

ORDINANCE NO. 3522

AN ORDINANCE AMENDING SECTION 2, SECTION 2.2, SUBSECTION B OF PART II OF SECTION 16, SUBSECTION G OF PART II OF SECTION 16, AND SECTION 22.1 AND DELETING SECTION 15.1 OF UNCODIFIED TULARE COUNTY ORDINANCE NO. 352 (COMMONLY KNOWN AS THE TULARE COUNTY ZONING ORDINANCE), PERTAINING TO THE DEFINITIONS OF BOVINES AND BOVINE FACILITIES, CLARIFYING THE LOCATIONS FOR BOVINE FACILITIES AND BOVINE FACILITY EXPANSIONS, PROVIDING THAT CERTAIN COMPLIANT BOVINE FACILITIES MAY BE CONSIDERED UNDER THE ADMINISTRATIVE SPECIAL USE PERMIT PROCESS AND ADDRESSING COMPLIANCE REPORTING AND MONITORING.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. "Section 2: Definitions" of the uncodified ordinance no. 352 (hereinafter referred to as the Tulare County Zoning Ordinance) is amended to add the following definitions after the definition of "Borrow Pit" and before the definition of "Building":

Bovine or Bovine Animal: Dairy (including mature cows and support stock) and beef cattle and/or other similar ox-like animals.

Bovine Facility: A dairy, cattle feedlot or other confined animal facility for bovines.

Bovine Facility Expansion: Any expansion of either an existing bovine facility or a new bovine facility authorized by the County under Section 2.5 of the Animal Confinement Facilities Plan or any other applicable regulations.

Section 2. "Section 2: Definitions" of the Tulare County Zoning Ordinance is amended to add the following definition after the definition of "Commission" and before the definition of "Convalescent Homes":

Compliant Bovine Facility: Each existing bovine facility which has obtained Waste Discharge Requirements (WDRs) from the California Regional Water Quality Control Board (RWQCB) via General Order R5-2007-0035 or via an individual order, and which has obtained a Permit to Operate from the San Joaquin Valley Air Pollution Control District (SJVAPCD) (unless expressly exempt from such permit), and which is in compliance with the permitted herd size as provided in the ACFP List.

Section 3. "Section 2: Definitions" of the Tulare County Zoning Ordinance is amended to add the following definition after the definition of "Exhibition" and before the definition of "Family":

Existing Bovine Facility: Each of the bovine facilities existing in Tulare County as of December 31, 2013, as same may be expanded by a bovine facility expansion.

Section 4: "Section 2.2: Definitions Pertaining to Animal Confinement Facilities" of the Tulare County Zoning Ordinance is amended to delete the definition of "Animal Unit".

Section 5: The definition of "Crop Acreage" in "Section 2.2: Definitions Pertaining to Animal Confinement Facilities" of the Tulare County Zoning Ordinance is amended to read:

CROP ACREAGE

Irrigable portion of lands serving and essential to a bovine facility, including wastewater conveyance ditches, areas used for wastewater discharge and for facility feed crops, excluding buildings, corrals and/or pens, feed and/or manure storage areas, lagoons/sumps, canals, waterways, and public road rights-of-way.

Section 6: Section 15.1 CONFINED ANIMAL FEEDING OPERATIONS is deleted.

Section 7. Subsection B of Part II of "Section 16: Variances and Special Use Permits" of the Tulare County Zoning Ordinance is amended to delete the use "Dairy" and add the use "Bovine Facility" after "Borrow pit" and before "Bowling Alley" to read:

Bovine Facility – A new bovine facility when more than 25 bovine animals are on the property at any time - AE-40, AF. An existing bovine facility or existing bovine facility expansion when more than 25 bovine animals are on the property at any time – A-E, AE-20, AE-40, AE-80, A-1, AF. Lands allocated to nutrient waste disposal for a new bovine facility – AE-20, AE-40, AE-80, AF. Lands allocated to nutrient waste disposal for an existing bovine facility or an existing bovine facility expansion - A-E, AE-20, AE-40, AE-80, A-1, AF.

Section 8: Subsection G of Part II of "Section 16: Variances and Special Use Permits" of the Tulare County Zoning Ordinance is hereby amended to add "Certain Compliant Bovine Facilities" to the list of uses eligible for consideration under the Administrative Special Use Permit process.

Section 9: "Section 22.1 CONFINED ANIMAL FEEDING OPERATIONS COMPLIANCE REPORTING AND MONITORING" is amended to read:

SECTION 22.1 BOVINE FACILITIES COMPLIANCE REPORTING AND MONITORING

PURPOSE A.

It is the purpose of this Section to establish a program to monitor all bovine facilities for compliance with the policies of the Animal Confinement Facilities Plan (ACFP), an element of the Tulare County General Plan 2030 Update as such plans may be amended from time to time. In addition, monitoring shall include compliance with all land use entitlements approved by the County for such bovine facilities and with applicable mitigation measures of the Program Environmental Impact Report (PEIR) and provisions of the Dairy Climate Action Plan (Dairy CAP) adopted for the ACFP.

ANNUAL COMPLIANCE REPORT B.

The owner and operator of each bovine facility shall complete and submit an Annual Compliance Report (ACR) to the Resource Management Agency Director ("RMA Director") in substantially

the form and content set out in Appendix B to the ACFP as such form may be amended and updated from time to time by the RMA Director or his/her designee. Each ACR shall be submitted no later than July 15th of every year (or such other date set by the RMA Director upon prior written notice to the owner or operator) upon forms furnished by the Tulare County Resource Management Agency. The ACR shall cover the preceding calendar year.

COMPLIANCE INSPECTIONS C.

The RMA Director shall schedule and conduct compliance inspections for bovine facilities to determine compliance with County regulations as provided in "Purpose A" and other matters as determined by the RMA Director. The goal shall be to schedule inspections so that all bovine facilities are inspected at least every (5) years. An annual compilation of all the compliance inspections shall be prepared by the Tulare County Resource Management Agency by August 1st of each year for the preceding calendar year and may include information from any applicable ACR. Inspections may be reflected in the ACFP List established in compliance with the ACFP.

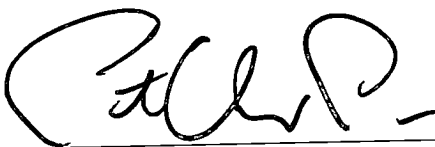
Section 10. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof [a summary] shall be published once in the Visalia Times-Delta, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed upon motion by Supervisor Worthley, Seconded by Supervisor Shuklian, adopted by the Board of Supervisors of the County of Tulare, State of California, on December 12, 2017, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES: Supervisors Crocker, Vander Poel,
Shuklian, Worthley, and Ennis

NOES: None

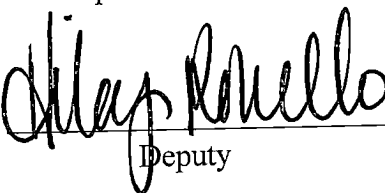
ABSENT: None



Chairman, Board of Supervisors

ATTEST: Michael C. Spata
County Administrative Officer/Clerk
Board of Supervisors

By:


Deputy