

KINGS COUNTY PLANNING COMMISSION

Regular Meeting
7:00 P.M.

Government Center
Hanford, California

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 Thursday prior to this meeting. Agenda backup information and any public records provided to the Commission after the posting of the agenda for this meeting will be available for public review at the Kings County Community Development Agency, Building No. 6, Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California.

Updated AGENDA December 2, 2019

This meeting will be held in the Board of Supervisors Chambers, Administration Building No. 1, Kings County Government Center, 1400 W. Lacey Boulevard, Hanford, California. Pursuant to California Government Code Section 65009, subdivision (b), if you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

I. CALL TO ORDER - Kings County Planning Commission Meeting

- 1. REQUEST THAT CELL PHONES BE TURNED OFF**
- 2. PLEDGE OF ALLEGIANCE**
- 3. SUMMARY OF THE AGENDA – Staff**
- 4. UNSCHEDULED APPEARANCES**

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

- 5. APPROVAL OF MINUTES - Meeting of November 4, 2019.**

II. OLD BUSINESS - NONE

III. NEW BUSINESS

- 1. CONDITIONAL USE PERMIT NO. 92-01 (KINGS WASTE AND RECYCLING AUTHORITY) -** The applicant proposes a five-year extension of time for C.U.P. No. 92-01 to continue operating the existing Materials Recovery Facility and Transfer Station located at 7803 Hanford-Armona Road, Hanford.
 - A. Staff Report
 - B. Public Hearing
 - C. Decision: Adopt Resolution No. 19-07 - Roll Call Vote

2. **CONDITIONAL USE PERMIT NO. 19-06 (CROWN CASTLE – AT&T)** - The applicant proposes to establish a new 18ft steel pipe monopole within an existing cellular telecommunications facility located at 30776 Utica Avenue, Avenal, Assessor's Parcel Number 038-330-018. There will be NO INCREASE TO THE LEASED AREA.
 - A. Staff Report
 - B. Public Hearing
 - C. Decision: Adopt Resolution No. 19-08 - Roll Call Vote

3. **CONDITIONAL USE PERMIT NO. 19-08 (COMPLETE WIRELESS)**
The applicant proposes to construct a wireless telecommunication facility with a 144-foot tall monopole in a fenced lease area located at 21551 Fargo Avenue, Lemoore, Assessor's Parcel Number 004-211-004.
 - A. Staff Report
 - B. Public Hearing
 - C. Decision: Adopt Resolution No. 19-09 - Roll Call Vote

IV. MISCELLANEOUS

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Monday, January 6, 2020.
2. **CORRESPONDENCE**
3. **STAFF COMMENTS**
4. **COMMISSION COMMENTS**

V. ADJOURNMENT

NOTICE OF RIGHT TO APPEAL: For projects where the Planning Commission's action is final, actions are subject to appeal by the applicant or any other directly affected person or party and no development proposed by the application may be authorized until the final date of the appeal period. An appeal may be filed with the Community Development Agency at 1400 W. Lacey Blvd., Building #6, Hanford, CA, on forms available at the Community Development Agency. A filing fee of \$1,000.00 must accompany the appeal form. The appeal must be filed within 8 days of the Planning Commission's decision date, not including the date of the decision. If no appeal is received, the Planning Commission's action is final. There is no right of appeal for projects for which the Planning Commission's action is advisory to the Board of Supervisors.

**KINGS COUNTY PLANNING COMMISSION
MINUTES**

District 1 Commissioner – Riley Jones*

District 2 Commissioner – April Bryant

District 3 Commissioner – Vacant

District 4 Commissioner – Jim Maciel**

District 5 Commissioner – Steven Dias

*Chairman

**Vice-Chairman

November 4, 2019

CALL TO ORDER: The meeting of the Kings County Planning Commission was called to order by Chairman Jones at 7:00 p.m. in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, Hanford, California. The Pledge of Allegiance was recited.

COMMISSIONERS PRESENT: Jim Maciel, April Bryant, Steven Dias, Riley Jones

COMMISSIONERS ABSENT:

STAFF PRESENT:

Greg Gatzka – Director, Diane Freeman – County Counsel, Chuck Kinney – Deputy Director, Terri Yarbrough – Executive Secretary

VISITORS PRESENT:

Carol Neilson, Nancy Silva, Jamie Perding, Jacqueline Lowe, Luciana Cortez, Steve Brandt, Richard Tipton, Dwight Wilson, Donald Camp, Paul Cortez, Katrina Gallegos, Natalie Ward, Manuel Fagundes

SUMMARY OF THE AGENDA: Mr. Gatzka summarized the agenda for the Commission.

**UNSCHEDULED
APPEARANCES:**

Carol Neilson, Nancy Silva, Jamie Perding, and Theresa Robinson stated they were in favor of Conditional Use Permit 19-03. Jacqueline Lowe and Lucianna Cortez stated they were not in favor of Conditional Use Permit 19-03.

APPROVAL OF MINUTES:

A motion was made and seconded (Dias/Maciel) to approve the minutes of the October 7, 2019 meeting. Motion carried unanimously with one vacancy.

OLD BUSINESS: None

NEW BUSINESS:

1. Conditional Use Permit No. 19-03 (Hanford Columbians, Inc.)

Mr. Kinney provided a summary of a proposal to establish a community facility for a religious, philanthropic and charitable institution. The religious, philanthropic and charitable institution proposes to utilize existing structures and facilities already located on the property. The project site is to be located at 5152 11th Avenue, Hanford, Assessor's Parcel Numbers 006-0031-006. Mr. Kinney provided an overview of the project and reviewed the conditions of approval.

Chairman Jones opened the public hearing and asked if there was anyone wanting to speak in favor of the project. Steve Brandt, Quad Knoff consultant, acknowledged some issues from the past and changes proposed to address those issues. Commissioner Maciel asked about using decomposed granite (DG) on the overflow parking area. Richard Tipton, president of the Columbians, stated they have discussed DG on overflow but have not had a need to use the overflow parking. Chairman Jones asked if there is a rental agreement form for community rentals. Mr. Tipton stated they are working on a lease agreement which will have these conditions listed on it. Mr. Tipton also stated that the Columbians would hire the security and one of the Knights would be onsite to serve and control the

alcohol. Mr. Dwight Wilson, past District Deputy for the Knights of Columbus also spoke in favor of the project. Chairman Jones asked if there was anyone else wanting to speak in favor of the project, seeing none he asked if there was anyone wanting to speak in opposition of the project. Jacqueline Lowe, Paul Cortez, Katrina Gallegos, Natalie Ward, and Manuel Fagundes all spoke in opposition. Katrina Gallegos also submitted a document, labeled as Exhibit A, with signatures from neighbors that are in opposition along with documentation of issues arising from events held at the facility approximately 10 years ago. Chairman Jones asked if there was anyone else wanting to speak in opposition of the project. Seeing none, he accepted rebuttal from those in favor. Mr. Tipton stated they had held one meeting with the neighbors but were unable to set up a subsequent meeting. He also addressed how they would control noise. Chairman Jones asked if the Knights of Columbus would be opposed to adding a condition that would require a member of the Knights at every function. The Knights were agreeable. Chairman Jones also asked Mr. Brandt if the noise requirements for that property were the same as any other property in that zone district. Commissioner Maciel asked what the penalty was for anyone exceeding the noise limit. Mr. Gatzka explained the compliance process and stated that if they exceed the noise level the business or property owner would be put on notice and if they failed to come into compliance the worst case scenario would be revocation of the permit. Commissioner Bryant asked how noise would be controlled with regard to the restrooms since they are located outside. Mr. Tipton addressed the question. Seeing nobody else wanting to speak, he closed the public hearing.

Commissioner Bryant suggested reducing the allowable from 100 to 50 and re-evaluate at a later date. Chairman Jones stated that would be a drastic change. Mr. Tipton stated they are proposing 100 events per year which includes 36 that are currently Knight of Columbus meetings.

A motion was made and seconded (Dias/Bryant) to adopt Resolution 19-06, adding the condition that a member of the Knights of Columbus would be required to attend all events, and approving CUP 19-03 to establish a community facility for religious, philanthropic and charitable institution. Motion carries unanimously with one vacancy.

MISCELLANEOUS

1. **FUTURE MEETINGS:** The next regular meeting of the Planning Commission is scheduled for Monday, December 2, 2019
2. **CORRESPONDENCE:** None
3. **STAFF COMMENTS:** None
4. **COMMISSION COMMENTS:** None

ADJOURNMENT – The meeting was adjourned at 8:34 p.m.

Respectfully Submitted,

KINGS COUNTY PLANNING COMMISSION



Greg Gatzka, Commission Secretary

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Conditional Use Permit No. 92-01 Zoning Ordinance No. 269 / Development Code 668.14 December 2, 2019

APPLICANT: Kings Waste and Recycling Authority, 7803 Hanford-Armona Road, Hanford, CA 93230

PROPERTY OWNER: Kings Waste and Recycling Authority, 7803 Hanford-Armona Road, Hanford, CA 93230

LOCATION: 7803 Hanford-Armona Road, Hanford

GENERAL PLAN DESIGNATION: Public (P) and General Agriculture – 20 (AG-20)

ZONE DISTRICT CLASSIFICATION: Public Facilities (PF) and General Agricultural – 20 Acre Minimum (AG-20)

CONDITIONAL USE PROPOSED: The applicant proposes a five-year extension of time for Conditional Use Permit No. 92-01 to continue to operate the existing Materials Recovery Facility and Transfer Station.

DISCUSSION:

On April 12, 1993, the Kings County Planning Commission adopted Resolution No. 1194 which approved Conditional Use Permit No. 92-01. The permit authorized the Kings Waste and Recycling Authority (KWRA) to construct and operate a materials recovery facility (MRF), a household hazardous waste facility, and a solid waste transfer station. It took an additional two years to obtain state permits and construct the facility. The MRF began operation in 1995. On June 30, 2019, KWRA ceased sorting operations (MRF operation) but will continue to operate as a household hazardous waste facility, and a solid waste transfer station. Condition No. 16 of Resolution No. 1194 states:

“The duration of this permit is five (5) years commencing from the initial date of operation or is coextensive with the five (5) year permit of the Local Enforcement Agency (LEA) of the California Integrated Waste Management Board (CIWMB) which ever permit is longer. Prior to the end of such term the Commission shall review the performance of the KWRA, its contractor(s) if any, and the Waste Management Complex facility to determine whether it is performing and being operated in compliance with local, state, and federal permit conditions; and determine whether additional permit conditions are warranted. Unless the Commission makes an affirmative finding of noncompliance which may terminate the permit, the permit shall continue for an additional specified time,

but not less than 5 years, with such additional permit conditions as the Commission imposes.”

The solid waste facilities 5 year permit will expire on January 31, 2020 therefore the Local Enforcement Agency (LEA) has begun the application process of issuing a new permit from CalRecycle. The applicant submitted a Solid Waste Facility Permit Application to the LEA on July 8, 2019, for permit review. In the Solid Waste Facility Permit Application, the LEA did not identify any negative impacts related to the operation of the MRF/Transfer Station. A copy of Planning Commission Resolution No. 1194 is attached to this staff report.

On January 26, 2010, the Kings County Board of Supervisors adopted Resolution No. 10-001 certifying the Final Program Environmental Impact Report for the *2035 Kings County General Plan Update* and Resolution No. 10-002 adopting the *2035 Kings County General Plan*. In adopting the 2035 Kings County General Plan the land use designation for a portion the project site was changed from General Agriculture (AG-20) to Public (P).

On May 22, 2012, the Kings County Board of Supervisors adopted Ordinance No. 269-2-12 approving Component B of Change of Zone District Boundaries No. 11-01 as part of the implementation of the *2035 Kings County General Plan*. In adopting Ordinance No. 269-2-12 the zoning designation for a portion of the project site was changed from General Agricultural (AG-20) to Public Facilities (PF).

On March 3, 2019, the Kings County Board of Supervisors adopted Ordinance No. 668, the *Kings County Development Code*. The *Kings County Development Code* implements the goals and policies of the *2035 Kings County General Plan*. Any permit or approval issued in compliance with this *Development Code* shall be consistent with the *General Plan* and all specific plans. In any case where there is a conflict between this *Development Code* and the *General Plan*, the *General Plan* governs. On April 2, 2015 the *Development Code* went into effect.

CURRENT USE OF SITE: Materials Recovery Facility / Transfer Station Facility

LAND USE

SURROUNDING SITE: Agricultural field crops, agricultural residences, bovine dairies, a County Fire Station, an old concrete batch plant, pesticide application company, State Route 43 and High Speed Rail (under construction).

PROJECT REVIEW:

April 12, 1993	Planning Commission adopted Resolution No. 1194 approving Conditional Use Permit No. 92-01
November 1995	MRF begins operation
September 8, 1999	Applicant submits Solid Waste Facilities Permit renewal application to the LEA
January 3, 2000	Planning Commission adopted Resolution No. 00-01 approving a five-year extension of time for Conditional Use Permit No. 92-01
October 11, 2004	Applicant submits Solid Waste Facilities Permit renewal application to the LEA
January 3, 2005	Planning Commission adopted Resolution No. 05-01 approving a five-year extension of time for Conditional Use Permit No. 92-01

July 1, 2009	Applicant submits Solid Waste Facilities Permit renewal application to the LEA
December 14, 2009	Planning Commission adopted Resolution No. 09-16 approving a five-year extension of time for Conditional Use Permit No. 92-01
July 3, 2014	Applicant submits Solid Waste Facilities Permit renewal application to the LEA
December 1, 2014	Planning Commission adopted Resolution No. 14-12 approving a five-year extension of time for Conditional Use Permit No. 92-01.
June 30, 2019	KWRA ceases sorting operations – closes the MRF operations but will continue operation as a Transfer Station
July 8, 2019	Applicant submits Solid Waste Facilities Permit renewal application to the LEA
December 2, 2019	Planning Commission public hearing to consider a proposed five-year extension of time for Conditional Use Permit No. 92-01.

RECOMMENDATIONS:

It is recommended that the Commission hold a public hearing and:

1. Reaffirm all of the findings and conditions of approval contained in Planning Commission Resolution Numbers 1194, 00-01, 05-01, 09-16, and 14-12 except for the following modifications:
 - A. Finding No. 6 of Planning Commission Resolution No. 1194 is modified to change the land use designation from “General Agriculture (AG-20)” to “Public (P)” to be consistent with the change in land use designation resulting from the adoption of Board of Supervisors Resolution Numbers 10-001 and 10-002 on January 26, 2010, approving the *2035 Kings County General Plan*.
 - B. Section X.A. of Planning Commission Resolution No. 1194 is modified to change the zoning designation from “General Agricultural (AG-20)” to “Public Facilities (PF)” to be consistent with the change in zoning designation resulting from the Board of Supervisors adoption of Ordinance No. 269-2-12 on May 22, 2012 approving Component B of Change of Zone District Boundaries No. 11-01.
 - C. Condition No. 3 of Planning Commission Resolution No. 1194 is modified to change the land use designation from “General Agriculture (AG-20)” to “Public (P)” to be consistent with the change in land use designation resulting from the adoption of Board of Supervisors Resolution Numbers 10-001 and 10-002 on January 26, 2010, approving the *2035 Kings County General Plan*.
 - D. Condition No. 16 of Planning Commission Resolution No. 1194 is modified as follows:

“The duration of this permit is coextensive with the permit of the Local Enforcement Agency of CalRecycle. If the permit of the Local Enforcement Agency of CalRecycle expires, then Conditional Use Permit No. 92-01 shall also expire at the same time.”

2. Find that this Commission is unable to find noncompliance with any term or condition of Conditional Use Permit No. 92-01.
3. Approve the extension of time for Conditional Use Permit No. 92-01 to be coextensive with the permit of the Local Enforcement Agency of CalRecycle and adopt Planning Commission Resolution No. 19-07.

PREPARATION:

Prepared by the Kings County Community Development Agency (Kao Nou Yang) on November 18, 2019. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

H:\PLANNING\LAND DEVELOPMENT SECTION\ZONING ADMIN\CUP\1990 TO 1999\1992\92-01 MATERIAL RECOVERY FACILITY (MRF)\5TH 5 YR REVIEW (2020)\PC REPORTS\CUP 92-01 PC STAFF REPORT.DOC

BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA

* * * * *

IN THE MATTER OF APPROVING) RESOLUTION NO. 1194
CUP 90-01, AN APPLICATION)
FOR A WASTE MANAGEMENT) RE: Waste Management
COMPLEX) Complex

WHEREAS, an application was submitted on March 3, 1992, by the Kings County Waste Management Authority (KCWMA) for Conditional Use Permit No. 92-01 (CUP 92-01), a proposal to establish and operate a Waste Management Complex located adjacent to the southwest corner of the present Hanford Landfill containing 30 acres on a portion of the SW 1/4 of Section 4, T.19 S., R.22 E., M.D.B. & M.; and

WHEREAS, after the application was submitted a Final Supplemental Environmental Impact Report (FSEIR) was prepared pursuant to the California Environmental Quality Act (CEQA), and other studies and activities were conducted, as required by law; and

WHEREAS, on April 12, 1993, the Kings County Planning Commission held a duly noticed public hearing on CUP 92-01 in the Board of Supervisors Chambers of the Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California; at the hearing the Commission received a report presented by County staff that included recommendations; a report from the County's FSEIR Consultant; and testimony both oral and written, from the applicant, various public agencies, members of the general public, and various private groups; and

WHEREAS, upon the close of the public hearing on this matter the Commission considered the matter and all testimony offered

NOW, THEREFORE, the Kings County Planning Commission makes the following findings of fact, conclusions of law, and statement of overriding considerations; and approves CUP 92-01 subject to the conditions stated in Section XI below:

I. PROJECT DESCRIPTION

A. Project Description:

The Kings County Waste Management Authority (KCWMA) has applied for CUP No. 92-01 which would entail the construction and operation of a Material Recovery Facility (MRF), a composting area, a public buy back area, a household hazardous waste collection area, and a transfer station. The site (APN 16-130-10 and 16-130-38) is located adjacent to the southern corner of the present Hanford Landfill. The site is currently used for raising field crops.

The site was selected because of its immediacy to the present Hanford landfill. This means that the haul routes for the packer trucks would be already established because they presently bring all the waste to the Hanford landfill. The design includes an access driveway for packer collection vehicles, entrance gatehouse, scale, tipping floor, material recovery area, composting area, compactor unit, office building, parking lot, and a separate maintenance building. The Waste Management Complex would be fenced on all sides. Wastes received at the proposed facilities would include residential, commercial, and industrial solid (municipal) waste. It is planned that household hazardous waste will be accepted once a month. Household hazardous waste would be professionally processed and transported from the site. No other hazardous materials would be accepted at the facility.

B. Need for the Facility:

A new landfill, the Kettleman Hills site (C.U.P. 1533), was approved by the Commission in 1991. Due to the location away from the general waste stream, a transfer station is necessary to transport waste more efficiently from the population center of the county to the landfill. The transfer station will handle more than 80% of the County's municipal solid waste.

In September of 1989, the Governor of California signed the Integrated Waste Management Act of 1989 (AB939) which requires each jurisdiction in the state to divert 25% of their waste from a landfill by 1995 and 50% by the year 2000. The bill also requires each county to complete an Integrated Waste Management Plan which will be comprised of a Source Reduction and Recycling Element (SRRE), a Household Hazardous Waste Element (HHWE), a Siting Element and a Plan Summary. To date, the SRRE and HHWE have been completed and adopted by Kings County and the cities of Corcoran, Hanford and Lemoore.

C. Procedural History and Notice

A conditional use permit application pursuant to the Kings County Zoning Ordinance is a discretionary project. Before the Planning Commission may act on the CUP application it must undergo environmental review pursuant to the California Environmental Quality Act (CEQA). Kings County has implemented CEQA pursuant to Resolution No. 76-104 (as amended) which adopts the CEQA Guidelines for procedural requirements, and established and uses the Kings County Environmental Review Committee (ERC) to provide an expert review panel to process environmental documents and recommend to the Kings County decision makers whether a project may or may not have significant adverse environmental impacts and propose mitigation measures to reduce those impacts to insignificant levels where possible.

In June of 1992, the consulting firm of Fugro-McClelland Consultants Inc., was retained by Kings County to prepare a Supplemental Environmental Impact Report (SEIR) dated March 1993 for the project. For this SEIR the ERC set the public comment period for the draft SEIR from January 11, 1993 to February 24, 1993. During that time seven comments were received and responded to by Fugro-McClelland (contained in the Final SEIR). The ERC met on March 22, 1993 and recommended that the SEIR be found adequate. The ERC also made certain recommendations regarding the Final SEIR. These recommendations are as follows:

At a Special Meeting on Monday, March 22, 1993, the Kings County Environmental Review Committee (ERC) recommended that the Final Supplemental Environmental Impact Report of the Kings County Integrated Solid Waste Management Complex be approved. The ERC found after hearing comments that four changes to the recommended Mitigation Measures are appropriate. The changes are:

1. Page 10-2; item 3.a.; the paragraph should be changed to read:
 - 3.a. If required by another regulatory agency or authority which has jurisdiction, prior to the start of waste management operations at the project site, baseline groundwater quality should be established. If required by another regulatory agency or authority which has appropriate jurisdiction, annual groundwater quality monitoring should be conducted by the project applicant. If a suspected water quality impact resulting from project operations is detected, a verification and, if necessary, corrective action program should be implemented by the applicant. All required verification and corrective action programs should be approved by RWQCB, and documentation should be

reviewed by the LEA. Immediate steps should be taken to identify and rectify the source of the contamination.

Factual Determination: Based on expert opinion provide by Harry Verhuel, RCE, Kings County Public Works Director, and Loretta Tucker, RS, Kings County Local Enforcement Agency for the California Integrated Waste Management Board, the potential for contamination of the groundwater below the site from the MRF activities is so remote as to be insignificant. Therefore, this mitigation should only apply if required by a regulatory agency with jurisdiction in this area.

2. Page 10-10; item 2.a.; the paragraph should be changed to read:

- 2.a. No exterior waste processing activities would occur at the project site between the hours of 7 p.m. and 7 a.m. which create a nuisance or are not in compliance with the standards of the Noise Element of the Kings County General Plan.

Factual Determination: The ERC believes that the intent of the mitigation should be based on performance rather than simply restrictions. Therefore, exterior activities in the evening and nighttime which are not a nuisance to the surrounding area should be allowed as long as the standards in the Noise Element of the General Plan are followed.

3. Page 10-10; item 2.b.; the paragraph should be changed to read:

- 2.b. Activities that occur at the project site, especially those which occur between the hours of 10:00 p.m. and 7:00 a.m., shall be in compliance with the standards of the Noise Element of the Kings County General Plan.

Factual Determination: See discussion following #2 above.

4. Page 10-21; item 1.b.; the paragraph should be changed to read:

- 1.b. Unless prohibited by another regulatory agency or authority which has jurisdiction, any water collected from the composting area should be utilized in the composting process.

Factual Determination: Based on expert opinion provide by Harry Verhuel, RCE, Kings County Public Works Director, and Phil Hudecek, RS, Kings County Local Enforcement Agency for the California Integrated Waste Management Board, the ERC noted there are no regulations concerning compost operation water runoff. The Committee believes that reuse of the water in the composting process is the best method of managing that water. However, if regulations are adopted in the future the operator should comply with those rules.

II. ADMINISTRATIVE RECORD

The Administrative Record of CUP 92-01 includes: 1) the relevant files of the Kings County Planning Department related to the siting of a Waste Management Complex; 2) the relevant files contained within the files of the Local Enforcement Agency (LEA) of the California Integrated Waste Management Board (CIWMB); 3) the relevant files of the Kings County Public Works Department for the siting of a Waste Management Complex; and 4) the relevant files and the materials submitted by the applicant, KCWMA.

For the purpose of CEQA, general plan consistency, and zoning consistency findings set forth below, the administrative record of the Planning Commission decision for this project (CUP92-01) includes the following:

1. Kings County Planning Agency files entitled: Conditional Use Permit No. 92-01 - Kings County Waste Management Authority - Owner.
2. Kings County General Plan Amendment No. 83-01 - Solid Waste Sites.
3. Kings County Solid Waste Management Plan, 1986, Update
4. Multi-Jurisdictional Source Reduction and Recycling Element, Dated March 1992.
5. Notice of Preparation, dated May 29, 1992 for the Draft SEIR.
6. Notice of Completion, dated January 10, 1993 for the Draft SEIR.
7. The Draft SEIR for the project dated January 1993.
8. The Final SEIR for the project, dated March, 1993.
9. The Draft EIR entitled Kings County Solid Waste Transfer and Disposal Site Alternatives dated July 1990.

10. The Revised Draft EIR entitled Kings County Solid Waste Transfer and Disposal Site Alternatives dated May, 1991.
11. The Final EIR entitled Kings County Solid Waste Transfer and Disposal Site Alternatives dated July 1991
12. The minutes, transcripts, or meeting notes, if any, of public meetings held by County staff and the County's SEIR Consultant, related to this project.
13. The minutes of the Kings County Environmental Review Committee (ERC) where the project's EIR was discussed or considered.
14. Any documents or other evidence submitted at such ERC meetings or public meetings held by County's staff or EIR consultant.
15. Matters of common knowledge to the Planning Commission, which it considers, including, but not limited to the following:
 - a) The Kings County General Plan and its element and components which are applicable to this project.
 - b) The Kings County Zoning Ordinance No. 269, as amended.
16. The letters from Richard Sybert, Director of the Governor's Office of Planning and Research, dated July 16, 1991 and July 17, 1992, granting Kings County a one year extension to its general plan.
17. The Staff Report for this project, dated April 12, 1993.
18. The public hearing notice, and affidavits of publishing, posting, and mailing, for the hearing held on this project on April 12, 1993.
19. The minutes of the Commission public hearing on April 12, 1993 concerning this project.
20. Any documentary or other evidence submitted at the Commission's public hearing held April 12, 1993.

III. LEGAL EFFECTS OF FINDINGS

To the extent that these findings conclude that various proposed mitigation measures outlined in the Final SEIR are feasible and have not been modified, superseded, or withdrawn, the Commission hereby binds the land owner and operator of the project, and their assigns and successors in interest to implement those measures. These findings constitute a binding set of obligations that will come into effect upon approval and implementation of this Conditional Use Permit No. 92-01.

The applicable mitigation measures in the Final SEIR for this project are adopted as conditions of approval. These measures are referenced in the mitigation monitoring program adopted by this resolution, and will be effectuated through the process of constructing and implementing the project.

IV. FINDINGS REQUIRED UNDER CEQA

A. Compliance with CEQA: Pursuant to Section 15090(a) of the California Environmental Quality Act (CEQA) Guidelines, the Commission is required to make a finding that the Final SEIR was completed in compliance with CEQA, and certify that it is adequate.

Finding No. 1: The Final Supplemental Environmental Impact Report (Final SEIR) was prepared in compliance with the procedural and content requirements of CEQA and the Kings County implementation rules and hereby certifies that it is adequate for the approval of the Materials Recovery Facility/Transfer Station (CUP 92-01). The finding incorporates the findings and evidence contained in this section IV, subsection A through C.

Evidence: The Planning Commission bases its decision upon the findings and evidence contained in Section IV herein regarding procedural issues. After the CUP application was filed by the applicant on March 3, 1992, the following steps were taken:

- a decision was made by the Kings County Planning Agency to prepare a SEIR for the proposed projects;
- a consultant, Fugro/McClelland Consultants, Inc., of Ventura, CA, was hired by the County to prepare the SEIR;
- a notice of preparation was published on May 29, 1992;
- agency and public scoping meetings were conducted on June 29, 1992;
- consultation with responsible and trustee agencies was carried out;
- a notice of completion was published on January 10, 1993;
- the Draft SEIR was published and circulated for public comments by the Kings County Environmental Review Committee (ERC) from January 11, 1993 to February 24, 1993;
- responses to comments were prepared and published in the Final SEIR;
- the ERC, at their March 22, 1993 meeting, made a recommendation to the Planning Commission that the Final SEIR

was adequate, which were presented to the Planning Commission;

- the Commission heard a review of the Final SEIR by the SEIR Consultant as part of the Staff Report at the Public Hearing held on April 12, 1993.

These activities are documented in staff reports, exhibits, and information in the project files in the Kings County Planning Agency office, and the Minutes of the public hearing held for this matter.

B. Review of EIR: Pursuant to Section 15090(b) of the CEQA Guidelines the Commission is required to review and consider the information contained in the Final SEIR prior to approving the project.

Finding No. 2: The Commission has reviewed and considered the information in the Final SEIR prior to taking an action on CUP 92-01.

Evidence: The Commissioners received copies of the proposed Final SEIR in their capacity as the decision-making body of the Lead Agency for this project before their April 12, 1993, Planning Commission meeting; the Commission heard a summary of the Final SEIR as part of the staff report given at the public hearing on April 12, 1993; and the Commission has reviewed and considered the information contained in the Final SEIR prior to taking their action on the project.

C. Written Findings for Each Significant Effect: Pursuant to Section 15091(a) of the CEQA Guidelines, the Commission is required to make a written finding for each of the significant effects identified in the SEIR, with a brief explanation of the rationale for each finding. The possible findings required by Section 15091 of the CEQA Guidelines are:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final SEIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency, and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, social, or other consideration make infeasible the mitigation measures or project alternatives identified in the final SEIR.

Finding No. 3: With regard to the above requirements the Planning Commission finds that changes or alterations have been

required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in Table 2.1 of the Final SEIR. The Mitigation Monitoring and Reporting Plan found as Table 10-1 in the Final SEIR provide a method for determining that the changes or alterations will be implemented.

Evidence: This action by the Commission includes several conditions of approval. Condition No. 4 makes all of the mitigation measures in the Final SEIR, that pertain to CUP 92-01, conditions of approval and adopts the mitigation monitoring and reporting program.

There are four Class I impact (significant unavoidable adverse environmental impacts). They are as follows:

1. The project construction activities will result in short-term, cumulatively significant PM₁₀ emissions. The project operation will also result in significant PM₁₀ emissions.
2. Transportation of solid waste and recovered materials, the use of on-site vehicles and collection of Household Hazardous Waste will result in cumulatively significant emissions of NO_x and ROG.
3. By the year 2014 project-generated traffic may incrementally contribute to significant, cumulative roadway noise levels in project vicinity.
4. Water use at the project site will contribute to an existing groundwater overdraft condition in the San Joaquin Groundwater Basin.

V. SIGNIFICANT AND POTENTIALLY SIGNIFICANT EFFECTS AND MITIGATION MEASURES

Finding No. 4: The Commission finds that there are various environmental impacts associated with this complex. These potential impacts will be reduced to insignificant levels by implementation of the applicable mitigation measures in Table 2-1 of the Final SEIR, and in the Mitigation Monitoring Plan in Table 10-1 of the Final SEIR except for the four significant impacts listed above. Approval of the project will require a "statement of overriding consideration" Also, if the Waste Management Complex is constructed and operated in compliance with the permit conditions it will not be injurious to properties in the vicinity.

No other significant adverse effects to the environment will be caused by the proposed project if it is operated according to the regulations required by local, State and Federal regulatory

agencies, and the mitigation measures are implemented and maintained.

The EIR states that if the mitigation measures identified in Table 10-1 of the SEIR as modified, and from the public comments and responses, are adhered to, all Class II impacts (significant adverse environmental impacts that can be feasibly mitigated or avoided) will be mitigated to insignificance. Class II impacts are discussed in this Section.

The issue of whether the project will be materially injurious to properties and improvements in the vicinity is also addressed in the Final SEIR. Table 2-1, beginning at page 2-8 of the SEIR also identifies Class II impacts and provides specific mitigation measures.

Table 2-1 of the SEIR provides specific mitigation for the Class II impacts. The Commission concurs with the findings of the Final SEIR in regards to the reduction of the Class II impacts to an insignificant level through the imposition of the mitigation measures as conditions of approval to this CUP.

The changes and alterations, described in the mitigation measures will be implemented as required conditions of approval to the CUP and will lessen or avoid all of the projects significant effects to insignificant levels with the exception of four unavoidable impacts listed above. These impacts are lessened, however, they remain potentially significant adverse impacts and are addressed in the Statement of Overriding Considerations.

In addition to the evidence contained in the Final SEIR relied upon by this Planning Commission the following is the specific information the Planning Commission used relative to its determination that alternatives in the project have avoided or substantially lessened the impacts for each of the potential impact the project will have:

Geology/Seismicity/Soils

The Waste Management Complex will be engineered so that it is constructed and operated safely in the event of an earthquake and to insure that any soil conditions at the site does not cause damage to the structures. These impacts were deemed similar to the Landfill EIR and were referenced in the SEIR in Section 6.0.

Water Resources

Besides the unavoidable impact to water resources listed above, potential impacts on water evaluated include groundwater quality, groundwater quality impacts resulting from waste collection/processing, composting,

and the collection of household hazardous wastes and drainage. All impacts were deemed less than significant if the mitigation monitoring plan is adhered to (see FSEIR, Table 2.1, Section 5.1).

Also see section I.C above in which expert testimony was offered at the ERC meeting on March 22, 1993 that stated that water impacts will be less than significant.

Biological Resources

The Final SEIR referenced the Landfill EIR (Section 6.3 of the FSEIR) in regards to biological impacts. Only the existence of Valley Sink Scrub was found to be an impact. However, due to the severely degraded condition of the Valley Sink Scrub community on the projects site, the loss of the sensitive habitat was not considered to be significant. No other biological resource impact was found on the site and the State Department of Fish and Game did not comment on the Draft SEIR.

Air Quality

Besides the unavoidable impacts on air listed above as unavoidable impacts, potential impacts on air quality discussed in the SEIR included a analysis of nuisance odors from composting. The FSEIR recommends six mitigation measures that will reduce the odor impact to an insignificant level (see FSEIR, Table 2.1, Section 5.2).

Noise

Besides the unavoidable traffic noise impact listed above as unavoidable impacts, potential impacts on noise evaluated in the FSEIR include impacts to nearby residents. The remote location of the facility will reduce noise impacts to local residents. The SEIR recommends three mitigation measures that will reduce the impact to residents to an insignificant level (see FSEIR, Table 2.1, Section 5.3).

Land Uses

No impacts on land uses were identified by the SEIR. County general plan policies require that residential zones cannot be approved within one-half mile of a solid waste facility. The project was found to be compatible with surrounding land uses (see Section 6.2 of the FSEIR).

Transportation/Circulation

The impact of haul vehicles at project build out in 2014

was evaluated. The SEIR recommends two mitigation measures that will reduce the impact to an insignificant level (see FSEIR, Table 2.1, Section 5.5).

Public Services and Infrastructure

Public utilities can be extended to the site. The Kings County Sheriff and Fire Department can provide police and fire protection services. The SEIR found that a risk may occur from the accumulation and storage of materials at the MRF, buy-back center, and household hazardous waste facility. The SEIR recommends nine mitigation measures that will reduce the impact to an insignificant level (see FSEIR, Table 2.1, Section 5.6).

Archaeological/Paleontologic Resources

No impact on Archaeological/Paleontologic resources were found (see Section 7.1 of the FSEIR).

Visual Resources

Litter and the visual impact of the facility on nearby residents was discussed in the SEIR. The SEIR recommends five mitigation measures that will reduce the impact to an insignificant level (see Table 2.1, Section 5.7).

Growth Inducing Impacts

The FSEIR studied growth inducing impacts and determined that neither the size of the complex, employment opportunities nor management of the solid waste creates growth impacts.

Cumulative Impacts

The FSEIR extensively studied cumulative impacts for water resources (Section 5.1.2), air quality (Section 5.2.3), noise (Section 5.3.3), safety (Section 5.5.3) public services (Section 5.6.3), and visual resources (Section 5.7.3). The Commission finds that this discussion is adequate under CEQA.

VI. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

As required by Public Resources Code section 21081.6, the Commission, in adopting this resolution, also adopts the MMRP that is included in Table 10-1 of the Final SEIR. The MMRP is designed to ensure that, during the project implementation and operation, the County, the project landowner and the operator, their assigns and successors in interest, and any other

responsible party comply with the feasible mitigation measures identified in the MMRP. The MMRP is found in Table 10-1, Mitigation Monitoring Plan, in the Final SEIR, and is included herein by reference by the Commission (except as modified in Section I C. above).

VII. EVALUATION OF ALTERNATIVES

A. Alternatives: Because the complex will cause some unavoidable significant environmental impacts as outlined above, pursuant to Section 15126(d)(1) the Commission is required to consider the feasibility of any project alternatives that could avoid or substantially lessen these effects. Only after determining that any such alternatives were infeasible can the Commission adopt a Statement of Overriding Consideration and approve the project (Citizens for Quality Growth vs. City of Mt. Shasta (1988) 198CA 3d 443 - 445).

Finding No. 5: All reasonable alternatives and options have been evaluated including the "no project" alternative, alternative locations, alternative composting methods, and multiple project sites alternative. None were found to be superior to the sites evaluated in the Final SEIR. Section 8.0 of the Final SEIR discusses these alternatives and options, and the Commission adopts as its conclusion that none are superior to this proposed MRF/Transfer station adjacent to the existing Hanford County Landfill site.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

The SEIR identifies four areas, in relation to CUP No. 92-01, listed as significant unavoidable adverse environmental impact (Class I impacts).

The unavoidable impacts are:

1. The project construction activities will result in short-term, cumulatively significant PM₁₀ emissions. The project operation will also result in significant PM₁₀ emissions.
2. Transportation of solid waste and recovered materials, the use of on-site vehicles and collection of Household Hazardous Waste will result in cumulatively significant emissions of NO_x and ROG.
3. By the year 2014 project-generated traffic may incrementally contribute to significant, cumulative roadway noise levels in project vicinity.

4. Water use at the project site will contribute to an existing groundwater overdraft condition in the San Joaquin Groundwater Basin.

These impacts are only arguably perceived as significant after mitigation. Adopted mitigation measures will substantially lessen these impacts. Nevertheless, the overriding consideration for each unavoidable impact are as follows:

1. The PM₁₀ and dust emissions will be partially mitigated if mitigation measures 1a through 2g under 5.2 in Table 2-1 of the FSEIR are used.

The first overriding considerations for this impact is the obvious need for waste management facilities to manage municipal solid waste generated in Kings County to protect the public health and safety. The present landfill will reach capacity in 1997 and a new landfill must be constructed unless further recycling efforts are made by construction of this materials recovery facility.. Construction and operation of this MRF and other diversion programs in Kings County, will extend the life of the present Hanford Landfill and the proposed Kettleman Hills Landfill when constructed. Directing waste materials into recycling and reuse programs will also reduce the need for using raw materials and resources which is a benefit overall to the environment.

The second overriding consideration for this impact is to meet the requirements of State law which requires jurisdictions, such as KCWMA, to divert 25% of waste generated from landfills by 1995, and 50% by the year 2000 (PRC 41780 et seq). The Commission realizes that construction of the MRF/Transfer station will result in unavoidable adverse environmental impacts. However, the Hanford MRF/Transfer station site is environmentally superior to other sites. The Mitigation Monitoring and Reporting Plan lists several changes and alterations for reducing the impacts.

2. The NO_x and ROG emissions will be partially mitigated if mitigation measures 3a and 3b under 5.2 in Table 2-1 (beginning on page 2-5 of the FSEIR) are adhered to. Emissions resulting from vehicle use are a necessary component to any waste disposal operation. Disposal operations are necessary to protect the public health. The two overriding considerations listed in number one

above also apply to this impact. In addition, construction of the household hazardous waste (HHW) collection facility will benefit the environment. It will allow the community to bring their HHW to the facility to be properly recycled and not thrown away in sloughs and ditches or to go into the landfill and possibly contaminate the groundwater.

3. The noise impacts will be partially mitigated if mitigation measure 1a under 5.3 in Table 2-1 (beginning on page 2-5 of the FSEIR) are adhered to. Again the two overriding considerations listed in Number 1 above apply. This impact will not be evident until the year 2014. The need to recycle and reduce the impact of waste on our waste facilities and natural resources outweighs the noise impacts.
4. The groundwater impact will be partially mitigated if measures 1a through 1d under 5.6 in Table 2-1 (beginning on page 2-5 of the FSEIR) are adhered to. Once again the two overriding considerations are listed in Number 1 above are applicable.

In addition, the groundwater impact will be lessened by the fact that the site is presently used for cotton production. The proposed project would use approximately 9 acre feet of water per year which would be similar to, or less than groundwater volumes presently used by the existing cotton operation that occupies the project site.

In conclusion, this statement of overriding considerations finds that the unavoidable impacts associated with construction of the MRF/Transfer station is balanced by the need to protect public health and safety, by the critical need for solid waste facilities in Kings County, and the need to meet the diversion requirements of state law. The unavoidable impacts are reduced in part by the mitigation options listed in the Final SEIR prepared for this project.

IX. CONSISTENCY WITH THE KINGS COUNTY GENERAL PLAN

A. General Plan Policies for Siting Solid Waste Landfills

Finding No. 6: The Commission finds that the use of the project site as a Waste Management Complex will be in accordance with all the objectives and policies of the Kings County General Plan concerning the location of solid waste facilities in Kings County. The complex site is designated in the Land Use Element as "General Agriculture" which allows this use. The Commission

also finds that the proposal also meets the siting policies of General Plan Amendment 83-01 (the Land Use Element of the General Plan). Amendment 83-01, Policy 1, 2, 4, 5 and 6 are all designed to control development around solid waste sites. Siting of the Waste Management Complex will meet the requirements since it is not a residential use application and no residential development will be permitted within a ½ mile radius of the proposed use. Policy 3 states that no solid waste facility may be established or expanded within ½ mile of any residential zone. The proposed Waste Management Complex site meets this criteria.

B. General Plan Extension:

Finding No. 7: The project is consistent with the General Plan extension granted to Kings County by OPR.

Evidence: The letter received from Mr. Richard Sybert, Director, Governor's Office, Office of Planning and Research in July, 1991, conditionally approved Kings County's request for an extension of time for adoption of the County General Plan. It stated that prior to the approval of the new General Plan, the existing General Plan shall be used, and specific written findings be made concerning a project's consistency with the existing general plan's policies. In addition, the extension allows for the approval of permits to construct and operate municipal waste disposal, solid waste disposal, ... (including, but not limited to landfills, transfer stations, material recovery facilities, ..., etc.) in the county; This project is for a solid waste processing and transfer station and, thus is consistent with the OPR extension.

C. County Landfill Resolutions (AB 2296):

Finding No. 8: The proposed project is consistent with state laws.

Evidence: In late 1989, the Legislature passed and the governor signed Assembly Bill 939, The California Integrated Waste Management Act. The bill eliminated the old county solid waste management plan (CoSWMP) requirement, but in its place requires each city and county to adopt a new Integrated Waste Management Plan. Two elements of the plan are completed, the Source Reduction and Recycling Element and the Household Hazardous Waste Element.

The Act also requires each jurisdiction in the county to divert, by recycling and source reduction, 25% of its solid waste from the landfill by 1995 and 50% by the year 2000.

The old Kings CoSWMP did not included in it's designation of possible solid waste facilities, the Hanford Transfer Station site. Since the new Integrated Waste Management Plan will not be

approved for some time, a "gap" period has developed between the two plans. This gap was closed by AB 2296 (PRC 50000, et al) which allows counties to include any new solid waste sites to be constructed in order to keep sites consistent with solid waste plans. This process needs the review of the Kings County Local Task Force. On April 29, 1992, the LTF reviewed and recommended the MRF/Transfer station and made it's comments to all the jurisdictions in Kings County. Thus, the AB 2296 approval process has been met.

X. CONSISTENCY WITH THE KINGS COUNTY ZONING ORDINANCE

A. Zoning Consistency Findings:

The proposed Hanford Transfer Station site is located in an General Agriculture Zone District (AG Zone). Various solid waste and agricultural uses are permitted in the General Ag District.

Requirement: Report and Notice: Sections 1905 and 1906 of the zoning ordinance require that before the Commission may act on an application for a conditional use permit it must hear the County Planning director's report and hold a duly noticed public hearing.

Finding No. 9: The director's report was given to the Commission at the beginning of the public hearing on April 12, 1993.

Evidence: The Director's report was mailed to the Commissioners prior to the meeting as part of their meeting agenda package, and the staff's oral report summarizing the written report is summarized in the minutes of that meeting. These records and documents are located in the files of the Kings County Planning Agency.

Finding No. 10: The Commission duly noticed the public hearing for this application (CUP 92-01) by the prescribed methods in the zoning ordinance and state law.

Evidence: The Planning Director has certified that notice was given by the following methods:

1. Mailed notice to all property owners within 300 feet of the proposed project property boundary on March 31, 1993.
2. Mailed notice to all responsible and trustee agencies on March 31, 1993.
3. Mailed notice to all those persons who specifically requested notice in writing on March 31, 1993.
4. Posted notice at the West door of the Administration Building, Building No. 1, Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California on March 31, 1993.

5. Published notice one time in the Hanford Sentinel, a newspaper of general circulation in Kings County as designated by the Kings County Board of supervisors, on March 31, 1993.

Copies of these notices and affidavits of mailing, posting and publishing are on file in the Kings County Planning Agency.

Zoning Requirement: Required findings of the Zoning Ordinance: Section 1908 of the zoning ordinance requires the commission to make three specific findings in order to grant an approval of a conditional use permit when the use is other than a hazardous waste facility or surface mining operation. The three required findings are as follows:

1. The proposed location of the C.U.P. is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located (See Zoning Ordinance, § 1908, subd. (a).); and
2. The proposed location of the C.U.P. 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 (See Zoning Ordinance, § 1908, subd. (b).); and
3. The proposed C.U.P. will comply with each of the applicable provisions of this ordinance (See Zoning Ordinance, § 1908, subd. (c).).

Finding No. 11: Compliance with Zoning Ordinance Section 1908 subdivision (a), the proposed location of the conditional use is:

1. in accordance with the objectives found in Section 101 of the zoning ordinance, and
2. in accordance with the purposes of the zone district in which the project is located, i.e., Section 401.

Evidence: The objectives required pursuant to the first part of Section 1908.(a) findings are contained in Section 101 of the zoning ordinance, which includes statements of the purposes and objectives of the ordinance. These purposes and objectives were adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. The following sections review each objective as they relate to this project, and provide therein evidence and reasons supporting conformance with said objectives.

B. Required Zoning Ordinance Evaluation For Each Permit

Section 101 of the zoning ordinance contains thirteen statements of the purposes and objectives of the ordinance. More specifically, the zoning ordinance is adopted in order to achieve the following objectives:

- a. To provide a plan for the physical development of the county in such a manner as to achieve progressively the general arrangement of land uses depicted in the General Plan.
- b. To foster a harmonious, convenient, workable relationship among land uses and a wholesome, serviceable and attractive living environment.
- c. To promote the stability of existing land uses which conform with objectives and policies of the General Plan and to protect them from inharmonious influences and harmful intrusions.
- d. To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the general public.
- e. To promote the beneficial development of those areas which exhibit conflicting patterns of use.
- f. To prevent excessive population densities and overcrowding of the land with structures.
- g. To promote a safe, effective traffic circulation system.
- h. To foster the provision of adequate off-street parking and truck loading facilities.
- i. To facilitate the appropriate location of public facilities and institutions.
- j. To protect and promote appropriately located agricultural, commercial, and industrial pursuits in order to preserve and strengthen its economic base.
- k. To protect and enhance real property values.
- l. To conserve the County's natural assets and to capitalize on the opportunities offered by its terrain, soils, vegetation and waterways.
- m. To coordinate policies and regulations relating to the use of land with such policies and regulations of incorporated cities of the county in order to: facilitate transition from county to municipal jurisdiction that land which is first developed in an unincorporated area and is subsequently annexed to a city; foster the protection of farming operations in areas of planned urban expansion, and ensure unimpeded development of such new urban expansion that is logical, desirable and in accordance with objectives and policies of the General Plan.

Evidence: Zoning Ordinance objectives a, b, c, d, g, h, i, j, k, and l, described above, are applicable to this application evaluation. Objectives e, f, and m are not applicable subjects because they deal with development and population densities found in urban areas. The proposed Waste Management Complex is located in a rural area.

The Planning Commission makes the following findings of consistency of the proposed project to the objectives of the ordinance:

Objective a is to insure development is directed toward achieving progressively the general arrangement of land uses depicted in the general plan. Finding No. 6 above details the consistency of the proposal with the general plan.

Objective b is to insure that development does not detract from a wholesome, serviceable and attractive living environment. The location of the proposed transfers station away from any population concentration provides this harmonious, workable relationship among land uses. The activity of the Waste Management Complex will be conducted indoors for the most part which will help in the mitigation of the potential significant environmental effects, such as noise and dust, to insignificant levels. The operation of the composting area will be outdoors but can be conducted in such manner as to avoid all odors.

Objective c provides for protection from intrusive or conflicting land use. This works two ways in this case. The remoteness of the location separates the proposed Waste Management Complex facility from areas of concentrated residential and commercial uses. It also provides a buffer so that incompatible uses will not encroach on this proposed use in the future, thus eliminating the potential for future land use conflicts.

Objective d is to insure land uses are appropriate and beneficial to the general public. The general plan policies for the location of solid waste facilities is directed toward separating people from such uses. Using the "General Agriculture" zone accomplishes this by appropriately separating people from solid waste facilities. The public benefit is the provision of solid waste management facilities to properly manage the municipal waste in a location away from where people live and work. In addition the use of the adjacent site for the past 18 to 20 years has been a landfill. Continued use of the location as a Waste Management Complex will not increase the activities that are already going on in the area. Traffic will be comparable, but the landfill activity will no longer be part of the activity.

Objective e refers to development transitional areas, i.e., urban-rural interface, commercial-residential transition zones, etc. This proposal is not in any transitional area and is not affected by any of these issues.

Objective f refers to development density of residential uses. This proposal is not associated with any residential use and does not affect the development density of any residential uses. The project's only association with residential uses is the requirement that it be at least 500 feet from any residence, and $\frac{1}{2}$ mile from any residential zone district.

Objective g, safe, effective traffic circulation, is attained through the projects consistency with its location adjacent to major transportation routes, i.e., State Highway 43. This roadway is designed for truck traffic and does not go through residential neighborhoods. Packer truck routes would not be affected as they would still be coming to the Waste Management Complex as they now come to the Hanford landfill. The route from the facility to the proposed Kettleman Hills landfill is across major roads which are all designated for truck traffic. SR 43, SR 41, Kansas Avenue or SR 198, and the new access road are designed for truck traffic.

Objective h provides for adequate off street parking and truck loading (and unloading) facilities. All of the proposed Waste Management Complex facility will be entirely on KCWMA property. No parking, loading or unloading will occur off the site or on any public street.

Objective i is to facilitate the location of public facilities. Because the project will provide a public service (disposing of solid waste), its location away from heavily populated areas is important. Siting the MRF/Transfer station adjacent to the existing Hanford County landfill site provide a relatively close collection point that is still separated from any major population concentration.

Objective j is intended to protect and promote appropriately located activities on the land, and to preserve and strengthen the county's economic base. The county's economic base could be affected if a solid waste facility is not available. Providing the necessary facilities to collect solid waste near the collection point and dispose of it in a very remote area will reduce land use conflicts their by supporting the county's economic by not lowering property values.

Objective k is to protect real property values. The location of the project could have an effect on surrounding property values. However, if the mitigation measures are adhered to in Table 10-1 of the Final SEIR, and the site is managed properly, the effect should be minimal. The service provided by the proposed use is an opportunity to protect the community by providing a facility to manage municipal solid waste generated in the community. In addition, its location adjacent to the existing landfill will not expose new areas to possible conflicts and possible property value reductions. Also, the site is adjacent to the existing Hanford County Landfill and will not add any significant additional activities to what already exist from the landfill activity.

Objective l, to conserve the county's natural assets, is

satisfied due to the nature of the proposed location of the project in a rural areas. The property is shown as non-prime land by the Kings County Assessor. The terrain, soils, and vegetation of the location are not important economic resources of the county as presently used. There were no endangered wildlife or rare plants identified on the site. No waterways will be affected by the proposed facility.

Objective m is to facilitate the transition from county to municipal jurisdiction. This does not apply since this proposal does not affect any urban fringe area in the county. It is located over one half mile from the nearest point in the City of Hanford.

Finding 12: Compliance with zoning ordinance Section 1908 subdivision (b), the Commission finds that the proposed location of the C.U.P. and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety or welfare, or materially injurious to property and/or improvements in the vicinity.

Evidence: The location of the project adjacent to the existing Hanford Landfill is relatively removed from areas used by people. It therefore provides a separation from other uses. This separation in itself reduces to insignificant many of the physical effects the project would otherwise have on the surrounding area. The location is within an agricultural zone.

The FSEIR describes the project and how the facility will operate and the regulations the project will operate under. The FSEIR states if the mitigation measures are adhered to, all potentially significant effects on the environment, with four (Class I) exceptions (see Section VIII above), will be mitigated to an insignificant level. These mitigation measures are required as conditions of approval, along with others, to insure that no significant adverse effects to the public health, safety, and welfare, or the environment, will be caused by the project. The effects of the Class I impacts are lessened by mitigation measures.

The Mitigation Monitoring and Reporting Program describes how the mitigation measures will be implemented, who is responsible for them, and what constitutes completion of the condition. If all conditions, regulations, and standards are followed no significant adverse effects are expected except those identified in the Statement of Overriding Considerations.

C Additional Requirements for Zoning Ordinance Evaluation for C.U.P. 92-01

Finding No. 13: Compliance with zoning ordinance Section 1908 subdivision (c), the proposed use complies with each of the applicable provisions of the zoning ordinance.

Evidence: Section 1908 (c) requires that the proposed conditional use comply with each of the applicable provisions of the ordinance.

The applicable provision of the ordinance that these conditional uses must comply with are outlined in Section 402E through 402N of the zoning ordinance. The provisions include:

- Screening of open storage of material or equipment
- Objectionable process, equipment or materials
- Site area
- Site area per dwelling unit (not applicable)
- Coverage
- Fences, walls and hedges
- Yard requirements
- Height of structures
- Distance between structures (not applicable)
- Off street parking and loading facilities
- Signs

Screening: The proposed Waste Management Complex will be visible from public roadways including State Route 43. Therefore, proper screening is required to screen the facility from these roadways. This will include fencing and landscape screening of the facility and a prohibition of any outside storage of equipment or materials, and a program of daily litter collection.

Objectionable process, equipment or material: Although solid waste is objectionable, the remoteness of these facilities and rules, regulations, standards and laws that apply to the construction, maintenance, and operation of a solid waste transfer station are designed to mitigate these problems and perceptions.

Site Area: Minimum site area in the General Agricultural zone district is 20 acres. The Applicant is required to meet the 20 acre minimum as the Waste Management Complex is built in the General Agriculture Zone. The project site is 50 acres.

Site Area Per Dwelling Unit: No dwelling units are proposed, therefore the provision is not applicable.

Coverage: The General Agricultural zone district has no limitation for coverage, and none will be required.

Fences, Walls, and Hedges: The transfer station will be fenced. (See screening section above)

Yard Requirements: The proposed facility will meet all minimum yard requirements. Appropriate landscaping will be required along all public roads and at the entrance of the facility.

Height of Structures: The General Agricultural zone district has no limitations on height of structures, and none will be required.

Distance Between Structures: The General Agricultural zone district only regulates the distance between structures occupied by humans and structures which house animals. Neither type of structure is proposed by this application, therefore it is not applicable.

Off Street Parking and Loading Facilities: Section 1502A.2.(e) of the zoning ordinance describes the parking standards that apply to a use as proposed by this application. It requires one parking space for each three employees of the maximum work shift, plus the number of additional spaces prescribed by the Commission. Off street loading (and unloading) are provided in the plot plan of the site. It is estimated that the facility will employ 30 people at start up and 70 workers when fully operational.

XI. CONDITIONS OF APPROVAL FOR CUP 92-01

The Commission adopts the following conditions of approval for CUP 92-01:

1. That all proposals of the applicant are conditions of approval if not mentioned herein.
2. That the site be developed according to the approved plot plan.
3. That the development comply with all regulations of Zoning Ordinance No. 269 with particular reference to the General Agricultural (AG) Zone District standards.
4. Except as more stringent conditions of the Planning Commission may be applied, all mitigation measures in the Final Supplemental Environmental Impact Report and the portions of the Mitigation Monitoring and Reporting Program (Section 10 of the FSEIR), as indicated, pertain to CUP No. 92-01 are conditions of approval. This includes the changes made to the Final SEIR mitigation measures by the Environmental Review Committee found in Section 2.1 above.
5. The applicant shall indemnify and hold harmless the Kings County Planning Commission and Kings County, their officers, agents, and employees, from and against any and all claims, damages and liabilities, including, but not limited to the cost (including attorney's fees) of defending against any and all litigation including administrative proceedings, that may arise from the

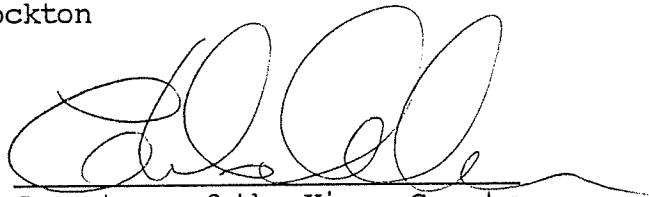
permit process, any challenges to the conditional use permit, denial of the permit, the supporting environmental documentation, or which arise out of operation of the Waste Management Complex facility. The duty shall arise irrespective of whether the applicant, proponent or an opponent initiates such action.

6. That the use be constructed, operated, and managed so as to comply with all environmental, land use, and waste storage and disposal requirements, standards and regulations of federal, state and local agencies that are applicable to the Waste Management Complex construction, operation, closure, and post-closure maintenance, including, but not limited to Federal, State and local laws, administrative regulations, guidelines, and permit conditions as they exist now or may be adopted, modified, changed or amended in the future and applied to existing facilities; and all other permits, licences, agreements, orders, or approvals for the MRF/Transfer Station by any other regulatory agency, in force now or in the future; and any and all new Federal, State or local requirements, standard, conditions, etc., which are imposed upon existing facilities concerning the construction, operation, closure and post-closure maintenance of the Waste Management Complex facility.
7. The revocation, withdrawal, suspension, or termination of any regulatory, responsible, or trustee agency's permit, license, entitlement or approval for the construction or operation of the Waste Management Complex facility may cause the suspension of this conditional use permit until such time as the regulatory, responsible, or trustee agency which took the action reinstates their permit, license, entitlement, or approval and the Waste Management Complex facility is legally operational.
8. The Waste Management Complex facility shall be operated in a manner so as not to create a public nuisance or health hazard.
9. The owner, or its contractor, if any, shall cause a daily inspection to be conducted at the Waste Management Complex facility and access road to the facility, and all litter, trash, garbage, or other solid waste found shall be collected and properly disposed.
10. A litter control fence shall be caused by the owner to be constructed and maintained around the Waste Management Complex facility and any litter caught by the fence shall be collected daily and properly disposed.

11. The access road to the facility shall use existing roads and driveways as much as possible.
12. No storage of material or equipment of any kind, including recycled materials, may be stored in open areas except compost materials. All storage areas shall be screened from public view and no material or equipment shall be visible above the fence or landscaping used to screen any storage area.
13. All lighting at the facility shall be hooded or shaded so that no direct light or glare is visible off the Waste Management Complex site with particular care taken in the direction of roads and houses.
14. The composting area of the facility shall process only yard or green wastes as described in Section 2.4 above. A revised CUP will be required if the applicant wished to compost sewage sludge or animal wastes or other organic materials.
15. Except as in otherwise provided by law, all necessary hazardous waste permits shall be obtained by the owner/operator before any household hazardous waste is accepted at the facility. All local, state and federal laws shall be obeyed regarding the collection, storage and transportation of household hazardous waste at the HHW facility.
16. The duration of this permit is five (5) years commencing from the initial date of operation or is coextensive with the five (5) year permit of the Local Enforcement Agency of the California Integrated Waste Management Board whichever permit is longer. Prior to the end of such term the Commission shall review the performance of KCWMA, its contractor(s) if any, and the Waste Management Complex facility to determine whether it is performing and being operated in compliance with local, State, and Federal permit conditions; and determine whether additional permit conditions are warranted. Unless the Commission makes an affirmative finding of noncompliance which may terminate the permit, the permit shall continue for an additional specified time, but not less than 5 years, with such additional permit conditions as the Commission imposes.

The foregoing Resolution was adopted upon a motion by Commissioner Beard, seconded by Commissioner Tankersly, at a special meeting of the Commission on April 12, 1993, by the following vote:

AYES: Commissioners Beard, Tankersly, McBurney
NOES: None
ABSENT: Commissioners Wheatley, Stockton



Secretary of the Kings County
Planning Commission

cc: Don Cluxton, KCWMA
Kings County Board
of Supervisors

BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF CONDITIONAL USE)
PERMIT NO. 92-01 (KWRA))
Extension of Time)

RESOLUTION NO. 19-07

RE: KWRA

WHEREAS, on March 3, 1992, the Kings Waste and Recycling Authority (KWRA) filed Conditional Use Permit No. 92-01; to establish and operate a materials recovery facility (MRF), household hazardous waste facility and a solid waste transfer station; and

WHEREAS, on April 12, 1993, the Kings County Planning Commission found that the Final Supplemental Environmental Impact Report (SEIR) prepared for CUP 92-01 was completed in compliance with the requirements of the California Environmental Quality Act and adopted the SEIR for the project; and

WHEREAS, on April 12, 1993, this Commission held a duly noticed public hearing to receive testimony from any interested person, and

WHEREAS, on April 12, 1993, the Kings County Planning Commission adopted Resolution No. 1194 which approved Conditional Use Permit 92-01 which authorized KWRA to construct and operate the MRF, HHW facility and solid waste Transfer Station and requires a five year review of the permit issued to KWRA; and

WHEREAS, on January 3, 2000, the Kings County Planning Commission adopted Resolution No. 2000-01 which approved an extension of time for a period of five-years for Conditional Use Permit No. 92-01; and

WHEREAS, on January 3, 2005, the Kings County Planning Commission adopted Resolution No. 2005-01 which approved an extension of time for a period of five-years for Conditional Use Permit No. 92-01; and

WHEREAS, on December 14, 2009, the Kings County Planning Commission adopted Resolution No. 09-16 which approved an extension of time for a period of five-years for Conditional Use Permit No. 92-01; and

WHEREAS, on December 1, 2014, the Kings County Planning Commission adopted Resolution No. 14-12 which approved an extension of time for a period of five-years for Conditional Use Permit No. 92-01; and

WHEREAS, on January 26, 2010, the Kings County Board of Supervisors adopted Resolution No. 10-001 certifying the Final Program Environmental Impact Report for the 2035 Kings County General Plan Update and Resolution No. 10-002 adopting the 2035 Kings County General Plan and in adopting the 2035 Kings County General Plan the land use designation for the project site was changed from General Agriculture (AG-20) to Public (P); and

WHEREAS, on May 22, 2012, adopted Ordinance No. 269-2-12 approving Component B of Change of Zone District Boundaries No. 11-01 as part of the implementation of the 2035 Kings County

General Plan and in adopting Ordinance No. 269-2-12 the zoning designation for the project site was changed from General Agricultural (AG-20) to Public Facilities (PF); and

WHEREAS, On March 3, 2019, the Kings County Board of Supervisors adopted Ordinance No. 668, the *Kings County Development Code*. The *Kings County Development Code* implements the goals and policies of the 2035 *Kings County General Plan*. Any permit or approval issued in compliance with this *Development Code* shall be consistent with the *General Plan* and all specific plans. In any case where there is a conflict between this *Development Code* and the *General Plan*, the *General Plan* governs. On April 2, 2015 the *Development Code* went into effect.

WHEREAS, on July 8, 2019, the applicant submitted a Solid Waste Facility Permit Application to the Local Enforcement Agency (LEA) for permit review and the LEA did not identify any negative impacts related to the operation of the MRF; and

WHEREAS, the five year permit period for Conditional Use Permit No. 92-01 will expire on January 31, 2020; and

WHEREAS, on December 2, 2019, this Commission held a duly notice public hearing to receive testimony from any interested person.

NOW, THEREFORE, BE IT RESOLVED, that this Commission hereby finds that it is unable to find noncompliance with any term or condition, and hereby approves an extension of time for Conditional Use Permit No. 92-01 to be coextensive with the permit of the Local Enforcement Agency of CalRecycle.

BE IT FURTHER RESOLVED, that this Commission reaffirms all of the findings and conditions of approval contained in Planning Commission Resolution Numbers 1194, 00-01, 05-01, 09-16, and 14-12 except for the following modifications:

1. Finding No. 6 of Planning Commission Resolution No. 1194 is modified to change the land use designation from “General Agriculture (AG-20)” to “Public (P)”.
2. Section X.A. of Planning Commission Resolution No. 1194 is modified to change the zoning designation from “General Agricultural (AG-20)” to “Public Facilities (PF)”.
3. Condition No. 3 of Planning Commission Resolution No. 1194 is modified to change the land use designation from “General Agriculture (AG-20)” to “Public (P)”.
4. Condition No. 16 of Planning Commission Resolution No. 1194 is modified as follows:

“The duration of this permit is coextensive with the permit of the Local Enforcement Agency of CalRecycle. If the permit of the Local Enforcement Agency of CalRecycle expires, then Conditional Use Permit No. 92-01 shall also expire at the same time.”

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on December 2, 2019, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSTAIN: COMMISSIONERS
ABSENT: COMMISSIONERS

KINGS COUNTY PLANNING COMMISSION

Riley Jones, Chairperson

WITNESS, my hand this _____ day of December, 2019.

Gregory R. Gatzka
Secretary to the Commission

cc: Nichole Riley, Kings Waste and Recycling Authority
Troy Hommerding, Kings County Environmental Health

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Conditional Use Permit No. 19-06 Development Code No. 668.14 December 2, 2019

APPLICANT: Jason Osborne, Crown Castle, 3 Rovina Lane, Petaluma, CA 94952

PROPERTY OWNER: Hewitson Limited Partnership, 39482 Highway 33, Avenal, CA 93204

LOCATION: 30776 Utica Avenue, Avenal, CA 93204

GENERAL PLAN DESIGNATION: Open Space (OS)

ZONE DISTRICT CLASSIFICATION: General Agricultural 40 Minimum (AG-40), Open Space Overlay Zone (OSOZ)

CONDITIONAL USE PROPOSED: The applicant proposes to construct a new 18' steel pipe monopole located within an existing telecommunication facility. The lease area will not be increasing.

DISCUSSION:

The applicant proposes to construct a new 18' steel pipe monopole located within an existing telecommunications facility at 30776 Utica Avenue, Avenal, CA. The project site contains one Assessor's Parcel Number (APN: 038-330-018) totaling 150.29 acres in size. The proposed new steel pipe pole will be located with an existing telecommunications facility that is approximately on 3500 square feet portion of the 150.29 acres. The lease area is located in the centered portion of the parcel and will be leased from the property owner. The existing fencing will surround the site and continue to have a six (6) foot tall chain link fence surrounding the leased portion of the property.

The electronic equipment will operate at frequencies that will not interfere with other communication signals in the area and are licensed and regulated by the Federal Communications Commission (FCC). This proposed space is for electronic storage only and will be unmanned.

The applicant has investigated co-location opportunities within the area; however no tall buildings or other towers exist within the vicinity. The subject property was chosen as it provides the best location for the most optimal coverage. The proposed facility will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

A land division is not necessary since Section 66412.(j) of the Subdivision Map Act excludes leasing a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including antenna support structures microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications.

No public utilities such as water or sewer are necessary for operation of the proposed communications facility.

It should also be noted that Section 704 of the Telecommunications Act of 1996 states that “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” The Federal Communications Commission adopted a Report and Order, FCC 96-326, on August 1, 1996, which revised the guidelines that the Commission will use to evaluate the environmental effects of transmitters licensed or authorized by the Commission.

Section 15064(f)(4) of the *CEQA Guidelines* states “The existence of public controversy of the environment effects of a project will not require the preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.”

Section 15064(f)(5) of the *CEQA Guidelines* states “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible shall not constitute substantial evidence. Substantial shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”

PARCEL ZONING PERMIT HISTORY:

No zoning permits have been issued for this property.

CURRENT USE OF THE SITE:

The parcel is approximately 150.29 acres in size and has an existing telecommunication facility developed onsite along with its accessory structures for the telecommunications facility. The telecommunications facility is located in approximately 3500 square feet fenced in area. Highway 41 is located on the southeastern portion the parcel.

LAND USE SURROUNDING SITE:

The Kettleman Hills surround the area along with some agricultural lands (farm fields). The Kettleman Hill Chemical Waste Landfill is located approximately 1 mile north east of the proposed project site location. The subject parcel is located adjacent to Highway 41 and Utica Avenue.

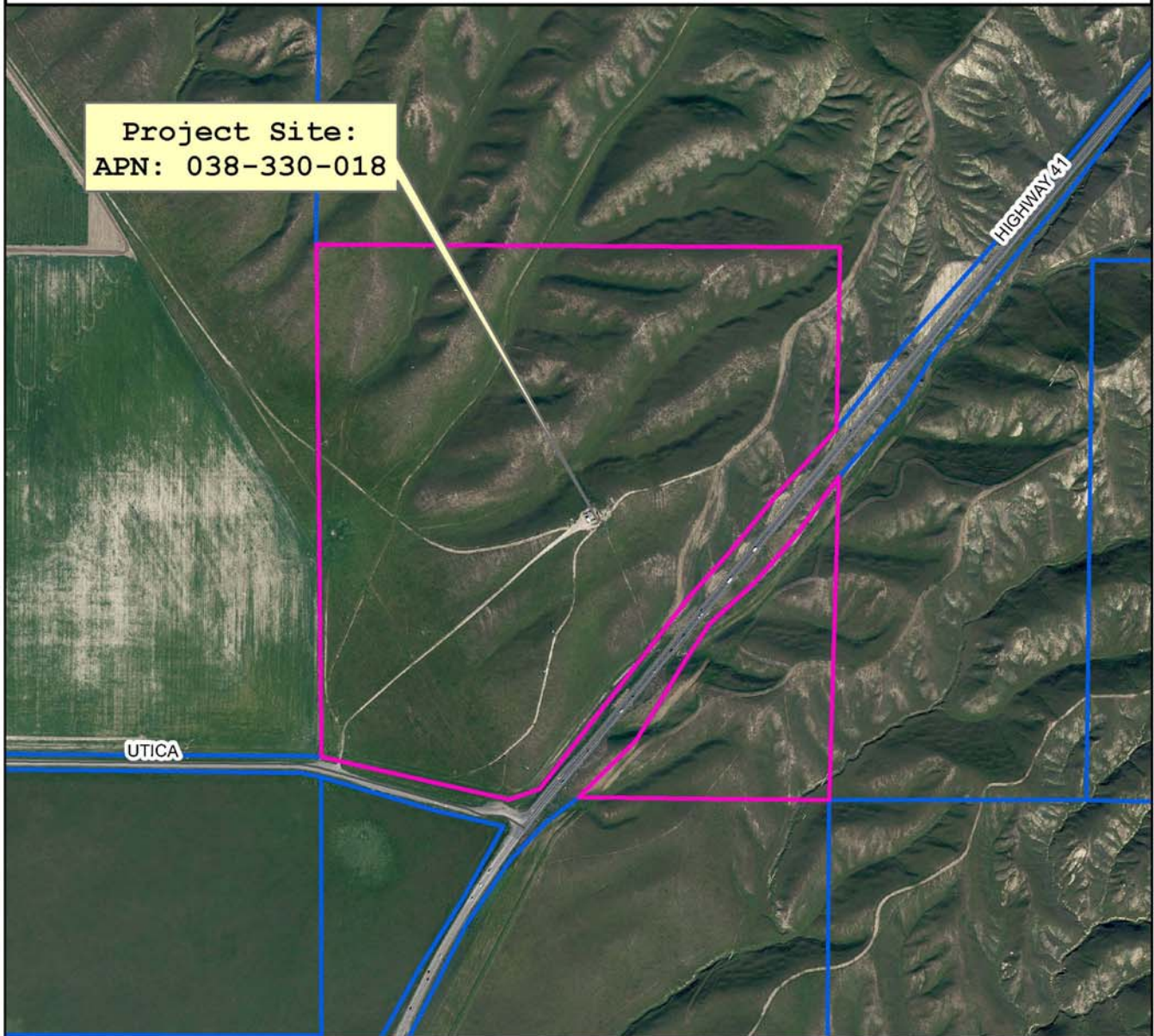
ENVIRONMENTAL REVIEW:

The proposed project is Categorically Exempt from environmental review pursuant to Section 15303 of the Guidelines for Environmental Quality Act (CEQA Guidelines). Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. The project proposes construction of a new steel monopole within an existing telecommunications facility with not increase in leased area and due to the limited area and size can be considered a small structure/facility.

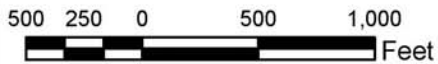
PROJECT REVIEW:

August 19, 2019	Application submitted
November 1, 2019	Application certified complete
November 8, 2019	Staff determines project is EXEMPT from CEQA pursuant to Section 15303 Class 3 of the California Environmental Quality Act.
December 2, 2019	Planning Commission hearing

Site Location Map For
Conditional Use Permit No. 19-06
(Crown Castle - AT&T)



Map Prepared By:
Kao Nou Yang
November 4, 2019
Kings County Community Development Agency
1400 W. Lacey Boulevard, Hanford CA 93230 (559) 852-2670



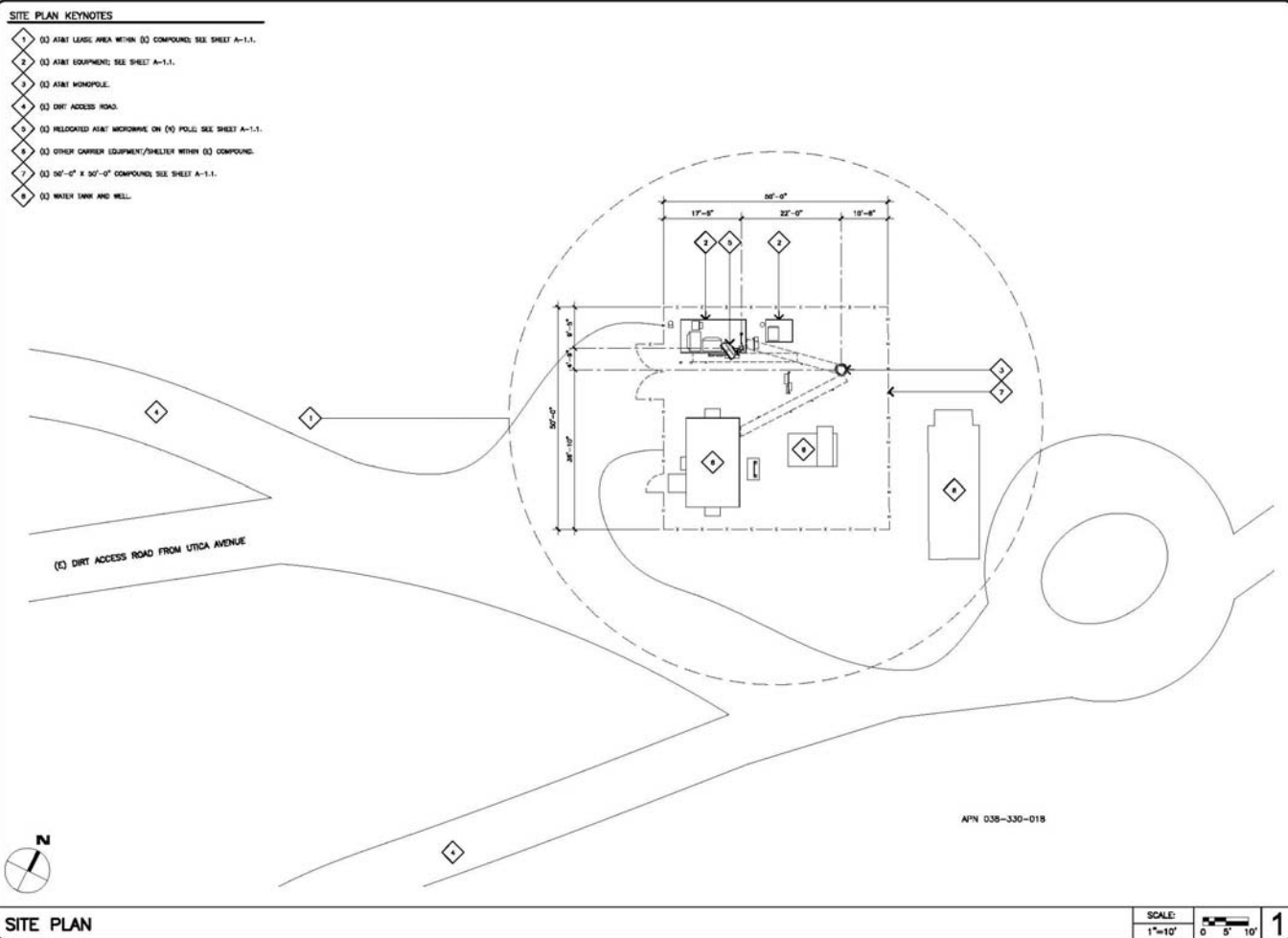
LEGEND

Circulation

- Minor Road
- Minor Arterial
- Interstate
- Highway
- Collector
- Arterial



PROJECT SITE



MasTec
Network Solutions

3358 E Birch St, Suite 101
Fresno, California 93821
www.mas Tecnetworksolutions.com

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY TO MAS TEC AND DISCLOSURE OTHER THAN THAT WHICH RELATES TO AT&T WIRELESS IS STRICTLY PROHIBITED.



APPROVALS

NAME	DATE
ANITA JEN	04/14/17
SOB COS	
ANITA JEN	08/21/17
SOB COS	
JENNIFER OLIVERA	12/22/18
SOB COS WITH STRUCTURALS	
MATHEW BRUNETTO	05/18/17
CONSTRUCTION	
JESSICA O'BRIEN	04/25/17
SITE ACQUISITION	

PROJECT NAME
MICROWAVE UPGRADE

SITE NAME
UTICA HIGHWAY 41

TA NUMBER
10101550

30718 UTICA AVENUE
ARVINA, CALIFORNIA 93204

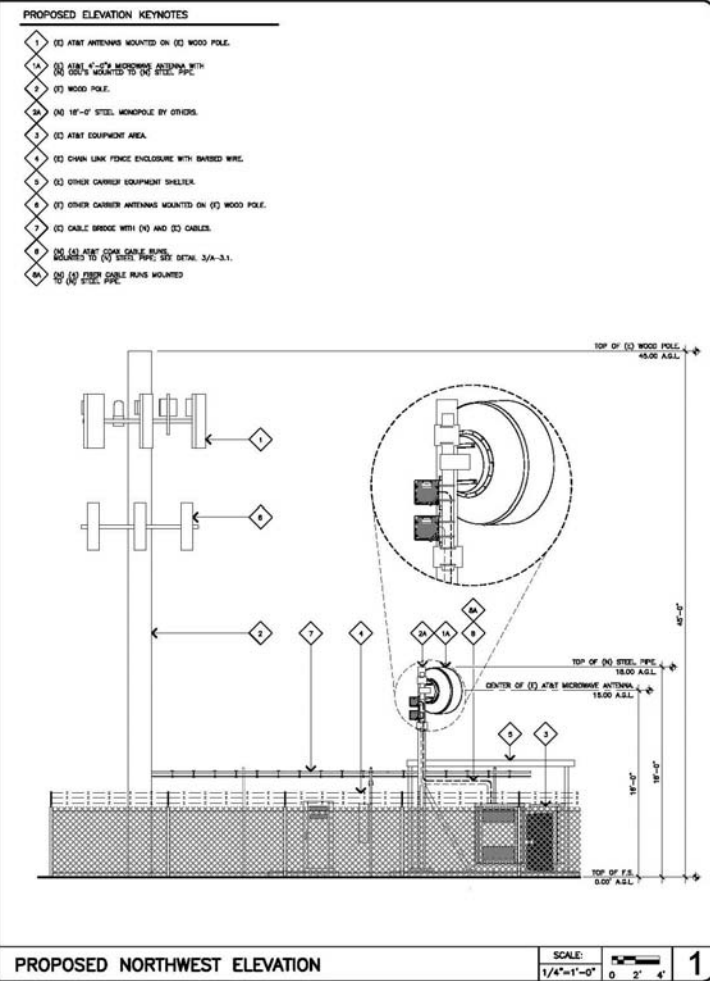
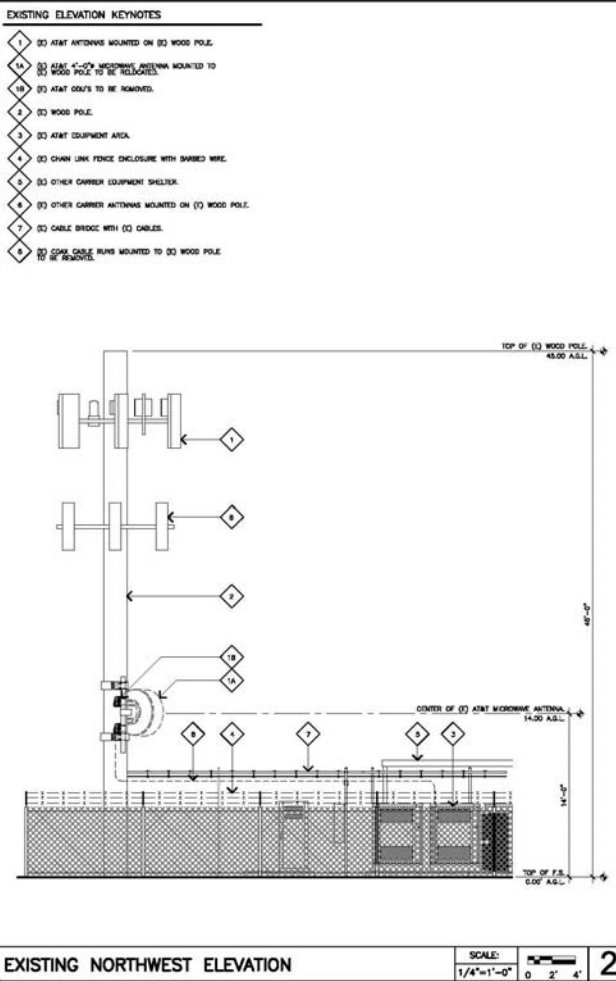
ISSUANCE DATES

04/14/17	SOB COS REVIEW (P1-81)
08/21/17	SOB FINAL COS (P1-82)
08/21/17	DESIGN CHANGE (P1-83)
08/26/17	DESIGN CHANGE (P1-84)
10/22/18	STRUCTURALS (P1-85)
04/24/18	REVISION (P1-86)
10/08/18	COMMENTS (P1-87)

SHEET TITLE

SITE PLAN

A-1



MasTec
Network Solutions

3358 E Birch St, Suite 101
Fresno, California 93821
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STAMP

PREPARED FOR

APPROVALS

ANITA JEN	DATE	04/14/17
BOB COE	DATE	
ANITA JEN	DATE	08/21/17
BOB COE	DATE	
JENNIFER OLIVERA	DATE	10/22/18
BOB COE WITH STRUCTURALS	DATE	
MATTHEW BRUMELIDO	DATE	05/18/17
CONSTRUCTION	DATE	
JESSICA O'BRIEN	DATE	04/25/17
SITE ACQUISITION	DATE	

PROJECT NAME
MICROWAVE UPGRADE

SITE NAME
UTICA HIGHWAY 41

TA NUMBER
10101550

30576 JESSA ROAD
ARVIN, CALIFORNIA 93204

ISSUANCE DATES

04/14/17	BOB COE REVIEW	(P1-B1)
08/21/17	BOB COE REVIEW	(P1-B2)
08/21/17	BOB COE REVIEW	(P1-B3)
08/21/17	BOB COE REVIEW	(P1-B4)
10/22/18	STRUCTURALS	(P1-B5)
04/24/18	REVISION	(P1-B6)
10/08/18	COMMENTS	(P1-B7)

SHEET TITLE
EXISTING & PROPOSED ELEVATIONS

A-2

JOB NUMBER: 11002

STAFF ANALYSIS:

In order to approve this permit, the Commission is required to make the following findings:

1. The proposed use is consistent with the General Plan.
2. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA).
3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
4. The proposed conditional use complies with all applicable standards and provisions of this Development Code and the purposes of the district in which the site is located.
5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties. or improvements in the vicinity.
6. That 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.
7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

With regard to these required findings, staff comments that:

1. The proposed use is consistent with the General Plan.

Finding: The proposal conforms with the policies of the Kings County General Plan, specifically:

- A. Figure LU-11, the Kings County Land Use Map, of the Land Use Element of the *2035 Kings County General Plan* designates this site as Open Space (OS).
- B. Page LU-16, Section III.A.6. of the “Land Use Element” states that the Open Space designation is intended primarily for application around uses that require an open space buffer to increase separation between two separate types of land uses. Open Space is also used in Community District areas for establishing residential connectivity to public and private recreational areas
- C. Page LU-38, LU Goal B7 of the “Land Use Element” of the *2035 Kings County General Plan* states that community benefiting non-agricultural uses remain compatible within the County’s Agricultural Open Space area, and are supported for their continued operation and existence.
- D. Page LU-38 also states that the agricultural area of the county may accommodate other appropriate uses that are of benefit to the County or community as a whole. Such uses may include school sites, County parks, utility power facilities, waste management facilities,

wastewater treatment facilities, communication towers, and open space buffers. Such uses shall be regulated by the zoning ordinance where applicable.

- (1) The proposed project is consistent with LU Goal B7 since it would establish a community benefitting non-agricultural use (communications tower) in the Open Space designated area.
2. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA).
 - A. **Finding:** The proposed project is Categorically Exempt Class 3 from environmental review pursuant to Section 15303 of the Guidelines for Environmental Quality Act (CEQA Guidelines).
3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
 - A. **Finding:** The proposed project will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed steel pole located within an existing communications facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.
4. The proposed conditional use complies with all applicable standards and provisions of this Development Code and the purposes of the district in which the site is located.

Findings:

- A. Article 4 Section 407 of the Kings County Development Code states that Table 4-1 prescribes the land use regulations for the “Agricultural” zoning districts. The regulation for each districts are established by letter designation shown in the key of Table 4-1.
 - (1) Table 4-1, lists cellular telephone, and microwave relay and transmission towers; commercial satellite communications receiving dishes as a use requiring a conditional use permit within General Agricultural 40-Acre Minimum (AG-40) zone district, subject to Planning Commission approval.
 - a. Article 4, Section 407, Table 4-1, General Agricultural 40 Acre Minimum (AG-40) District, lists cellular telephone transmission towers as a conditional use subject to Planning Commission approval.
- B. Article 10 Section 1006 of the Kings County Development Codes states that the Open Space Overlay Zone (OSOZ) is to promote the preservation of natural and other open space land which contributes to the economy, general welfare, and quality of life of the residents of Kings County.

C. Article 10 Section 1006.C of the Kings County Development Code also states that All new structures proposed within the OSOZ require approval of a Conditional Use Permit, with the exception of a single family residence and accessory structures related to the single family residence.

(1) The applicant proposes to construct a new 18' steel pipe monopole located within an existing telecommunication facility. Because the Steel Pipe is a new structure that will be located within the Open space Overlay Zone, a Conditional Use Permit is required for approval.

5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties or improvements in the vicinity.

A. **Finding:** The proposed project will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties or improvements in the vicinity. This proposed steel pole located within an existing communications facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

6. That 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.

A. **Finding:** The proposed project will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed steel pole located within an existing telecommunications facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.

A. **Finding:** The proposed use is for a new steel pole located within an existing telecommunications facility and the existing operation of the facility will not require any waste discharge and will not be connected to any private or public sewage disposal system.

8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.

A. **Finding:** This project would not result in any significant adverse air quality effects. The proposed use is for a new steel pole located within an existing telecommunications facility.

9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

- A. **Finding:** The site plan met all criteria required by Section 1602.A.5

STATEMENT OF FINDINGS OF CONSISTENCY:

1. **LAND CONSERVATION (WILLIAMSON) ACT FINDINGS:**

- A. The project site is not located within an established agricultural preserve.

2. **FLOOD PLAIN FINDINGS:**

- A. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0190C and 06031C0595C, dated September 15, 2015. There are no development restrictions associated with Other Areas Zone X since these are areas determined to be outside the 0.2 percent annual chance floodplain.

3. **AIRPORT COMPATIBILITY ZONE FINDINGS:**

- A. The project site is not located within an Airport Compatibility Zone.

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY – PLANNING DIVISION Contact Kao Nou Yang of the Kings County Community Development Agency – Planning Division at (559) 852-2673 regarding the following requirements:

1. All proposals of the applicant shall be conditions of approval if not mentioned herein.
2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:
 - A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Conditional Use Permit.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan, will require either an amendment to the approved Conditional Use Permit or a new zoning permit.

3. The development shall comply with all regulations of *Development Code No. 668.14*, with particular reference to the General Agricultural (AG-40) Zone District standards contained in Article 4, the Open Space Overlay Zone standards listed in Article 10, and the standards listed for Conditional Use Permits contained in Article 17.
4. All signage must comply with Section 418.C of the Kings County Development Code. Signs shall be located outside of the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines.
5. Any exterior lighting shall be hooded so as to be directed only on-site. Pursuant to Section 418.E of the Kings County Development Code, exterior lighting shall be designed to be compatible with the architectural and landscape design of the project.
 - A. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
 - B. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
 - C. To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.
6. Pursuant to Section 418.F of the Kings County Development Code, all property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.
 - A. Water Meters: The installation of water meters to encourage water conservation.
 - B. Storm water Drainage: The integration of onsite storm water drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase the storm water detention.
 - C. Drought Tolerant Landscaping: The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.
7. Any exterior lighting shall be hooded so as to be directed only on-site.

8. Off-Street parking shall be provided in accordance with Article 13, Table 13-1 of the Kings County Development Code and shall be installed in accordance with Kings County Improvement Standards. (Note: Accessible parking requirements are listed under Building Division Requirement Nos. 8 and 9 below.)
9. All drive approaches, parking areas, aisles, and driveways shall be provided prior to either: 1) initial occupancy of the site; or 2) the final inspection. (Note: The applicant is responsible for contacting the Building Division to request a final inspection of the structure prior to startup of the operation).
10. Pursuant to Section 303.G of the *Kings County Improvement Standards* all parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G. and Drawing 3036 of the *Kings County Improvement Standards* requires four (4) inches of decomposed granite with a penetration seal of SC 250 @ 0.50 gallons per square yard under "Light Use Conditions." An alternate material which provides a durable dust free surface may be used only with prior approval of the Director of Public Works. (Note: The Kings County Zoning Administrator hereby reserves the authority to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County Roads.)
11. The minimum yard requirements from property line to a structure shall be as follows:
 - A. The minimum front yard setback for occupied structures shall be not less than fifty (50) feet from the public road right-of-way line or the property line if not fronting on a public road right-of-way.
 - B. The minimum front yard setback for non-occupied uses shall be not less than thirty-five (35) feet from the public road right-of-way or property line if not fronting on a public road right-of-way.
 - C. The minimum side yard setback shall be ten (10) feet from the side property line for interior sites.
 - D. The minimum side yard setback shall be twenty (20) feet from the public road right-of-way line on the street side of a corner site.
 - E. The minimum rear yard setback shall be ten (10) feet from the rear property line.
12. The minimum distance between structures shall be ten (10) feet.
13. The applicant shall obtain any necessary federal, state or local regulatory licensing permits.
14. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.
15. 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.

16. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.
17. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.
18. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
19. This Conditional Use Permit shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
20. This Conditional Use Permit may be renewed for additional periods of time, if an application (**by letter**) for renewal of the Conditional Use Permit is filed with the Kings County Community Development Agency prior to the permit’s expiration date. It is the responsibility of the applicant to file an extension of time prior to the permit’s expiration date. No further notice will be provided by the Community Development Agency prior to the permit’s expiration date.
21. This approved conditional use permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the conditional use permit approval.
22. Prior to any ground disturbance, the applicant shall hire a Native American Monitor to monitor the project during all ground disturbing activities during construction of the project.
23. Compliance with Regulation VIII – Fugitive Dust PM10 Prohibitions. Applicable rules include Rule 8041, 8051, and 8071.
24. If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the County of the site’s significance. If the findings are deemed significant by the Kings County Community Development Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.
25. Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment.

OTHER STANDARDS AND REGULATIONS:

In addition to the above *Development Code* requirements, other standards and regulations affecting this project are listed below. These requirements are not part of this zoning approval. However, compliance is required by the departments and agencies listed below. Appeals for relief of these standards and regulations must be made through that department's or agency's procedures, not through the *Development Code* procedures.

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - BUILDING DIVISION Contact Darren Verdegaal at the Kings County Community Development Agency - Building Division at (559) 852-2683, regarding the following requirements:

1. Building permits must be obtained from the Building Division of the Kings County Community Development Agency for any structures, plumbing, electrical, or mechanical work.
2. Failure to obtain a building permit for any structure, prior to commencing construction, which requires a building permit, will result in the payment of a double fee. Payment of such double fee shall not relieve any person from fully complying with the requirements of Kings County Code of Ordinances, Chapter 5 in the execution of the work or from any other penalties prescribed therein.
3. A minimum of (2) sets of plans and calculations signed by an architect or engineer licensed to practice in the State of California shall be required for all structures.
4. The applicant is responsible for contacting the Building Division to request a final inspection of the structures prior to occupying the structures and prior to startup of the operation. No building or structure shall be used or occupied until the Building Division has issued a Certificate of Occupancy.
5. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
6. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
7. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
8. All construction shall conform to the latest edition of the California Building Standards Code which consists of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

KINGS COUNTY PUBLIC WORKS DEPARTMENT Contact Mike Hawkins of the Kings County Public Works Department at (559) 852-2708 regarding the following requirements:

1. All requirements required hereafter conform to the Kings County Improvement Standards.
2. All other alternative to Public Works requirements must be approved by the Kings County Public Works Department.
3. Applicant shall secure an encroachment permit for any work within the County right-of-way.
4. Asphalt concrete approaches shall be provided.

KINGS COUNTY FIRE DEPARTMENT Contact Rick Levy of the Kings County Fire Department at (559) 852-2885 regarding the following requirements:

1. Employees should be familiar with the use of fire safety equipment.
2. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
3. No structure or future structure shall be farther than 150 feet from fire apparatus access. Access roads and adequate turnaround provisions shall be provided if fire apparatus access distance is exceeded.
4. Any future development must comply with applicable Fire Code, including rural firefighting water supply requirements.
5. Ground shall be clear of dead vegetation prior to any cutting, drilling, or grinding.
6. Minimum of a 20LB Extinguisher required to be on site during construction.

PREPARATION:

Prepared by the Kings County Community Development Agency – Planning Division, Kao Nou Yang on November 15, 2019. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF CONDITIONAL USE)
PERMIT NO. 19-06 (Crown Castle – AT&T))
_____)

RESOLUTION NO. 19-08

RE: 30776 Utica Avenue, Avenal, CA

WHEREAS, on August 19, 2019, Crown Castle filed Conditional Use Permit No. 19-06 to construct a new 18’ steel pipe monopole located within an existing telecommunications facility; and

WHEREAS, the application was determined to be complete on November 1, 2019; and

WHEREAS, on November 8, 2019, the Kings County Community Development Agency recommended that the proposal is Categorical Exempt from environmental review pursuant to Section 15303, Class 3, of the *California Environmental Quality Act Guidelines (CEQA Guidelines)*; and

WHEREAS, on December 2, 2019, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

NOW, THEREFORE, BE IT RESOLVED that this Commission finds that:

1. The proposed project, as recommended for approval, is consistent with the policies of the 2035 Kings County General Plan, specifically:
 - A. Figure LU-11, the Kings County Land Use Map, of the Land Use Element of the 2035 *Kings County General Plan* designates this site as Open Space (OS).
 - B. Page LU-16, Section III.A.6. of the “Land Use Element” states that the Open Space designation is intended primarily for application around uses that require an open space buffer to increase separation between two separate types of land uses. Open Space is also used in Community District areas for establishing residential connectivity to public and private recreational areas
 - C. Page LU-38, LU Goal B7 of the “Land Use Element” of the 2035 *Kings County General Plan* states that community benefiting non-agricultural uses remain compatible within the County’s Agricultural Open Space area, and are supported for their continued operation and existence.
 - D. Page LU-38 also states that the agricultural area of the county may accommodate other appropriate uses that are of benefit to the County or community as a whole. Such uses may include school sites, County parks, utility power facilities, waste management facilities, wastewater treatment facilities, communication towers, and open space buffers. Such uses shall be regulated by the zoning ordinance where applicable.
 - (1) The proposed project is consistent with LU Goal B7 since it would establish a community benefitting non-agricultural use (communications tower) in the Open Space designated area.

2. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA).
 - A. The proposed project is Categorically Exempt from environmental review pursuant to Section 15303 of the Guidelines for Environmental Quality Act (CEQA Guidelines). Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. The project proposes construction of a new 18' steel pipe monopole located within an existing telecommunications facility and due to the limited size, thus the project is considered a small structure.

3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
 - A. The proposed project will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed steel pole located within an existing communications facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

4. The proposed conditional use complies with all applicable standards and provisions of this Development Code and the purposes of the district in which the site is located.
 - A. Article 4 Section 407 of the Kings County Development Code states that Table 4-1 prescribes the land use regulations for the "Agricultural" zoning districts. The regulation for each districts are established by letter designation shown in the key of Table 4-1.
 - (1) Table 4-1, lists cellular telephone, and microwave relay and transmission towers; commercial satellite communications receiving dishes as a use requiring a conditional use permit within General Agricultural 40-Acre Minimum (AG-40) zone district, subject to Planning Commission approval.
 - a. Article 4, Section 407, Table 4-1, General Agricultural 40 Acre Minimum (AG-40) District, lists cellular telephone transmission towers as a conditional use subject to Planning Commission approval.
 - B. Article 10 Section 1006 of the Kings County Development Codes states that the Open Space Overlay Zone (OSOZ) is to promote the preservation of natural and other open space land which contributes to the economy, general welfare, and quality of life of the residents of Kings County.

- C. Article 10 Section 1006.C of the Kings County Development Code also states that all new structures proposed within the OSOZ require approval of a Conditional Use Permit, with the exception of a single family residence and accessory structures related to the single family residence.
 - (1) The applicant proposes to construct a new 18' steel pipe monopole located within an existing telecommunication facility. Because the Steel Pipe is a new structure that will be located within the Open space Overlay Zone, a Conditional Use Permit is required for approval.
- 5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties or improvements in the vicinity.
 - A. The proposed project will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties or improvements in the vicinity. This proposed steel pole located within an existing communications facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.
- 6. That 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.
 - A. The proposed project will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed steel pole located within an existing telecommunications facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.
- 7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
 - A. The proposed use is for a new steel pole located within an existing telecommunications facility and the existing operation of the facility will not require any waste discharge and will not be connected to any private or public sewage disposal system.
- 8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
 - A. This project would not result in any significant adverse air quality effects. The proposed use is for a new steel pole located within an existing telecommunications facility.

9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.
 - A. The site plan met all criteria required by Section 1602.A.5
10. The project site is not located within an established agricultural preserve.
11. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0190C and 06031C0595C, dated September 15, 2015. There are no development restrictions associated with Other Areas Zone X since these are areas determined to be outside the 0.2 percent annual chance floodplain
12. The project site is not located within an Airport Compatibility Zone.

BE IT FURTHER RESOLVED that based on the above findings, this Commission approves Conditional Use Permit No. 19-06, as proposed, subject to the conditions and exceptions as follows:

1. All proposals of the applicant shall be conditions of approval if not mentioned herein.
2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:
 - A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Conditional Use Permit.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan, will require either an amendment to the approved Conditional Use Permit or a new zoning permit.
3. The development shall comply with all regulations of *Development Code No. 668.14*, with particular reference to the General Agricultural (AG-40) Zone District standards contained in Article 4, the Open Space Overlay Zone standards listed in Article 10, and the standards listed for Conditional Use Permits contained in Article 17.

4. All signage must comply with Section 418.C of the Kings County Development Code. Signs shall be located outside of the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines.
5. Any exterior lighting shall be hooded so as to be directed only on-site. Pursuant to Section 418.E of the Kings County Development Code, exterior lighting shall be designed to be compatible with the architectural and landscape design of the project.
 - A. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
 - B. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
 - C. To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.
6. Pursuant to Section 418.F of the Kings County Development Code, all property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.
 - A. Water Meters: The installation of water meters to encourage water conservation.
 - B. Storm water Drainage: The integration of onsite storm water drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase the storm water detention.
 - C. Drought Tolerant Landscaping: The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.
7. Any exterior lighting shall be hooded so as to be directed only on-site.
8. Off-Street parking shall be provided in accordance with Article 13, Table 13-1 of the Kings County Development Code and shall be installed in accordance with Kings County Improvement Standards. *(Note: Accessible parking requirements are listed under Building Division Requirement Nos. 8 and 9 below.)*
9. All drive approaches, parking areas, aisles, and driveways shall be provided prior to either: 1) initial occupancy of the site; or 2) the final inspection. (Note: The applicant is responsible for contacting the Building Division to request a final inspection of the structure prior to startup of the operation).

10. Pursuant to Section 303.G of the *Kings County Improvement Standards* all parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G. and Drawing 3036 of the *Kings County Improvement Standards* requires four (4) inches of decomposed granite with a penetration seal of SC 250 @ 0.50 gallons per square yard under “Light Use Conditions.” An alternate material which provides a durable dust free surface may be used only with prior approval of the Director of Public Works. (Note: The Kings County Zoning Administrator hereby reserves the authority to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County Roads.)
11. The minimum yard requirements from property line to a structure shall be as follows:
 - A. The minimum front yard setback for occupied structures shall be not less than fifty (50) feet from the public road right-of-way line or the property line if not fronting on a public road right-of-way.
 - B. The minimum front yard setback for non-occupied uses shall be not less than thirty-five (35) feet from the public road right-of-way or property line if not fronting on a public road right-of-way.
 - C. The minimum side yard setback shall be ten (10) feet from the side property line for interior sites.
 - D. The minimum side yard setback shall be twenty (20) feet from the public road right-of-way line on the street side of a corner site.
 - E. The minimum rear yard setback shall be ten (10) feet from the rear property line.
12. The minimum distance between structures shall be ten (10) feet.
13. The applicant shall obtain any necessary federal, state or local regulatory licensing permits.
14. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.
15. 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.
16. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.
17. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.

18. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
19. This Conditional Use Permit shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
20. This Conditional Use Permit may be renewed for additional periods of time, if an application (**by letter**) for renewal of the Conditional Use Permit is filed with the Kings County Community Development Agency prior to the permit's expiration date. It is the responsibility of the applicant to file an extension of time prior to the permit's expiration date. No further notice will be provided by the Community Development Agency prior to the permit's expiration date.
21. This approved conditional use permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the conditional use permit approval.
22. Prior to any ground disturbance, the applicant shall hire a Native American Monitor to monitor the project during all ground disturbing activities during construction of the project.
23. Compliance with Regulation VIII – Fugitive Dust PM10 Prohibitions. Applicable rules include Rule 8041, 8051, and 8071.
24. If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Kings County Community Development Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.
25. Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment.

BE IT FURTHER RESOLVED that the following departments' and agencies' have listed requirements, standards, and regulations that must be met under those departments' and agencies' jurisdiction. The Planning Commission has no authority to modify, amend, or delete any of these requirements, standards, and regulations, but lists them here as information to the applicant. Appeals for relief of these standards and regulations must be made through that department's or agency's procedures, not through the Zoning Ordinance procedures. However, failure of the applicant to comply with these other departments' and agencies' requirements, standards, and regulations is a violation of this conditional use permit and could result in revocation of this conditional use permit.

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - BUILDING DIVISION (Contact Darren Verdegaal at the Kings County Community Development Agency - Building Division at (559) 852-2683, regarding the following requirements:

1. Building permits must be obtained from the Building Division of the Kings County Community Development Agency for any structures, plumbing, electrical, or mechanical work.
2. Failure to obtain a building permit for any structure, prior to commencing construction, which requires a building permit, will result in the payment of a double fee. Payment of such double fee shall not relieve any person from fully complying with the requirements of Kings County Code of Ordinances, Chapter 5 in the execution of the work or from any other penalties prescribed therein.
3. A minimum of (2) sets of plans and calculations signed by an architect or engineer licensed to practice in the State of California shall be required for all structures.
4. The applicant is responsible for contacting the Building Division to request a final inspection of the structures prior to occupying the structures and prior to startup of the operation. No building or structure shall be used or occupied until the Building Division has issued a Certificate of Occupancy.
5. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
6. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
7. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
8. All construction shall conform to the latest edition of the California Building Standards Code which consists of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

KINGS COUNTY PUBLIC WORKS DEPARTMENT Contact Mike Hawkins of the Kings County Public Works Department at (559) 852-2708 regarding the following requirements:

1. All requirements required hereafter conform to the Kings County Improvement Standards.
2. All other alternative to Public Works requirements must be approved by the Kings County Public Works Department.
3. Applicant shall secure an encroachment permit for any work within the County right-of-way.
4. Asphalt concrete approaches shall be provided.

KINGS COUNTY FIRE DEPARTMENT Contact Rick Levy of the Kings County Fire Department at (559) 852-2885 regarding the following requirements:

1. Employees should be familiar with the use of fire safety equipment.

2. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
3. No structure or future structure shall be farther than 150 feet from fire apparatus access. Access roads and adequate turnaround provisions shall be provided if fire apparatus access distance is exceeded.
4. Any future development must comply with applicable Fire Code, including rural firefighting water supply requirements.
5. Ground shall be clear of dead vegetation prior to any cutting, drilling, or grinding.
6. Minimum of a 20LB Extinguisher required to be on site during construction.

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on December 2, 2019, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSTAIN: COMMISSIONERS
ABSENT: COMMISSIONERS

KINGS COUNTY PLANNING COMMISSION

Riley Jones, Chairperson

WITNESS, my hand this ____ day of _____, 2019.

Gregory R. Gatzka
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel
Kings County Community Development Agency – Building Division
Kings County Fire Department
Kings County Public Works Department
Kings County Environmental Health Services
Jason Osborne, Crown Castle, 3 Rovina Lane, Petaluma, CA 94952
Hewitson Limited Partnership, 39482 Highway 33, Avenal, CA 93204

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Conditional Use Permit No. 19-08 Development Code No. 668.14 December 2, 2019

APPLICANT: Kevin Gallagher, Complete Wireless Consulting, Inc.,
2009 V. Street, Sacramento, CA 95818

PROPERTY OWNER: James W. Davis Revocable Trust, P.O. Box 15, Lemoore, CA 93245

LOCATION: 21551 Fargo Avenue, Lemoore, CA

**GENERAL PLAN
DESIGNATION:** General Agriculture 20 (AG-20)

**ZONE DISTRICT
CLASSIFICATION:** General Agriculture 20 (AG-20)

**CONDITIONAL USE
PROPOSED:** The applicant proposes to construct a wireless communication facility consisting of a 144-foot tall monopole tower. The lease area will be 900 sq. ft. with an equipment shelter placed at the base of the tower including a 30KW standby diesel generator.

DISCUSSION:

The applicant proposes to construct a wireless telecommunications facility consisting of a 144-foot tall wireless communication tower. An equipment shelter is proposed to be placed at the base of the tower including a standby 30KW standby diesel generator. The project site contains one Assessor's Parcel Number (APN: 004-211-004) totaling 40.00 acres in size. The proposed communications facility is planned for development on only a 900 square foot portion of the 40.00 acre parcel. The lease area is located in the very northeastern portion of the parcel and will be leased from the property owner. Fencing will surround the 900 square foot site and will have a six (6) foot tall chain link fence surrounding the leased portion of the property.

The electronic equipment will operate at frequencies that will not interfere with other communication signals in the area and are licensed and regulated by the Federal Communications Commission (FCC). This proposed space is for electronic storage only and will be unmanned.

The applicant has investigated co-location opportunities within the area; however no buildings or other towers exist within the vicinity that meet the desired 140' centerline height. The subject property was chosen as it provides the best location for the most optimal coverage. The current and proposed coverage areas are provided as Attachment No. 1. The proposed facility will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed facility will be unmanned and will only be visited

by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

A land division is not necessary since Section 66412.(j) of the Subdivision Map Act excludes leasing a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including antenna support structures microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications.

It should be noted that the proposed tower is not located within any of the Compatibility Zones for the Municipal Airport of Hanford as shown on Figure HS-22 and HS-23 the Health and Safety Element of the 2035 Kings County General Plan. The proposed tower site is located approximately 12 miles northwest of the City of Hanford airport.

The required utilities will be brought in from the nearest available source which is along Fargo Avenue. Access and easement issues have been approved by the owner. No public utilities such as water or sewer are necessary for operation of the proposed communications facility.

It should also be noted that Section 704 of the Telecommunications Act of 1996 states that “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” The Federal Communications Commission adopted a Report and Order, FCC 96-326, on August 1, 1996, which revised the guidelines that the Commission will use to evaluate the environmental effects of transmitters licensed or authorized by the Commission.

Section 15064(f)(4) of the *CEQA Guidelines* states “The existence of public controversy of the environment effects of a project will not require the preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.”

Section 15064(f)(5) of the *CEQA Guidelines* states “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible shall not constitute substantial evidence. Substantial shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”

PARCEL ZONING PERMIT HISTORY:

No zoning permits have been issued for this property.

CURRENT USE OF SITE:

The parcel is approximately 40.00 acres in size and is developed with a single-family residence and accessory agriculture buildings. The existing home and accessory structures are developed on the northeastern 1.5 acres of the parcel.

LAND USE

SURROUNDING SITE:

Agricultural lands (farm fields) surround the parcel. There is one single-family residence directly adjacent to the east. The subject parcel is located adjacent to 21 1/2 Avenue to the east and Fargo Avenue to the north.

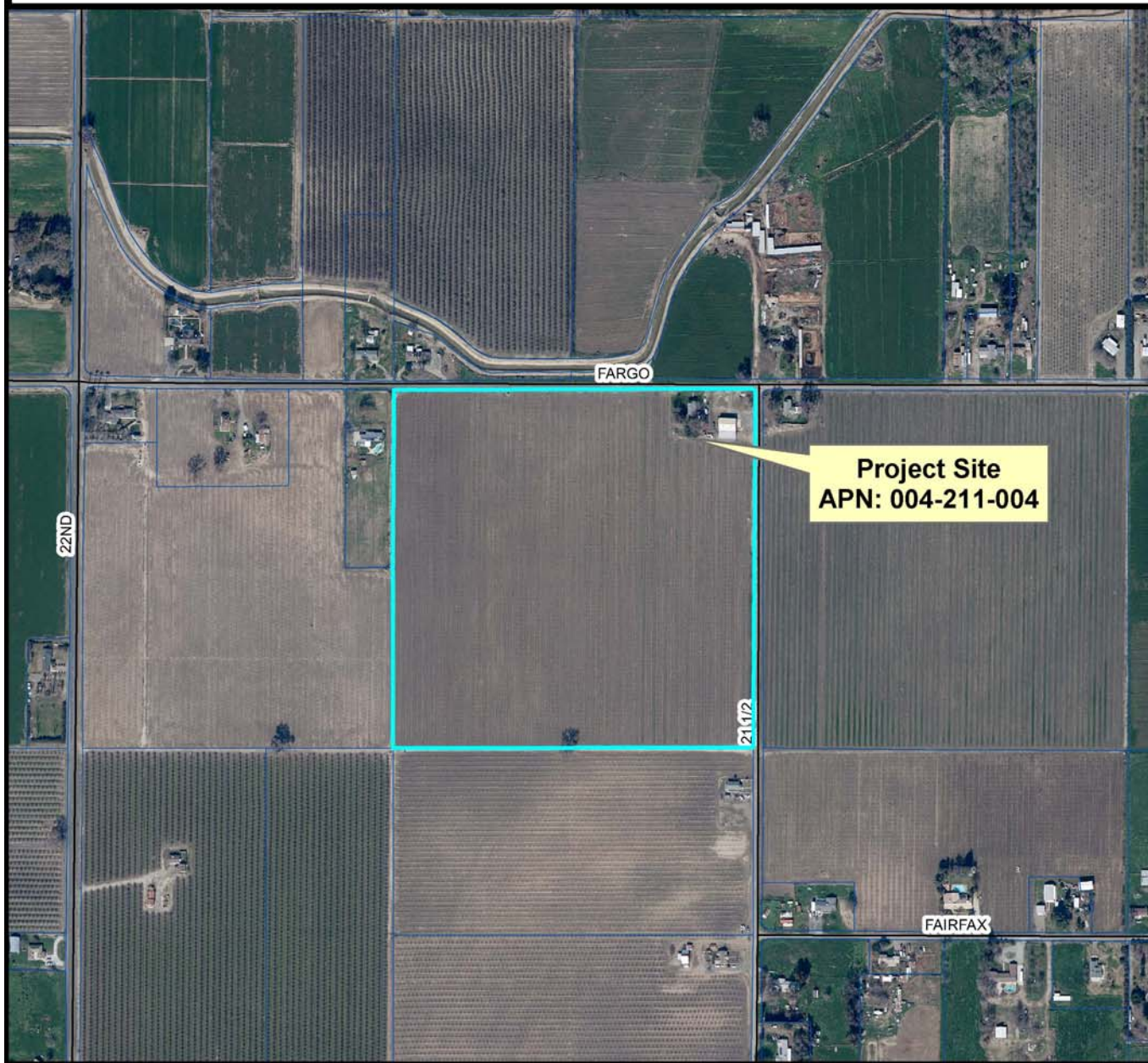
ENVIRONMENTAL REVIEW:

The proposed project is Categorically Exempt from environmental review pursuant to Section 15303 of the Guidelines for Environmental Quality Act (CEQA Guidelines). Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. The project proposes construction of a cell tower that encompasses a 900 sq. ft. area and due to the limited area and size can be considered a small structure/facility.


PROJECT REVIEW:

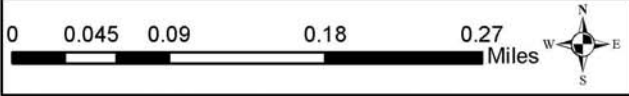
September 26, 2019	Application submitted
September 30, 2019	Application incomplete / applicant notified
November 5, 2019	Application documentation re-submitted
November 6, 2019	Application certified complete
December 2, 2019	Planning Commission hearing

Site Location for Conditional Use Permit 19-08 (Complete Wireless)



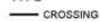
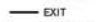
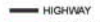

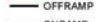
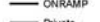
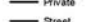
Project Site
APN: 004-211-004

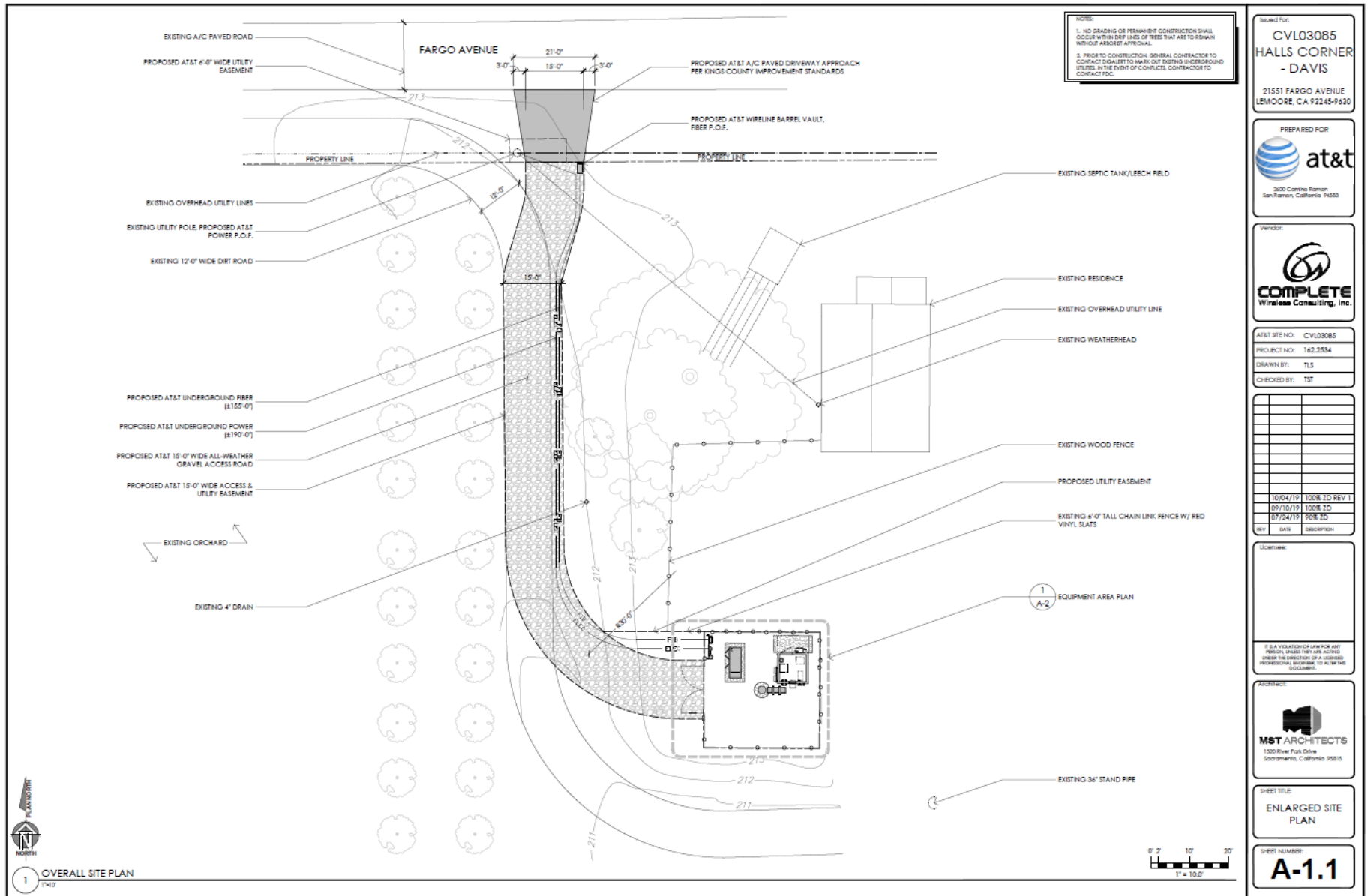

 Map prepared by
Victor Hernandez
September 26, 2019
Kings County Community Development Agency
 1400 W. Lacey Boulevard, Hanford, CA 93230 (559) 852-2670

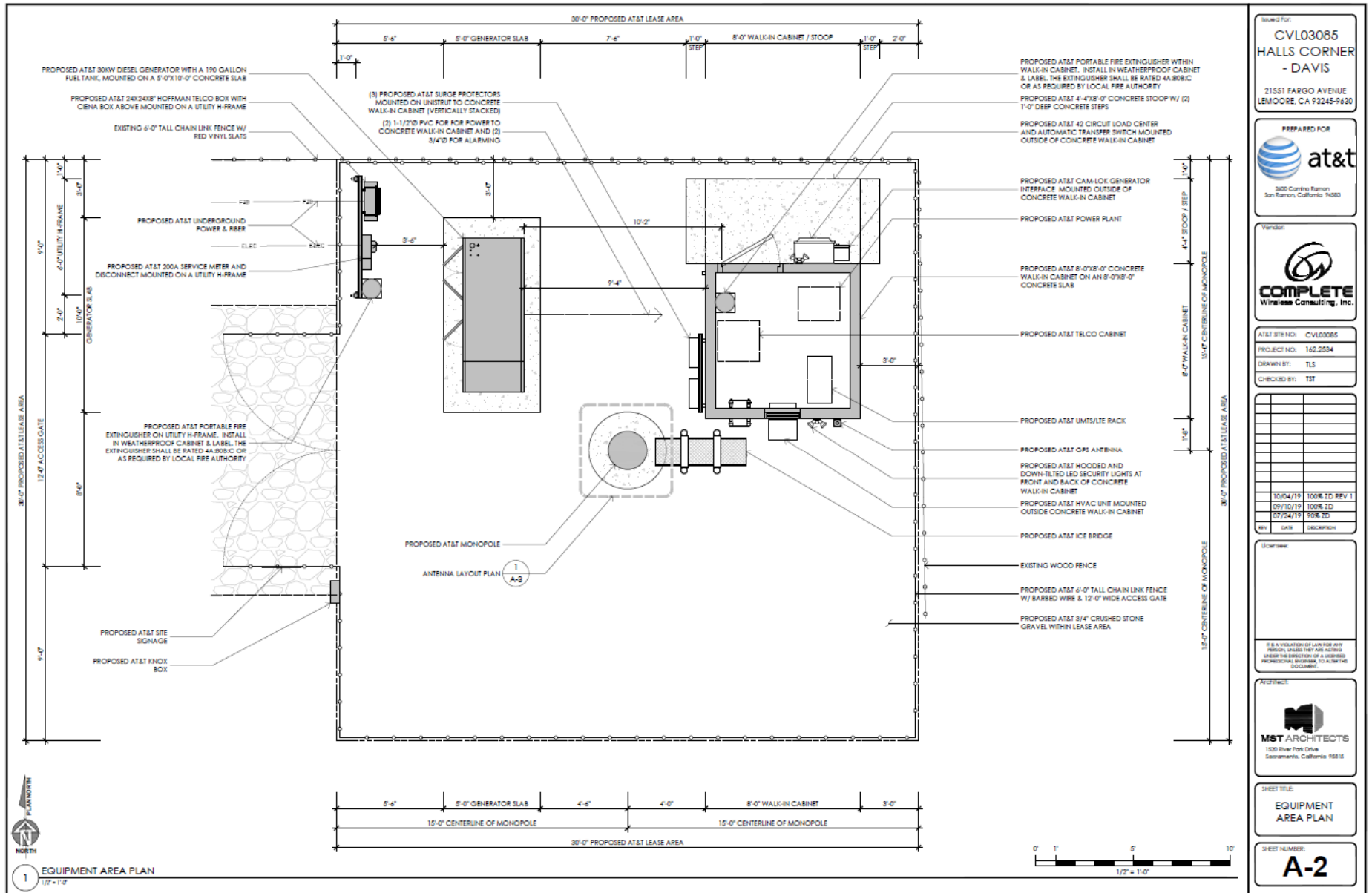


LEGEND

 **Project Site**

- Circulation TYPE**
-  CROSSING
 -  EXIT
 -  HIGHWAY
 -  INTERSTATE
 -  OFFRAMP
 -  ONRAMP
 -  Private
 -  Street





Issued For:
CVL03085
HALLS CORNER
- DAVIS
 21551 FARGO AVENUE
 LENOORE, CA 93245-9630

PREPARED FOR

 2000 Camino Ramon
 San Ramon, California 94583

Vendor:

COMPLETE
 Wireless Consulting, Inc.

AT&T SITE NO: CVL03085
 PROJECT NO: 162-2534
 DRAWN BY: TLS
 CHECKED BY: TST

REV	DATE	DESCRIPTION
10/04/19	1006 TO REV 1	
09/10/19	1006 TO 1D	
07/24/19	999 TO 1D	

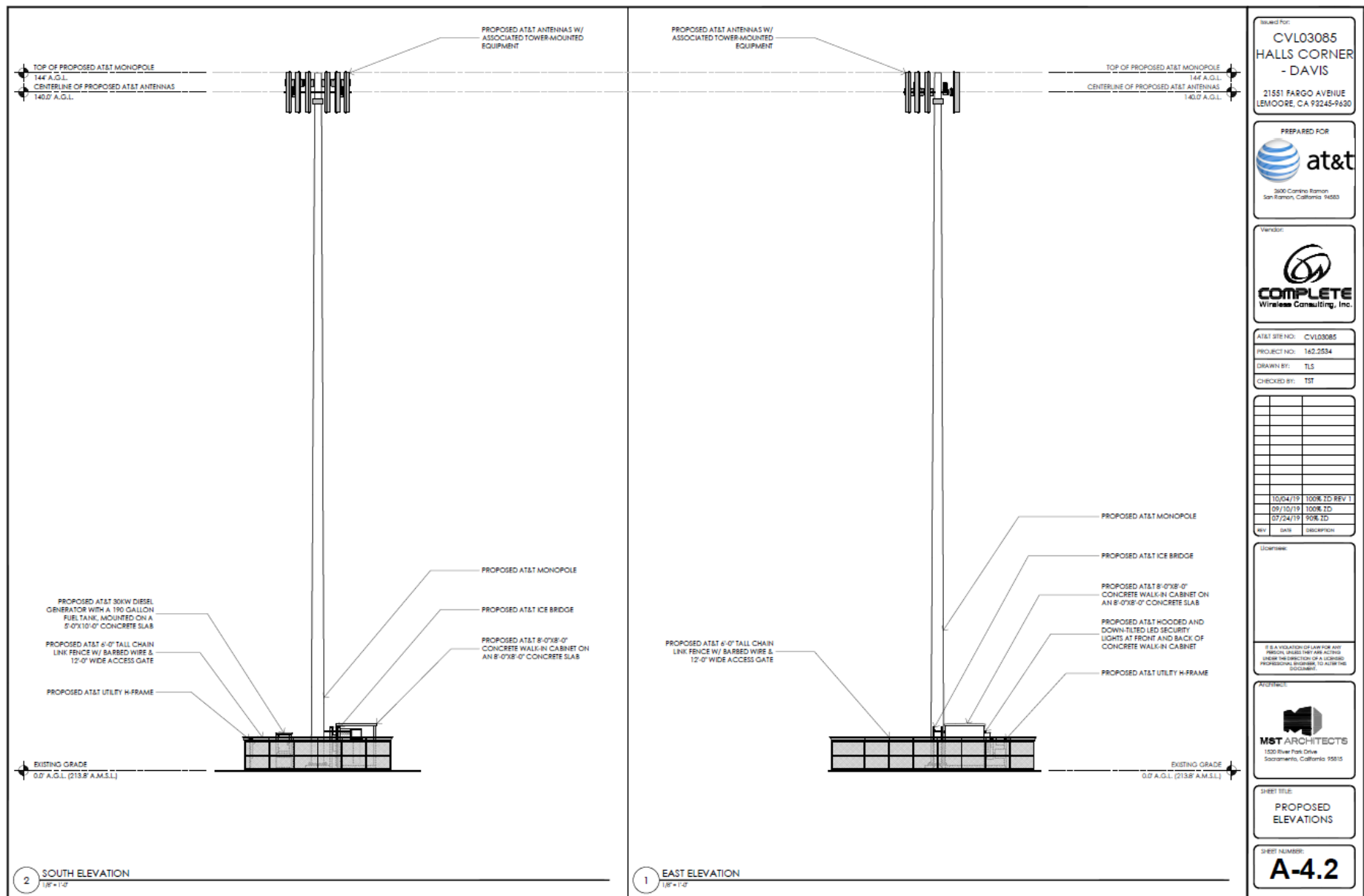
License:
 I, A. VIOLA, OF LAW FOR ANY
 PROJECT, SHALL NOT BE HELD
 LIABLE IN THE EVENT OF A LICENSE
 PROFESSIONAL BOARD TO ALLOWING
 DOCUMENT.

ARCHITECT:

M&T ARCHITECTS
 1330 River Park Drive
 Sacramento, California 95815

SHEET TITLE:
EQUIPMENT AREA PLAN

SHEET NUMBER:
A-2



STAFF ANALYSIS:

In order to approve this permit, the Commission is required to make the following findings:

1. The proposed use is consistent with the General Plan.
2. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA).
3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.
4. The proposed conditional use complies with all applicable standards and provisions of this Development Code and the purposes of the district in which the site is located.
5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties or improvements in the vicinity.
6. That 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.
7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

With regard to these required findings, staff comments that:

1. The proposed use is consistent with the General Plan.

Finding: The proposal conforms with the policies of the Kings County General Plan, specifically:

- A. Figure LU-11, the Kings County Land Use Map, of the Land Use Element of the *2035 Kings County General Plan* designates this site as General Agriculture (AG-20).
- B. Page LU-13, Section III.A.1. of the “Land Use Element” states that the AG-20 designation is applied to rural areas of the county north of Kansas Avenue, excluding the Urban Fringe areas of Hanford and Lemoore, the Communities of Armona and Home Garden, the Naval Air Station Lemoore, the Santa Rosa Rancheria Tribal Trust Land, and other small Rural Interface pockets of urban uses. Generally characterized by extensive and intensive agricultural uses, farms within this designation have historically been smaller in size. These areas should remain reserved for commercial agricultural uses because of their high quality soil, natural and manmade waterways, scenic nature with larger concentrations of orchards, vineyards and valley oak trees.
- C. Page LU-13, Section III.A.1. of the “Land Use Element” states that agricultural land use designations account for a vast majority of the County’s land use. Included within this land use

type are four agricultural type land use designations, Limited Agriculture, General Agriculture 20 Acre Minimum, General Agriculture 40 Acre Minimum, and Exclusive Agriculture. The major differences between the four Agriculture designations relate to minimum parcel size, animal keeping, and agricultural service businesses. These designations preserve land best suited for agriculture, protect land from premature conversion, prevent encroachment of incompatible uses, and establish intensity of agricultural uses in a manner that remains compatible with other uses within the County. The development of agricultural service and produce processing facilities within the Agricultural areas of the County shall develop to County standards.

D. Page LU-38, LU Goal B7 of the “Land Use Element” of the *2035 Kings County General Plan* states that community benefiting non-agricultural uses remain compatible within the County’s Agricultural Open Space area, and are supported for their continued operation and existence. Page LU-38 also states that the agricultural area of the county may accommodate other appropriate uses that are of benefit to the County or community as a whole. Such uses may include school sites, County parks, utility power facilities, waste management facilities, wastewater treatment facilities, communication towers, and open space buffers. Such uses shall be regulated by the zoning ordinance where applicable. It should be noted that the *Kings County Zoning Ordinance* was repealed and replaced by the *Kings County Development Code* on March 3, 2015.

(1) The proposed project is consistent with LU Goal B7 since it would establish a community benefitting non-agricultural use (communications tower) in the General Agricultural designated area.

2. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA).

Finding: The proposed project is Categorically Exempt from environmental review pursuant to Section 15303 of the Guidelines for Environmental Quality Act (CEQA Guidelines).

3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.

Finding: The proposed facility will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

4. The proposed conditional use complies with all applicable standards and provisions of this Development Code and the purposes of the district in which the site is located.

Finding: Article 4, Section 407, Table 4-1, General Agriculture (AG-20) District, lists cellular telephone transmission towers as a conditional use subject to Planning Commission approval.

5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties or improvements in the vicinity.

Finding: The proposed facility will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

6. That 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.

Finding: The proposed facility will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.

Finding: The proposed use is for a wireless communication facility and the operation of the facility will not require any waste discharge and will not be connected to any private or public sewage disposal system.

8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.

Finding: This project would not result in any significant adverse air quality effects. However, the development phase of this project could temporarily increase emissions of PM₁₀ and thus a condition of approval is that the project be subject to certain aspects of SJVUAPCD Regulation VIII.

9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

Finding: The site plan met all criteria required by Section 1602.A.5

STATEMENT OF FINDINGS OF CONSISTENCY:**1. LAND CONSERVATION (WILLIAMSON) ACT FINDINGS:**

- A. The proposed wireless communications facility is consistent with the *Uniform Rules for Agricultural Preserves in Kings County*.
- (1) Section B.7. of the *Uniform Rules for Agricultural Preserves in Kings County* lists public service structures, including communication facilities, as a compatible use within an agricultural preserve.
- B. Section 51238. of the *California Government Code* states that no land occupied by communication facilities shall be excluded from an agricultural preserve by reason of that use.
- C. Section 51238.1 of the *California Government Code* requires that uses approved on contracted lands shall be consistent with all of the following principles of compatibility:
- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject-contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (a) Construction of the wireless communications facility would occur only on a 900 square foot portion of the 40-acre parcel. The 900 square foot lease area is within an area which is not under agricultural production. No land would be removed from agricultural production. Since the proposed communications facility will be a compatible use and since no land would be removed from agricultural production, the long-term productive agricultural capability of the subject-contracted parcel will not be compromised.
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
- (a) Construction of the wireless communications facility would occur only on a 900 square foot portion of the 40-acre parcel. The 900 square foot lease area is within an area which is not under agricultural production. No land would be removed from agricultural production. Since the proposed communications facility will be a compatible use and since no land would be removed from agricultural production, it will not displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or on other contracted lands in agricultural preserves.
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
- (a) Construction of the wireless communications facility would occur only on a 900 square foot portion of the 40-acre parcel. The 900 square foot lease area is within an area which is not under agricultural production. No land would be removed from agricultural production.

Since the proposed communications facility will be a compatible use and since no land would be removed from agricultural production, it will not result in the removal of adjacent contracted land from agricultural or open-space use.

2. FLOOD PLAIN FINDINGS:

A. The site is within Zone AE as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0155C, dated June 16, 2009. Zone AE is a Special Flood Hazard Area Subject to Inundation by the 1 percent Annual Chance Flood where base flood elevations have been determined.

(1) Any future development of structures within Zone AE will be subject to standard requirements and the requirements of Chapter 5A of the *Kings County Code of Ordinances*.

(a) Any future development will require that the elevation be determined and the project designed according to the criteria of the *Flood Damage Prevention Ordinance* (Chapter 5A of the *Kings County Code of Ordinances*) for any structure constructed on the portion of the site within the flood zone.

3. AIRPORT COMPATIBILITY ZONE FINDINGS:

A. The project site is not located within an Airport Compatibility Zone.

RECOMMENDATIONS:

It is recommended that the Commission approve Conditional Use Permit No. 19-08 as described above and adopt Resolution No. 19-09. Approval of this Resolution will:

1. Find that the proposed project is Categorically Exempt from environmental review pursuant to Section 15303 of the Guidelines for Environmental Quality Act (CEQA Guidelines).
2. Find that the project is consistent with the *2035 Kings County General Plan*, the *Kings County Development Code*, and the *California Land Conservation Act of 1965 (Williamson Act)*.
3. Approve the project with specified conditions of approval.

This permit shall become effective upon the expiration of eight (8) days following the date on which the permit was granted unless the Board of Supervisors shall act to review the decision of the Planning Commission.

A Conditional Use Permit shall lapse and shall become null and void one (1) year following the date on which the Conditional Use Permit became effective, unless prior to the expiration of one (1) year a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site which was subject of the Conditional Use Permit application. A Conditional Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Conditional Use Permit is filed with the Planning Commission prior to the permit's expiration date

For the information of the applicant, compliance with other adopted rules and regulations of any local or state regulatory agency shall be required by the Planning Commission. This includes but is not limited to the following:

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY – PLANNING DIVISION Contact Victor Hernandez of the Kings County Community Development Agency – Planning Division at (559) 852-2685 regarding the following requirements:

1. All proposals of the applicant shall be conditions of approval if not mentioned herein.
2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:
 - A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Conditional Use Permit.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan, will require either an amendment to the approved Conditional Use Permit or a new zoning permit.
3. The development shall comply with all regulations of the *Kings County Development Code No. 668.14*, with particular reference to the General Agriculture 20 (AG-20) Zone District standards contained in Article 4.
4. All signage must comply with Section 418.C of the Kings County Development Code. Signs shall be located outside of the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines.
5. Obstruction lighting, consisting of at least one red, constantly burning, 110-watt light bulb on the top of the tower in operation from dusk until dawn, shall be required for the proposed project.
6. Any exterior lighting (with the exception of obstruction lighting, see Planning Division

Requirement No. 5) shall be hooded so as to be directed only on-site.

7. Pursuant to Section 418.F of the Kings County Development Code, all property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.
 - A. Water Meters: The installation of water meters to encourage water conservation.
 - B. Storm water Drainage: The integration of onsite storm water drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase the storm water detention.
 - C. Drought Tolerant Landscaping: The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.
8. Off-Street parking shall be provided in accordance with Article 13, Table 13-1 of the Kings County Development Code and shall be installed in accordance with Kings County Improvement Standards. (Note: Accessible parking requirements are listed under Building Division Requirement Nos. 8 and 9 below.)
9. All drive approaches, parking areas, aisles, and driveways shall be provided prior to either: 1) initial occupancy of the site; or 2) the final inspection. (Note: The applicant is responsible for contacting the Building Division to request a final inspection of the structure prior to startup of the operation).
10. Pursuant to Section 303.G of the *Kings County Improvement Standards* all parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G. and Drawing 3036 of the *Kings County Improvement Standards* requires four (4) inches of decomposed granite with a penetration seal of SC 250 @ 0.50 gallons per square yard under "Light Use Conditions." An alternate material which provides a durable dust free surface may be used only with prior approval of the Director of Public Works. (Note: The Kings County Zoning Administrator hereby reserves the authority to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County Roads.)
11. The minimum yard setback requirements for any new structures shall be as follows:
 - A. The minimum front yard setback for occupied structures shall be not less than fifty (50) feet from the public road right-of-way line or the property line if not fronting on a public road right-of-way.
 - B. The minimum front yard setback for non-occupied uses shall be not less than thirty-five(35) feet from the public road right-of-way or property line if not fronting on a public road right-of-way.
 - C. The minimum side yard setback shall be ten (10) feet from the side property line for interior

sites.

- D. The minimum side yard setback shall be twenty (20) feet from the public road right-of-way line on the street side of a corner site.
- E. The minimum rear yard setback shall be ten (10) feet from the rear property line.
- 12. The minimum distance between structures shall be (10) feet.
- 13. The applicant shall obtain any necessary federal, state or local regulatory licensing permits.
- 14. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.
- 15. 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.
- 16. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.
- 17. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.
- 18. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
- 19. This Conditional Use Permit shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
- 20. This Conditional Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Conditional Use Permit is filed with the Kings County Community Development Agency prior to the permit’s expiration date. It is the responsibility of the applicant to file an extension of time prior to the permit’s expiration date. No further notice will be provided by the Community Development Agency prior to the permit’s expiration date.
- 21. This approved conditional use permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the conditional use permit approval.

22. Prior to any ground disturbance, the applicant shall hire a Native American Monitor to monitor the project during all ground disturbing activities during construction of the project.
23. Compliance with Regulation VIII – Fugitive Dust PM10 Prohibitions. Applicable rules include Rule 8041, 8051, and 8071.
24. If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the County of the site’s significance. If the findings are deemed significant by the Kings County Community Development Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.
25. Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment.

OTHER STANDARDS AND REGULATIONS:

In addition to the above Development Code requirements, other standards and regulations affecting this project are listed below. These requirements are not part of this zoning approval. However, compliance is required by the departments and agencies listed below. Appeals for relief of these standards and regulations must be made through that department’s or agency’s procedures, not through the *Development Code* procedures.

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - BUILDING DIVISION Contact Darren Verdegaal at the Kings County Community Development Agency - Building Division at (559) 852-2683, regarding the following requirements:

1. Building permits must be obtained from the Building Division of the Kings County Community Development Agency for any structures, plumbing, electrical, or mechanical work.
2. Failure to obtain a building permit for any structure, prior to commencing construction, which requires a building permit, will result in the payment of a double fee. Payment of such double fee shall not relieve any person from fully complying with the requirements of Kings County Code of Ordinances, Chapter 5 in the execution of the work or from any other penalties prescribed therein.
3. A minimum of (2) sets of plans and calculations signed by an architect or engineer licensed to practice in the State of California shall be required for all structures
4. The applicant is responsible for contacting the Building Division to request a final inspection of the structures prior to occupying the structures and prior to startup of the operation. No building or structure shall be used or occupied until the Building Division has issued a Certificate of Occupancy.
5. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.

6. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
7. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
8. All construction shall conform to the latest edition of the California Building Standards Code which consists of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

KINGS COUNTY FIRE DEPARTMENT Contact Rick Levy of the Kings County Fire Department at (559) 852-2885 regarding the following requirements:

1. All weather access roads capable of supporting heavy fire apparatus, of not less than twenty feet width and thirteen feet six inches of vertical clearance, must be provided. Roads must comply with the California Fire Code.
2. A 4A80BC fire extinguisher is required to be located in plain sight not more than 75 feet from any point in the structure. The location of fire extinguishers must be easily accessible, be easily visible, and be near entrances or exit doors. All extinguishers shall be mounted to walls or columns with securely fastened hangers so that the weight of the extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions.
3. Employees should be familiar with the use of fire safety equipment.
4. The fire protection system, if provided must be up to date on required inspections and tests and be approved by the Kings County Fire Department.
5. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
6. Property must be equipped with a Knox Box for Fire Department access.
7. Adjustment shall not interfere with fire department access. No structure or future structure shall be farther than 150 feet from fire apparatus access. Access roads and adequate turnaround provisions shall be provided if fire apparatus access distance is exceeded.
8. Any future development must comply with applicable Fire Code, including rural firefighting water supply requirements.

KINGS COUNTY PUBLIC WORKS DEPARTMENT Contact Mike Hawkins of the Kings County Public Works Department at (559) 852-2708 regarding the following requirements:

1. All requirements required hereafter shall conform to the Kings County Improvement Standards.
2. All other alternatives to Public Works requirements must be approved by the Kings County Public Works Department.
3. Applicant shall secure an encroachment permit for any work in the county right-of-way.
4. Applicant shall provide asphalt concrete drive approach(es).

PREPARATION:

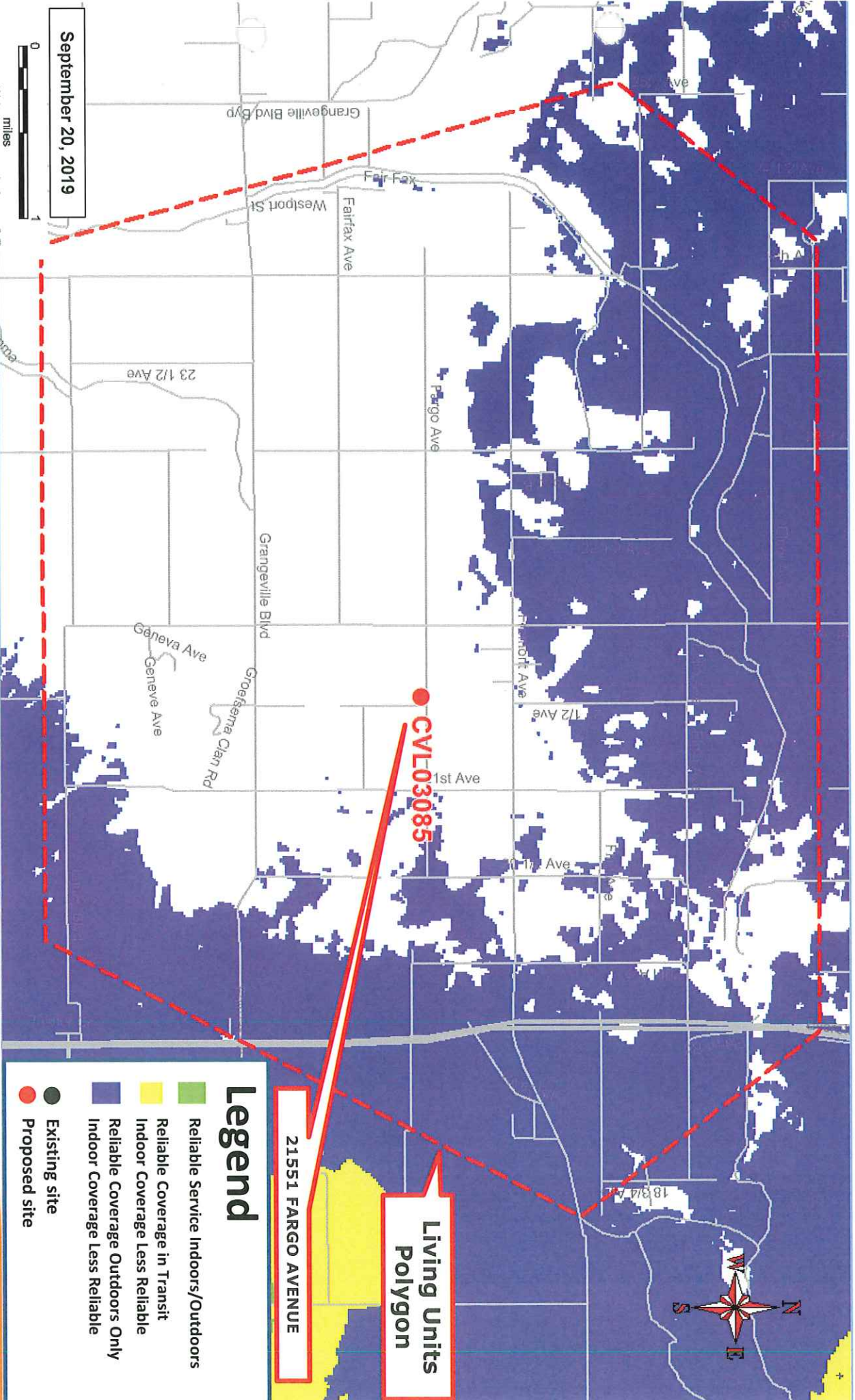
Prepared by the Kings County Community Development Agency (Victor Hernandez) on November 21, 2019. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

Attachment to Staff Report:

1. Existing and Proposed Coverage Area

H:\PLANNING\LAND DEVELOPMENT SECTION\Zoning Admin\CUP\2010 to 2019\2019\CUP 19-08 Complete Wireless\Planning Commission\CUP 19-08 PC Staff Report.doc

Existing LTE 700 Coverage



Legend

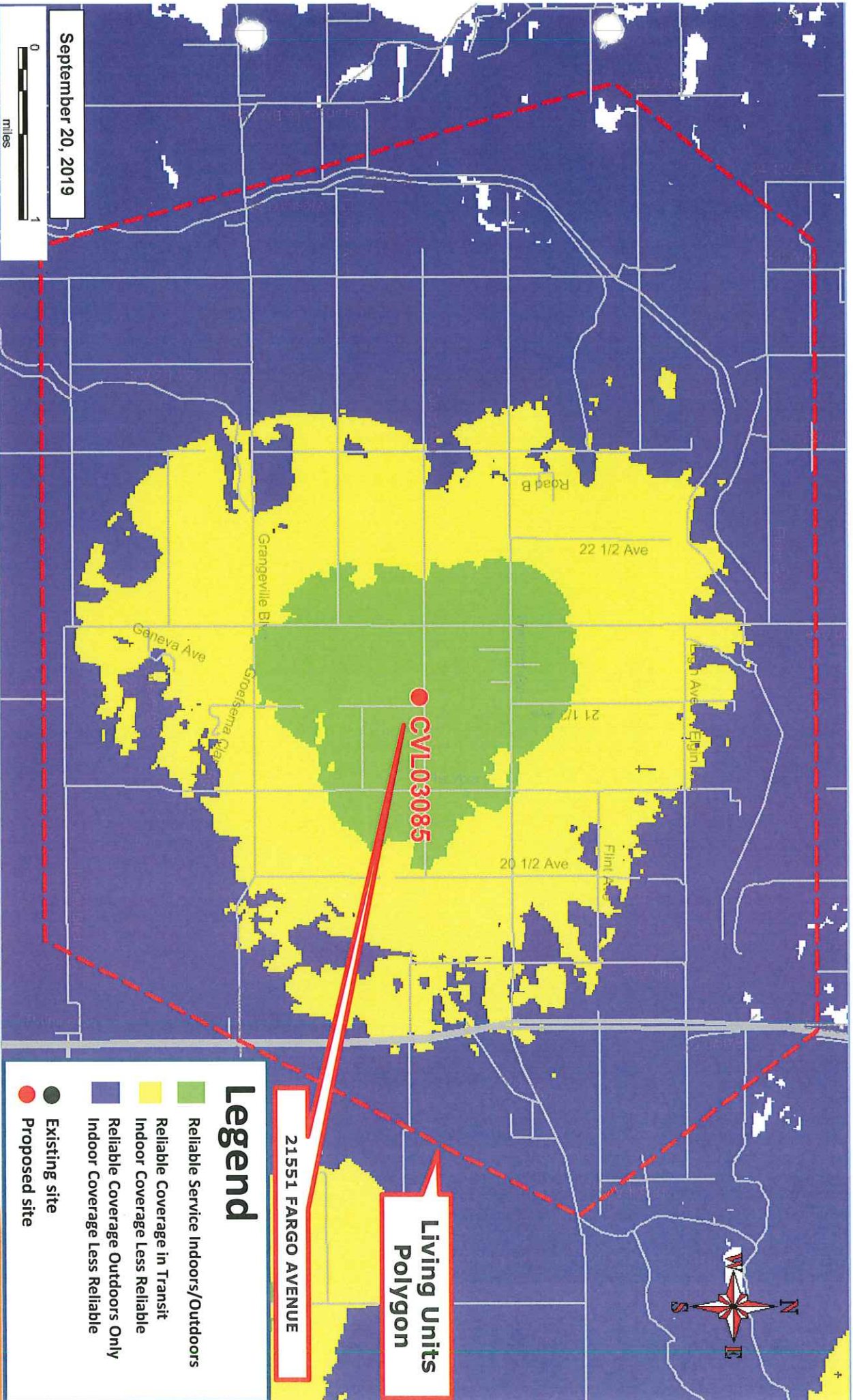
- Reliable Service Indoors/Outdoors
- Reliable Coverage in Transit
- Indoor Coverage Less Reliable
- Reliable Coverage Outdoors Only
- Indoor Coverage Less Reliable
- Existing site
- Proposed site

21551 FARGO AVENUE

Living Units Polygon



Proposed LTE 700 Coverage - 21551 FARGO AVENUE @ RC = 140 ft



Legend

- Reliable Service Indoors/Outdoors
- Reliable Coverage in Transit
- Reliable Coverage Outdoors Only
- Indoor Coverage Less Reliable
- Existing site
- Proposed site



**BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA**

**IN THE MATTER OF CONDITIONAL USE)
PERMIT NO. 19-08)
(COMPLETE WIRELESS / AT&T MOBILITY)**

RESOLUTION NO. 19-09

**RE: 21551 Fargo Avenue.
Lemoore, CA 93245**

WHEREAS, on September 26, 2019 Complete Wireless filed Conditional Use Permit No. 19-08 on behalf of AT&T Mobility to establish a new 144-foot tall wireless communication tower within a 900 square foot fenced leased area for ground equipment; and

WHEREAS, the application was determined to be incomplete on September 30, 2019 and the applicant was notified of the incomplete status; and

WHEREAS, on 9, the thirty day public review period for the proposed Initial Study/Mitigated Negative Declaration for this project closed; and

WHEREAS, the applicant re-submitted the documentation on November 5, 2019; and

WHEREAS, the application was determined to be complete on November 6, 2019; and

WHEREAS, on November 7, 2019 the Kings County Community Development Agency recommended that the proposal is Categorical Exempt from environmental review pursuant to Section 15303, Class 3, of the *California Environmental Quality Act Guidelines (CEQA Guidelines)*; and

WHEREAS, on November 25, 2019, the Kings County Community Development Agency staff notified the applicant of the proposed recommendation on this project; and

WHEREAS, on December 2, 2019, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

NOW, THEREFORE, BE IT RESOLVED, that this Commission finds that in order to approve this permit the commission is required to make the following findings pursuant to Section 1707 of the *Kings County Development Code*:

1. The proposed use is consistent with the General Plan.
2. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.
3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted

explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.

4. The proposed conditional use complies with all applicable standards and provisions of this Development Code and the purposes of the district in which the site is located.
5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties or improvements in the vicinity.
6. That 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.
7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.
8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.
9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

With regard to these required findings, this Commission finds that:

1. The proposed use is consistent with the General Plan.

Finding: The proposal conforms with the policies of the Kings County General Plan, specifically:

- a. Figure LU-11, the Kings County Land Use Map, of the Land Use Element of the *2035 Kings County General Plan* designates this site as General Agriculture (AG-20).
- b. Page LU-13, Section III.A.1. of the “Land Use Element” states that the AG-20 designation is applied to rural areas of the county north of Kansas Avenue, excluding the Urban Fringe areas of Hanford and Lemoore, the Communities of Armona and Home Garden, the Naval Air Station Lemoore, the Santa Rosa Rancheria Tribal Trust Land, and other small Rural Interface pockets of urban uses. Generally characterized by extensive and intensive agricultural uses, farms within this designation have historically been smaller in size. These areas should remain reserved for commercial agricultural uses because of their high quality soil, natural and manmade waterways, scenic nature with larger concentrations of orchards, vineyards and valley oak trees.
- c. Page LU-13, Section III.A.1. of the “Land Use Element” states that agricultural land use designations account for a vast majority of the County’s land use. Included within this land use type are four agricultural type land use designations, Limited Agriculture, General Agriculture 20 Acre Minimum, General Agriculture 40 Acre Minimum, and Exclusive Agriculture. The major differences between the four Agriculture designations relate to minimum parcel size,

animal keeping, and agricultural service businesses. These designations preserve land best suited for agriculture, protect land from premature conversion, prevent encroachment of incompatible uses, and establish intensity of agricultural uses in a manner that remains compatible with other uses within the County. The development of agricultural service and produce processing facilities within the Agricultural areas of the County shall develop to County standards.

- d. Page LU-38, LU Goal B7 of the “Land Use Element” of the *2035 Kings County General Plan* states that community benefiting non-agricultural uses remain compatible within the County’s Agricultural Open Space area, and are supported for their continued operation and existence. Page LU-38 also states that the agricultural area of the county may accommodate other appropriate uses that are of benefit to the County or community as a whole. Such uses may include school sites, County parks, utility power facilities, waste management facilities, wastewater treatment facilities, communication towers, and open space buffers. Such uses shall be regulated by the zoning ordinance where applicable. It should be noted that the *Kings County Zoning Ordinance* was repealed and replaced by the *Kings County Development Code* on March 3, 2015.

- (1) The proposed project is consistent with LU Goal B7 since it would establish a community benefiting non-agricultural use (communications tower) in the General Agricultural designated area.

2. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the *California Environmental Quality Act (CEQA)*.

Finding: The proposed project is Categorically Exempt from environmental review pursuant to Section 15303 of the *Guidelines for Environmental Quality Act (CEQA Guidelines)*. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. The project proposes construction of a cell tower that encompasses a 900 sq. ft. area and due to the limited area and size can be considered a small structure/facility.

3. There will be no potential significant negative effects upon environmental quality and natural resources that could not be eliminated or avoided through mitigation or monitoring or (b) there will not be potential significant negative effects upon environmental quality and natural resources that could not be mitigated to the extent feasible, and a Statement of Overriding Considerations is adopted explaining why the benefits of the project outweigh the impacts that cannot be mitigated to a less than significant level.

Finding: The proposed facility will not generate any environmental effects related to noise, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems. This proposed facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

4. The proposed conditional use complies with all applicable standards and provisions of this Development Code and the purposes of the district in which the site is located.

Finding: Article 4, Section 407, Table 4-1, General Agricultural (AG-40) District, lists cellular telephone transmission towers as a conditional use subject to Planning Commission approval.

5. The design, location, size and operating characteristics of the proposed conditional use and the conditions under which it would be operated or maintained will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties or improvements in the vicinity.

Finding: The proposed facility will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to the public health, safety, or welfare, or materially injurious to other permitted uses, properties or improvements in the vicinity. This proposed facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

6. That 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.

Finding: The proposed facility will not 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. This proposed facility will be unmanned and will only be visited by a technician as required to maintain the radio equipment. The site will be in operation 7 days per week, 24 hours per day.

7. That no waste material shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owner of the system.

Finding: The proposed use is for a wireless communication facility and the operation of the facility will not generate any waste discharge and will not be connected to any private or public sewage disposal system.

8. That all uses shall comply with the emission standards of the San Joaquin Valley Air Pollution Control District.

Finding: This project would not result in any significant adverse air quality effects. However, the development phase of this project could temporarily increase emissions of PM₁₀ and thus a condition of approval will require that the project shall comply with SJVUAPCD Regulation VIII.

9. The site plan includes all applicable information as described in Article 16, Section 1602.A.5.

Finding: The site plan meets all of the criteria required by Section 1602.A.5

STATEMENT OF FINDINGS OF CONSISTENCY:

1. LAND CONSERVATION (WILLIAMSON) ACT FINDINGS:

A. The proposed wireless communications facility is consistent with the *Uniform Rules for Agricultural Preserves in Kings County*.

(1) Section B.7. of the *Uniform Rules for Agricultural Preserves in Kings County* lists public service structures, including communication facilities, as a compatible use within an agricultural preserve.

B. Section 51238. of the *California Government Code* states that no land occupied by communication facilities shall be excluded from an agricultural preserve by reason of that use.

C. Section 51238.1 of the *California Government Code* requires that uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

(1) The use will not significantly compromise the long-term productive agricultural capability of the subject-contracted parcel or parcels or on other contracted lands in agricultural preserves.

(a) Construction of the wireless communications facility would occur only on a 900 square foot portion of the 40-acre parcel. The 900 square foot lease area is within an area which is not under agricultural production. No land would be removed from agricultural production. Since the proposed communications facility will be a compatible use and since no land would be removed from agricultural production, the long-term productive agricultural capability of the subject-contracted parcel will not be compromised.

(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

(a) Construction of the wireless communications facility would occur only on a 900 square foot portion of the 40-acre parcel. The 900 square foot lease area is within an area which is not under agricultural production. No land would be removed from agricultural production. Since the proposed communications facility will be a compatible use and since no land would be removed from agricultural production, it will not displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or on other contracted lands in agricultural preserves.

(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

(a) Construction of the wireless communications facility would occur only on a 900 square foot portion of the 40-acre parcel. The 900 square foot lease area is within an area which is not under agricultural production. No land would be removed from agricultural

production. Since the proposed communications facility will be a compatible use and since no land would be removed from agricultural production, it will not result in the removal of adjacent contracted land from agricultural or open-space use.

2. FLOOD PLAIN FINDINGS:

A. The site is within Zone AE as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0155C, dated June 16, 2009. Zone AE is a Special Flood Hazard Area Subject to Inundation by the 1 percent Annual Chance Flood where base flood elevations have been determined.

(1) Any future development of structures within Zone AE will be subject to standard requirements and the requirements of Chapter 5A of the *Kings County Code of Ordinances*.

(a) Any future development will require that the elevation be determined and the project designed according to the criteria of the *Flood Damage Prevention Ordinance* (Chapter 5A of the *Kings County Code of Ordinances*) for any structure constructed on the portion of the site within the flood zone..

3. AIRPORT COMPATIBILITY ZONE FINDINGS:

A. The project site is not located within an Airport Compatibility Zone.

BE IT FURTHER RESOLVED, that based on the above findings, this Commission approves Conditional Use Permit No. 19-08, as proposed, subject to the conditions and exceptions as follows:

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY – PLANNING DIVISION Contact Victor Hernandez of the Kings County Community Development Agency – Planning Division at (559) 852-2685 regarding the following requirements:

1. All proposals of the applicant shall be conditions of approval if not mentioned herein.
2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:
 - A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.

- C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Conditional Use Permit.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan, will require either an amendment to the approved Conditional Use Permit or a new zoning permit.
3. The development shall comply with all regulations of the *Kings County Development Code No. 668.14*, with particular reference to the General Agriculture 20 (AG-20) Zone District standards contained in Article 4.
 4. All signage must comply with Section 418.C of the Kings County Development Code. Signs shall be located outside of the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines.
 5. Obstruction lighting, consisting of at least one red, constantly burning, 110-watt light bulb on the top of the tower in operation from dusk until dawn, shall be required for the proposed project.
 6. Any exterior lighting (with the exception of obstruction lighting, see Planning Division Requirement No. 5) shall be hooded so as to be directed only on-site.
 7. Pursuant to Section 418.F of the Kings County Development Code, all property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All property owners proposing new development within the agricultural zoning districts are encouraged to implement the following resource conservation measures, as applicable, as part of their development proposals.
 - A. Water Meters: The installation of water meters to encourage water conservation.
 - B. Storm water Drainage: The integration of onsite storm water drainage features such as small catch basins, rain gardens, and landscape depression basins into site plans to increase the storm water detention.
 - C. Drought Tolerant Landscaping: The integration of drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use.
 8. Off-Street parking shall be provided in accordance with Article 13, Table 13-1 of the Kings County Development Code and shall be installed in accordance with Kings County Improvement Standards. (Note: Accessible parking requirements are listed under Building Division Requirement Nos. 8 and 9 below.)
 9. All drive approaches, parking areas, aisles, and driveways shall be provided prior to either: 1) initial occupancy of the site; or 2) the final inspection. (Note: The applicant is responsible for

contacting the Building Division to request a final inspection of the structure prior to startup of the operation).

10. Pursuant to Section 303.G of the *Kings County Improvement Standards* all parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G. and Drawing 3036 of the *Kings County Improvement Standards* requires four (4) inches of decomposed granite with a penetration seal of SC 250 @ 0.50 gallons per square yard under “Light Use Conditions.” An alternate material which provides a durable dust free surface may be used only with prior approval of the Director of Public Works. (Note: The Kings County Zoning Administrator hereby reserves the authority to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County Roads.)
11. The minimum yard setback requirements for any new structures shall be as follows:
 - A. The minimum front yard setback for occupied structures shall be not less than fifty (50) feet from the public road right-of-way line or the property line if not fronting on a public road right-of-way.
 - B. The minimum front yard setback for non-occupied uses shall be not less than thirty-five(35) feet from the public road right-of-way or property line if not fronting on a public road right-of-way.
 - C. The minimum side yard setback shall be ten (10) feet from the side property line for interior sites.
 - D. The minimum side yard setback shall be twenty (20) feet from the public road right-of-way line on the street side of a corner site.
 - E. The minimum rear yard setback shall be ten (10) feet from the rear property line.
12. The minimum distance between structures shall be (10) feet.
13. The applicant shall obtain any necessary federal, state or local regulatory licensing permits.
14. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.
15. 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.
16. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.

17. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.
18. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
19. This Conditional Use Permit shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
20. This Conditional Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Conditional Use Permit is filed with the Kings County Community Development Agency prior to the permit's expiration date. It is the responsibility of the applicant to file an extension of time prior to the permit's expiration date. No further notice will be provided by the Community Development Agency prior to the permit's expiration date.
21. This approved conditional use permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the conditional use permit approval.
22. Prior to any ground disturbance, the applicant shall hire a Native American Monitor to monitor the project during all ground disturbing activities during construction of the project.
23. Compliance with Regulation VIII – Fugitive Dust PM10 Prohibitions. Applicable rules include Rule 8041, 8051, and 8071.
24. If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Kings County Community Development Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.
25. Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment.

BE IT FURTHER RESOLVED that the following departments' and agencies' have listed requirements, standards, and regulations that must be met under those departments' and agencies' jurisdiction. The Planning Commission has no authority to modify, amend, or delete any of these requirements, standards, and regulations, but lists them here as information to the applicant. Appeals for relief of these standards and regulations must be made through that department's or agency's procedures, not through the Development Code procedures. However, failure of the applicant to comply with these other departments' and agencies' requirements, standards, and regulations is a violation of this conditional use permit and could result in revocation of this conditional use permit.

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - BUILDING DIVISION Contact Darren Verdegaal at the Kings County Community Development Agency - Building Division at (559) 852-2683, regarding the following requirements:

1. Building permits must be obtained from the Building Division of the Kings County Community Development Agency for any structures, plumbing, electrical, or mechanical work.
2. Failure to obtain a building permit for any structure, prior to commencing construction, which requires a building permit, will result in the payment of a double fee. Payment of such double fee shall not relieve any person from fully complying with the requirements of Kings County Code of Ordinances, Chapter 5 in the execution of the work or from any other penalties prescribed therein.
3. A minimum of (2) sets of plans and calculations, signed by an architect or engineer licensed to practice in the State of California, shall be required for all structures.
4. The applicant is responsible for contacting the Building Division to request a final inspection of the structures prior to occupying the structures and prior to startup of the operation. No building or structure shall be used or occupied until the Building Division has issued a Certificate of Occupancy.
5. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
6. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
7. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
8. All construction shall conform to the latest edition of the California Building Standards Code which consists of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

KINGS COUNTY FIRE DEPARTMENT Contact Rick Levy of the Kings County Fire Department at (559) 852-2885 regarding the following requirements:

1. All weather access roads capable of supporting heavy fire apparatus, of not less than twenty feet width and thirteen feet six inches of vertical clearance, must be provided. Roads must comply with the California Fire Code.
2. A 4A80BC fire extinguisher is required to be located in plain sight not more than 75 feet from any point in the structure. The location of fire extinguishers must be easily accessible, be easily visible, and be near entrances or exit doors. All extinguishers shall be mounted to walls or columns with securely fastened hangers so that the weight of the extinguisher is adequately supported, and at a height compliant with the California Fire Code. Additional extinguishers may be required based upon special hazards or conditions.
3. Employees should be familiar with the use of fire safety equipment.
4. The fire protection system, if provided must be up to date on required inspections and tests and be approved by the Kings County Fire Department.
5. All plans shall comply with the California Fire Code and all regulations of the Kings County Fire Department.
6. Property must be equipped with a Knox Box for Fire Department access.
7. Adjustment shall not interfere with fire department access. No structure or future structure shall be farther than 150 feet from fire apparatus access. Access roads and adequate turnaround provisions shall be provided if fire apparatus access distance is exceeded.
8. Any future development must comply with applicable Fire Code, including rural firefighting water supply requirements.

KINGS COUNTY PUBLIC WORKS DEPARTMENT Contact Mike Hawkins of the Kings County Public Works Department at (559) 852-2708 regarding the following requirements:

1. All requirements required hereafter shall conform to the Kings County Improvement Standards.
2. All other alternatives to Public Works requirements must be approved by the Kings County Public Works Department.
3. Applicant shall secure an encroachment permit for any work in the county right-of-way.
4. Applicant shall provide asphalt concrete drive approach(es).

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on December 2, 2019 by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSTAIN: COMMISSIONERS
ABSENT: COMMISSIONERS

KINGS COUNTY PLANNING COMMISSION

Riley Jones, Chairperson

WITNESS, my hand this ____ day of _____, 2019.

Gregory R. Gatzka
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel
Kings County Community Development Agency – Building Division
Kings County Fire Department
Kings County Public Works Department
Kings County Environmental Health Services
Kevin Gallagher, Complete Wireless Consulting Inc., 2009 V. Street, Sacramento, CA 95818
James W. Davis Revocable Trust, P.O. Box 15, Lemoore, CA 93245