

KINGS COUNTY PLANNING COMMISSION

April 5, 2021

AGENDA

Special Meeting
12:45 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.

COUNTY OF KINGS PUBLIC MEETING PROTOCOL IN RESPONSE TO CORONAVIRUS COVID-19

California Governor Gavin Newsom issued Executive Orders N-25-20 and N-29-20 on March 12, 2020 and March 17, 2020, respectively, relating to the convening of public agency meetings in light of the COVID-19 pandemic. The County of Kings hereby provides notice that it will convene a special Planning Commission and Division Two of the Kings County Advisory Agency Meeting by teleconference going forward, and will close its Board Chambers to the public generally, except as described below, until further notice.

Pursuant to the Executive Orders, and to maintain the orderly conduct of the meeting, Kings County will allow the Planning Commission, County staff and interested members of the public to attend the meeting telephonically or by the Internet, and to participate in the meeting to the same extent as if they were present in the Board Chambers. Only those members of the public who cannot participate virtually, due to a need for a special accommodation (vision, hearing, etc.), may attend the meeting in the Board Chambers. A maximum of 10 individuals will be allowed in the Chambers at a time. To secure the accommodation consistent with the American's with Disabilities Act (ADA) and to attend in person, interested parties will need to contact the Executive Secretary of Community Development as directed below no later than 8:30 a.m. the morning of the meeting.

Members of the public who wish to participate in the meeting virtually can do so one of three ways: Via the worldwide web; by telephone; or by postal or electronic mail. Members of the public, who participate via their computers or through the WebEx app, may provide public comment at the meeting by using the "Raise Your Hand" function. Public comment will be limited to two (2) minutes during the "Unscheduled Appearances" section of the meeting. Public comment will not be available via phone. All others who wish to submit comments may only do so as outlined below.

- **Web Access:** To access the meeting via computer, please go to the County's Community Development Agency's homepage (<https://www.countyofkings.com/departments/community-development-agency>) and click on the link that says **Join Meeting**. You may also participate from your smart phone by downloading the WebEx Meetings app to your smartphone. After opening the app, click on Join Meeting, and then enter the meeting information.

The meeting number is **133 140 1343** and the password is **KINGS_PC**.

- If you have trouble logging in through the Internet, you may join the meeting via telephone by calling **(415) 655-0003**, then enter the access code of **1331401343#**.

Members of the public who wish to comment may submit written comments on any matter within the Planning Commission's subject matter jurisdiction, regardless of whether it is on the agenda for Commission consideration or action, and those comments will be entered into the administrative record of the meeting. To submit written comments by U.S. Mail or email for inclusion in the meeting record, they must be received by the Executive Secretary of Community Development Agency no later than 8:00 a.m. on the morning of the noticed meeting. To submit written comments by email, please forward them to Terri.Yarbrough@co.kings.ca.us. To submit such comments by U.S. Mail, please forward them to: County of Kings, Community Development Agency – Planning Division, 1400 W. Lacey Blvd. Building #6, Hanford, CA 93230.

This special meeting will held by teleconference and will close its Board Chambers to the public generally, except as described above, until further notice. 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. PLEDGE OF ALLEGIANCE**
- 2. SUMMARY OF THE AGENDA – Staff**
- 3. 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 two minutes.

- 4. APPROVAL OF MINUTES - Meeting of February 1, 2021**

II. OLD BUSINESS – NONE

III. NEW BUSINESS

- 1. Conditional Use Permit No. 20-10 (Complete Wireless / AT&T) –** The applicant proposes to establish a 104’ tall monopole (Cell Tower) on a 30’ by 30’ equipment area that will be surrounded by a 6’-tall chain link fence topped with barbed wire for security. The lease area will contain an 8’ by 8’ walk-in equipment cabinet installed on a concrete slab as well as a 30KW standby diesel generator and a 190-gallon diesel fuel tank installed on a 5’ by 10’ concrete pad. The project will be located at 15834 17th Ave, Lemoore, Assessor’s Parcel Number 024-150-008.

- A. Staff Report
- B. Public Hearing
- C. Decision: Adopt Resolution No. 21-01 - Roll Call Vote

IV. MISCELLANEOUS

- 1. FUTURE MEETINGS -** The next regular meeting of the Planning Commission is scheduled for Monday, May 3, 2021.
- 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 – William Lynch

District 4 Commissioner – Jim Maciel**

District 5 Commissioner – Steven Dias

*Chairman

**Vice-Chairman

February 1, 2021

CALL TO ORDER: A special meeting of the Kings County Planning Commission was called to order by Chairman Jones at 12:45 p.m. in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, Hanford, California. The Pledge of Allegiance was recited.

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

COMMISSIONERS ABSENT: William Lynch

STAFF PRESENT: Greg Gatzka – Director, Diane Freeman – County Counsel, Chuck Kinney – Deputy Director, Anthony Yun – Planner, Terri Yarbrough – Executive Secretary

VISITORS PRESENT: Jay Salyer, Jimmy Hook, William Lynch

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

UNSCHEDULED APPEARANCES: None

APPROVAL OF MINUTES: A motion was made and seconded (Maciel/Dias) to approve the minutes of the October 5, 2020 meeting. Motion carried unanimously with Lynch absent.

OLD BUSINESS: None

NEW BUSINESS: None

CONVENE AS THE KINGS COUNTY ADVISORY AGENCY

1. Vesting Tentative Tract No. 931 (Jackson Ranch)

Mr. Yun provided a summary of a proposal to divide 424.87 into fifty five (55) parcels in (7) phases. The project site is located at the south west and south east corner of Utica Avenue and 25th Ave., Kettleman City, CA, Assessor's Parcel Number 048-020-030, 048-010-016 & 048-010-018.

Chairman Jones opened the public hearing and asked if there was anyone wanting to speak in favor of the project. David Horn representing, Yamabe and Horn Engineering, stated they developed the map and appreciated working with staff and stated he was available for any questions. 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. Seeing none, he closed the public hearing.

A motion was made and seconded (Dias/Maciel) to adopt resolution 21-01 approving Vesting Tentative Tract No. 931. Motion carried unanimously with Lynch absent.

RECONVENE AS THE KINGS COUNTY PLANNING COMMISSION

1. **FUTURE MEETINGS:** The next special meeting of the Planning Commission is scheduled for Monday, March 1, 2021
2. **CORRESPONDENCE:** None
3. **STAFF COMMENTS:** None
4. **COMMISSION COMMENTS:** Chairman Jones asked about the Fire Department's capability to provide protection for this project due to it being so remote. Fire Chief Lynch referenced Table 5.10.2 of the Specific Plan and addressed the response times. Ms. Freeman stated that this discussion should be carried on in private with Chief Lynch since this had already been approved and would require an amendment to the ordinance in order to correct.

ADJOURNMENT – The meeting was adjourned at 1:10 p.m.

Respectfully Submitted,

KINGS COUNTY PLANNING COMMISSION



Greg Gatzka, Commission Secretary

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Conditional Use Permit No. 20-10 April 5, 2021

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

PROPERTY OWNER: Melvin & M. Frances Garcia, 15315 17th Ave, Lemoore, CA, 93245
Manuel A Garcia, 15275 17th Ave, Lemoore, CA, 93245
Gina R. Garcia, 1603 Eagle St, Lemoore, CA, 93245

LOCATION: 15834 17th Avenue, Lemoore, CA, 93245

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

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

**CONDITIONAL USE
PROPOSED:** The applicant proposes to establish a 104' tall monopole (Cell Tower) on a 30' by 30' equipment area that will be surrounded by a 6'-tall chain link fence topped with barbed wire for security. The lease area will contain an 8' by 8' walk-in equipment cabinet installed on a concrete slab as well as a 30KW standby diesel generator and a 190-gallon diesel fuel tank installed on a 5' by 10' concrete pad.

CURRENT USE OF SITE: The approximately 37.77-acre parcel is within Assessor's Parcel No. 024-150-008. The parcel is primarily used for agriculture but contains a single-family residence and accessory structures.

DISCUSSION:

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 centerline height. 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.

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 9 miles southwest of the City of Hanford airport.

The required utilities will be brought in from the nearest available source which is along 17th 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 evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”

LAND USE

SURROUNDING SITE:

The areas North, East and West of the site are zoned AG-20 and are primarily used for agricultural purposes, with a few rural residences on the properties. There is one rural residence directly adjacent to the east. To the South across Jersey Ave is the Santa Rosa Rancheria.

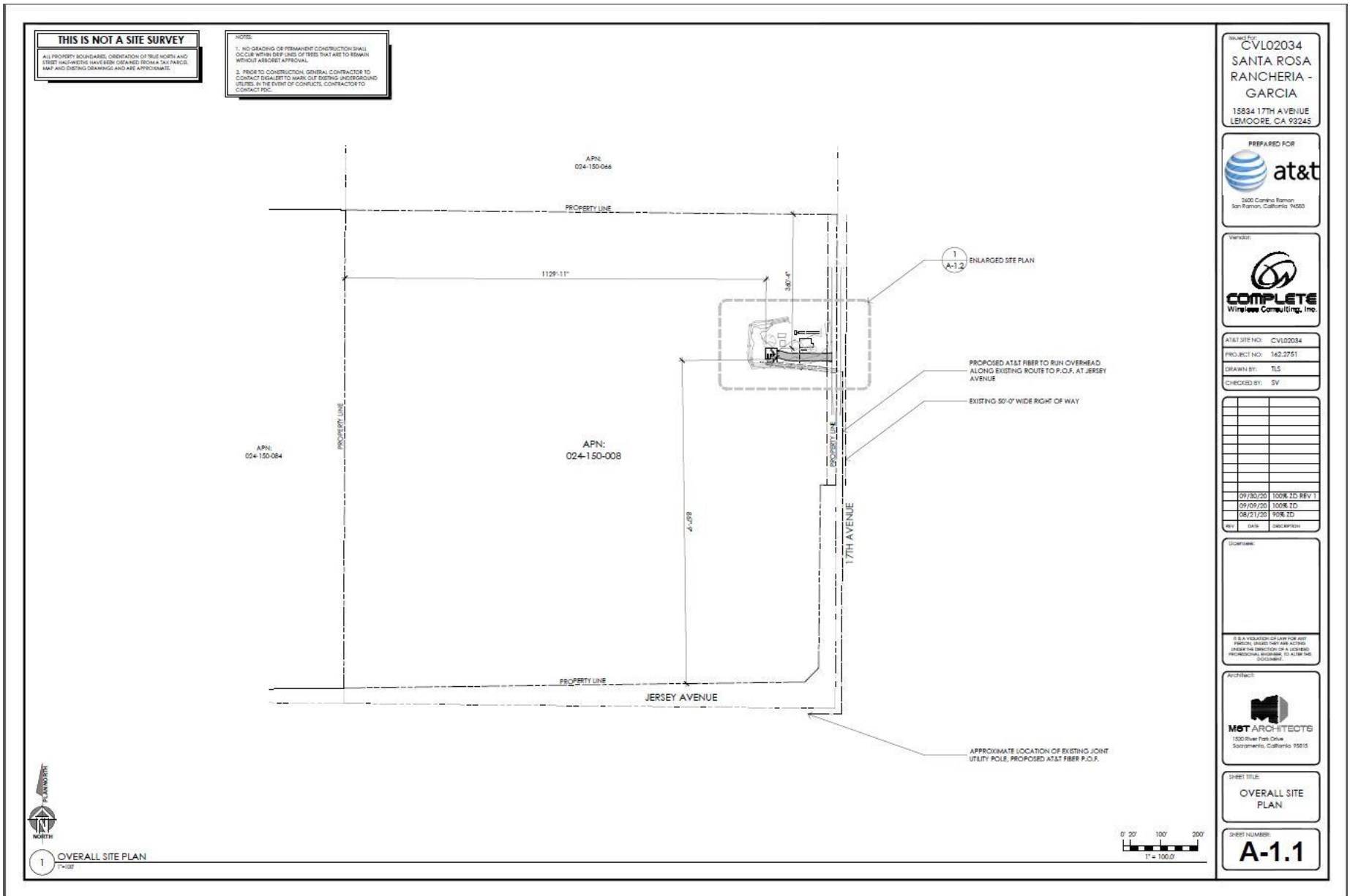
Site Location for Conditional Use Permit No. 20-10 (Complete Wireless / AT&T)



Map prepared by
Alex Hernandez
December 1, 2020
Kings County Community Development Agency
1400 W. Lacey Boulevard, Hanford, CA 93230 (559) 852-2670

LEGEND

	Project Sites
Circulation TYPE	
	CROSSING
	EXIT
	HIGHWAY
	INTERSTATE
	OFFRAMP
	ONRAMP
	POW
	SEW



THIS IS NOT A SITE SURVEY
 ALL PROPERTY BOUNDARIES, OBSERVATION OF TRUE NORTH AND STREET HALF-WIDTHS HAVE BEEN OBTAINED FROM A TAX PARCEL MAP AND EXISTING DRAWINGS AND ARE APPROXIMATE.

NOTES:
 1. NO GRADING OR PERMANENT CONSTRUCTION SHALL OCCUR WITHIN DEED LINES OF TREES THAT ARE TO REMAIN WITHOUT ARBORET APPROVAL.
 2. PRIOR TO CONSTRUCTION, GENERAL CONTRACTOR TO CONTACT DEAIR TO MARK OUT EXISTING UNDERGROUND UTILITIES. IN THE EVENT OF CONFLICTS, CONTRACTOR TO CONTACT PDC.

DRAWING NO: CVL02034
 SANTA ROSA RANCHERIA - GARCIA
 15894 17TH AVENUE
 LEMOORE, CA 93245



AT&T SITE NO: CVL02034
 PROJECT NO: 162.2751
 DRAWN BY: TJS
 CHECKED BY: SV

REV	DATE	DESCRIPTION
09/30/20	100% TD	REV 1
09/09/20	100% TD	
08/21/20	100% TD	

It is a violation of law for any person, under the direction of a licensee, to reproduce or disseminate any information contained in this document.

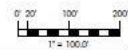


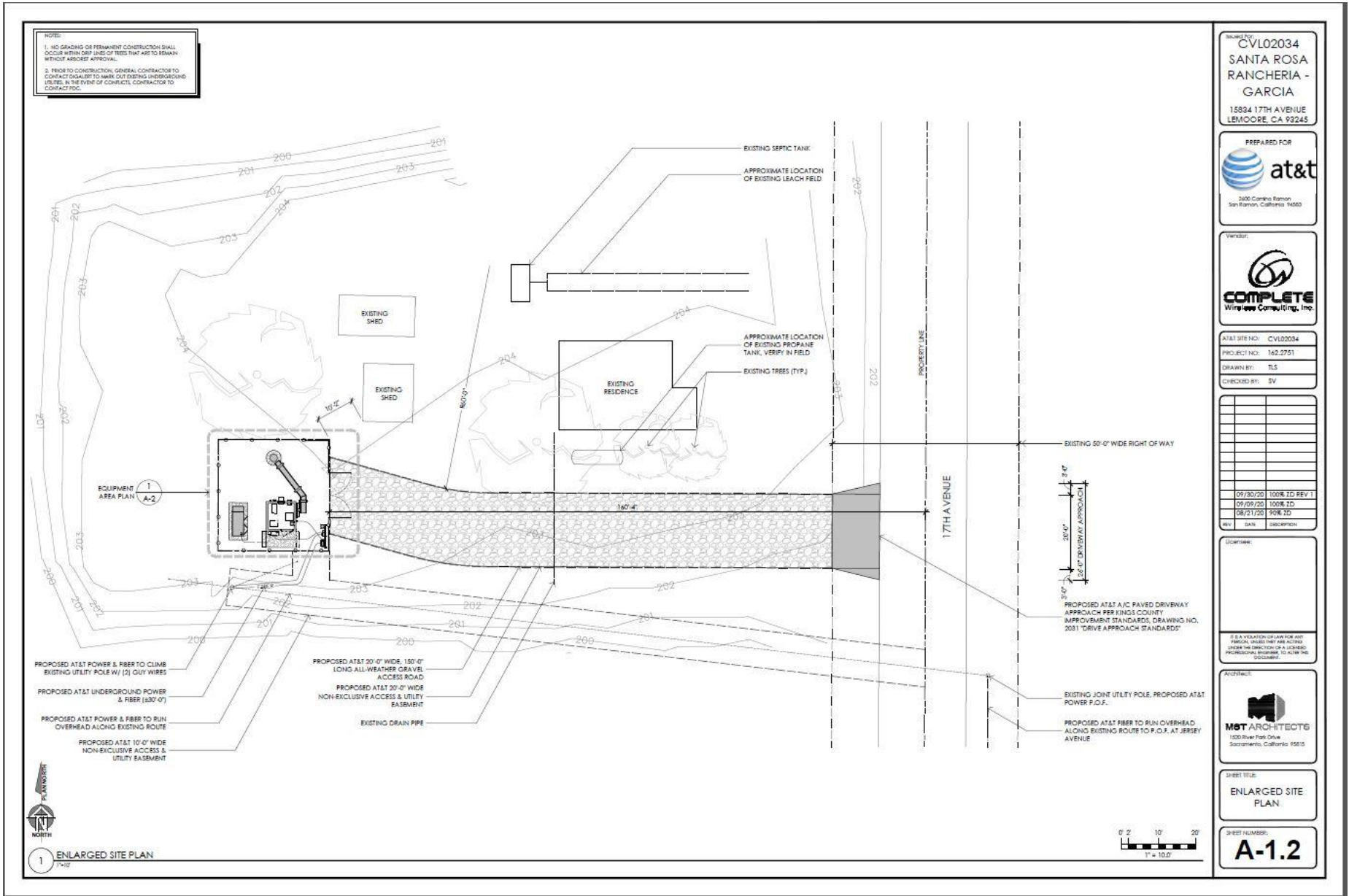
SHEET TITLE:
OVERALL SITE PLAN

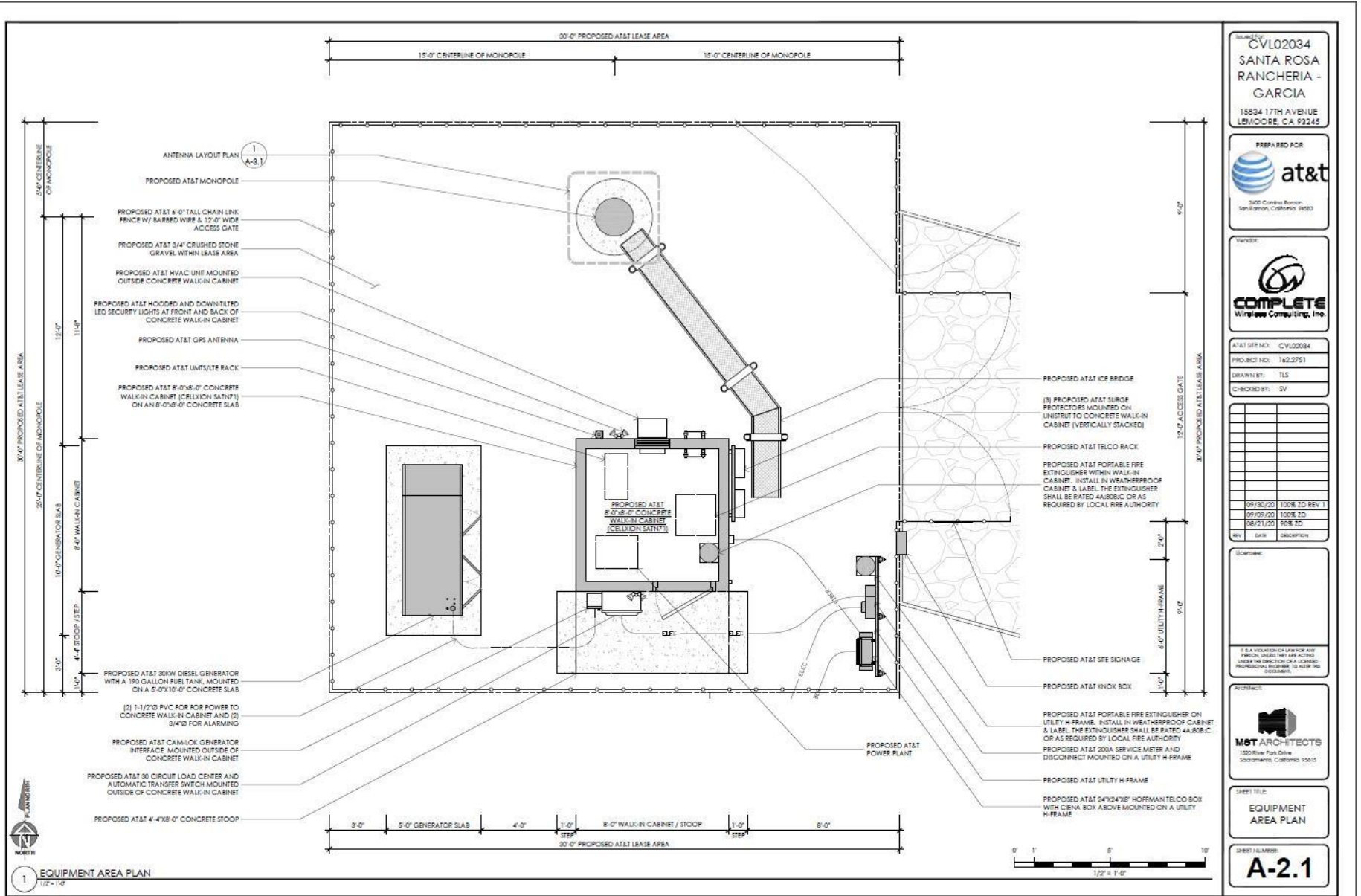
SHEET NUMBER:
A-1.1



1 OVERALL SITE PLAN
 7/1/20







Drawn For:
CVL02034
SANTA ROSA RANCHERIA - GARCIA
15834 17TH AVENUE
LEMOORE, CA 93245

PREPARED FOR
at&t
3600 Concho Ramon
San Ramon, California 94583

Vendor:
COMPLETE
Wireless Consulting, Inc.

AT&T SITE NO: CVL02034
PROJECT NO: 142.2751
DRAWN BY: TJS
CHECKED BY: SV

09/30/20	100% 2D REV 1	
09/09/20	100% 2D	
08/21/20	90% 2D	
REV	DATE	DESCRIPTION

License:
I, S.A. VIOLATION OF LAW FOR ANY PERSON, SUBJECT THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT.

Architect:
M&T ARCHITECTS
1520 River Park Drive
Sacramento, California 95815

SHEET TITLE:
EQUIPMENT AREA PLAN

SHEET NUMBER:
A-2.1

CVL02034
SANTA ROSA
RANCHERIA -
GARCIA
18824 17TH AVENUE
LEMOORE, CA 93245



AT&T SITE NO: CVL02034
PROJECT NO: 162.2751
DRAWN BY: TJS
CHECKED BY: SV

REV	DATE	DESCRIPTION

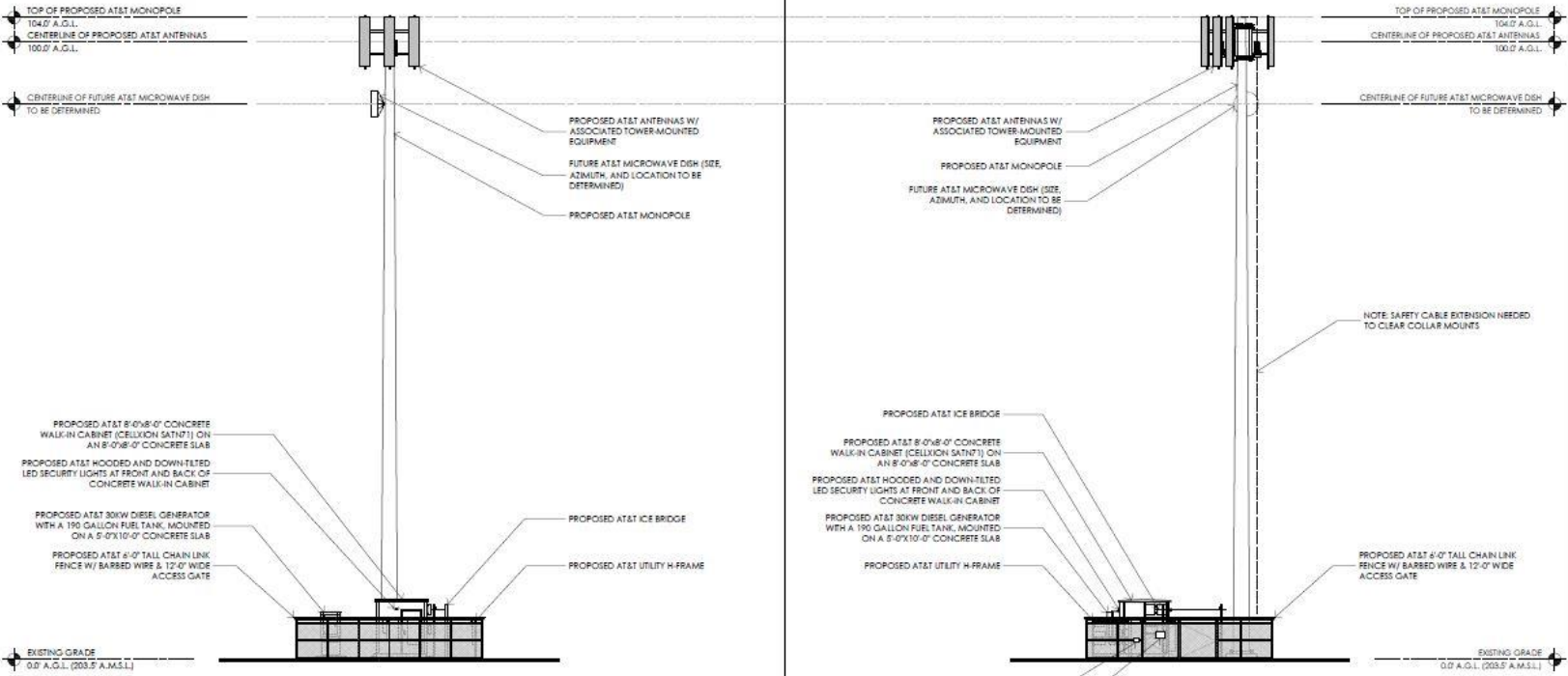
DATE: 09/30/20
100% TD REV 1
09/09/20
100% TD
08/21/20
90% TD

ARCHITECT:
M&T ARCHITECTS
1500 River Park Drive
Sacramento, California 95815

SHEET TITLE:
PROPOSED ELEVATIONS

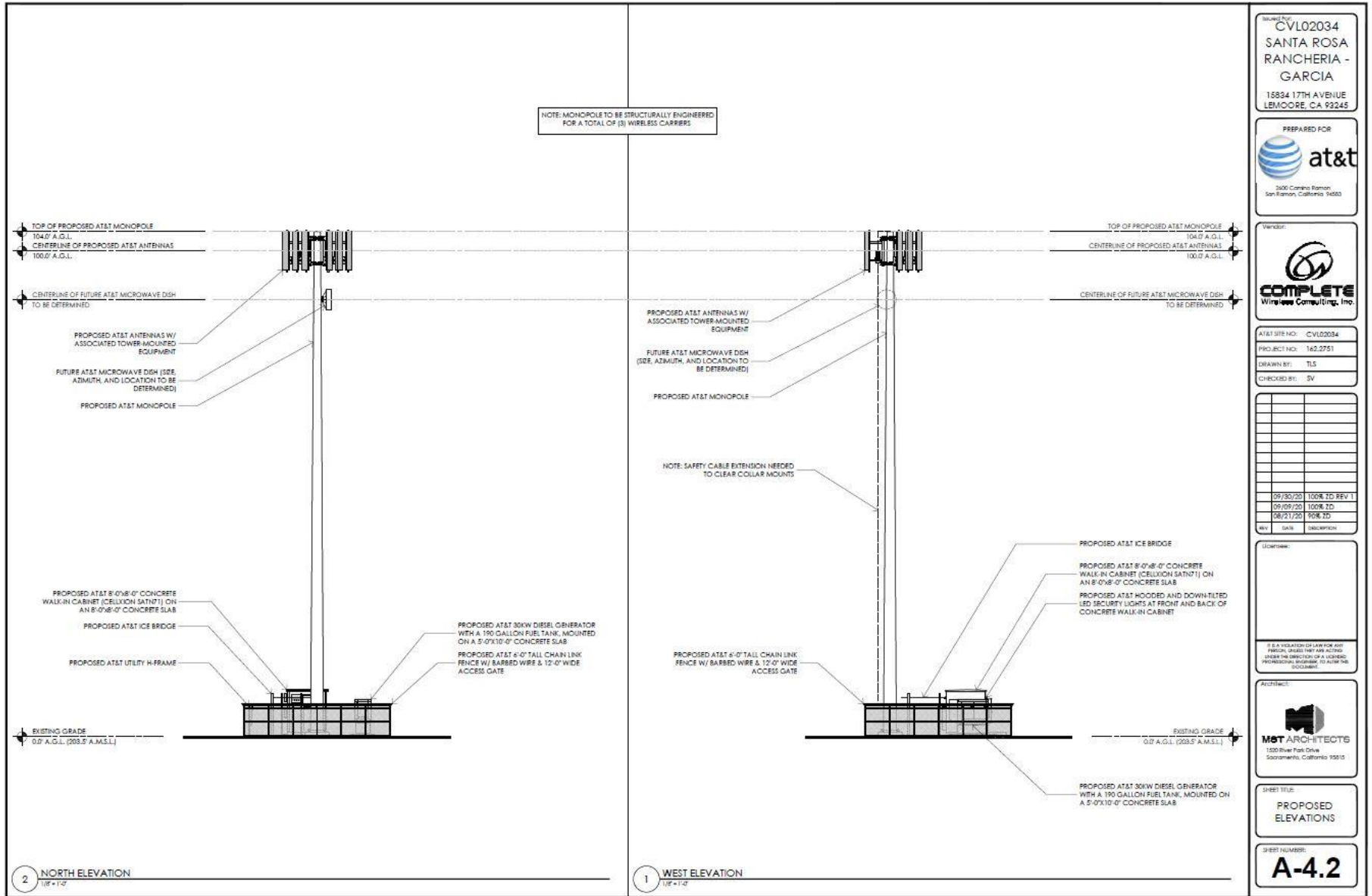
SHEET NUMBER:
A-4.1

NOTE: MONOPOLE TO BE STRUCTURALLY ENGINEERED FOR A TOTAL OF (3) WIRELESS CARRIERS



2 SOUTH ELEVATION
1/8" = 1'-0"

1 EAST ELEVATION
1/8" = 1'-0"



ENVIRONMENTAL REVIEW: The proposed project is Categorical 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:

November 30, 2020	Application submitted
December 1, 2020	Application incomplete / applicant notified
February 23, 2021	Application documentation re-submitted
February 26, 2021	Application certified complete
February 26, 2021	Regulatory Agencies commenting period begins
March 12, 2021	Regulatory Agencies commenting period ends
March 22, 2021	Public Hearing Notice Mailed
March 26, 2021	Public Hearing Notice Published in Hanford Sentinel
April 5, 2021	Planning Commission hearing

STAFF ANALYSIS:

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 *2035 Kings County 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 2035 Kings County General Plan, specifically:

- A. Figure LU-11 of the *2035 Kings County General Plan* designates this site as General Agriculture 20-Acre Minimum (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 Categorical 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 significant 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 significant environmental effects related to noise, traffic, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems 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 generate significant environmental effects related to 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 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: Article 16, Section 1602.A.5 requires that site plans for commercial and industrial projects be professionally drawn to a scale large enough to show all details clearly with full dimension. Site plans must include detail of the following: lot dimensions; setback measurements; all buildings and structures; yards and space between buildings; all walls, fences, and gates; off-street parking; property access; signs; loading; lighting; street dedications and improvements; landscaping; fire hydrants; on-site drainage; and any other data as required. The site plan meets all of the criteria required by Section 1602.A.5, such that the locations, sizes, and functions of all existing and proposed features can be ascertained.

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 37.77-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 37.77-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 37.77-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 project site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0325C, dated June 16, 2009. There are no development restrictions associated with Area of Minimal Flood Hazard 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.

RECOMMENDATIONS:

It is recommended that the Commission approve Conditional Use Permit No. 20-10 as described above and adopt Resolution No. 21-01. 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.

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 Alex Hernandez of the Kings County Community Development Agency – Planning Division at (559) 852-2679 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. 668.15*, with particular reference to the General Agriculture 20 (AG-20) Zone District standards contained in Article 4, 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. Obstruction lighting, consisting of at least one red, constantly burning, 110-watt (equivalent) 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. 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).
9. 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.)

10. Pursuant to Article 4, Section 418.B.5 of the *Kings County Development Code* the following are required for landscaping in Agricultural Zoning District:
 - A. In all Agricultural Zoning Districts, as stated in Article 15, all new construction and rehabilitated landscape projects installed after January 1, 2010 are subject to and shall comply with the “California Model Water Efficient Landscape Ordinance”.
11. Pursuant to Section 418.B of the *Kings County Development Code*, the project shall comply with the following requirements pertaining to fencing and gates:
 - A. Fences, Walls, and Hedges exceeding six feet in height shall be permitted except that fences, walls, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - B. Gates shall be permitted as follows:
 - 1) Gates which are used for the primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - a. A minimum distance of 20 feet.
 - b. A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use permit are able to pull completely onto their property.
 - 2) Gates used for the primary vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - a. The property owner/occupant shall obtain a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - b. The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - c. At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
 - 3) Access gates to property which are not the primary vehicular ingress and egress such as

an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the property line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.

12. All open and unlandscaped portions of the lot shall be maintained in good condition, free from weeds, dust, trash and debris.
13. 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.
14. The applicant shall obtain any necessary federal, state or local regulatory licensing permits.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. 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.
22. 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.
23. 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.
24. Compliance with Regulation VIII – Fugitive Dust PM10 Prohibitions. Applicable rules include Rule 8041, 8051, and 8071.
25. 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.
26. 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.
27. This permit shall become effective upon the expiration of (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.

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 2A10BC 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. Address identification required per Section 505.1 of the CFC.
9. 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).
5. Durable and dustless drive shall be constructed.

KINGS COUNTY HEALTH DEPARTMENT Contact Troy Hommerding of the Kings County Department of Environmental Health Services at (559) 852-2627 regarding the following requirements:

1. *Coccidioides immitis*, the fungus that causes valley fever, a serious and potentially long-term respiratory illness, is endemic in the soils of Kings County. Construction activities that disturb soils containing the spores of the fungus can put workers and the nearby public at risk. Effective dust control must be maintained on the job site at all times in order to reduce the risk of valley fever to workers and nearby residents. More information regarding the prevention of work related valley fever is available at <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/ValleyFeverFactSheet.pdf> Contact the San Joaquin Valley Air Pollution Control District for more information on dust control techniques.
2. The facility must file a Hazardous Materials Business Plan online at <http://cers/calepa.ca.gov> within 30 days of beginning operations. Hazardous materials are broadly defined, and include fuel, lubricants, antifreeze, motor vehicle batteries, welding gases, paints, solvents, glues, agricultural chemicals, etc. Please contact our office if you require assistance with the online registration process.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT: Contact SJVAPCD at (559) 230-5800 concerning the following requirements.

1. The applicant shall comply with all San Joaquin Valley Air Pollution Control District regulations including but not limited to Rules 8011 through 8081 (Fugitive Dust Prohibitions) and Rule 9510 (Indirect Source Review) and Regulation.

PREPARATION:

Prepared by the Kings County Community Development Agency (Alex Hernandez) on March 16, 2021. 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. 20-10)
RE: Complete Wireless (on behalf of AT&T))**

RESOLUTION NO. 21-01

RE: 15834 17th Ave, Lemoore, CA, 93245

WHEREAS, on November 30, 2020 Complete Wireless, filed Conditional Use Permit No. 20-10 on behalf of AT&T to establish a 104' tall monopole (Cell Tower) within a 30' by 30' equipment area that will be surrounded by a 6'-tall chain link fence topped with barbed wire for security. The lease area will contain an 8' by 8' walk-in equipment cabinet installed on a concrete slab as well as a 30KW standby diesel generator and a 190-gallon diesel fuel tank installed on a 5' by 10' concrete pad; and

WHEREAS, the application was determined to be incomplete on December 1, 2020 and the applicant was notified of the incomplete status; and

WHEREAS, the applicant re-submitted the documentation on February 23, 2021; and

WHEREAS, the application was determined to be complete on February 26, 2021; and

WHEREAS, on February 26, 2021 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 March 26, 2021 the County published a Public Hearing Notice in *The Hanford Sentinel* and filed said notice with the Kings County Clerk with a hearing of the King County Planning Commission to consider CUP 20-10 to be held on April 5, 2021; and

WHEREAS, on April 5, 2021, 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 2035 Kings County 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 2035 Kings County General Plan, specifically:

- A. Figure LU-11 of the *2035 Kings County General Plan* designates this site as General Agriculture 20-Acre Minimum (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 significant 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 significant environmental effects related to noise, traffic, air pollution, smoke, odors, pest control, litter, gases, waste by-products, heavy demands upon streets, sewer and water systems 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 generate significant environmental effects related to 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 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: Article 16, Section 1602.A.5 requires that site plans for commercial and industrial projects be professionally drawn to a scale large enough to show all details clearly with full dimension. Site plans must include detail of the following: lot dimensions; setback measurements; all buildings and structures; yards and space between buildings; all walls, fences, and gates; off-street parking; property access; signs; loading; lighting; street dedications and improvements; landscaping; fire hydrants; on-site drainage; and any other data as required. The site plan meets all of the criteria required by Section 1602.A.5, such that the locations, sizes, and functions of all existing and proposed features can be ascertained.

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 37.77-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 37.77-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 37.77-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 project site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0325C, dated June 16, 2009. There are no development restrictions associated with Area of Minimal Flood Hazard 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.

BE IT FURTHER RESOLVED, that based on the above findings, this Commission approves Conditional Use Permit No. 20-10, as proposed, subject to the conditions and exceptions as follows:

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY – PLANNING DIVISION Contact Alex Hernandez of the Kings County Community Development Agency – Planning Division at (559) 852-2679 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. 668.15*, with particular reference to the General Agriculture 20 (AG-20) Zone District standards

contained in Article 4, 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. Obstruction lighting, consisting of at least one red, constantly burning, 110-watt (equivalent) 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. 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).
9. 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.)
10. Pursuant to Article 4, Section 418.B.5 of the *Kings County Development Code* the following are required for landscaping in Agricultural Zoning District:

- A. In all Agricultural Zoning Districts, as stated in Article 15, all new construction and rehabilitated landscape projects installed after January 1, 2010 are subject to and shall comply with the “California Model Water Efficient Landscape Ordinance”.
11. Pursuant to Section 418.B of the *Kings County Development Code*, the project shall comply with the following requirements pertaining to fencing and gates:
- A. Fences, Walls, and Hedges exceeding six feet in height shall be permitted except that fences, walls, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - B. Gates shall be permitted as follows:
 - 1) Gates which are used for the primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - a. A minimum distance of 20 feet.
 - b. A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use permit are able to pull completely onto their property.
 - 2) Gates used for the primary vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - a. The property owner/occupant shall obtain a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - b. The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - c. At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
 - 3) Access gates to property which are not the primary vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the property line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.
12. All open and unlandscaped portions of the lot shall be maintained in good condition, free from weeds, dust, trash and debris.

13. 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.
14. The applicant shall obtain any necessary federal, state or local regulatory licensing permits.
15. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Heath Services, and all other local and state regulatory agencies.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. Compliance with Regulation VIII – Fugitive Dust PM10 Prohibitions. Applicable rules include Rule 8041, 8051, and 8071.
25. 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.
26. 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.
27. This permit shall become effective upon the expiration of (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.

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 2A10BC 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. Address identification required per Section 505.1 of the CFC.
9. 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).
5. Durable and dustless drive shall be constructed.

KINGS COUNTY HEALTH DEPARTMENT Contact Troy Hommerding of the Kings County Department of Environmental Health Services at (559) 852-2627 regarding the following requirements:

1. *Coccidioides immitis*, the fungus that causes valley fever, a serious and potentially long-term respiratory illness, is endemic in the soils of Kings County. Construction activities that disturb soils containing the spores of the fungus can put workers and the nearby public at risk. Effective dust control must be maintained on the job site at all times in order to reduce the risk of valley fever to workers and nearby residents. More information regarding the prevention of work related valley fever is available at <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/ValleyFeverFactSheet.pdf> Contact the San Joaquin Valley Air Pollution Control District for more information on dust control techniques.
2. The facility must file a Hazardous Materials Business Plan online at <http://cers/calepa.ca.gov> within 30 days of beginning operations. Hazardous materials are broadly defined, and include fuel, lubricants, antifreeze, motor vehicle batteries, welding gases, paints, solvents, glues, agricultural chemicals, etc. Please contact our office if you require assistance with the online registration process.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT: Contact SJVAPCD at (559) 230-5800 concerning the following requirements.

1. The applicant shall comply with all San Joaquin Valley Air Pollution Control District regulations including but not limited to Rules 8011 through 8081 (Fugitive Dust Prohibitions) and Rule 9510 (Indirect Source Review) and Regulation.

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on April 5, 2021, 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 _____, 2021.

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 Health Department, Division of Environmental Health Services
Kevin Gallagher, Complete Wireless Consulting, Inc. 2009 V. Street, Sacramento, CA, 95818
Melvin & M. Frances Garcia, 15315 17th Ave, Lemoore, CA, 93245
Manuel A Garcia, 15275 17th Ave, Lemoore, CA, 93245
Gina R. Garcia, 1603 Eagle St, Lemoore, CA, 93245