

KINGS COUNTY AGRICULTURAL ADVISORY COMMITTEE

CHARLES DRAXLER – DAIRY INDUSTRY
JIM GREGORY – AG CHEMICALS & PETROLEUM
VACANT – KINGS COUNTY FARM BUREAU

VACANT – WATER
BILL TOS – NUT CROPS
DENNIS TRISTAO – SMALL FARMS

JOHNNY STARLING – AG PROCESSING
BOB PRYS – FEED/SEED & GRAIN
BRIAN POTTER – AG EQUIPMENT

SECRETARY: GREGORY GATZKA

STAFF: DAN KASSIK (559) 852- 2655

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Agency at (559) 852-2680 by 4:00 p.m. on the Monday prior to this meeting.

AGENDA

Thursday, January 8, 2015

4:00 P.M.

This meeting of the Agricultural Advisory Committee will be held in the AG Commissioner's Multi-Purpose Room, 680 N. Campus Drive, Hanford, California.

I. **CALL TO ORDER** – Chairperson

A. Roll Call of Ag Advisory Committee Members: *(Gregory Gatzka – Secretary)*

B. **Unscheduled Comments:**

Any person may address the Committee on any subject matter within the jurisdiction or responsibility of the Committee at the beginning of the meeting; or may elect to address the Committee on any agenda item at the time the item is called by the Chair, but before the matter is acted upon by the Committee. Unscheduled comments will be limited to five minutes.

C. Approval of the Minutes of the October 10, 2013 meeting and August 25, 2014 Joint meeting with Water Commission: *Chairman: Call for motion, second and voice vote.*

II. **ELECTION OF OFFICERS** - Secretary Gatzka

A. Open nominations for the election of the following officers for the Agricultural Advisory Committee.

1. Chairperson

Call for motion, second and voice vote

2. Vice Chairperson

Call for motion, second and voice vote

III. **NEW BUSINESS:**

A. **COMMERCIAL SOLAR FACILITIES AND AGRICULTURAL LAND** – CDA Staff

Discussion concerning a proposal to amend Section 1908.H.2 of the Kings County Zoning Ordinance relating to the findings required to approve solar photovoltaic facilities on agricultural land in particular the requirement that a proposed site is located within 1 mile of an existing 60 kV or higher utility electrical line.

1. Discussion

2. Action: Provide feedback/recommendations to the Kings County Planning Commission for consideration and possible forwarding to the Board of Supervisors.

IV. MISCELLANEOUS

- A. Correspondence
- B. Staff/Agency Updates

V. ADJOURNMENT –

The next regularly scheduled meeting is April 9, 2015.

Sec. 1907. Public hearing; procedure.

At the public hearing, the Planning Commission shall review the application and the statement and drawings submitted therewith and the report of the Zoning Administrator and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 1908.

(Ord. No. 269.33, § 41, 9-21-82)

Sec. 1908. Action by the planning commission.

The Planning Commission may grant an application for the use permit as the use permit was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Planning Commission makes the following findings:

- A. The proposed location of the conditional use is in accordance with the objectives of the *Zoning Ordinance* and the purposes of the district in which the site is located.
- B. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- C. The proposed conditional use will comply with each of the applicable provisions of this Ordinance.
- D. When an application is being considered for a surface mining operation, the Planning Commission shall ensure that the application for the conditional use permit for the surface mine complies with all of the requirements found in Chapter 17 of the *Kings County Code of Ordinances*, and that all findings included in said Chapter 17 are made by the Planning Commission before granting the conditional use permit.
- E. When an application is being considered for a hazardous waste management facility, the following findings shall be made before granting a conditional use permit:
 - 1. That all requirements of Article 8.7, "Procedures for the Approval of New Facilities" (commencing with Section 25199) of Chapter 6.5 of Division 20 of the *Health and Safety Code* as the requirements pertain to local land use decisions are carried out.
 - 2. That the Commission find that the proposed facility is consistent with the "Siting Criteria for Hazardous Waste Management Facilities" in the "Kings County Hazardous Waste Management Plan", as approved by the State Department of Health Services and adopted by the Kings County Board of Supervisors as parts of the Safety and Land Use Elements of the *Kings County General Plan*.
- F. When an application is submitted for an expansion of a bovine dairy in the AL-10 Zone District, or other application for a dairy project as required by the *Dairy Element* of the *Kings County General Plan*, or this Ordinance, the following findings shall be made before granting a conditional use permit:
 - 1. That the Zoning Administrator has included in his or her report to the Planning Commission the results of consultation with representatives of the County Agricultural Commissioner, the county farm and home advisor, the County Health Officer, the Kings Mosquito Abatement District, the Central California Regional Water Quality Control Board and the Kings County Farm Bureau Dairy Committee before the Planning Commission may grant the application.
 - 2. The Planning Commission finds that the Technical Report accompanying the conditional use application, which will include its own additional environmental review, demonstrates that the alternative dairy project design or process will accomplish the same or higher level of performance as required by the *Dairy Element*.
- G. No process, equipment or materials shall be used which, are found by the Planning Commission, to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any undue risk of fire or explosion.
- H. When an application is submitted for a solar photovoltaic electrical facility for commercial sale and distribution of electrical power, the following findings shall be made before granting a conditional use permit:



1. The proposed site is located in an area designated as either “Very Low Priority,” “Low Priority,” or “Low-Medium Priority” land according to Figure RC-13 Priority Agricultural Land (2035 Kings County General Plan, Resource Conservation Element, Page RC-20). “Medium Priority” land may be considered when comparable agricultural operations are integrated, the standard mitigation requirement is applied, or combination thereof.
2. The proposed site is located within 1 mile of an existing 60 KV or higher utility electrical line.
3. Agricultural mitigation is proposed for every acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance converted for a commercial solar facility. The agricultural mitigation shall preserve at a ratio of 1:1 an equal amount of agricultural acreage of equal or greater quality in a manner acceptable to the County that coincides with the life of the project. Agricultural mitigation on land designated “Medium-High” or higher priority land shall preserve an equivalent amount of agricultural acreage at a ratio of 2:1.
4. The project includes a reclamation plan and financial assurance acceptable to the County that ensures the return of the land to a farmable state after completion of the project life, and retains surface water rights.
5. The project includes a pest management plan and weed abatement plan to protect adjacent farmland from nuisances and disruption.
6. The project establishes internal access roads that do not exceed a maximum distance of 300 feet between lanes.
7. The project includes a solid waste management plan for site maintenance and disposal of trash and debris.
8. The project site is not located on Williamson Act or Farmland Security Zone contracted land, unless it meets the principles of compatibility under Government Code section 51238.1(a). Otherwise, the contract is proposed for cancellation or is eligible and converts to a Solar Easement.

A use permit may be granted for a limited time period, and may be granted subject to such conditions as the Planning Commission may prescribe.

The Planning Commission may deny an application for a use permit.

The Planning Commission's decision on the application shall become effective eight (8) days following their decision, unless the Board of Supervisors initiates proceedings to review the decision of the Planning Commission.

(Ord. No. 269.33, § 41, 9-21-82; Ord. No. 269.38, § 10, 9-25-90; Ord. No. 269.40, § 1, 10-4-94; Ord. No. 269.43, § 34, 1-21-97; Ord. No. 269.47, § 6, 1-12-99; Ord. No. 269.49, § 9, 12-7-99; Ord. No. 269.51, § 17, 7-25-00; Ord. No. 269.54, §§ 12, 13 and 14, 7-30-02; Ord. No. 269.63, § 37, 4-25-06; Ord. No. 269.69, § 1, 6-21-12)

Sec. 1909. Conditions of approval.

In recommending approval of a conditional use permit, the Planning Commission shall, in its resolution, state that conditions of approval are necessary to protect the public health, safety, and general welfare, and the environment. Such conditions may include:

- (a) Special yards, spaces and buffers.
- (b) Fences and walls.
- (c) Surfacing of parking area subject to county specifications.
- (d) Requiring street dedications and improvements subject to the provisions of Section 2103, including service roads or alleys when practical.
- (e) Regulation of points of vehicular ingress and egress.
- (f) Regulation of signs.
- (g) Requiring landscaping and maintenance thereof.
- (h) Requiring maintenance of the grounds.
- (i) Regulation of noise, vibration, odors, and other similar characteristics.



ZONING ORDINANCE TEXT CHANGE

Proposal to amend Section 1908.H.2 of the Kings County Zoning Ordinance to allow an exception to the requirement that the proposed site is located within 1 mile of an existing 60 kV or higher utility electrical line for small community commercial solar projects (less than or equal to 3 MW) to be located more than 1 mile from a 60 kV or higher transmission line subject to the following findings:

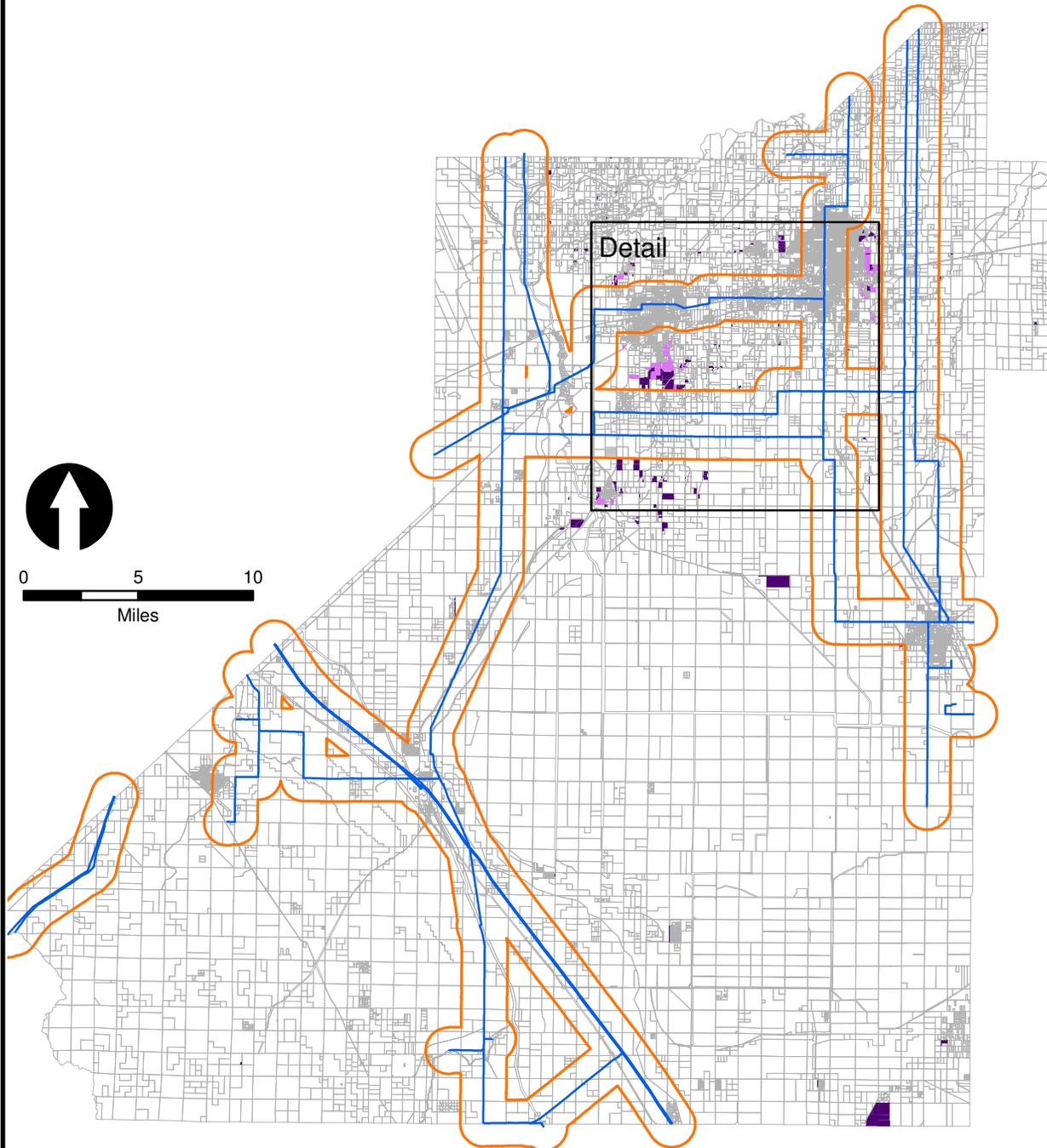
1. The project site is located on low or very low priority farmland.
2. The project site is not restricted by a Williamson Act or Farmland Security Zone contract.
3. The project will connect to existing utility infrastructure without building new power lines.
4. The project will not result in any additional easements on agricultural land, but public Right-of-Way okay.

Effectuated Very-Low and Low Priority Ag Land - Proposed ZOTC (Pristine Sun)

	Ac. within current 1 mile radius	Ac. potentially available by proposed ZOTC	Total Ac.
Very Low Priority (not in land preserve)	963.82	977.16	1,940.98
Low Priority (not in land preserve)	6,779.57	2,502.18	9,281.75
Total	7,743.39	3,479.34	11,222.73

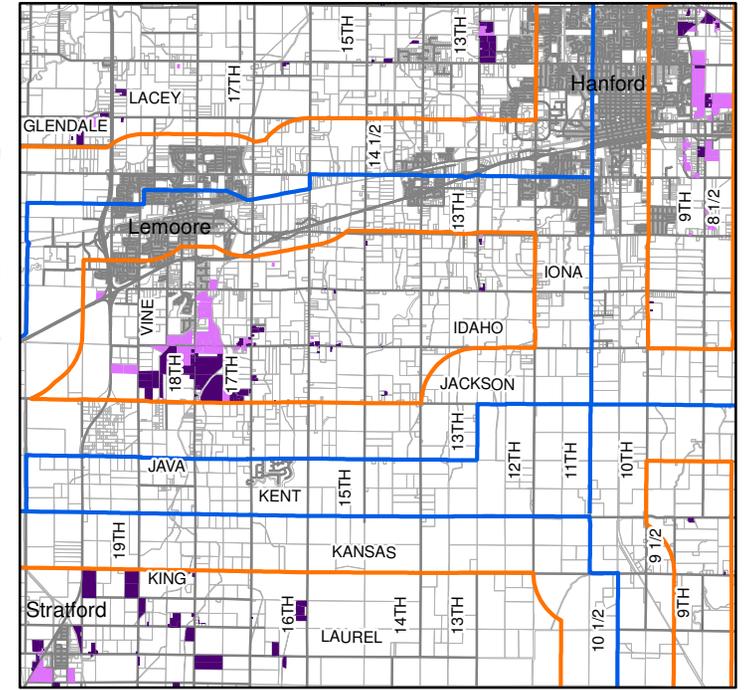
Total Ag Lands in Kings Co.	738,501.42	Acres
Ac. potentially available by proposed ZOTC	3,479.34	Acres
Percentage of all Ag Lands	0.47%	

Effected Very-Low and Low Priority Ag Land - Proposed ZOTC (Pristine Sun)



0 5 10
Miles

Detail



0 2.5 5 Miles



Legend

-  Low Priority Ag Land not within Ag Preserve
-  Very Low Priority Ag Land not within Ag Preserve
-  1 Mile Utility Line Buffer
-  60 kV or Higher Utility Line

**Kings County
Community Development Agency**
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