

CITY COUNCIL AGENDA: OCTOBER 15, 2013

PUBLIC HEARING

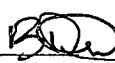
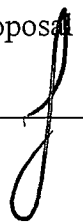
SUBJECT: PROPOSED ANNEXATION NO. 477, GENERAL PLAN AMENDMENT, AND ZONE CHANGE FOR THE DEVELOPMENT OF A SOLAR UTILITY FIELD (PRC 2013-014 A-G-Z) AT WEST NORTH GRAND AVENUE AND NORTH MAIN STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

HISTORY: On October 2, 2012, ImMODO Solar, the project applicant, submitted an application to the Project Review Committee to consider a solar development approximately 32 acres in size, 21.8± acres within the existing city limits and 10.05± acres within a county island (PRC 2012-030). The portion within the City was zoned IG – General Industrial, and the area in the County was pre-zoned CG – General and Service Commercial. After meeting with the Project Review Committee, the applicant elected to amend the application and move forward with only the area within the City limits. The amended application was considered by the Committee on October 24, 2012, and the project moved forward on the 21.8± acre parcel within the City. The use as a solar field is permitted by right in the IG zone, as a major utility. Construction is underway on that project, with an expected completion date in early 2014.

On March 29, 2013, ImMODO Solar submitted an application to the Project Review Committee for annexation of those 10.21± acres within a county island (PRC 2013-014 A-G-Z), and just south of the solar field currently being developed within the City. The proposed Annexation No. 477 includes two parcels; the primary parcel of 10.05± acres (APN 243-190-016) and a smaller parcel of 6,805± square feet (APN 255-250-012) located at the northwest corner of West North Grand Avenue and North Main Street. The smaller of the two parcels is separately owned and the owner is aware of the annexation and has verbally indicated support for the annexation. The annexation area is surrounded by city limits to the north and west and will include the abutting rights of way on North Main Street and West North Grand Avenue. Upon annexation, the applicant is also requesting a General Plan Amendment from General and Service Commercial to Industrial and a Zone Change from General and Service Commercial to General Industrial.

COMMENT: In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act), as amended, the City Council may authorize filing of the necessary application and proposal for presenting Annexation No.

DD  APPROPRIATED/FUNDED N/A CM  ITEM NO. 11

477 to LAFCo for its review and approval. Staff has met with LAFCo, and LAFCo staff voiced support of the reduction in size of an island, even where an island will remain. The subject annexation does meet the criteria for an island annexation pursuant to Government Code Section 56375.3, simplifying the annexation process for islands (or groups of islands) meeting certain requirements by waiving protest hearings.

Upon annexation, a General Plan Amendment from General and Service Commercial to Industrial and a Zone Change from General and Service Commercial to General Industrial are being requested. With the amended general plan land use designation and the rezoning of the parcel, the use of the site as a solar field would be allowed by right per the City's Development Ordinance.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration for Annexation No. 477, General Plan Amendment and Zone Change for the development of an ImMODO Solar project;
2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo for Annexation No. 477;
3. Adopt the draft resolution approving a General Plan Amendment to change land use designation from General & Service Commercial to General Industrial for the subject area contingent upon annexation;
4. Approve the draft ordinance approving a Zone Change for the subject area from General & Service Commercial to General Industrial contingent upon the General Plan Amendment; and
5. Waive further reading of the draft ordinance, approving the Zone Change, and order it to print.

ATTACHMENT: Complete Staff Report

CITY COUNCIL AGENDA: OCTOBER 15, 2013

STAFF REPORT

TITLE: PROPOSED ANNEXATION NO. 477, GENERAL PLAN AMENDMENT, AND ZONE CHANGE FOR THE DEVELOPMENT OF A SOLAR UTILITY FIELD (PRC 2013-014 A-G-Z) AT WEST NORTH GRAND AVENUE AND NORTH MAIN STREET

APPLICANT/AGENT:	Don Watson ImMODO International Corp. 150 W. Simpson Street Tuscon, AZ 85701	Jim Winton Winton & Associates 150 W. Morton Avenue Porterville, CA 93257
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PROJECT LOCATION: Northwest corner of West North Grand Avenue and North Main Street, in the northern area of Porterville. The annexation area is surrounded by city limits to the north and west.

SPECIFIC REQUEST: Annexation, with subsequent General Plan Amendment and Zone Change to accommodate the development of a solar utility field (PRC 2013-014 A-G-Z).

PROJECT DETAILS: The applicant requests annexation of 10.21± acres immediately north of Porterville, and just south of the solar field currently being developed within the City. The proposed Annexation No. 477 includes two parcels; the primary parcel of 10.05± acres (APN 243-190-016) and a smaller parcel of 6,805± square feet (APN 255-250-012) located at the northwest corner of West North Grand Avenue and North Main Street.

In addition, upon annexation the applicant is requesting a General Plan Amendment from General and Service Commercial to Industrial, and Zone Change from General and Service Commercial to General Industrial. With the amended general plan land use designation and the rezoning of the parcel, the use of the site as a solar field would be allowed by right per the City's Development Ordinance.

The proposed annexation is supported by City staff as well as LAFCo staff, as it reduces the size of an existing island and encourages logical boundaries. The proposed development application is also supported by City staff as it is consistent with the development underway to the north. The General Plan has many strategies intended to encourage sustainability and energy conservation; the proposal promotes those goals.

The physical development of the site as proposed is also supported by City staff because of the extension of a development already underway. The proposed Annexation, General Plan

Amendment, and Zone Change are compatible with surrounding designations and uses. Both projects have the capacity to work together, and assuming the project is approved, the solar fields could operate together. The intended configuration links the southernmost portion of the existing facility under construction with the proposed project, then adjusting the lot line such that the two parcels would function together with nearly equal size, producing a combined total of three Megawatts (alternating-current) (3 MW_{AC}). At maximum build out, the proposed project would generate approximately 6,000± Megawatt Hours (MWh) of electricity. That amount is enough energy to power approximately 660 households in the City of Porterville.

DEVELOPMENT DETAILS: The project site is owned by the applicant. The proposed project life is anticipated to be 20 years. At the end of the proposed project life, the applicant will remove all proposed project components from the site; however, the proposed considerations before the Council would not terminate at the end of 20 years. The applicant could continue a viable industrial use on the site.

The subject site is currently pre-designated General and Service Commercial on both the City's General Plan diagram and the Zoning map. The proposed General Plan Amendment and Zone Change are supported by staff due to the logical pattern continued by the proposed action in order to accommodate the build out of the block with a contiguous use.

SURROUNDING ZONING AND LAND USES:

NORTH: City – IG (General Industrial) ImMODO Solar field, under development

EAST : County – prezoned RS-1 (Very Low Density Residential) Agricultural- orchards

WEST: City – CG (General and Service Commercial) Commercial Use – Consignment sales

SOUTH: County – prezoned CG (General and Service Commercial) Commercial Use – mini storage

ENVIRONMENTAL:

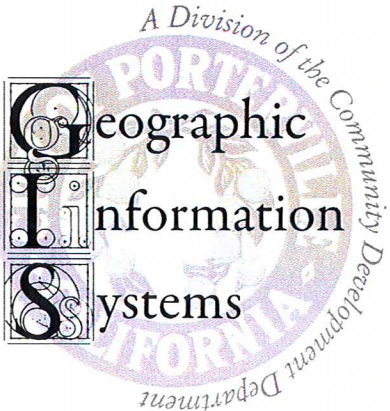
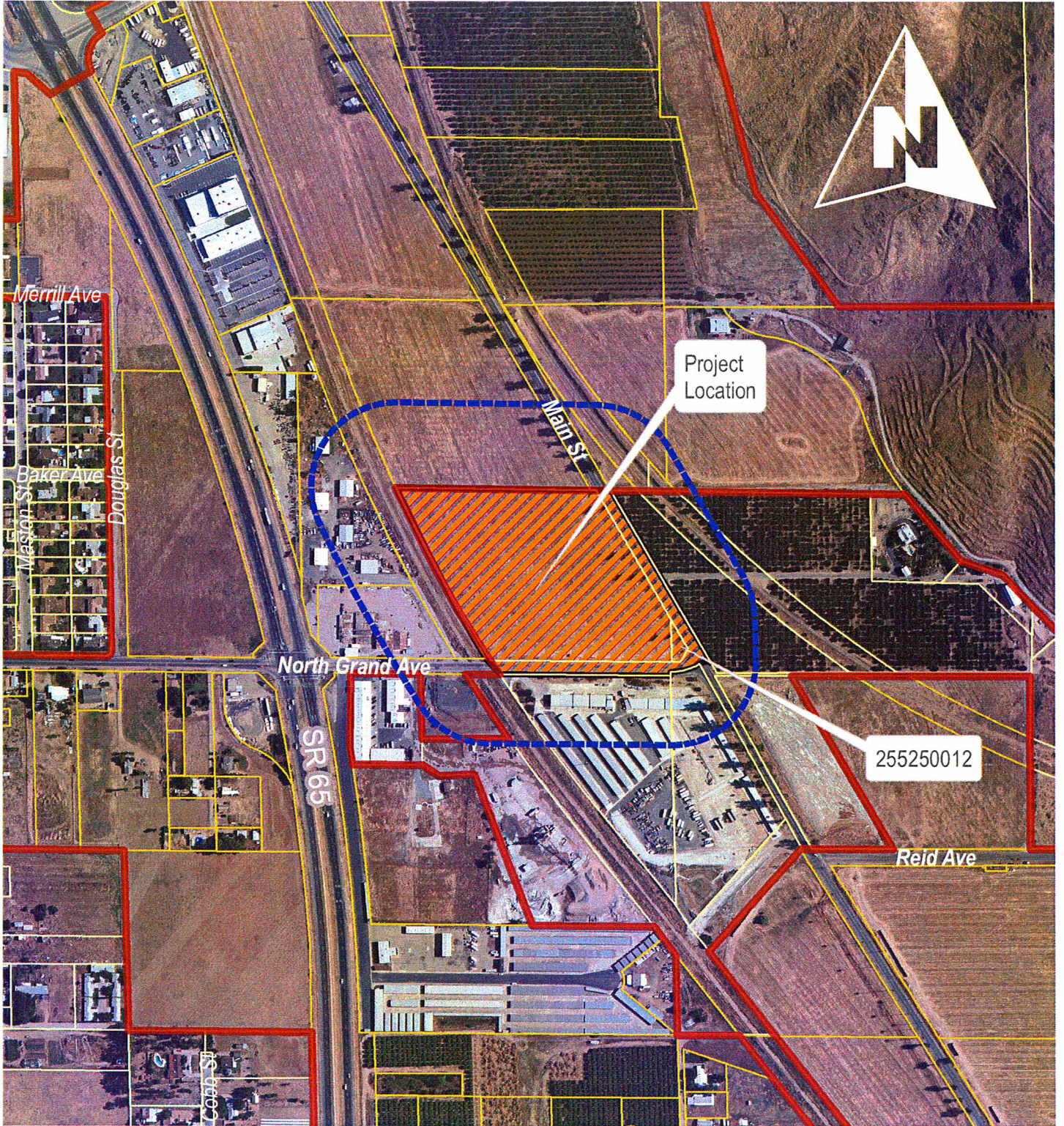
On September 5, 2013, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the ImMODO Solar Project, Annexation No. 477, and subsequent General Plan Amendment and Zone Change. The Initial Study has been transmitted to the State Clearinghouse, interested agencies, groups and individuals for review and comment. The review period ran for 30 days from September 13, 2013, to October 14, 2013. At the time of the writing of this staff report, one comment letter was received on the Initial Study. The San Joaquin Valley Air Pollution Control District wrote to concur with the findings of the Mitigated Negative Declaration, and ask that the applicant be reminded that the proposed project is subject to District Rule 9510, which applies to development projects of this scale. No other comments were received.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration for Annexation No. 477, subsequent General Plan Amendment, and Zone Change for the development of an ImMODO Solar project; and
2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo for Annexation No. 477; and
3. Adopt the draft resolution approving a General Plan Amendment to change land use designation from General & Service Commercial to General Industrial for the subject area contingent upon annexation; and
4. Approve the draft ordinance approving zone change for the subject area from General & Service Commercial to General Industrial contingent upon the General Plan Amendment; and
5. Waive further reading of the draft ordinance, approving the Zone Change, and order it to print.

ATTACHMENTS:

1. Project Location Map
2. Site Plan
3. Draft Initial Study and Mitigated Negative Declaration
4. Draft Resolution approving the Mitigated Negative Declaration
5. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo for Annexation No. 477
6. Draft Resolution for General Plan Amendment
7. Draft Ordinance for Zone Change



PRC 2013-014 A-G-Z
 imMODO Solar Project
 Annexation No. 477
 General Plan Amendment and Zone Change
 Project Locator Map
 ATTACHMENT
 1" = 500 ft. ITEM NO. 1

Draft Initial Study and
Mitigated Negative Declaration
For ImMODO Solar Project

Due to the size of the document, this
item is available at the following
locations for review:

Community Development Department
Counter
City Clerk Counter
City of Porterville Website

Attachment 3

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR THE ImMODO SOLAR PROJECT,
ANNEXATION NO. 477, GENERAL PLAN AMENDMENT AND ZONE CHANGE

WHEREAS: On September 13, 2013, the City of Porterville circulated an Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for Annexation No. 477, subsequent General Plan Amendment and Zone Change for the development of the ImMODO Solar Project; and

WHEREAS: One comment was received from the San Joaquin Valley Air Pollution Control District, who wrote to concur with the findings of the Mitigated Negative Declaration, and ask that the applicant be reminded that the proposed project is subject to District Rule 9510, which applies to development projects of this scale. No other comments were received from agencies or the public prior to the close of the public comment period; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 15, 2013, conducted a public meeting to consider approval of the Mitigated Negative Declaration which evaluates the environmental impacts of the annexation of 10.21± acres into the City of Porterville; and

WHEREAS: Mitigation measures were identified consisting of avoidance measures to minimized potential for impact to biological resources and cultural resources, as enumerated in Exhibit 'A'; and

WHEREAS: The subject land proposed for annexation is considered a portion of an "island," subject to Section 56375.3, and is substantially surrounded by land currently within the City.

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

1. That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to the State Clearinghouse, interested agencies, groups and individuals for review and comment. The review period ran for 30 days from September 13, 2013, to October 14, 2013.
2. That the proposed project will not create adverse environmental impacts. The approved Mitigated Negative Declaration was evaluated in light of the prepared environmental initial study. It was determined that the defined mitigation measures reduce any potential for significant impacts associated with the proposed project to less than significant.
3. That the City Council is the decision-making body for the project.

NOW, THEREFORE, BE IT FURTHER RESOLVED: That the City Council does hereby approve the Mitigated Negative Declaration for the ImMODO Solar Project as described herein.

PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

By: _____

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

ImMODO SOLAR PROJECT
 Mitigation Monitoring and Reporting Program

Table 10: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>BIO-1 (avoidance). In order to avoid impacts to all nesting raptors and other migratory birds from tree removal, grading, and construction, these activities shall occur between September 1 and January 31. This will ensure that construction does not coincide with the nesting season (February 1 to August 31).</p>	The Applicant	Prior to construction	City of Porterville	
<p>BIO-2 (pre-construction surveys). If tree removal, brushing, grading, or construction must occur between February 1 and August 31, a qualified biologist shall conduct pre-construction surveys for active migratory bird nests within 30 days of the onset of these activities.</p>	The Applicant	Prior to construction	City of Porterville	
<p>BIO-3 (establish buffers). Should any active nests be discovered in or near proposed construction zones, the biologist shall identify a suitable construction-free buffer around the nest. This buffer shall be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged.</p>	The Applicant	During construction	City of Porterville	
<p>BIO-4 (prevent entrapment). Should any vertical tubes, such as solar mount poles, chain link fencing poles, or any other hollow poles be utilized on site, the vertical pole shall be capped immediately after installation to prevent avian fatalities.</p>	The Applicant	During construction	City of Porterville	

IMMODO SOLAR PROJECT
 Mitigation Monitoring and Reporting Program

<p>BIO-5 (minimization) Construction-related activities and other types of project-related activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to, restriction of project-related vehicle traffic to established roads, construction areas and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures to prevent the inadvertent entrapment of kit foxes; and proper disposal of food items and trash. (See Appendix C for more details.)</p>	<p>The Applicant</p>	<p>During construction</p>	<p>City of Porterville</p>
<p>BIO-6 (Mortality reporting) In the event of accidental death or injury to a San Joaquin kit fox during project-related activities, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFG shall be notified in writing within three working days. Notification shall include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.</p>	<p>The Applicant</p>	<p>During construction</p>	<p>City of Porterville</p>
<p>BIO-7 (Employee Education Program) Prior to the start of construction-related activities at the proposed Project site the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the proposed project on all sensitive biological resources including the San Joaquin kit fox, with the potential to occur on or near the Project site. This training will include a description of the sensitive biological resources and their habitat requirements; a report of the occurrence of any sensitive biological resources in the proposed Project area; an explanation of the status of the species and its protection under the endangered species act; and a list of the measures being taken to reduce impacts to the species during proposed project construction-related activities.</p>	<p>The Applicant</p>	<p>Prior to construction</p>	<p>City of Porterville</p>

IMMODO SOLAR PROJECT

Mitigation Monitoring and Reporting Program

	The Applicant	City of Porterville
<p>CUL-1 If, in the course of Project construction related activities or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be immediately ceased. A qualified archaeologist shall be contacted and advise the City of the site's significance. If the findings are deemed significant by the City of Porterville, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the Project.</p>	During construction	City of Porterville
<p>CUL-2 If cultural resource remains are encountered during construction related or land disturbance activities work shall immediately stop and the City shall be immediately notified. A qualified Archaeologist will be notified to provide an assessment of the nature, extent, and potential significance of any cultural remains. If such remains are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased until further notice or the qualified archaeologist approves work to continue.</p>	During construction	City of Porterville

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 477

WHEREAS, application has been made by a private party to annex land into the City of Porterville for subsequent development as a solar field. The area to be annexed is approximately 10.21 acres in size and just south of the solar field currently being developed within the City. The proposed annexation (#477) includes two parcels; the primary parcel of 10.05± acres (APN 243-190-016) and a smaller parcel of 6805± square feet (APN 255-250-012) located at the northwest corner of North Grand Avenue and North Main Street; and

WHEREAS, the proposed annexation area is a portion of an “island” pursuant to Government Code Section 56375.3; and

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:
 - A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.
 - B. The nature of the proposal is a change of organization as follows:

A description of the exterior boundaries of the territory to be annexed is attached

**ATTACHMENT
ITEM NO. 5**

hereto and marked Exhibit "A" and made a part hereof by reference as though set forth herein.

- C. The reasons for this proposal are as follows:

To accommodate a proposed development application, while also provide for proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo's Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.
 - D. In compliance with the California Environmental Quality Act (CEQA), on October 15, 2013, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the ImMODO Solar Project. The review period ran for 30 days from September 13, 2013, to October 14, 2013. One comment letter was received on the Initial Study. The San Joaquin Valley Air Pollution Control District wrote to concur with the findings of the Mitigated Negative Declaration, and ask that the applicant be reminded that the proposed project is subject to District Rule 9510, which applies to development projects of this scale. No other comments were received.
 - E. The subject site is vacant land that has in the past been used as farmland, but has been fallow for years and is not located within an agricultural preserve.
 - F. That the subject site consists of 10.21± acres.
 - G. The subject site is located within Porterville's Urban Development Boundary and LAFCo's Sphere of Influence Boundary.
 - H. Porterville's General Plan designates the area for General and Service Commercial uses.
 - I. Upon consummation of the proposed annexation, as a part of the development application, the subject site will be rezoned City IG (General Industrial) pursuant to Section 200 of the Porterville Development Ordinance to accommodate the proposed project.
 - J. It is hereby requested that proceedings be taken for the change of organization proposed herein.
2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

By: _____

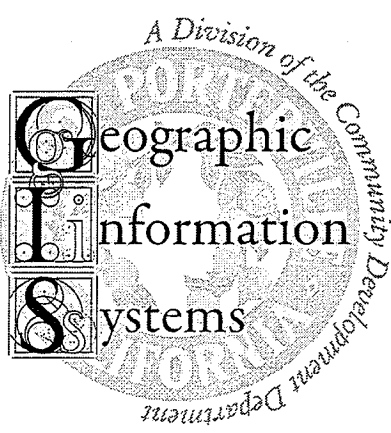
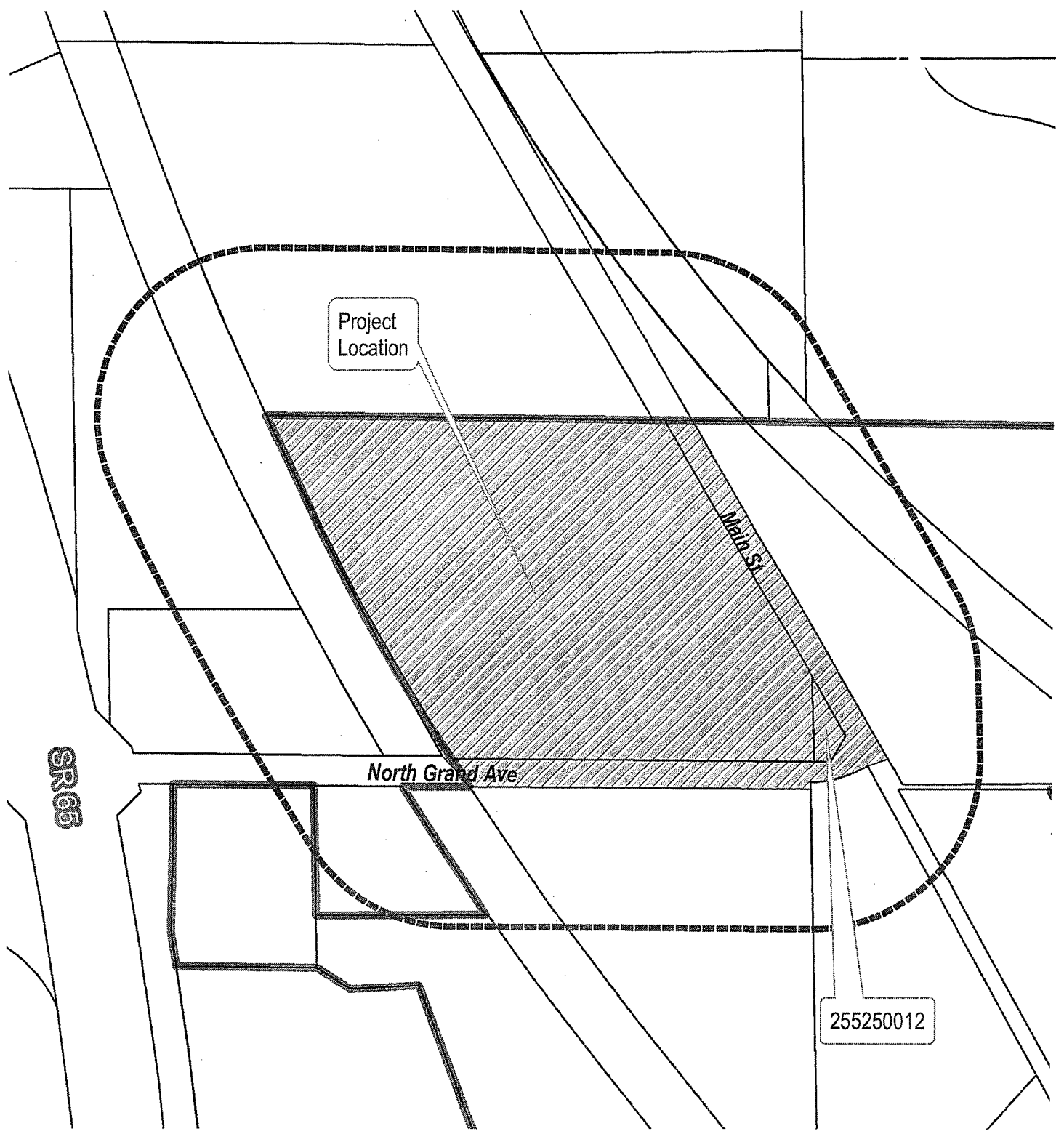
Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk



PRC 2013-014 A-G-Z
imMODO Solar Project
Annexation No. 477
General Plan Amendment and Zone Change
Project Locator Map
1" = 250 ft.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A GENERAL PLAN
AMENDMENT (2013-014-G) FOR A PROPOSED SOLAR GENERATION FIELD

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 15, 2013, conducted a public meeting to consider approval of a General Plan amendment from General and Service Commercial to Industrial for two parcels, totaling 10.21± acres. The primary parcel is 10.05± acres in size (APN 243-190-016) and a smaller parcel is 6805± square feet (APN 255-250-012), both located at the northwest corner of North Grand Avenue and North Main Street; and

WHEREAS: The subject site is being considered for development in a manner consistent with the development immediately north and within the City- a solar generation field; and

WHEREAS: The project parcels are both currently vacant land; and

WHEREAS: On September 5, 2013, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The proposed General Plan Amendment is supported by staff due to the logical pattern continued by the proposed action. While the proposed project can and will function independently of the solar project under construction to the north, the adjacency of the two is logical.

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

1. The use of energy efficient and “green” energies is consistent with the General Plan, and the change in land use designation for the subject site would support development of a renewable energy resource.
2. Based on review of application materials and submitted plans, the proposed project serves to fulfill the goals of the General Plan as adopted, and the amendment of the land use designation on the subject parcels (APN 243-190-016 and APN 255-250-012) does not infringe on the goals of the General Plan to maintain transitions between types and intensities of land use.
3. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the General Plan Amendment from General and Service Commercial to Industrial for two parcels shown herein as Exhibit “A”, totaling 10.21± acres for a proposed solar generation field located at the northwest corner of North Grand Avenue and North Main Street (PRC 2013-014-G).

PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

By: _____










Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

-  Porterville City Limits 2012
-  Project Site
- General Plan Land Use**
-  Agriculture Rural Conservation
-  Low Density Residential
-  Medium Density residential
-  High Density Residential
-  Industrial
-  Retail Centers
-  General and Service Commercial

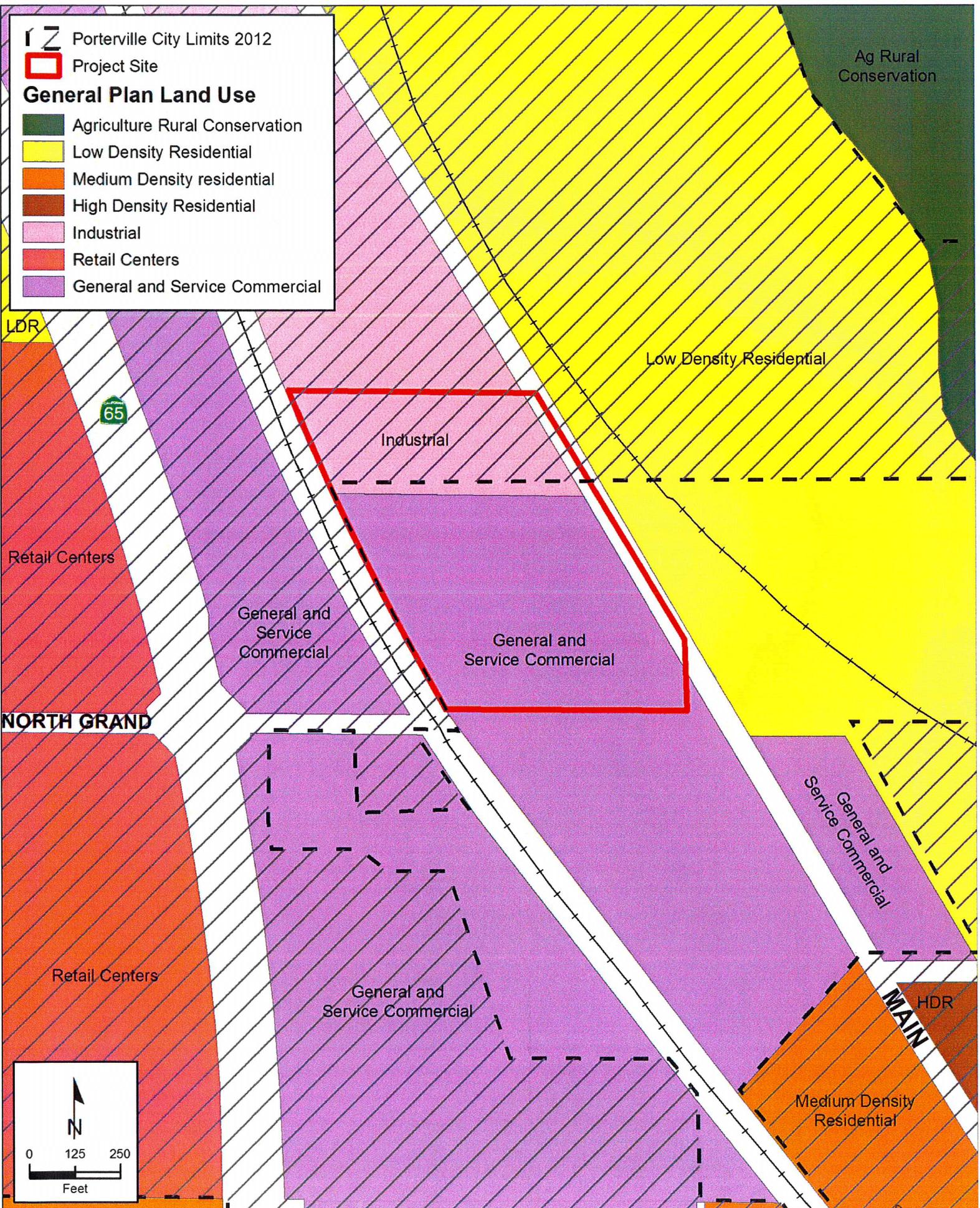


Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE (PRC 2013-014-Z) FROM CG (GENERAL AND SERVICE
COMMERCIAL) TO IG (GENERAL INDUSTRIAL) FOR THAT 10.21± ACRE SITE
LOCATED GENERALLY AT THE NORTHWEST CORNER OF NORTH GRAND AVENUE
AND NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 15, 2013, conducted a public hearing to approve findings and consider Zone Change (PRC 2013-014-Z), being a change of zone from CG (General and Service Commercial) to IG (General Industrial) for two parcels; the primary parcel of 10.05± acres (APN 243-190-016) and a smaller parcel of 6805± square feet (APN 255-250-012) located at the northwest corner of North Grand Avenue and North Main Street; and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (PRC 2013-014-Z) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for 30 days from September 13, 2013, to October 14, 2013. One comment letter was received on the Initial Study. The San Joaquin Valley Air Pollution Control District wrote to concur with the findings of the Mitigated Negative Declaration, and ask that the applicant be reminded that the proposed project is subject to District Rule 9510, which applies to development projects of this scale. No other comments were received; and

WHEREAS: The City Council made the following findings that the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted:

- a. The project supports and complies with General Plan policies.

Specifically, the project promotes a sustainable, balanced land use pattern that responds to the needs of a re-emergent economy, while also encouraging industrial growth (LU-G-1 and LU-G-3). Additionally, by inviting solar energy with the proposed project, the City is promoting sustainability for other future project which could benefit from the available clean energy.

- b. Development of the site as proposed has been reviewed by the Project Review Committee, which has provided direction consistent with the City's development standards.
- c. The General Plan designation for the subject area was approved by the City Council on October 15, 2013, modifying the General Plan designation from General and Service Commercial to Industrial for the subject site.
- d. The subject Zone Change will not create adverse environmental impacts on the

adjacent neighborhood when mitigation measures as defined in the mitigation monitoring report are met, and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change PRC 2013-014-Z, is hereby rezoned from CG (General and Service Commercial) to IG (General Industrial), pursuant to Section 3 below, for the parcels described herein as Assessor's Parcel Numbers 243-190-016 and 255-250-012 located at the northwest corner of North Grand Avenue and North Main Street; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from CG (General and Service Commercial) to IG (General Industrial) for the parcels described above, more particularly shown on the attached map as Exhibit "A"; and

Section 3: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage.

PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

By: _____

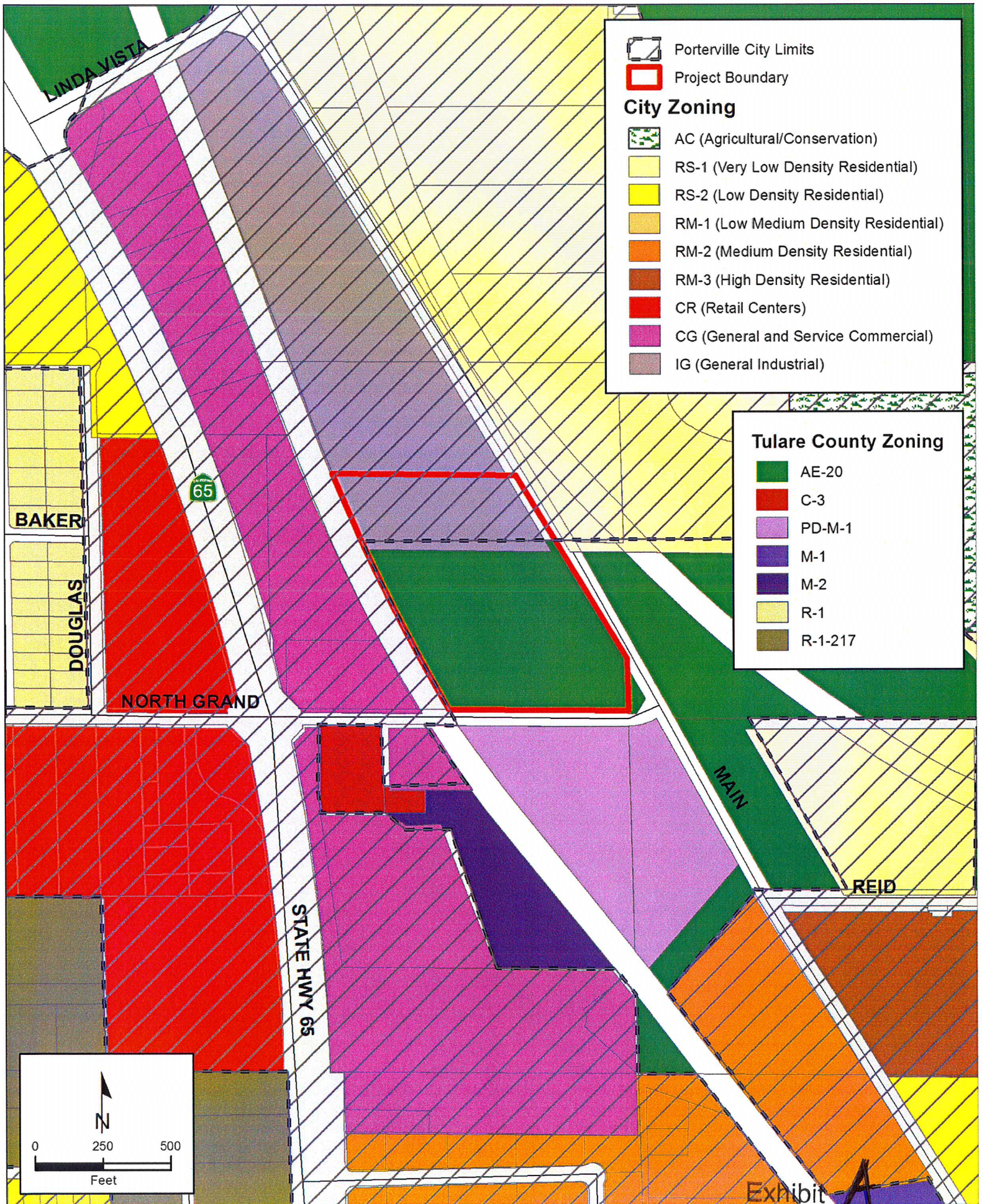
Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk



Porterville City Limits
 Project Boundary
City Zoning
 AC (Agricultural/Conservation)
 RS-1 (Very Low Density Residential)
 RS-2 (Low Density Residential)
 RM-1 (Low Medium Density Residential)
 RM-2 (Medium Density Residential)
 RM-3 (High Density Residential)
 CR (Retail Centers)
 CG (General and Service Commercial)
 IG (General Industrial)

Tulare County Zoning
 AE-20
 C-3
 PD-M-1
 M-1
 M-2
 R-1
 R-1-217

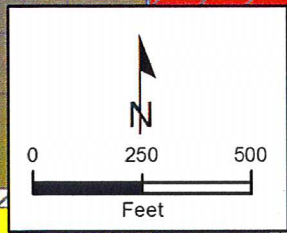


Exhibit A