

CITY COUNCIL AGENDA: JUNE 18, 2013

PUBLIC HEARING

TITLE: MINOR CONDITIONAL USE PERMIT FOR COMMERCIAL CROP CULTIVATION ON RESIDENTIAL AND COMMERCIAL ZONED LAND ON THE WEST SIDE OF CONNER STREET BETWEEN MORTON AND OLIVE AVENUES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION



COMMENT: In January 2012, the City Council amended the Development Ordinance to expand the areas where commercial crop cultivation could take place within the City. Until that time, commercial crop cultivation was a permitted use in the Agricultural Conservation (AC), Rural Residential (RR), Industrial Park (IP), Airport Industrial (IA) and General Industrial (IG) zone districts. The ordinance now allows crop cultivation in those zone districts as a permitted use, and in all other City zone districts except downtown districts on an interim basis subject to a Conditional Use Permit. Section 301.21 of the Development Ordinance provides development standards and conditions of approval for such a use.

On April 17, 2013, the Project Review Committee reviewed the first project proposed as a result of the amended ordinance. A table grape vineyard approximately 37 acres in size is proposed on the west side of Conner Street between Morton and Olive Avenues.

ANALYSIS: The vineyard is proposed on eight (8) parcels of land, each approximately 4.6 acres in size. The property was subdivided in the 1970s, and acquired by the property owner in 2005 with the intent to develop multi-family residential homes and a neighborhood commercial center 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 project proposes to plant a vineyard on the site, with rows oriented east to west. Spacing of the vineyard would be approximately 12 feet between rows, and seven feet between vines. The vineyard would be drip irrigated and would include an equipment staging and storage area on the southernmost parcel, on the western edge of the parcel. An existing well, recently rehabilitated, is located in the equipment staging and storage area, and this location, represented on Attachment 1, would be a central hub for activity during harvest times. Vehicular access to the site will be taken from Conner Street.

Pioneer Ditch Company has an easement through the property, and a pipeline transects the project site. The planting plan would avoid the pipeline, allowing easier access in the event the pipeline must be repaired. The property owner holds shares in Pioneer Ditch Company, but the primary

DD  APPROPRIATED/FUNDED N/A CM  ITEM NO. 21

source of water for the project would be the on-site well. The applicant has expressed interest in obtaining City water for irrigation purposes in events when the well fails, as a backup measure. 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. Staff is not in favor of providing domestic water for agricultural uses. However, if the Council selects to allow connection on site to City water, the applicant would be required to comply with all water system connection design standards and pay all fees, which for this project would be approximately \$80,000. This impact fee would not include service lines, meter, or backflow device costs.

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.

ENVIRONMENTAL REVIEW:

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

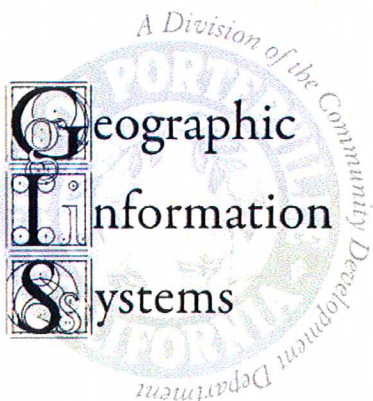
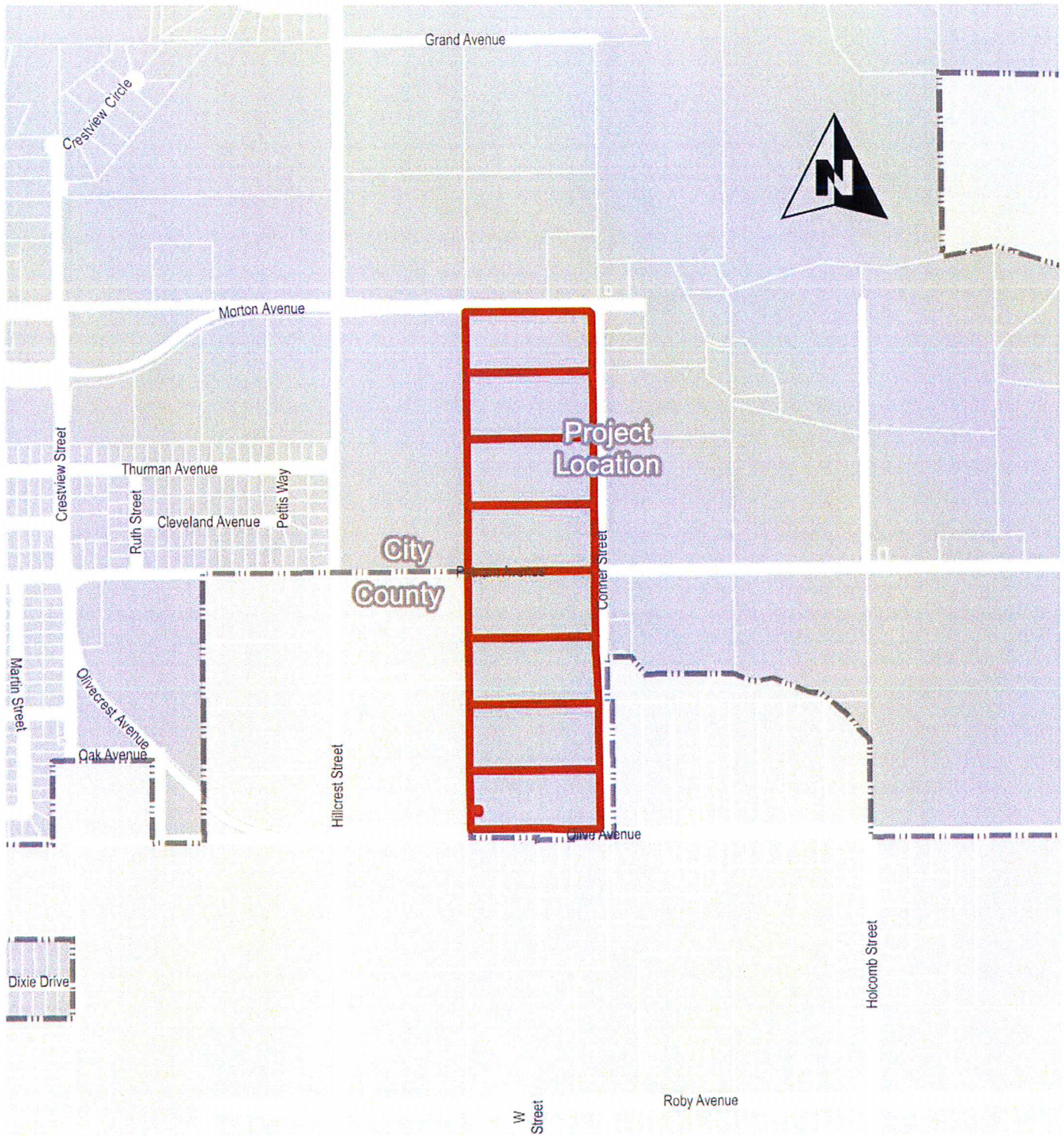
RECOMMENDATION: That the City Council:

- 1) Adopt the draft resolution approving the minor Conditional Use Permit for commercial crop cultivation subject to conditions of approval; and
- 2) Provide direction to staff regarding connection to City water.

ATTACHMENTS:

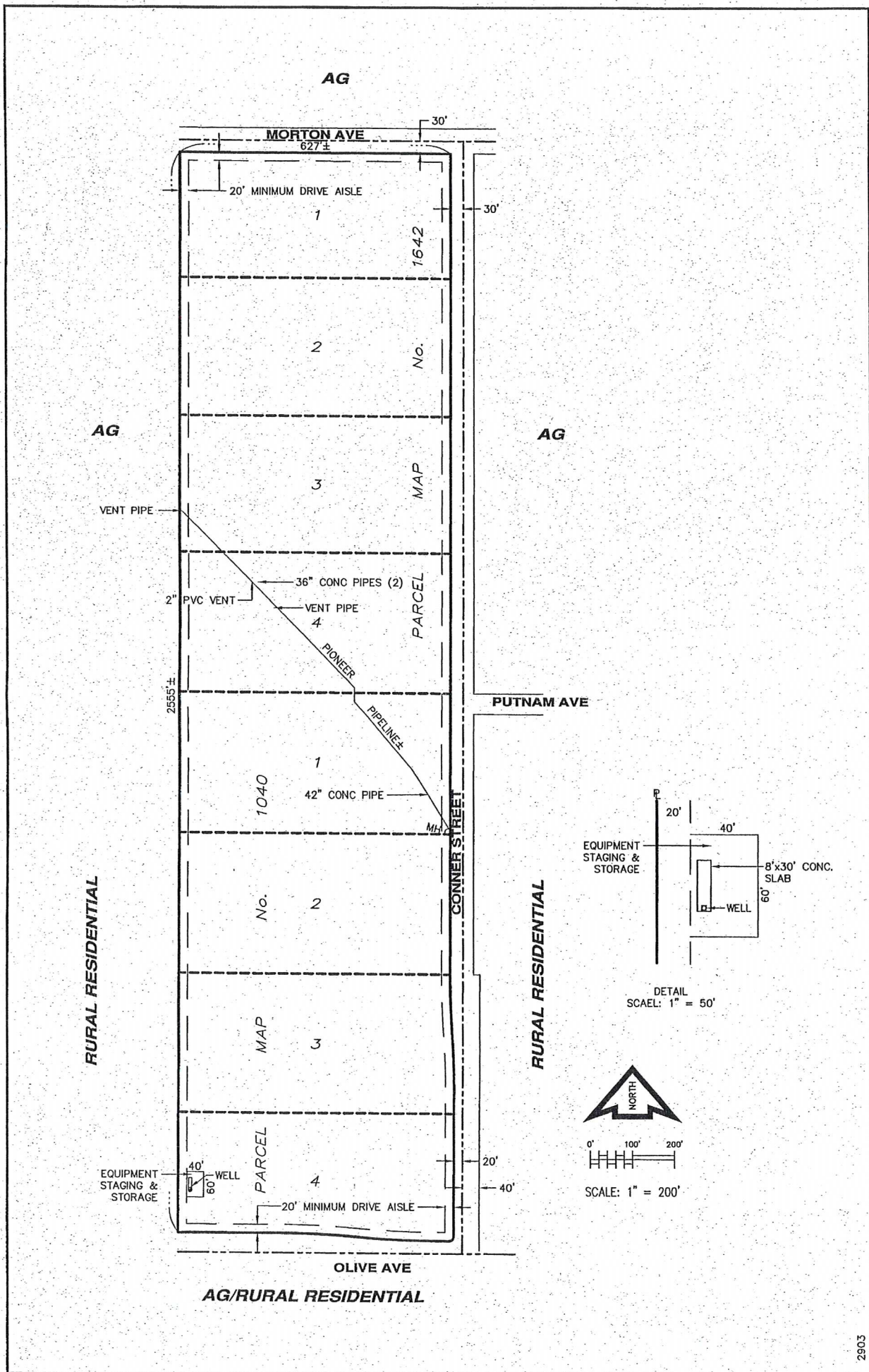
1. Project vicinity map
2. Project site plan
3. General Plan Map
4. Zoning Map
5. Contour Map
6. Draft Resolution

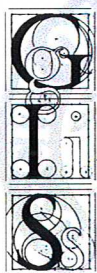
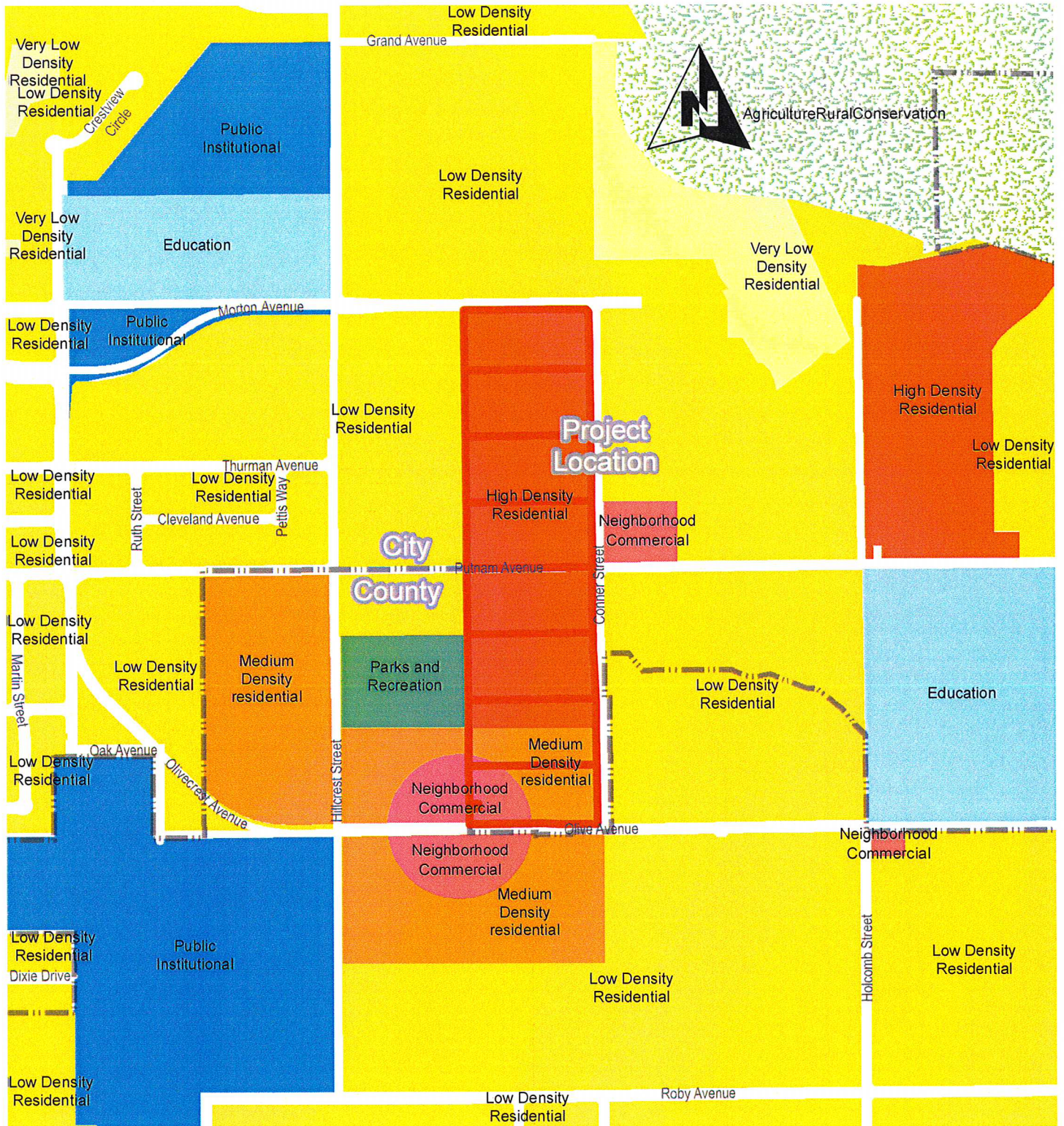
P:\commdev\Planning\Projects\PRC\2013-017 Comm Crop Cult @ NWC Olive & Conner\PRC 2013-017 vicinity.mxd



PRC 2013-017
Commercial Crop Cultivation- Vineyard
Project Vicinity Map
1" = 700 ft.

ATTACHMENT
ITEM NO. 1



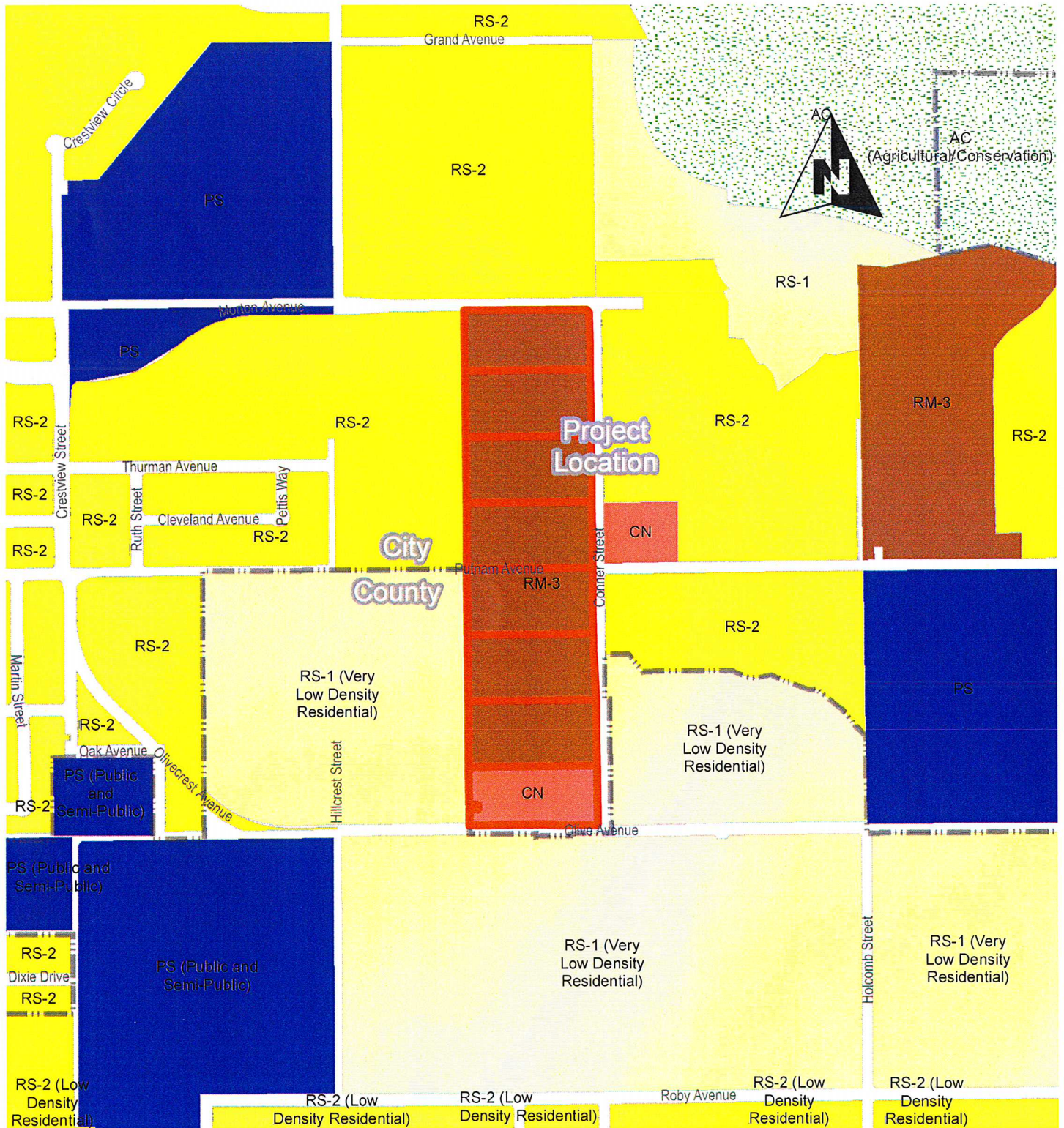


Geographic
Information
Systems

A Division of the Community Development Department

PRC 2013-017 Commercial Crop Cultivation- Vineyard General Plan Land Use Map 1" = 700 ft.

ATTACHMENT
ITEM NO. 3

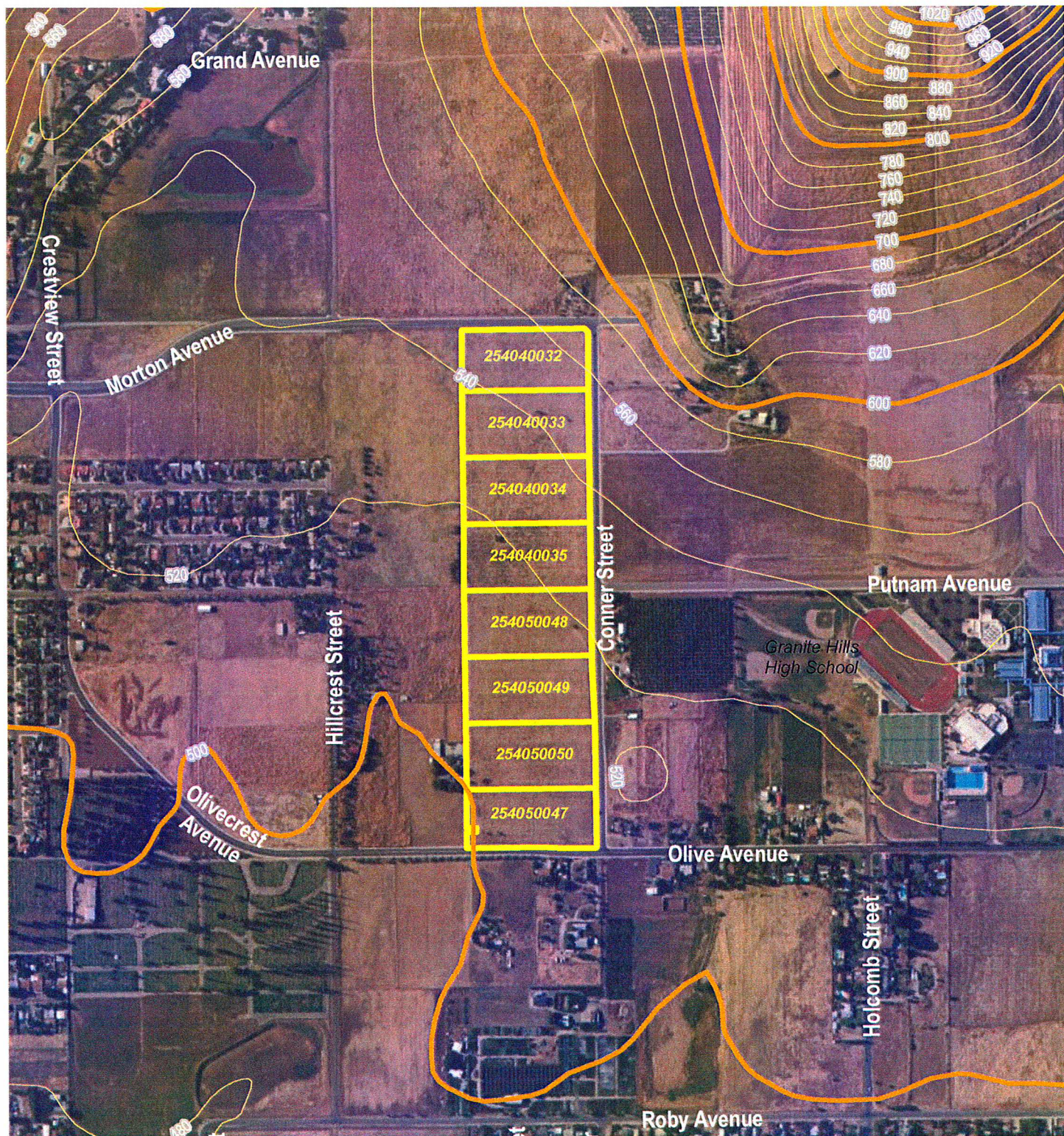


Geographic
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PRC 2013-017 Commercial Crop Cultivation- Vineyard Zoning Map 1" = 700 ft.

ATTACHMENT
ITEM NO. 4



Geographic
Information
Systems

A Division of the Community Development Department

PRC 2013-017
Commercial Crop Cultivation- Vineyard
Aerial with Contours

1" = 700'

**ATTACHMENT
ITEM NO. 5**

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 (2013-017-c)
FOR COMMERCIAL CROP CULTIVATION ON A 37± ACRE SITE
WEST OF CONNER STREET BETWEEN MORTON AND OLIVE AVENUES

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 18, 2013, 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) and Neighborhood Commercial (CN) on a 37± acre parcel; and

WHEREAS: The project site is currently undeveloped; and

WHEREAS: On June 13, 2013, 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 Conditional Use Permit is supported by the General Plan and Development Ordinance in that the proposed development is consistent with Section 301.21 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 and CN zone districts, 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 designations on the property include Neighborhood Commercial, Medium Density Residential and High Density Residential. Zoning classifications for the property include Neighborhood Commercial and 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 vineyard 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.

ATTACHMENT
ITEM NO. 6

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 Conditional Use Permit for commercial crop cultivation of a vineyard as represented and incorporated herein as Exhibit "A" subject to the following conditions:

1. Any physical development and all uses shall be consistent with Exhibit A-Site Plan and typical vineyard planting design, attached hereto.
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 301.21 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 April 4, 2013.
4. The term of this 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.
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 perimeter 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 vineyard.
9. Vehicular access to the site shall be taken from Conner Street.
10. The drip line irrigation system for the vineyard 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.

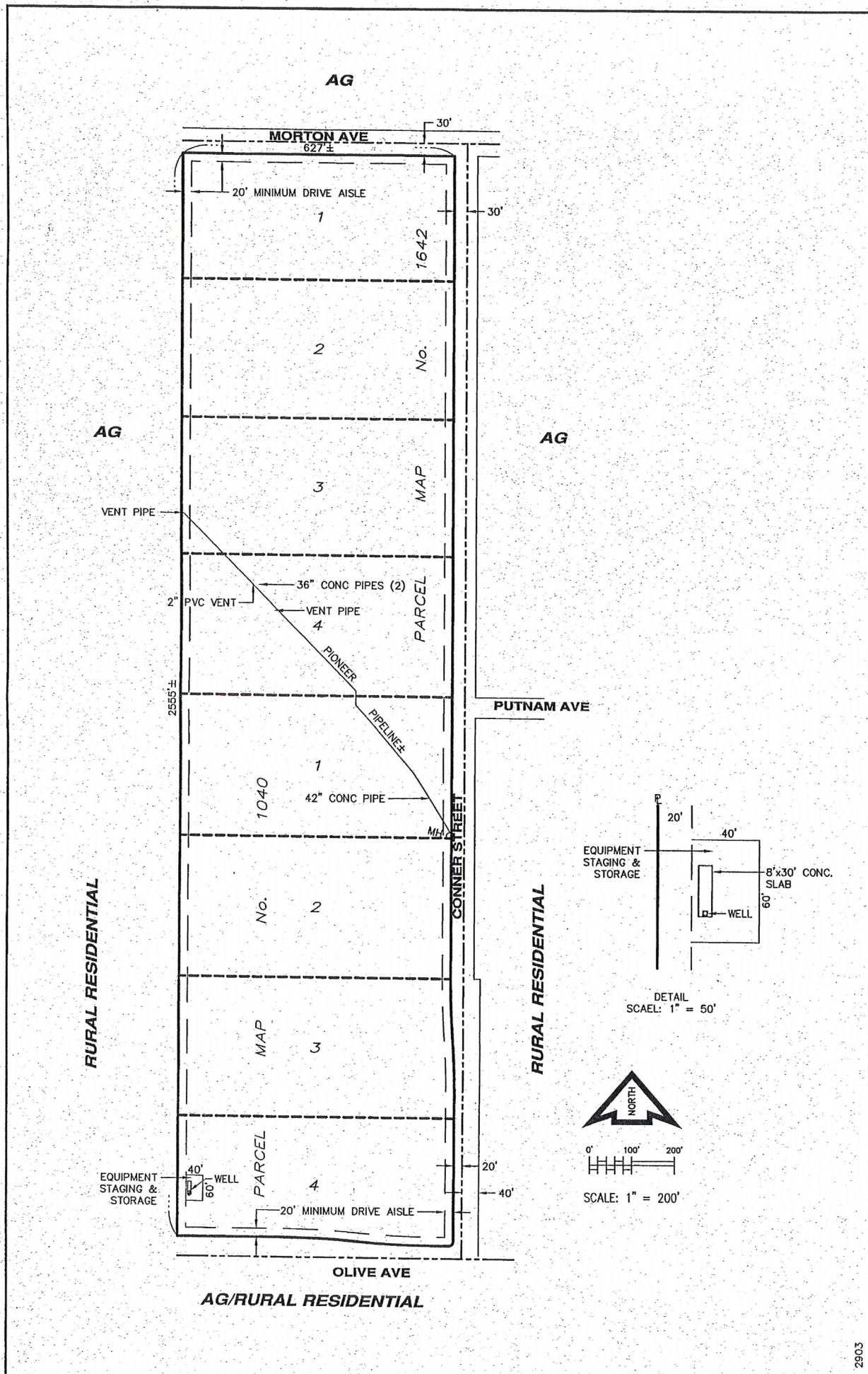
13. Storage of hazardous materials, including fertilizers, herbicides, and pesticides, is prohibited on-site.
14. The Zoning Administrator shall consider any modifications to the development for consistency, and can consider modification to crop type so long as it remains consistent with the conditions herein.

PASSED, APPROVED AND ADOPTED this 18^h day of June 2013.

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



Grape Trellising Method

