't change the agricultural character of the area
14 thereof, that the agricultural service use (including any associated
15 structures and/or outside storage areas) occupies no more than ten
16 percent of the total area of the unit or contiguous units of property
17 owned or leased by the operator (but not to exceed ten acres), that no
18 sales of equipment or products is conducted on the premises as part of
19 the operation, and that equipment used in the service is the same as that
20 used as part of farming operations on the property.
- 21 d. Retail plant nursery incidental to a wholesale nursery, consisting of the
22 retail sales of trees, shrubs, vines, flowers, or grasses propagated for
23 transplanting or for use as stock for grafting as part of a whole-sale plant
24 nursery operation, provided that the area dedicated to retail sales of non-
25 plant stock accessory items necessary for propagation and grafting may
26 be allowed in an area up to five (5) percent of the total square footage of
27 the retail nursery site area.
- 28 e. Biomass fuel manufacture for commercial use which is incidental to or
accessory to bona fide agricultural use of a site.

- 1 f. Farmworker Housing for more than 12 farmworkers and/or where the
2 farmworker housing consists of manufactured homes, mobilehomes, or
3 recreation vehicles.
- 4 g. The erection, construction, alteration or maintenance of gas, electric,
5 water, communication, or agricultural laborer housing facilities,
6 provided that insofar as such facilities require a Special Use Permit
7 under the provisions of Ordinance 352, as presently in effect and as said
8 provisions may be amended from time to time, and may be carried on
9 when such Special Use Permit has been secured.
- 10 h. The installation and operation of asphalt batching plants and concrete
11 batching plants on a temporary basis for producing asphalt or concrete
12 to be used only for construction or repair of a road, building, or other
13 project for the State, County, or political subdivision of the State. Such
14 a batching plant may be placed within the FSZ or Agricultural Preserve
15 upon the commencement of such a public project, and immediately after
16 all asphalt or concrete work required for the project has been completed,
17 the batching plant shall be completely removed from the Zone or
18 Preserve, and the premises shall be restored to the conditions existing
19 prior to the installation of the batching plant. No asphalt or concrete
20 shall be produced by such a batching plant for sale to the general public
21 or for any purposes whatsoever other than the construction of the public
22 project which it is supplying.

23 C. Any uses specifically permitted by the Williamson Act, as amended from time
24 to time; shall be allowed in Farmland Security Zones.

25 D. Because of the many factors which must be considered when issuing Special
26 Use Permits, nothing in Sections A or B above shall be construed to obligate this Board to
27 issue such a permit if one should be applied for in the future.

28 E. If the owner of the property within an agricultural preserve enters into a
Farmland Security Zone contract pursuant to the Williamson Act, such property shall not be
used for any purpose other than those which are authorized by these Rules.

1 F. All real property, improved and/or unimproved, which is shown on the latest
2 adopted tax roll as a unit or as contiguous units and which is owned by the same person or
3 persons, shall not be divided for the purpose of sale, lease, or financing after a Farmland
4 Security Zone contract has been entered into between the owner or owners and the County
5 except in compliance with this paragraph; and any such division of land which is not in
6 compliance with this paragraph shall constitute an incompatible use. If the property is zoned
7 AE-10, AE-20, AE-40, or AE-80, then such divisions of land may be made in conformity
8 with the provisions of Tulare County Ordinance No. 352, as presently in effect and as said
9 Ordinance may be amended from time to time, applicable to the specific zone in which said
10 property is located, except that Section 15.D.2 of said Ordinance No. 352 shall not be
11 applicable — *see ** on Page 8 for revision/exception to the foregoing*

12 THE FOREGOING RESOLUTION was approved upon motion of Supervisor
13 Sanders, seconded by Supervisor Worthley, at a regular meeting of the Board of
14 Supervisors held on the 17th day of August, 1999, by the following vote:

15 AYES: Sanders, Richmond, Maze, Worthley, Maples

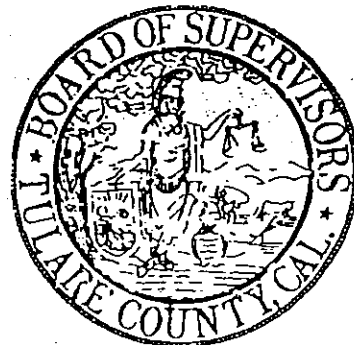
16 NOES: None

17 ABSTAIN: None

18 ABSENT: None

19 ATTEST: THOMAS F. CAMPANELLA
20 COUNTY ADMINISTRATIVE OFFICER/
21 CLERK, BOARD OF SUPERVISORS

22 BY *Janice Colton*
23 Deputy Clerk



24 * * * * *

** *NOTE*: On November 1, 2005, by Resolution No. 2005-0702, the Tulare County Board of Supervisors added language to the end of Section F (following the phrase "except that Section 15.D.2 of said Ordinance No. 352 shall not be applicable"), as shown in italics and underlined as follows:

, except as follows:

Divisions of land in accordance with Sub-sections (e)(3) of Section 15.D.2 (pertaining to adjustment of property lines to create homesite parcels) may be permitted subject to the following conditions:

(1) Additional adjacent farm land is added to the subject Farmland Security Zone that is equal to or greater in size as the homesite parcel.

(2) The proposed adjustment complies with Section 66474.4 (b)(2) of the Subdivision Map Act.

(3) A Notice of Nonrenewal of the Farmland Security Zone contract has been filed for the homesite parcel.

(4) The parcels as adjusted shall be considered to be of record after the Farmland Security Zone was applied, for purposes of compliance with Section B-7 of these rules.