

**KINGS COUNTY PLANNING COMMISSION
MINUTES**

District 1 Commissioner – Riley Jones*

District 2 Commissioner – Bob Bajwa

District 3 Commissioner – R.G. Trapnell**

District 4 Commissioner – Jim Gregory

District 5 Commissioner – Steven Dias

*Chairman

**Vice-Chairman

March 7, 2016

CALL TO ORDER: The meeting of the Kings County Planning Commission was called to order by Chairman Jones, on March 7, 2016, at 7:00 p.m. in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, Hanford, California. The Pledge of Allegiance was recited.

COMMISSIONERS PRESENT: R.G. Trapnell, Jim Gregory, Bob Bajwa, Steven Dias, Riley Jones

COMMISSIONERS ABSENT:

STAFF PRESENT:

Greg Gatzka – Director, Collene Carlson – County Counsel, Chuck Kinney – Deputy Director – Planning, Terri Yarbrough – Executive Secretary, Sandy Roper, Principle Planner, Dan Kassik - Senior Planner, Kao Nou Yang - Planner

VISITORS PRESENT:

James Cook, Roy Skinner, Marlana Brown, Christina Caro, Josh Wagner, David Watkins, Megan Jennings, and Steven Bommelje

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

UNSCHEDULED

APPEARANCES:

No one spoke during this portion of the meeting.

APPROVAL OF MINUTES:

A motion was made and seconded (Gregory/Trapnell) to approve the minutes of the January 4, 2016 meeting. Motion carried unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

1. Conditional Use Permit No. 15-04 (SAC Wireless – Verizon)

Mr. Dan Kassik provided an overview of a proposal to establish a new 150-foot lattice wireless communication facility with a fenced lease area for ground equipment located at 17242 Grangeville Blvd., Lemoore. He reported the address will be 8248 17th Avenue and the design is changing from lattice to a monopole. The project is located in the AG 20 zone district and is subject to an agricultural preserve. The only comments received were from agencies within the county. The project is consistent with the Development Code, Williamson Act and the General Plan.

Chairman Jones opened the public hearing and asked if there was anyone wanting to speak in favor or against the project. Josh Wagner with SAC wireless representing Verizon Wireless asked if the light on the top of the tower was a requirement of the County or could it be removed since it's not required by the FAA. Mr. Roper clarified that the Commission has required a red constant burning light for all cell towers dating back to June of 1991. Seeing nobody else wanting to speak, Chairman Jones closed the public hearing.

A motion was made and seconded (Gregory/Trapnell) to adopt Planning Commission Resolution 16-03 as presented in the staff report. Motion carried unanimously.

2. Conditional Use Permit No. 15-06 (Log Haven Dairy)

Ms. Kao Nou Yang provided an overview of a proposal to construct a new double lined lagoon incidental to an existing dairy facility located at 7755 Fargo Avenue, Hanford. Ms. Yang stated that the proposed expansion is consistent with the Kings County General Plan, Development Code and Dairy Element.

Chairman Jones opened the public hearing and asked if there was anyone wanting to speak in favor or against the project. Steve Bommelje with Provost and Prichard stated this was not an increase in the facility size and was only for compliance with the water board for the water storage area. Seeing nobody else wanting to speak, Chairman Jones closed the public hearing

A motion was made and seconded (Gregory/Trapnell) to adopt Planning Commission Resolution 16-04 as presented in the staff report. Motion carried unanimously.

3. Addendum to conditional Use Permit No. 10-05 (American Kings Solar, LLC)

Mr. Roper provided an overview of a proposal to establish a photovoltaic solar facility with up to 125 megawatts located at 15671 25th Avenue, Lemoore. The purpose of the addendum is to analyze a revision to the project's CUP that would: 1) extend the expiration date for three years, 2) modify the requirement to mitigate for the loss of Swainson's Hawk foraging habitat, 3) remove the requirement to cancel the existing Farmland Security Zone contract and allow the modified project to demonstrate Farmland Security Zone compatibility by maintaining a reasonably foreseeable agricultural operation onsite determined by site-specific soil and water analysis, consistent with the Kings County Board of Supervisors Resolution No. 13-058. Mr. Roper reported that the modified project will remain consistent with the approved CUP and will continue to be subject to the same Conditions of Approval and Mitigation Measures as previously approved by the Commission, except the modifications of Planning Division Condition No. 1; the deletion of Planning Division Condition Numbers 17, 18, 21, 22, and 23; the modification of Building Division Condition No. 3; the modification of Fire Department Condition Numbers 1, 3, and 7; the addition and modification of Project Design Features; the clarification of the project description and environmental analysis; and the request for a three-year extension for CUP No. 10-05. Mr. Roper stated that the Modified Project would not result in any effects to environmental resources that are more severe than those described in the original IS/MND. Commissioner Gregory asked if it was appropriate for a new applicant to file an extension on an application from a previous applicant. Mr. Roper explained that when there is a change in ownership the CUP goes with the land and does not stay with the original applicant. Commissioner Trapnell asked if this project was part of the Henrietta project. Mr. Roper stated it was not.

Chairman Jones opened the public hearing and asked if there was anyone wanting to speak in favor or against the project. Mr. James Cook with First Solar spoke in favor of the project. Commissioner Trapnell asked the purpose of the transmission line that is referenced in the letter from the Commanding Officer at the Naval Air Station Lemoore (NASL). Mr. Cook explained it is only to connect the solar to the grid and that the issue would be if there was any interference. Commissioner Trapnell asked for a formal agreement outlining the requests in the letter from NASL. Ms. Marlena Brown, representing NASL, would like FAA notification and evaluation of the transmission line to the north to be required. She stated the letter says to the south but it is actually to the north. Commissioner Trapnell recommended further analysis be required as requested in the letter from NASL. Commissioner Gregory asked if it's necessary for the pole to be that high. Chairman Jones asked what height requires a red light. Mr. Roper addressed these questions. Chairman Jones asked if anyone else wanting to speak in favor of the project. Seeing nobody else he asked if there was anyone who wanted to speak in opposition of the project. Christina Caro, from Adams Broadwell Joseph and Cardozo, spoke in opposition of the project on behalf of her client Kings County Citizens for Responsible Development. She stated she didn't oppose the project in general but stated that the project was being substantially modified and would require a new Environmental Impact Report. She said that adding sheep grazing to the project had not been analyzed. She said that removing the requirement to cancel the Farmland Security Zone contract and mitigate for the loss of 978 acres of Farmland of Statewide Importance by providing funding to place farmland of equal or greater value into an agricultural conservation easement within the County are fundamental changes to the Project's design that have not been analyzed. She also said that the changes proposed to the Swainson's Hawk mitigation was also a fundamental change to the Project. Mr. Cook stated it was their intention to make minor changes in order to bring the solar project which has already been approved in line with some changes that work better with design and operations. Ms. Carlson stated that Erik Kaeding from her office had reviewed the Proposed

Addendum in detail with Mr. Roper and had assured her that none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration have occurred. Ms. Carlson asked if each of the issues raised by Ms. Caro were addressed in the addendum. Mr. Cook confirmed they were. Seeing nobody else wanting to comment Chairman Jones closed the public hearing.

Chairman Jones asked about the Swainson's Hawk issues being addressed by Department of Fish and Game rather than citizen groups. Mr. Roper stated that at the time that CUP No. 10-05 was originally approved Recurrent Energy had the Mustang Solar Project at the same Planning Commission meeting. The two solar projects took two different approaches concerning addressing potential impacts to Swainson's Hawk foraging habitat. CUP No. 10-05 contained a requirement to mitigate for the loss of Swainson's Hawk foraging habitat while the Mustang Solar Project included an extensive Swainson's Hawk study prepared by Jim Estep. The Estep study was sent to the Department of Fish and Game and they did not comment concerning any inadequacies in the Estep study. The Estep study documented that there was a surplus of Swainson's Hawk foraging habitat and established a threshold concerning how much Swainson's Hawk foraging habitat would need to be lost before mitigation would be required. The American Kings Solar Project is on the east side of 25th Avenue, directly across the street from the Mustang Solar Project. The Estep study did include the land that is proposed for the American Kings Solar Project. As a result of the Estep study, the Mustang Solar Project did not contain any requirement to mitigate for loss of Swainson's Hawk foraging habitat. All subsequent solar projects submitted since then have all contained a site specific analysis concerning Swainson's Hawk foraging habitat that utilized the methodology established in the Estep study and they have all been able to show that a surplus of Swainson's Hawk foraging habitat would remain and mitigation for loss of Swainson's Hawk foraging habitat was not required because the threshold established by the Estep study was not exceeded. The American Kings Solar Project is proposing to do the same analysis and if the threshold is not exceeded, then mitigation for loss of Swainson's Hawk foraging habitat would not be required. If the threshold is exceeded, then mitigation for loss of Swainson's Hawk foraging habitat would still be required.

Mr. Roper stated that staff didn't have time to go over the information received from Adams Broadwell Joseph and Cardozo just before the Planning Commission meeting, so he recommended continuing the item to the April 4, 2016 meeting in order to allow time to review the documents. Mr. Roper also stated that if the Addendum proposed changes that would create a new impact and require new mitigation measures, or increased the severity of a previously identified impact, then the initial study/mitigated negative declaration would need to be revised and recirculated. He said that the Addendum contained documentation that this would not occur and that the initial study/mitigated negative declaration did not need to be revised and recirculated. Chairman Jones continued the item to the April 4, 2016 meeting.

Mr. Roper stated that the Board of Supervisors previously adopted a Resolution recognizing that due to reduced surface water and groundwater, and poor quality soil, impairment may already exist in the area south of State Route 198 and west of State Route 41 and the foreseeable agricultural use may be dry farm seasonal grazing with or without the proposed American Kings Solar Project. He said that solar in conjunction with sheep grazing site specific documentation of existing impairment would allow the County to make compatibility findings and make cancellation unnecessary. Mr. Roper stated that the Addendum does contain site specific documentation of existing impairment and the Addendum did propose sheep grazing in conjunction with the solar facility. He also stated that the Development Code listed grazing as a permitted use that was allowed by right. Ms. Carlson stated that Erik Kaeding from her office had reviewed the proposed Addendum in detail with Mr. Roper and had assured her that none of the conditions described in Section 15162 called for the preparation of a subsequent negative declaration have occurred.

MISCELLANEOUS

1. **FUTURE MEETINGS:** The next regular meeting of the Planning Commission is scheduled for Monday, April 4, 2016.
2. **CORRESPONDENCE:** None
3. **STAFF COMMENTS:** None
4. **COMMISSION COMMENTS:** None

ADJOURNMENT – The meeting was adjourned at 8:17 p.m.

Respectfully Submitted,

KINGS COUNTY PLANNING COMMISSION



Greg Gatzka, Commission Secretary