

PUBLIC HEARING

TITLE: CONSIDERATION OF A MINOR CONDITIONAL USE PERMIT FOR COMMERCIAL CROP CULTIVATION ON RESIDENTIALLY ZONED LAND NORTH OF PUTNAM AVENUE BETWEEN HOLCOMB AND TULSA STREETS AND A NEW WATER TRUNK FEE FOR COMMERCIAL CROP CULTIVATION

SOURCE: PUBLIC WORKS DEPARTMENT- ENGINEERING DIVISION AND COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: In March 2012, the City Council adopted Ordinance 1786, an ordinance to allow Commercial Crop Cultivation in certain zone districts. The ordinance is codified in Section 301.06 of the Porterville Development Ordinance, and provides a mechanism to allow commercial crop cultivation within the City in all zone districts except downtown districts on an interim basis subject to a Conditional Use Permit. Commercial Crop Cultivation is allowed by right in Industrial and Ag/Rural zone districts.

On April 9, 2014, the Project Review Committee reviewed a project that would result in the development and cultivation of a 26.6± acre lemon grove in eastern Porterville, just north of Granite Hills High School. Specifically, the project site is north of Putman Avenue between the alignments of Holcomb and Tulsa Streets, on Tulare County Assessor Parcel Numbers 255-170-001, 255-170-024, 255-170-027, and 255-170-029.

At the time that the Commercial Crop Cultivation Ordinance was drafted, staff did not anticipate that agricultural uses would want to connect to City water, due to the cost. Since that time, however, the Council has considered a similar project that did request use of City water in the event of an emergency. Upon approval of that minor Conditional Use Permit in June 2013, Staff was tasked with developing a fee for connection to domestic water for agricultural uses. The proposed impact fee considered at this time provides an amount specific to commercial crop cultivation as opposed to other land uses for connection to the City's water system. This is a one-time fee that is paid by all water users upon connection to the City's system, based on the type of land use and average daily water use. The fee would not include service lines, meter, or backflow device costs. The actual water rate would be no different than any other water user. The timing of consideration of the fee is in response to the proposed project, which requests use of City water in the event of an emergency.

ANALYSIS: Proposed minor Conditional Use Permit- Lemon Grove

The lemon grove is proposed on four parcels of land, each parcel differs in shape and size (See Attachment 1). The property was subdivided decades ago, and acquired by the property owner with the intent to develop multi-family

DD B. Acting APPROPRIATED/FUNDED Acting CM ITEM NO. 1

residential homes consistent with the recently adopted General Plan. Since that time, the development market has experienced a downturn, making construction of the originally intended project infeasible at this time.

The proposed lemon grove would be drip irrigated and would include an equipment staging and storage area on the southernmost parcel (APN 255-170-024). Vehicular access to the site will be taken from Putnam Avenue.

Pioneer Water Company provides water to the site by way of a private line from a pump station on Pioneer Ditch south of Putnam Avenue to the northern property line. The property owner holds shares in Pioneer Water Company, which would be the primary source of water for the project, as no well exists on site. The applicant has expressed interest in obtaining City water for irrigation purposes in events when surface water is unavailable, as a backup measure.

Due to the fact that the proposed crops will be served by drip irrigation, no vector control plan was required. The applicant will maintain the site free of standing water.

Water Trunk Fee

The proposed water trunk fee is consistent with the calculation of water impact fees derived for the last agricultural project where City water was requested. The Developer Impact Fee Schedule, commonly referred to as “Exhibit ‘H’-Connection Fees”, would be amended to add a Water Trunk Fee for Commercial Crop Cultivation in the amount of \$552.50 per acre, which is 25% of the Commercial rate per acre. The connection fee for Commercial Crop Cultivation (crop fee) would be paid prior to connection to City water. At such time that development occurs on the property per the General Plan Land Use Diagram (for example, multi-family residential development), the crop fee amount already paid could be applied toward the higher multi-family residential trunk fee. Also, consistent with all new connections in the City, the actual water usage would be evaluated after one year to determine if the calculated fee is accurate; after the one year average daily usage analysis is complete, the developer/applicant may be due a refund should the crop fee prove to be excessive. Conversely, if the actual water usage exceeded the estimate, additional fees may be required.

ENVIRONMENTAL REVIEW:

The proposed lemon grove project is exempt pursuant to the California Environmental Quality Act as a minor alteration to land (§15304 of the California Code of Regulations), and the proposed fee is statutorily exempt per §15273 of the California Code of Regulations. A Notice of Exemption will be filed with Tulare County if the Council approves the project.

RECOMMENDATION:

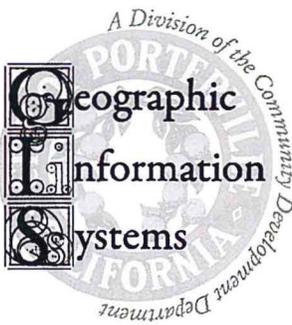
That the City Council:

- 1) Approve the draft ordinance establishing water trunk fees for commercial crop cultivation, and give first reading of said ordinance; and
- 2) Waive further reading and order the ordinance to print; and
- 3) Adopt the draft resolution approving the minor Conditional Use Permit for commercial crop cultivation subject to conditions of approval.

ATTACHMENTS:

1. Project vicinity map
2. Project site plan
3. General Plan Map
4. Zoning Map
5. Draft Ordinance
6. Draft Resolution

APN	Acreage
255-170-001	12.24
255-170-024	1.25
255-170-027	3.93
255-170-029	8.69



PRC 2014-008
 Commercial Crop Cultivation - Lemon Groves
 Locator Map
 1 inch = 400 feet

**ATTACHMENT
 ITEM NO. 1**

FGS Design Notes

Crop / Acres: Lemons / 28 (26.62*)

Spacing: 15' x 11" N - S

Emitter: Supernet 5.3 GPH

Qty: 7284

Tubing: .835 o.d.

Filter: Sand Media / Thompson

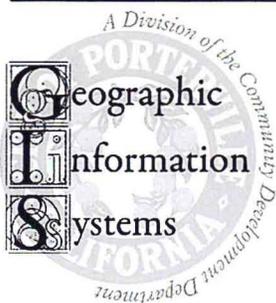
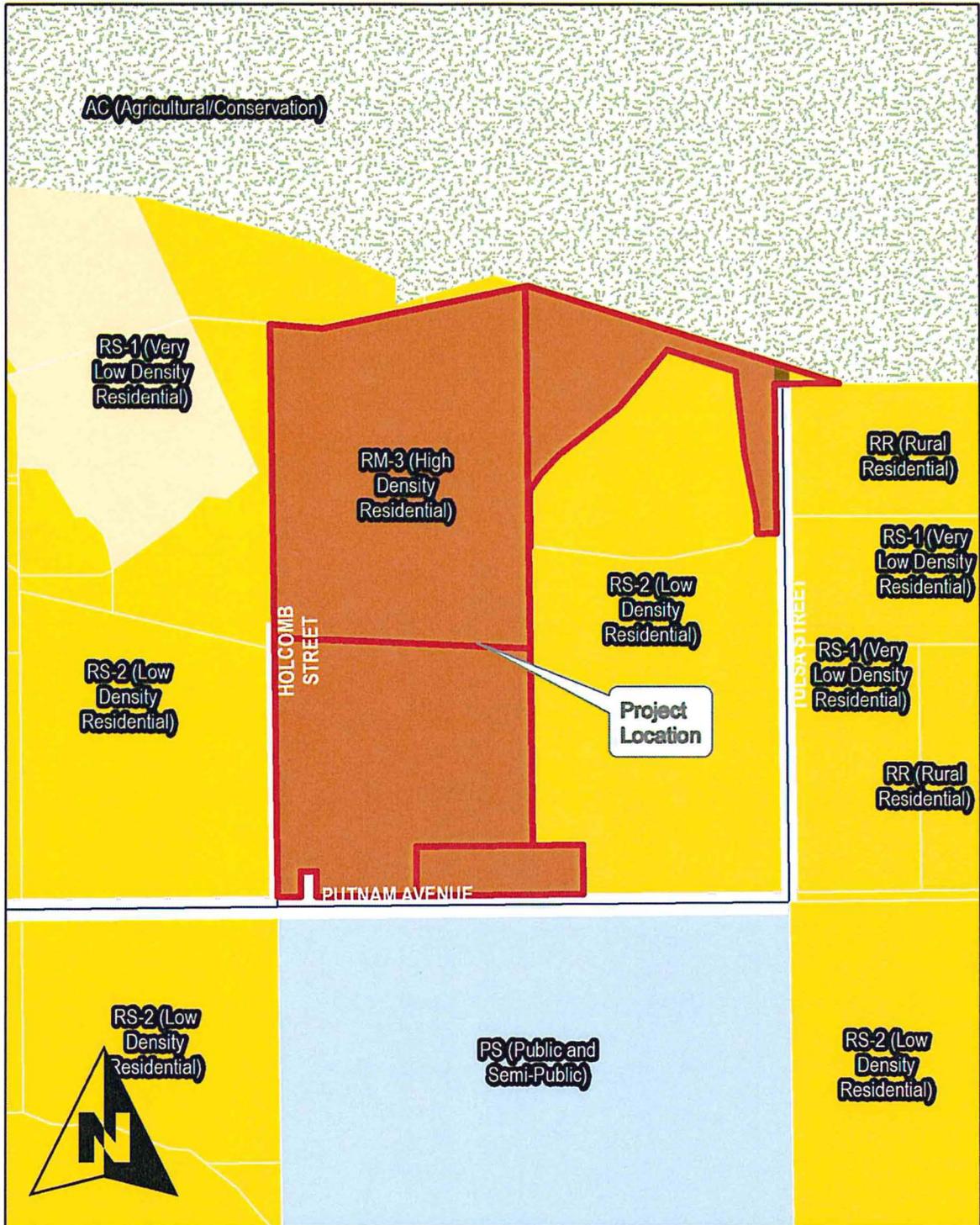
Pump: N/A

Application Rate in/hr: .51"

Application Rate in/24hr: 1.224"

of sets: two

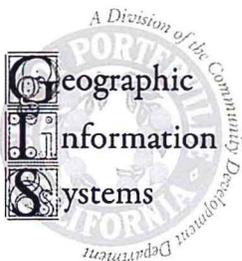
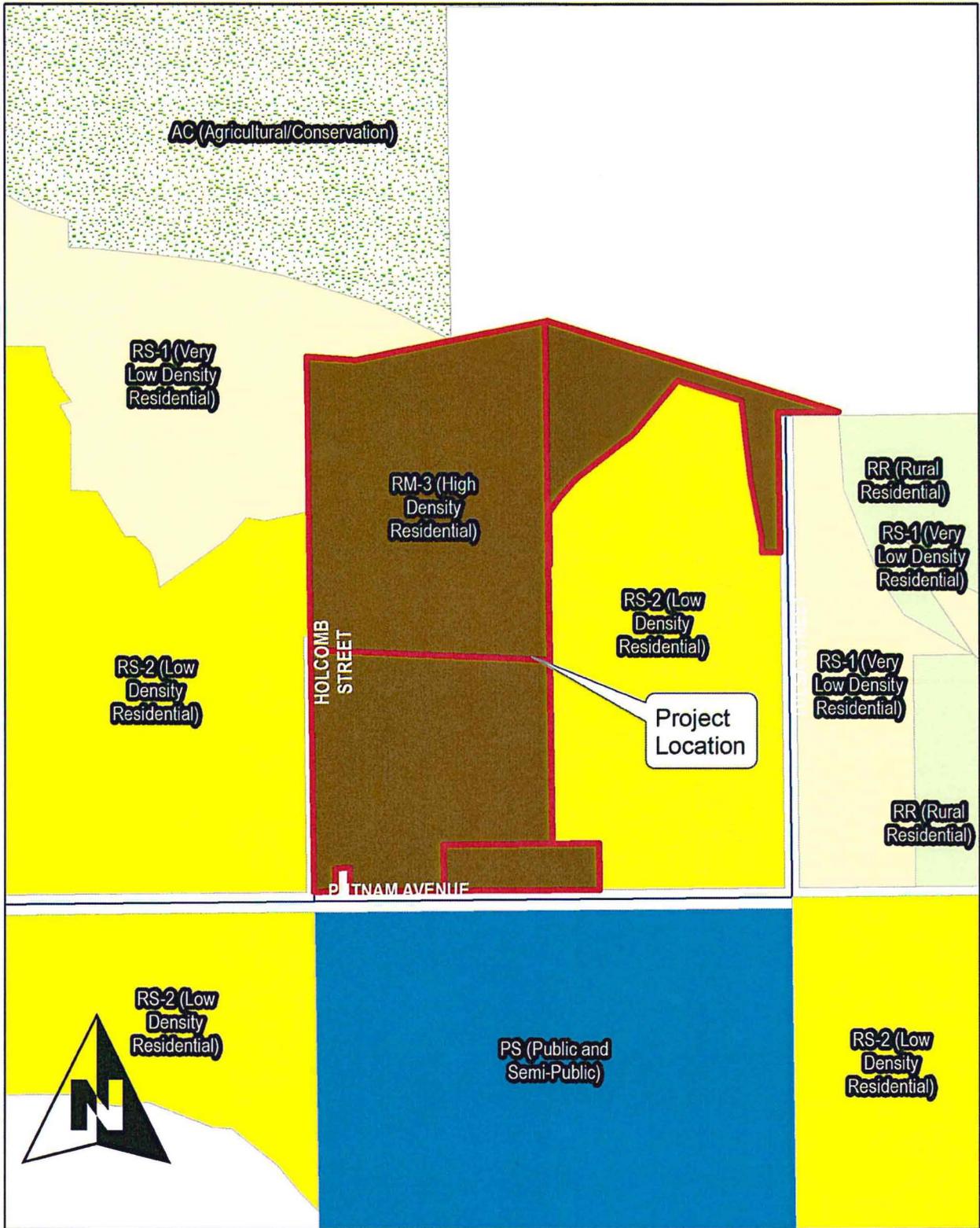
Notes: East Set 320 GPM / West Set 324 GPM



PRC 2014-008
Commercial Crop Cultivation - Lemon Groves
General Plan Land Use Map

1 inch = 400 feet

ATTACHMENT
ITEM NO. 3



PRC 2014-008
 Commercial Crop Cultivation - Lemon Groves
 Zoning Map
 1 inch = 400 feet

ATTACHMENT
 ITEM NO. 4

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING A WATER TRUNK FEE FOR COMMERCIAL CROP CULTIVATION

WHEREAS: On June 13, 2013, the City Council of the City of Porterville approved the first minor Conditional Use Permit to allow commercial crop cultivation pursuant to the Crop Cultivation Ordinance (Section 301.06 of the Development Ordinance); and

WHEREAS: The aforementioned project requested use of City water as a secondary source in the event of an emergency; and

WHEREAS: The Council approved the minor Conditional Use Permit, including provision of water in emergency situations subject to a fee to be agreed upon by the project applicant and the City Engineer, and directed that a fee be adopted for similar future projects; and

WHEREAS: The fee was defined for that project as follows:

- a. The connection fee will be twenty five (25) percent of the Commercial rate per acre.
- b. At the election of the developer, the connection fee may be paid and held as a deposit for future developments.
- c. The water usage may be evaluated after one year to determine if the calculated fee is comparable to the stated reduced commercial rate.
- d. Upon payment of the connection fees and after the one year average daily usage analysis is complete, the developer/applicant may be due a refund should the reduced commercial connect fee prove to be excessive. Conversely, the developer/applicant may be required to pay an increased amount if the actual gallon per day water usage exceeds the estimated usage.

WHEREAS: A public hearing was held before the City Council on May 27, 2014 to consider the adoption of a water trunk fee for commercial crop cultivation.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend "Exhibit 'H' - Connection Fees" to add a Water Trunk Fee for Commercial Crop Cultivation in the amount of \$552.50 per acre, which is 25% of the Commercial rate per acre. At the election of the developer, the connection fee may be paid and held as a deposit for future developments. The water usage may be evaluated after one year to determine if the calculated fee is comparable to the stated reduced commercial rate. Upon payment of the connection fees and after the one year average daily usage analysis is complete, the developer/applicant may be due a refund should the reduced commercial connect fee prove to be excessive.

This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED AND ADOPTED this 27th day of May, 2014.

**ATTACHMENT
ITEM NO. 5**

Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
MINOR CONDITIONAL USE PERMIT (2014-008-c)
FOR COMMERCIAL CROP CULTIVATION ON A 26.6± ACRE SITE
NORTH OF PUTNAM AVENUE BETWEEN HOLCOMB AND TULSA STREETS

WHEREAS: The City Council of the City of Porterville at its adjourned meeting of May 27, 2014, conducted a public hearing to consider approval of a minor Conditional Use Permit to allow crop cultivation on lands zoned High Density Residential (RM-3) on a 26.6± acre parcel; and

WHEREAS: The project site is currently undeveloped; and

WHEREAS: On May 15, 2014, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act as a minor alteration of land per §15304 of the California Code of Regulations; and

WHEREAS: The proposed minor Conditional Use Permit is supported by the General Plan and Development Ordinance in that the proposed development is consistent with Section 301.06 of the Porterville Development Ordinance (Chapter 21 of the Porterville Municipal Code).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. The Ordinance enabling the City Council to approve Commercial Crop Cultivation in the RM-3 zone district, subject to a Conditional Use Permit, was enacted March 20, 2012 to provide for an interim use of the land prior to permanent development activity being undertaken on the property. The General Plan Land Use designation on the property is High Density Residential. The zoning classification for the property is High Density Residential. The General Plan and implementing Development Ordinance adopted in 2008 and 2010 respectively have anticipated growth to occur on the site through the year 2030. The Environmental Impact Report certified for the adoption of the General Plan included a statement of overriding conditions and findings of fact regarding the conversion of agricultural land. The approval of interim agricultural land use is in no way intended to mitigate or replace agricultural land that has or will be taken out of production. Due to the effects of the “great recession”, development activity has been slowed and an interim use of the land provided for by the Crop Cultivation Ordinance is consistent with City policies.
2. The proposed lemon grove at the subject site suits the original intent of the Commercial Crop Cultivation ordinance by allowing on an interim basis an agricultural operation until the development market will support the intended development of the subject site.
3. The proposed location of the project and the conditions under which it will be

operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

4. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the minor Conditional Use Permit for commercial crop cultivation of a lemon grove as represented and incorporated herein as Exhibit "A" subject to the following conditions:

1. Any physical development and all uses shall be consistent with the Site Plan and typical orchard planting design, submitted with the application except where otherwise modified to comply with the conditions below.
2. At all times, the project shall be operated and maintained to comply with applicable Local, State, and Federal laws and regulations, including but not limited to Section 301.06 of the Porterville Development Ordinance.
3. The applicant shall hold harmless the City of Porterville, its officers, attorneys, agents and employees as agreed to in the signed indemnification agreement dated March 14, 2014.
4. The term of this minor Conditional Use Permit shall be ten (10) years. If the applicant chooses to request a five year extension from the Council, the request must be submitted to the Community Development Department not less than 60 days in advance of the expiration of the permit.
5. All equipment, including harvesting and irrigation equipment, shall be screened from view from all public rights of way and adjacent residential developments. The location map represents a portion of County Assessor's Parcel 255-170-024 as the area for equipment staging and storage. At minimum, the grey shaded area must be screened from view as represented in Exhibit B.
6. The site shall at all times be kept free of litter and packaging materials. Temporary trash bins, if brought to the site during harvest periods, shall be kept within the screened area.
7. The site shall be maintained in a manner such that rodents would not cause a nuisance to surrounding properties.
8. The twenty (20) foot wide drive aisle represented along the western and southern boundaries of the project shall be maintained to accommodate maneuvering of trucks and equipment on-site, as well as parking during harvest and other times when additional personnel are at the orchard. The parking areas must be surfaced in a manner consistent with Section 304.10 (d)(2)(b) of the Development Ordinance.

9. Vehicular access to the site shall be taken from a single point of access; based on current conditions and the submitted site plan, a location on Putnam Avenue is presumed. Prior to planting, the applicant shall submit a site plan that represents the point of vehicular access, and shall construct a drive approach per City standards.
10. The drip line irrigation system for the orchard shall be maintained in good working order to prevent water runoff from the property.
11. The applicant will maintain the site free of standing water to avoid insect proliferation.
12. In the event that City water is provided to the site for agricultural purposes, the applicant shall comply with all City water standards.
13. Storage of hazardous materials, including fertilizers, herbicides, and pesticides, is prohibited on-site.
14. The Zoning Administrator shall consider any modifications to the development for consistency, and can consider modification to crop type so long as it remains consistent with the conditions herein.
15. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2010 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
16. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
17. The fee structure for the proposed crop cultivation project will be consistent with the City Council's decision. Usage of City water will be on an emergency basis only.
18. City of Porterville Police Department recommends the developer consider fencing the property in question in order to discourage students from using the property to conceal their truancy or criminals from using the property to conceal their presence while engaged in criminal activity such as vandalism to and thefts from vehicles parked in the immediate area.

PASSED, APPROVED AND ADOPTED this 27th day of May 2014.

By: _____
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

FGS Design Notes
Crop / Acres: Lemons / 28 (26.62*)
Spacing: 15' x 11" N - S
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Qty: 7284
Tubing: .835 o.d.
Filter: Sand Media / Thompson
Pump: N/A
Application Rate in/hr: .51"
Application Rate in/24hr: 1.224"
of sets: two
Notes: East Set 320 GPM / West Set 324 GPM

Exhibit A

E Putnam Ave

E Putnam Ave

GRAZING

L=650'±

811'

255-170-027

20' MIN. DRIVE AISLE

255-170-001

910'

753'

642'

SOLAR FARM

TULSA ST

VACANT

VACANT/RURAL RESIDENTIAL

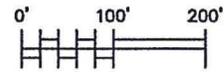
HOLCOMB ST

255-170-029

508'

695'

20' MIN. DRIVE AISLE



SCALE: 1" = 200'

128'

430'

255-170-024

EQUIPMENT STAGING & STORAGE

127'

127'

PUTNAM AVE

SCHOOL

Exhibit B