

KINGS COUNTY PLANNING COMMISSION

Regular Meeting
7:00 P.M.

Government Center
Hanford, California

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Agency at (559) 852-2680 by 4:00 p.m. on the Thursday prior to this meeting. Agenda backup information and any public records provided to the Commission after the posting of the agenda for this meeting will be available for public review at the Kings County Community Development Agency, Building No. 6, Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California.

AGENDA December 1, 2014

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

I. CALL TO ORDER - Kings County Planning Commission Meeting

1. REQUEST THAT CELL PHONES BE TURNED OFF
2. PLEDGE OF ALLEGIANCE
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 five minutes.

4. APPROVAL OF MINUTES - Meeting of November 3, 2014.

II. OLD BUSINESS None

III. NEW BUSINESS

1. **CONDITIONAL USE PERMIT NO. 92-01 (Kings Waste and Recycling Authority)** –
The applicant proposes a five-year extension of time for C.U.P. No. 92-01 to continue operating the existing Materials Recovery Facility located at 7803 Hanford-Armona Road, Hanford.
 - A. Staff Report
 - B. Public Hearing
 - C. Decision

2. **STUDY SESSION – KINGS COUNTY DEVELOPMENT CODE AND 2035 GENERAL PLAN AMENDMENTS.** Discussion on the progress and elements of the new Kings County Development Code and proposed amendments to the 2035 Kings County General Plan.

- A. Staff Report
- B. Discussion

IV. MISCELLANEOUS

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Monday, January 5, 2015.
2. **CORRESPONDENCE**
3. **STAFF COMMENTS**
4. **COMMISSION COMMENTS**

V. ADJOURNMENT

H:\PLANNING\LAND DEVELOPMENT SECTION\PLANNING COMMISSION\PC-AGENDA\2010 TO 2019\2014\12-1-14 PC AGENDA.DOC

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 \$320.00 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 – Bob Bajwa

District 3 Commissioner – R.G. Trapnell

District 4 Commissioner – Jim Gregory*

District 5 Commissioner – Steven Dias

*Chairman

**Vice-Chairman

November 3, 2014

CALL TO ORDER: The meeting of the Kings County Planning Commission was called to order by Chairman Gregory, on November 3, , 2014, at 7:00 p.m. in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, Hanford, California. The Pledge of Allegiance was recited.

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

COMMISSIONERS ABSENT: Steven Dias

STAFF PRESENT: Greg Gatzka – Director, Erik Kaeding – County Counsel, Chuck Kinney – Deputy Director – Planning, Terri Yarbrough – Executive Secretary, Dan Kassik - Senior Planner

VISITORS PRESENT: Paul Cobine, Laura Cobine, David Norman, Don Watson, Dawn Marple, Daniel Serber

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: Chairman Gregory then announced that the minutes of the October 6, 2014 meeting stand approved unless there were any amendments. There were no amendments.

OLD BUSINESS

None

NEW BUSINESS:

1. Conditional Use Permit No. 14-03 (ImMODO Solar Lemoore)

Mr. Kassik provided an overview of proposal to establish an 8 megawatt photovoltaic solar energy generating facility located at 14805 19th Avenue, Lemoore, Assessors Parcel Numbers 024-080-036, 037 and 038. Mr. Kassik reported that a comment letter from the Santa Rosa Rancheria Tachi Yokut Tribe requesting that the applicant hire a Native American monitor to oversee any ground disturbing activities. The comment from the Santa Rosa Rancheria Tachi Yokut Tribe was addressed by adding a condition of approval to the project.

Chairman Gregory opened the public hearing and asked if there was anyone wishing to speak in favor of the project or opposing the project. Seeing none, he closed the Public Hearing.

A motion was made and seconded (Trapnell/Jones) to adopt Planning Commission Resolution 14-11 approving a proposal to establish an 8 megawatt photovoltaic solar energy generating facility. Motion carried unanimously with Dias absent.

MISCELLANEOUS

1. **FUTURE MEETINGS:** The next regular meeting of the Planning Commission is scheduled for Monday, December 1, 2014. Mr. Kinney reported that there were two items for the agenda.
2. **CORRESPONDENCE:** None
3. **STAFF COMMENTS:** None
4. **COMMISSION COMMENTS:** Chairman Gregory announced that he would be attending the Planning Commission Conference.

ADJOURNMENT – The meeting was adjourned at 7:10 p.m.

Respectfully Submitted,

KINGS COUNTY PLANNING COMMISSION



Greg Gatzka, Commission Secretary

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Conditional Use Permit No. 92-01 Zoning Ordinance No. 269 December 1, 2014

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

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

LOCATION: 7803 Hanford-Armona Road, Hanford

GENERAL PLAN DESIGNATION: Public (P)

ZONE DISTRICT CLASSIFICATION: Public Facilities (PF)

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

DISCUSSION:

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

“The duration of this permit is five (5) years commencing from the initial date of operation or is coextensive with the five (5) year permit of the Local Enforcement Agency (LEA) of the California Integrated Waste Management Board (CIWMB) which ever permit is longer. Prior to the end of such term the Commission shall review the performance of the KWRA, its contractor(s) if any, and the MRF facility to determine whether it is performing and being operated in compliance with local, state, and federal permit conditions; and determine whether additional permit conditions are warranted. Unless the Commission makes an affirmative finding of noncompliance which may terminate the permit, the permit shall continue for an additional specified time, but not less than 5 years, with such additional permit conditions as the Commission imposes.”

The solid waste facilities 5 year permit will expire on January 31, 2015 therefore the Local Enforcement Agency (LEA) has begun the application process of issuing a new permit from CIWMB. The applicant submitted a Solid Waste Facility Permit Application to the LEA on July 3, 2014, for permit review. In the Solid Waste Facility Permit Application, the LEA did not identify any negative impacts related to the operation of the MRF. A copy of Planning Commission Resolution No. 1194 is attached to this staff report.

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

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

CURRENT USE OF SITE: Materials Recovery Facility

LAND USE

SURROUNDING SITE: Agricultural field crops, agricultural residences, bovine dairies, a County Fire Station (under construction), a concrete batch plant, and State Route 43.

PROJECT REVIEW:

April 12, 1993	Planning Commission adopted Resolution No. 1194 approving Conditional Use Permit No. 92-01
November 1995	MRF begins operation
September 8, 1999	Applicant submits Solid Waste Facilities Permit renewal application to the LEA
January 3, 2000	Planning Commission adopted Resolution No. 00-01 approving a five-year extension of time for Conditional Use Permit No. 92-01
October 11, 2004	Applicant submits Solid Waste Facilities Permit renewal application to the LEA
January 3, 2005	Planning Commission adopted Resolution No. 05-01 approving a five-year extension of time for Conditional Use Permit No. 92-01
July 1, 2009	Applicant submits Solid Waste Facilities Permit renewal application to the LEA
December 14, 2009	Planning Commission adopted Resolution No. 09-16 approving a five-year extension of time for Conditional Use Permit No. 92-01
July 3, 2014	Applicant submits Solid Waste Facilities Permit renewal application to the LEA
December 1, 2014	Planning Commission hearing to consider a proposed five-year extension of time for Conditional Use Permit No. 92-01

RECOMMENDATIONS:

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

1. Reaffirm all of the findings and conditions of approval contained in Planning Commission Resolution Numbers 1194, 00-01, 05-01, and 09-16, except for the following modifications:
 - A. Finding No. 6 of Planning Commission Resolution No. 1194 is modified to change the land use designation from “General Agriculture (AG-20)” to “Public (P)” to be consistent with the change in land use designation resulting from the adoption of Board of Supervisors Resolution Numbers 10-001 and 10-002 on January 26, 2010, approving the *2035 Kings County General Plan*.
 - B. Section X.A. of Planning Commission Resolution No. 1194 is modified to change the zoning designation from “General Agricultural (AG-20)” to “Public Facilities (PF)” to be consistent with the change in zoning designation resulting from the Board of Supervisors adoption of Ordinance No. 269-2-12 on May 22, 2012 approving Component B of Change of Zone District Boundaries No. 11-01.
 - C. Condition No. 3 of Planning Commission Resolution No. 1194 is modified to change the land use designation from “General Agriculture (AG-20)” to “Public (P)” to be consistent with the change in land use designation resulting from the adoption of Board of Supervisors Resolution Numbers 10-001 and 10-002 on January 26, 2010, approving the *2035 Kings County General Plan*.
2. Find that this Commission is unable to find noncompliance with any term or condition of Conditional Use Permit No. 92-01.
3. Approve a five-year extension of time for Conditional Use Permit No. 92-01 and adopt Planning Commission Resolution No. 14-12.

PREPARATION:

Prepared by the Kings County Community Development Agency (Sandy Roper) on October 30, 2014. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

H:\PLANNING\LAND DEVELOPMENT SECTION\ZONING ADMIN\CUP\1992 TO 1999\1992\92-01 MATERIAL RECOVERY FACILITY (MRF)\4TH 5 YR REVIEW (2015)\CUP 92-01 PC STAFF REPORT.DOC



KWRA
A Joint
Powers Authority



Member Agencies:

City of Corcoran

City of Hanford

City of Lemoore

County of Kings

July 1, 2014

Mr. Troy Hommerding, MPH, REHS, EHO IV
Kings County Health Department
Environmental Health Services
300 Campus Drive
Hanford, CA 93230

**RE: 5-Year Permit Review Kings Waste & Recycling
Authority – Material Recovery Facility SWIS #16-AA-0015**

Dear Mr. Hommerding:

We are in receipt of your letter dated June 18, 2014 requesting the submittal of an application for a permit review.

Please find attached the application for a permit review. Also attached is an update amendment to the Transfer Processing Report. Please replace the appropriate page in the original document.

If you have any questions or require any additional information, please contact me at (559) 583-8829 extension 203 or at jmonaco@kwrarecycles.net.

Sincerely,

Jeff Monaco
Executive Director

KWRA

7803 Hanford-Armona Road
Hanford California 93230
559 583 8829
Fax 559 582 2757



APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

CIWMB E-1-77 (Rev. 8-04)

NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

FOR OFFICIAL USE ONLY

SWIS NUMBER: <u>16-AA-0015</u>	FILING FEE:	RECEIPT NUMBER:	DATE RECEIVED: <u>July 3, 2014</u>
DATE ACCEPTED: <u>Aug 31, 2014</u>	DATE REJECTED:	ACCEPTANCE DATE OF INCOMPLETE APPLICATION:	DATE DUE:

Part 1. GENERAL INFORMATION

A. ENFORCEMENT AGENCY:
Kings County Environmental Health Dept.

B. COUNTY:
Kings

C. TYPE OF APPLICATION (Check one box only):

1. NEW SWFP and/or WDRS 4. PERMIT REVIEW

2. REVISION OF SWFP and/or WDRS 5. AMENDMENT OF APPLICATION

3. EXEMPTION and/or WAIVER 6. RFI/ROWD/JTD AMENDMENTS

Part 2. FACILITY DESCRIPTION

A. NAME OF FACILITY:
Kings Waste & Recycling Authority

B. LOCATION OF FACILITY:

1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE:
7803 Hanford-Armona Rd., Hanford, CA 93230

2. LATITUDE AND LONGITUDE:
N36° 18' W119° 36'

3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED:
Section 4 of Township 19S, Range 22E of Mt. Diablo Baseline and Meridian. APN# 016-130-051

C. TYPE OF ACTIVITY: (Check applicable boxes):

1. DISPOSAL 3. TRANSFORMATION 5. OTHER (describe): _____

a. TYPE: _____

2. COMPOSTING 4. TRANSFER/PROCESSING FACILITY

a. TYPE: _____ CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.

D. CONFORMANCE FINDING INFORMATION (CIWMP):

1. FACILITY IS IDENTIFIED IN (Check one):

SITING ELEMENT DATE OF DOCUMENT April 1995 PAGE # A4-2

NONDISPOSAL FACILITY EL DATE OF DOCUMENT _____ PAGE # _____

2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT

E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):

1. AGRICULTURAL 6. CONSTRUCTION/DEMOLITION 11. LIQUIDS

2. ASBESTOS Friable Non-friable 7. CONTAMINATED SOILS 12. MIXED/MUNICIPAL SOLID WASTE

3. ASH 8. DEAD ANIMALS 13. SEWAGE SLUDGE

4. AUTO SHREDDER 9. INDUSTRIAL 14. TIRES

5. COMPOSTABLE MATERIAL (describe): Greenwaste 10. INERT 15. OTHER (describe): _____

Part 3. FACILITY INFORMATION

A. PROPOSED CHANGE (Check applicable box(es)):

- 1. DESIGN (describe): _____
- 2. OPERATION (describe): _____
- 3. OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE (describe): _____
- 4. OTHER (describe): _____

B. FACILITY INFORMATION:

1. INFORMATION APPLICABLE TO ALL FACILITIES

- a. PEAK DAILY TONNAGE OR CUBIC YARDS 800
 - 1) DISPOSAL/TRANSFER (unit) Transfer tons
 - 2) OTHER (unit) _____
- b. DAILY DESIGN TONNAGE (TPD) 800
- c. FACILITY SIZE (acres) 50
- d. PEAK TRAFFIC VOLUME PER DAY (vpd) 264
- e. DAYS AND HOURS OF OPERATION Monday-Saturday 7am-4pm Closed Sunday

2. ADDITIONAL INFO. REQUIRED FOR COMPOSTING FACILITIES ONLY:

- a. SITE STORAGE CAPACITY (cu yds) _____

3. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY

- a. AVERAGE DAILY TONNAGE (TPD) _____
- b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds) _____
- c. SITE CAPACITY PROPOSED (Airspace) (cu yds) _____
- d. SITE CAPACITY USED TO DATE (Airspace) (cu yds) _____
- e. SITE CAPACITY REMAINING (Airspace) (cu yds) _____
- f. DATE OF CAPACITY INFORMATION (Date) (See instructions): _____
- g. LAST PHYSICAL SITE SURVEY (Date) _____
- h. ESTIMATED CLOSURE DATE (month and year) _____
- i. DISPOSAL FOOTPRINT (acres) _____
- j. SITE CAPACITY PLANNED (cu yds) _____
- k. 1. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste)
AND
(ii) WASTE-TO-COVER RATIO (Estimated) (v:v) _____
OR
2. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace) _____

Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)

- A. MUNICIPAL OR UTILITY SERVICE: _____
- B. INDIVIDUAL (wells): _____
- C. SURFACE SUPPLY:
 - 1. NAME OF STREAM, LAKE, ETC. : _____
 - 2. TYPE OF WATER RIGHTS:
 - RIPARIAN
 - APPROPRIATION
 - 3. STATE PERMIT OR LICENSE NUMBER , IF APPLICABLE: _____

Part 5. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Check applicable boxes)

A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#):

- ENVIRONMENTAL IMPACT REPORT (EIR) SCH# 9206217
- NEGATIVE DECLARATION (ND)/MITIGATED NEGATIVE DECLARATION (MND) SCH# _____
- ADDENDUM TO (Identify environmental document) _____ SCH# _____

B. IF ENVIRONMENTAL DOCUMENT(S) WAS NOT PREPARED, PLEASE PROVIDE THE FOLLOWING INFORMATION:

- CATEGORICAL/STATUTORY EXEMPTION (CE/SE) EXEMPTION TYPE _____ GUIDELINE # _____

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)

A. REQUIRED WITH ALL APPLICATION SUBMITTALS:

- | | |
|--|---|
| <input type="checkbox"/> RFI/JTD _____ | <input type="checkbox"/> ENVIRONMENTAL DOCUMENT(S): |
| <input type="checkbox"/> LOCAL USE/PLANNING PERMITS _____ | <input type="checkbox"/> EIR _____ |
| <input type="checkbox"/> LOCATION MAP _____ | <input type="checkbox"/> MND/ND _____ |
| <input type="checkbox"/> MITIGATION MONITORING IMPLEMENTATION SCHEDULE _____ | <input type="checkbox"/> EXEMPTION _____ |
| | <input type="checkbox"/> ADDENDUM _____ |

B. ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS ONLY:

- | | |
|--|--|
| <input type="checkbox"/> OPERATING LIABILITY FINANCIAL MECHANISM _____ | <input type="checkbox"/> FINANCIAL RESPONSIBILITY DOCUMENTATION _____ |
| <input type="checkbox"/> CLOSURE/POST CLOSURE MAINTENANCE PLAN | <input type="checkbox"/> LANDFILL CAPACITY SURVEY RESULTS (see instructions) _____ |
| <input type="checkbox"/> PRELIMINARY _____ | |
| <input type="checkbox"/> FINAL _____ | |

C. IF APPLICABLE:

- | | |
|--|---|
| <input type="checkbox"/> REPORT OF WASTE DISCHARGE _____ | <input type="checkbox"/> DEPT. OF HEALTH SERVICES PERMIT _____ |
| <input type="checkbox"/> CONTRACT AGREEMENTS _____ | <input type="checkbox"/> SWAT (Air and water) _____ |
| <input type="checkbox"/> STORMWATER PERMIT APPLICATION _____ | <input type="checkbox"/> WETLANDS PERMITS _____ |
| <input type="checkbox"/> NPDES PERMIT APPLICATION _____ | <input type="checkbox"/> VERIFICATION OF FIRE DISTRICT COMPLIANCE _____ |
| <input type="checkbox"/> OTHER _____ | |

Part 7. OWNER INFORMATION (For disposal site, if operator is different from land owner, attach lease or other agreement)

TYPE OF BUSINESS:

- SOLE PROPRIETORSHIP PARTNERSHIP CORPORATION GOVERNMENT AGENCY

OWNER(S) OF LAND
(Name):

Kings Waste & Recycling Authority

SSN OR TAX ID #

77-0293860

ADDRESS, CITY, STATE, ZIP

7803 Hanford-Armona Rd.
Hanford, CA 93230

TELEPHONE #:

559-583-8829

FAX #:

559-582-2757

E-MAIL ADDRESS:

jmonaco@kwrarecycles.net

CONTACT PERSON (Print Name):

Jeff Monaco

Part 8. OPERATOR INFORMATION (For disposal site, if operator is different from land owner, attach lease or other agreement)

TYPE OF BUSINESS:

SOLE PROPRIETORSHIP

PARTNERSHIP

CORPORATION

GOVERNMENT AGENCY

FACILITY OPERATOR(S)
(Name):

SSN OR TAX ID #:

ADDRESS, CITY, STATE, ZIP

TELEPHONE #:

FAX #:

E-MAIL ADDRESS:

CONTACT PERSON (Print Name):

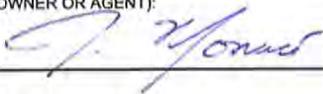
ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:

Part 9. SIGNATURE BLOCK

Owner:

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):



PRINTED NAME:

Jeff Monaco

TITLE: Executive Director

DATE: July 1, 2014

Operator:

I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):



PRINTED NAME:

Jeff Monaco

TITLE: Executive Director

DATE: July 1, 2014

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).

5.0 OPERATIONS PLAN

5.1 Hours of Operation

The KWRA MRF/TS typically operates indoor waste processing activities from 7:00 AM to 4:00 PM, however the facility may operate up to 24 hours per day, 7 days per week. The KWRA MRF/TS observes 9 holidays per year: New Years Day, Martin Luther King Day, President's Day, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

The facility accepts waste from public and commercial haulers between 7:00 AM and 4:00 PM Monday through Saturday and is closed on Sundays. As the volume of waste deliveries increases, additional shifts will be added to process the additional material and maintain the facility. Ultimately, the waste processing and maintenance activities are expected to occur 24 hours per day, 7 days per week.

5.2 Station Personnel

5.2.1 Staffing Requirements

The KWRA MRF/TS employs approximately 40 staff members in various administrative, maintenance and operations related positions. The number is expected to increase to 125 employees then the MRF/TS operates at its full capacity of 800 TPD. The types of personnel required include:

- Facility Operations Manager: This person is responsible for the overall site operations. Reporting to the Operations Manager is the MRF/TS Foreman whose duty is to see to the operation of the MRF/TS.
- Scalehouse Attendants: These staff members are responsible for operating the scalehouse, monitoring incoming loads, and maintaining all transaction records.
- Sorters: Sorters work on the various processing lines and in the

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

* * * * *

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

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

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

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

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

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

I. PROJECT DESCRIPTION

A. Project Description:

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

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

B. Need for the Facility:

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

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

C. Procedural History and Notice

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

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

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

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

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

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

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

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

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

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

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

Factual Determination: See discussion following #2 above.

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

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

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

II. ADMINISTRATIVE RECORD

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

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

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

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

III. LEGAL EFFECTS OF FINDINGS

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

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

IV. FINDINGS REQUIRED UNDER CEQA

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

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

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

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

was adequate, which were presented to the Planning Commission;

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

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

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

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

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

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

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

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

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

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

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

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

V. SIGNIFICANT AND POTENTIALLY SIGNIFICANT EFFECTS AND MITIGATION MEASURES

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

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

agencies, and the mitigation measures are implemented and maintained.

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

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

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

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

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

Geology/Seismicity/Soils

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

Water Resources

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

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

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

Biological Resources

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

Air Quality

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

Noise

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

Land Uses

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

Transportation/Circulation

The impact of haul vehicles at project build out in 2014

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

Public Services and Infrastructure

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

Archaeological/Paleontologic Resources

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

Visual Resources

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

Growth Inducing Impacts

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

Cumulative Impacts

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

VI. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

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

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

VII. EVALUATION OF ALTERNATIVES

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

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

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

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

The unavoidable impacts are:

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

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

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

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

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

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

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

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

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

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

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

IX. CONSISTENCY WITH THE KINGS COUNTY GENERAL PLAN

A. General Plan Policies for Siting Solid Waste Landfills

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

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

B. General Plan Extension:

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

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

C. County Landfill Resolutions (AB 2296):

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

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

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

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

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

X. CONSISTENCY WITH THE KINGS COUNTY ZONING ORDINANCE

A. Zoning Consistency Findings:

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

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

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

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

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

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

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

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

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

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

1. The proposed location of the C.U.P. is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located (See Zoning Ordinance, § 1908, subd. (a).); and
2. The proposed location of the C.U.P. and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity (See Zoning Ordinance, § 1908, subd. (b).); and
3. The proposed C.U.P. will comply with each of the applicable provisions of this ordinance (See Zoning Ordinance, § 1908, subd. (c).).

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

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

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

B. Required Zoning Ordinance Evaluation For Each Permit

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XI. CONDITIONS OF APPROVAL FOR CUP 92-01

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

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

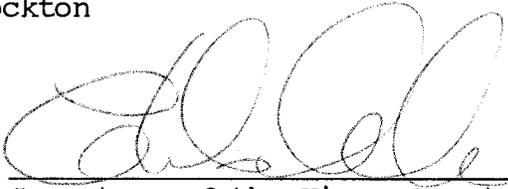
permit process, any challenges to the conditional use permit, denial of the permit, the supporting environmental documentation, or which arise out of operation of the Waste Management Complex facility. The duty shall arise irrespective of whether the applicant, proponent or an opponent initiates such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

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

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

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

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



Secretary of the Kings County
Planning Commission

cc: Don Cluxton, KCWMA
Kings County Board
of Supervisors

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

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

RESOLUTION NO. 14-12

RE: Materials Recovery Facility

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

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

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

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

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

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

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

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

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

WHEREAS, on July 3, 2014, the applicant submitted a Solid Waste Facility Permit Application to the Local Enforcement Agency (LEA) for permit review and the LEA did not identify any negative impacts related to the operation of the MRF; and

WHEREAS, the five year permit period for Conditional Use Permit No. 92-01 will expire on January 31, 2015; and

WHEREAS, on December 1, 2014, this Commission held a duly notice public hearing to receive testimony from any interested person.

NOW, THEREFORE, BE IT RESOLVED, that this Commission hereby finds that it is unable to find noncompliance with any term or condition, and hereby approves an extension of time for a period of five years for Conditional Use Permit No. 92-01 to January 31, 2020.

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

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

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on December 1, 2014, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KINGS COUNTY PLANNING COMMISSION

Jim Gregory, Chairperson

WITNESS, my hand this _____ day of December, 2014.

Gregory R. Gatzka
Secretary to the Commission

cc: Jeff Monaco, Kings Waste and Recycling Authority
Troy Hommerding, Kings County Environmental Health

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Kings County Zoning Ordinance and 2035 Kings County General Plan Amendments December 1, 2014

SUMMARY OVERVIEW:

The *2035 Kings County General Plan* was adopted by the Board of Supervisors on January 26, 2010. The 2035 General Plan included mixed use land use designations for properties within the communities of Stratford, Armona, Kettleman City and Home Garden. In order for the mixed use land use to be implemented, the zoning districts would need to be created. Beginning in September 2012, the Community Development Agency proposed a large number of zone district boundary changes in order to obtain consistency with the *2035 Kings County General Plan*. During the same timeframe, Staff initiated a comprehensive update of the Zoning Ordinance which would include the addition of mixed use zoning districts as well as an overall update of the zoning ordinance.

The overall zoning ordinance update will also change the name from the Kings County Zoning Ordinance to the Kings County Development Code. The new Development Code will produce a more user friendly code and incorporate the Subdivision Ordinance to allow for all development related information to be within one document. The majority of the changes are small formatting changes and “cleaning up” inconsistencies within the existing code. Two of the biggest changes are the addition of the mixed use zoning districts and an Agricultural Overlay district. A copy of the proposed Mixed Use Districts and Agricultural Overlay District are provided as Attachment #1 and Attachment #2.

The General Plan amendments are primarily related to inconsistencies found during its first four years of implementation. The more significant amendments of the General Plan relate to Mixed Use Land Use Designation changes in Kettleman City and the proposed changes to Land Use Designations around the Naval Air Station Lemoore. A summary list of the proposed General Plan amendments is provided as Attachment #3. The existing and proposed Mixed Use Land Use Designations for Kettleman City are provided as Attachments #4 and #5 and the proposed Land Use Designation changes around Naval air Station Lemoore are provided as Attachments #6 and #7.

In October 2014, Staff held community meetings in Stratford, Armona, and Kettleman City regarding the implementation of the Mixed Use Zoning Districts. The public feedback was positive and the general sentiment in all communities was the hope that the mixed use zoning would spur development/re-development within the downtown areas.

ARTICLE 7. MIXED USE ZONING DISTRICTS



Sections:

Sec. 701 - PURPOSE AND OBJECTIVES

Sec. 702 - DISTRICT DESIGNATIONS

Sec. 703 - LAND USE REGULATIONS

Sec. 704 - DEVELOPMENT STANDARDS FOR MIXED-USE ZONING DISTRICTS

Sec. 705 - ADDITIONAL STANDARDS AND REGULATIONS

Sec. 701. Purpose and Objectives: The two classes of Mixed Use (MU) Districts included in this Development Code are designed to be integrated into centralized community downtowns or community core areas to allow various mixtures of commercial and residential uses and to replace the Central Commercial land use designation in previous Zoning Ordinances. Mixed Use zoning districts are intended to allow a vertical and horizontal mix of business, office, and housing within common building structures as well as encourage private investment, revitalization of community commercial areas and visual community distinction. Standards in the Mixed Use district are intended to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing resident to work, shop and play within walking distance to where they live.

Sec. 702. District Designations:

- A. **MU – Mixed Use District:** The Mixed Use District is intended primarily for the provision of various mixtures of commercial and residential uses along 14th Avenue north of the downtown mixed use area in Armona. In Kettleman City, the mixed use district is located along State Route 41 within the existing community.
- B. **MU-D – Downtown Mixed Use:** The Downtown Mixed Use District is made up primarily of Rural Commercial and Multifamily Residential combined zoning and is intended to increase the jobs/housing balance in the county's large unincorporated communities. The Downtown Mixed Use District is intended primarily for the provision of various mixtures of commercial and residential within the existing commercial core areas of Armona, Stratford and a newly designated commercial core in Kettleman City. Buildings more than one story are strongly encouraged.

Sec. 703. Land Use Regulations: The following table prescribes the land use regulations for Mixed Use districts. The regulations for each district are established by letter designation shown in the key of Table 7-1:



Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit ". " Not permitted	ZONING DISTRICT		Additional Regulations and Information
	MU	MU-D	
Commercial Uses For a definition of the use see Article 25	PERMIT REQUIRED		
Accessory structures located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	See Section 1101.
Arcades, including video rentals and sales.	P	P	
Automobile supply stores.	S	S	
Automobile and truck repair garages (trucks up to and including one-ton rated capacity).	C	-	
Banks and financial institutions.	P	P	
Barbeque facilities (Open-air).	S	S	See Sec 1104.
Bars/night clubs/lounges/taverns.	S	S	
Beer gardens as an incidental use.	S	S	
Billiard and pool halls.	S	S	
Blueprint, copy and duplicating services.	P	P	
Body piercing establishments.	S	S	
Bowling alleys.	C	-	
Brew pubs.	S	S	See Section 1106.
Building material sales, excepting bulk storage of sand, gravel or cement.	S	-	
Catering as an incidental use to a restaurant, cafes, delicatessen or other food related use.	P	P	
Ceramic and pottery shops.	P	P	
Child Care Facilities	S	S	
Coffee shops.	P	P	
Convenience stores.	S	S	See Section 1106.
Delicatessens and health food stores.	P	P	
Donut shops.	P	P	
Dry cleaning and laundry agencies.	S	S	
Farmers markets.	TUP	TUP	
Food lockers (no slaughtering).	S	S	
Food stores and grocery stores.	P	S	
Garden supply shops and nurseries.	S*	S	*All equipment, supplies and merchandise, other than plants, shall be kept within completely enclosed buildings or under a lathed structure, and further provided that fertilizer of any type shall be stored and sold in packaged form only.
Health and Fitness Type Uses	P	S	(See list in Article 25)
Household appliance sales, service & repair.	P	P	
Ice cream and desert shops.	P	P	
Interior decorating and design shops.	P	-	
Liquor stores.	S	S	See Section 1106.
Locksmiths.	P	-	



Table 7-1 **MIXED USE ZONING DISTRICTS LAND USE REGULATIONS**

<p style="text-align: center;">KEY</p> <p>“P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “.” Not permitted</p>	ZONING DISTRICT		<p style="text-align: center;"><i>Additional Regulations and Information</i></p>
	MU	MU-D	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Mailbox rental, receiving and forwarding.	P	P	
Meeting halls.	S	S*	*Located on the second floor only.
Movie theaters, theaters, auditoriums.	S	C	See Section 1106.
Offices, Business and Professional Type Uses	P	P	(See list in Article 25)
Pawn shops.	S	-	See Section 1118.
Personal Services Type Uses	P	P	(See list in Article 25)
Photography studios.	P	P	
Picture framing shops.	P	P	
Printing, graphics, lithography and engraving shops.	P	P	
Private clubs, lodges and fraternal Organizations.	C	C	Located on the second floor only.
Reading rooms.	S	-	
Religious institutions.	C	-	
Restaurants, cafes, including fast food, drive-in restaurants, outdoor cafes, buffets, coffee shops, tearooms, cafeterias, etc., with no sale of alcoholic beverages.	P*	P*	*Excluding drive-thru.
Restaurants or similar eating establishments that sell or serve beer, wine, and/or distilled spirits which require or obtain a special ABC license # 41, 47, or 75.	S	S	
Retail Sales Type Uses	P	P	(See List in Article 25)
Secondhand and Thrift Sores.	P	-	
Service stations, fueling stations including CNG, and electric vehicle recharge stations .	C*	-	*Excluding automotive repair services not included in the definition of "Service Station" as provided in Article 25, provided that all operations, except the sale of gasoline and oil, shall be Conducted in a building enclosed on at least two sides.
Tattoo Parlors.	S	S	
Telecommunication dealers and services.	P	P	
Tire sales and service.	S	-	
Travel bureaus.	P	P	
Wedding services and supplies.	S	S	
Medical Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Medical/dental offices and clinics.	S	P	
Medical and orthopedic appliance stores.	S	-	
Medical spas.	S	-	
Educational Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Nursery schools/preschools.	-	S	



Table 7-1 **MIXED USE ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	MU	MU-D	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Active solar heating systems used to convert sunlight to heat that can be used for space heating and hot water.	P	P	
Electric Vehicle (EV) recharge stations.	P	P	Incidental to designated parking spaces for electric vehicles and private recharge station for electric vehicles operated by the occupants of the property. See Section 1511.C.
Solar electrical generation equipment for non-commercial personal use.	P	P	With a design capacity to serve the electrical needs of only that site or use.
Solar photovoltaic electrical generating facilities that commercially produce power for sale, which comply with all local, regional, state, and federal regulations.	C	C	
Public and Utility Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Co-location of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.	P	P	
Communications equipment buildings and public service pumping stations and/or elevated pressure tanks.	S	-	
Community centers.	C	C	May be located on the second story of a commercial use or as a separate stand alone use.
Electrical distribution substations, gas regulator substations.	S	S	
Museums and art galleries.	S	S	
Public buildings including courts, fire stations, libraries, police stations, post offices.	C	C	Includes city, county, special district, state and administrative offices.
Public parks and playgrounds.	C	C	
Radio and television broadcasting studios and accessory structures.	S	-	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Community care facilities for 6 or fewer persons.	P	P	As allowed by the Health and Safety Code Section 1500 et seq.
Emergency Shelters.	C	C	See Sec. 1107.
Family day care home, Small.	P	P	For 8 or fewer children.
Home Occupations, Minor.	P	P	See Sec. 1102.A.
Home Occupations, Urban.	S	S	See Sec. 1102.C.



Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "." Not permitted	ZONING DISTRICT		Additional Regulations and Information
	MU	MU-D	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Hotels, motels, and apartments.	S	S	On 1 st or 2 nd floors.
Incidental single-family dwellings.	S	S	Located on the ground floor to the rear of a permitted commercial use.
Multifamily dwellings.	S	S	Over or to the rear of a permitted commercial use.
Household pets, such as dogs, cats, canaries and parakeets (no livestock) belonging to those living on the site.	P	P	Pets shall be maintained in compliance with public health laws and Kings County Animal Control standards.
Residential care facility.	P	P	For 6 or fewer persons.
Single-family dwelling.	P	P	Located above the ground floor.
Supportive housing and transitional housing for 6 or fewer persons.	P	P	As defined by Government Code Section 65582.
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		Additional Regulations and Information
Accessory structures located on the same site with a permitted use.	S	S	See Section 1101.
ATMs.	P	P	
Community gardens, non-medicinal.	P	P	See Section 1503.
Incidental uses located on the same site with a permitted use.	P	P	See Section 1101.
Incidental uses located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	See Section 1101.
Landscaping.	P	P	See Section 706.B.5 and Section 1505.
Outdoor seating incidental to restaurants, cafes, bars, beer gardens, etc.	S	S	
Parking lots with landscaping accents.	S	S	
Rain gardens.	P	P	See Article 15.
Raising of fruit/nut trees, vegetables, and horticultural specialties.	P	*	*All properties within Armona Community Plan Expansion areas may continue agricultural farming practices until development applications are approved by the County.
Regional produce stands.	S	S	Armona Community Plan Policy 7E.2.2.
Recycling facility; reverse vending machine.	P	P	See Section 1115.A.
Sale of fresh fruits and vegetables.	-	P	As an accessory use.
Sheltered transit stops.	P	P	
Signs, freestanding or detached.	S	S	See Table 7-2.



Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS			
KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "." Not permitted	ZONING DISTRICT		Additional Regulations and Information
	MU	MU-D	
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Signs, wall mounted, projecting, or awning.	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the sign meets signage regulations. See Table 7-2.
Signs, temporary.	P	P	See Article 14 for time limits and additional information.
Vending machines including water dispensing, snacks, food, soda, and DVD type machines.	P	P	Incidental to an existing use.
Water harvesting.	P	P	See Article 15.

Sec. 704. Development Standards for Mixed Use Zoning Districts: Table 7-2 below provides development standards for parcels within Mixed-Use zoning districts:

Table 7-2 DEVELOPMENT STANDARDS FOR MIXED USE ZONING DISTRICTS			
Use Classifications	MU	MU-D	Additional Regulations and Information
Site Area and Lot Standards	*Kettleman City Only All Standards Shown are Minimum Standards Unless Otherwise Stated		
Site Area per ground floor one single-family dwelling unit (Square Feet).	-	-	
Site Area per ground floor multifamily dwelling unit (Square Feet).	-	-	
Site Area for all other permitted and conditional uses (Square Feet).	-	-	
Minimum width of site – Interior Lot (Feet).	-	-	
Minimum width of site – Corner Lot (Feet).	-	-	
Minimum depth of site – Interior Lot.	-	-	
Minimum depth of site – Corner Lot (Feet).	-	-	



Table 7-2 DEVELOPMENT STANDARDS FOR MIXED USE ZONING DISTRICTS

<i>Use Classifications</i>	<i>MU</i>	<i>MU-D</i>	<i>Additional Regulations and Information</i>
Site Coverage			
Maximum area covered by commercial Structures.	No limitation provided that motor vehicle, bicycle parking and pedestrian walkway requirements are met.	No limitation provided that motor vehicle, bicycle parking and pedestrian walkway requirements are met.	
Maximum area covered by ground floor residential structures.	45%*	-	*Residential units located to the rear of a commercial use.
Setback Requirement – Ground Floor (Note 1)			
Front Setback (Feet).	10	Must abut front and street side property lines or be located within 10 feet of such property lines.	
Rear Setback (Feet).	10	5 *	*10 foot setback required if abutting RR, R, or RM District.
Side Setback (Feet).	-*	-	*10 foot setback required if abutting RR, R, or RM District or use.
Side Setback Requirement – Second Floor (Note 2)			
Any wall with bedroom or kitchen windows (Feet).	10	-*	*10 foot minimum setback if abutting RR, R, or RM District or use.
Any wall with living room or other primary windows (Feet).	15	-*	*15 foot minimum setback if abutting RR, R, or RM District or use.
Any wall with other windows (Feet).	5	-*	*5 foot minimum setback if abutting RR, R, or RM District or use.
Distance Between Structures			
Distance between commercial uses (Feet).	-	-	
Distance between residential use and another structure (Feet).	-(3)	-(3)	(3) See Note 3 below.
Height of Structures			
Maximum height of a permitted use or its accessory structures (Feet).	30(4)	30(4)	(4) See Note 4 below.
Maximum height of a conditional use or its accessory structures (Feet).	50(4)	50(4)	(4) See Note 4 below.
Maximum height of a structure in a traffic safety visibility area (Feet).	3	3	(5) See Note 5 below.
Minimum sidewalk area			
Required width of sidewalks (Feet).	As noted in each community plan.	As noted in each community plan.	See Community Street and Parking Design Standards in Chapter 6 of each Community Plan in the General Plan.



Table 7-2 Specific Limitations and Additional Requirements:

1. Video and DVD type rental vending machines shall not be placed within a sidewalk area in the Mixed Use zoning districts. Such machines may be placed inside of a business or within an area outside of the sidewalk area.
2. Side and rear yard setback requirements for second story residential units. In order to provide light and air for residential units in mixed-use buildings, the minimum setbacks apply for any interior side or rear yard setbacks. (Structures in the MU-D district are exempt from these setbacks unless the structure abuts a Residential zoning district.)
3. If greater minimum distances between structures than those listed are required by the fire code or building code regulations for safety and fire protection, such greater separation requirements shall be imposed. This includes distances from structures on adjacent properties.
4. New structures in Kettleman City shall not exceed two stories in height unless adequate fire equipment is provided that can reach beyond two stories or other alternatives are found acceptable to the Kings County Fire Department.
5. Pole mounted signs over 3 feet in height within a traffic safety visibility area may be permitted by Site Plan Review provided that the sign must be at least 12 feet above the ground if the sign is placed within 30 feet of a street intersection (intersecting curb lines).

Sec. 705. Additional Standards and Regulations:

A. Off-street Parking Areas, Aisles, Access Drives, Access Lanes and Off-street Loading Facilities:

1. In the MU and MU-T Districts: In addition to available on-street parking, off-street parking areas, aisles, access drives, access lanes and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.
2. In the MU-D District: No off street parking is required for non-residential uses unless the use exceeds 3,000 square feet of gross floor area, in which case off-street parking shall be provided for the floor area in excess of 3,000 square feet as prescribed in Article 13.
3. Garages or other enclosed or covered parking facilities for use by residents in the Mixed Use Districts shall not be significantly visible from the public street or adjacent bikeways, sidewalks or other pedestrian amenities. Residential parking shall be clearly signed and reserved for residents.
4. If more than one use is located on a site, including multiple uses under single ownership, the number of off-street parking and loading spaces to be provided shall be equal to the sum of the requirements identified for each individual use, unless shared parking arrangements are approved by the Zoning Administrator in compliance with Article 13 (Shared Parking).
5. **Pedestrian Friendly Design:** In Mixed-Use zoning districts, parking and vehicle drives shall be located away from building entrances, and not between building entrances and streets with pedestrian activity.

B. Fences, Walls, Gates, Hedges, and Screening and Landscaping: In order to ensure that fences, walls, gates, hedges, and screening and landscaping do not create traffic hazards at street or road intersections, and where driveways enter streets and roads, the following standards prescribed in this article shall be required by the Zoning Administrator or County Planning Commission for all new uses and major alterations and enlargement of existing uses. These requirements are to protect public health and safety, conserve water resources, and where appropriate, insulate surrounding land uses from their impact.

1. **Fences, Walls, and Hedges** shall be permitted as follows:
 - a. Except in the MU-D District, where a site adjoins or is located across an alley from a R-1, RM, or RR zoning district, a solid wall or fence, vine covered open fence or compact evergreen hedge six feet in height shall be located on the property line common to such districts, except in a required front yard and/or Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - b. In all Mixed Use Districts no solid fence, wall, hedge or shrub exceeding three feet in height shall be erected, planted or maintained within a required Traffic Safety Visibility Area.
 - c. No solid fence, open-type fence, wall, or gate, shall exceed seven feet in height if located in a required front, side, or rear yard. Noise attenuation fencing that is required as a mitigation measure is not limited to seven feet, but shall not exceed the height required in the mitigation measure.
 - d. No hedge or shrub shall exceed seven feet in height if located in a required front yard.
2. **Gates** shall be permitted as follows:
 - a. Gates which are used for 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:
 - (1) A minimum distance of 20 feet.



- (2) 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.
- b. Gates used for regular 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:
 - (1) The property owner/occupant shall obtain a building permit from the building division 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.
 - (2) 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.
 - (3) 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.
- c. Access gates to property which are not used for 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 fence line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.
- d. Gates with open-type decorative or architectural features within the front or street side yards shall not exceed eight feet in height.

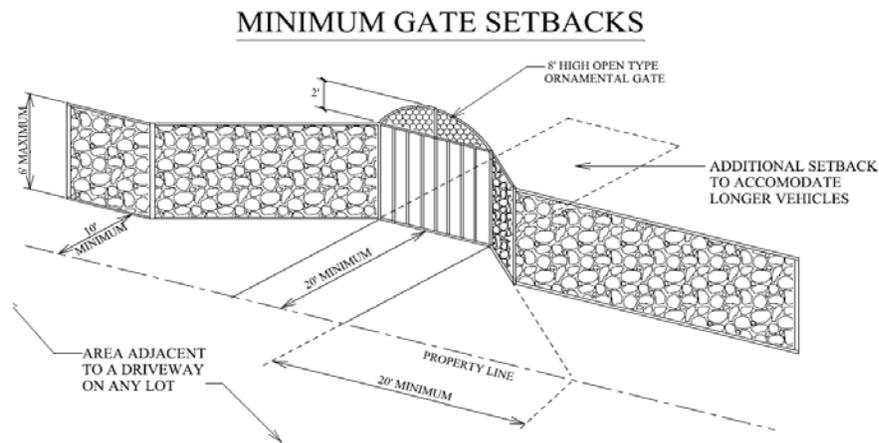


Figure 7-1

3. General Fencing and Gate Requirements:

- a. Any fence or wall over seven feet in height is a structure and requires a building permit prior to construction.
- b. All heights in this Section shall be measured from the finished grade of site or the adjacent property, which ever is lower.
- c. Fences, walls, hedges, gates, walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations.

4. Screening Requirements:

- a. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence. The requirement for a solid or screened fence may be modified or eliminated for situations where law enforcement provides comments on the zoning permit application stipulating that the street side fence be an open-type fence to allow patrol officers to ensure there are no unauthorized persons in the yard after hours.
- b. All mechanical or utility equipment, whether on the roof, ground or side of a building must be screened from view, above or below. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. The design of the screening should be done in concert with and as a part of the design of the building, rather than as an afterthought.



- c. Roof mounted mechanical or utility equipment must be screened. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. It is preferable to screen equipment with permanent solid building elements (e.g. parapet wall) instead of after-the-fact add-on screening (e.g. wood or metal slats) which are not part of the structure.
- d. Air conditioning units placed in individual windows and window transom areas are *strongly* discouraged.

Equipment Screening

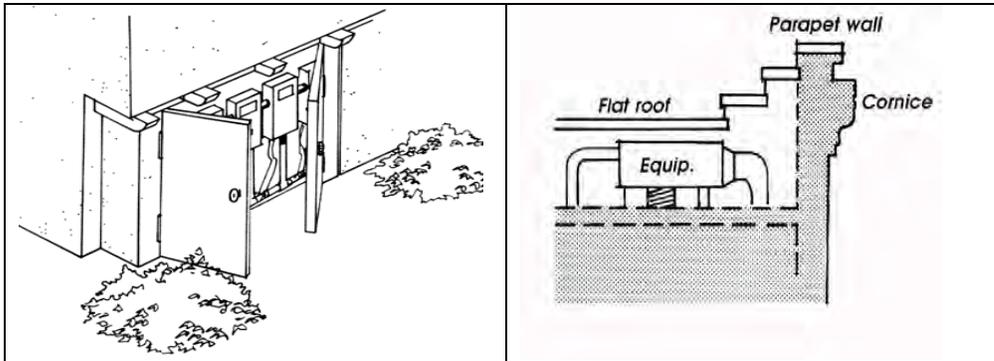


Figure 7-2

5. Landscaping and Maintenance:

- a. All new urban development shall provide and maintain shade trees and other landscaping along streets and within parking areas to reduce radiation heating.
- b. All new construction and rehabilitated landscape projects installed after January 1, 2010, are subject to and shall comply with the “Model Water Efficient Landscape Ordinance.” See Article 15 for additional information concerning specific landscaping requirements. See article 15 for additional requirements and information.
- c. All open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.

C. Signs in Mixed-Use Zoning Districts: Signs shall be allowed in compliance with the regulations contained in Article 14, and as prescribed below in Table 7-3 below and as prescribed in Table 7-3 below.

Table 7-3 SIGNS IN MIXED USE ZONING DISTRICTS				
Type of Sign	Maximum Number	Maximum aggregate sign area per use	Location Requirements	Additional Regulations and Information
Business identification signs.	Number not to exceed maximum aggregate structural area.	12.5 feet by 25 feet (312.5 sq. ft total).		Only one face of a double-faced sign shall be counted in computing the permitted copy area of the sign. If the sign is multi-faced (3 or more faces), then <u>the third or subsequent faces</u> shall be counted in computing the permitted area of the sign.
Name plate for single-family uses.	1 per legal dwelling unit.	1 sq. ft	Below Cornice or roof line near main entrance.	



Table 7-3 SIGNS IN MIXED USE ZONING DISTRICTS

Type of Sign	Maximum Number	Maximum aggregate sign area per use	Location Requirements	Additional Regulations and Information
Identification sign for multifamily residential uses.	1 per multi-unit use.	12 sq. ft.	Below Cornice or roof line flat against a wall.	
Parking lot signs for multifamily residential uses.	1	4 sq. ft.		
Window signs.	Signs shall cover no more than 15% of a single window's surface area.		Windows in permitted businesses.	Window signage is not calculated as part of the aggregate sign area per use.
Illuminated or non-illuminated directional signs for off-street parking and off-street loading facilities.	2	6 sq. ft.		
Non-illuminated real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1	20 sq. ft.		Section 1406.B.2.a.
Temporary advertising/promotional signs.				Section 1406.B.2.b.
Temporary special event signs.				Section 1406.B.2.a.
Non-illuminated temporary construction signs.				Section 1406.B.2.c.
Open-air barbeque facility signs.	1 "A" frame lettered on both sides or 2 single faced signs.	6 sq. ft.	"A" frame sign shall not be placed in a landscape area, sidewalk or used as an off site directional sign/advertisement. Single faced signs shall not project above the height of the wall or sides of the unit.	Single faced signs shall be attached to mobile food preparation unit's walls or sides.
Political and other non-commercial signs.	No Restriction	32 sq. ft. per sign	-	See Section 1403.D.13.

Table 7-3 Additional Regulations:

1. No sign other than a directional sign shall project more than 24 inches into a required rear yard or required interior side yard. No sign other than a sign required by law shall project more than 12 inches into a public right-of-way. No outdoor advertising structure shall project into a public right-of-way.
2. No sign permitted by this Section shall be placed within 30 feet of a street intersection (intersecting curb lines) unless placed on a pole at least 12 feet above the ground or unless placed at a maximum height of three feet above ground.
3. No sign which faces and is located directly across the street from property situated in an R or RM District, shall be directly illuminated or flashing.



4. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

D. General Provisions and Exceptions: All uses shall be subject to the general provisions and exceptions prescribed in Article 1. In addition, all permitted uses in the MU-D District must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, and automated teller machines.

E. Transit Stop Improvements: When transit stops are existing or proposed, they shall be fully integrated into the project site and/or at the focal point of the new development whenever practical. Building entrances and pedestrian walkways shall be designed to provide safe and efficient access to nearby public transit stops. The applicant for a development on property which is near or abuts a transit stop may be required to make transit stop improvements. Improvements may include the installation of a bus pad, turnouts, benches, trash receptacles (and service), shade/shelter, security lighting, bike racks, water features, and/or landscaping. Transit Stop Improvement Standards fall under the jurisdiction of Kings Area Rural Transit (KART) and, to some extent, Kings County Public Works, and the requirement for the installation of such improvements shall be coordinated with those agencies in order to comply with established standards.

F. Exterior Lighting: Exterior lighting should be designed to be compatible with the architectural and landscape design of the project, so as not to cause a nuisance.

1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).
3. The use of exterior lighting to accent a building's architecture is encouraged. All lighting fixtures should be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it should be concealed from view through the use of parapets, cornices or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building's architecture but this must be integrated into the overall design of the project.
4. To achieve the desired lighting level for parking and pedestrian areas, the use of several short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

G. Resource Conservation: 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 new development within the County may be subject to the following requirements, as applicable, as part of their development proposals.

1. **Water Meters:** All new development within the Armona, Home Garden, Kettleman City, and Stratford Community Service District areas shall be required to install water meters to encourage water conservation.
2. **Stormwater Drainage:** All new development within the communities of Armona, Home Garden Stratford, Kettleman City, and Stratford shall integrate onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into their site plans to increase the stormwater detention throughout the community.
3. **Drought Tolerant Landscaping:** All new residential and commercial development in the communities of Armona, Home Garden and Stratford shall integrate drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use within the community.

H. Community Design Guidelines: Recommended design guidelines for the communities of Armona, Home Garden, Kettleman City and Stratford are included in Chapters 11 through 14 of the *2035 Kings County General Plan* and include the general guidelines that are peculiar to each of the communities. Specific design guidelines for Armona, Kettleman City and Stratford are available on-line or from the Community Development Agency upon request and serve to foster the overall community identity and applicants for all new land use permits are highly encouraged to incorporate applicable guidelines and design elements into all new projects.

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ARTICLE 10 - AO AGRICULTURAL OVERLAY DISTRICT

Purpose and Applicability

1. The regulations contained in the AO district are intended to be applied to Agricultural Zone District areas where additional land use limitations are needed to implement the Kings County General Plan and address related public health and safety concerns. The AO district is intended to provide added restrictions that are limited in scope and serve to modify the base zone district requirements. The specific purposes of the AO district are:
 - a. Reduce potential land use conflicts around Naval Air Station Lemoore, concerning noise and safety due to the operation of military jet aircraft.
 - b. Enhance land use compatibility around Naval Air Station Lemoore by accommodating agriculture, aircraft, and residential uses in a compatible manner that maintains economic and national defense sustainability while also allowing residents opportunities to improve their quality of life.
 - c. Preserve lands best suited for agricultural uses and serving as a military base safety buffer from encroachment by incompatible uses.
 - d. Apply to AX expansion areas as adopted by the Board of Supervisors on January 2010, and implement the policies and provisions of the Kings County General Plan.
2. The AO district shall be shown on the Zoning Map by adding the designator "AO" to the base district designation. The AO district will be applied to all properties designated as Exclusive Agriculture as shown on Figure LU-11 of the 2035 Kings County General Plan and currently zoned either AG-20 or AG-40.
3. The provisions of this chapter shall apply to all parcels of land located within the designated boundaries of the overlay district as illustrated on maps contained on the County zoning map. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. Where the overlay zoning district is not defined, the regulations of other sections of this title shall apply.

Development Standards and Regulations

1. New residential development is prohibited when proposed within the 70 Community Noise Equivalent Level (CNEL) or greater noise contours for any military airfield, airport or helipad within Kings County.
2. Residential development in an area with 60 CENL noise contours or greater shall be in accordance with the following standards:
 - a. Minimum noise insulation to 45 dB CNEL within residential dwelling units including accessory residential dwelling units.



- b. An aviation easement, on forms approved by the County, shall be recorded with the Kings County Recorder, for each newly created residential or agricultural parcel or when a building permit is issued on an existing parcel or lot. Copies shall be filed with the County's Community Development Agency. The aviation easement shall be granted to the County of Kings and acknowledge the property is located near a source of aircraft noise and grants the right of flight and unobstructed passage of all aircraft, civilian and military, into and out of the military airfield.

3. Maximum height for any structure is 100 feet.

4. Maximum of five dwelling units per parcel. This includes any combination of dwelling units (e.g., primary residence, farm employee housing, mobile home or manufactured home for farm employee and/or infirm relative, etc.).

Agricultural Residential Clustering

1. The purpose of the agricultural residential clustering is to provide a mitigation method to allow a property owner in the AO Overlay District to shift their single agricultural residential development right to other commonly owned land and away from military aircraft flight corridors where residential uses are less compatible due to increased noise and aircraft hazard potential. Agricultural residential clustering must be approved through site plan review and comply with the following requirements:

- a. A parcel of land will be credited one dwelling unit per each legal parcel that could be created through the subdivision of the property. Farm employee housing and accessory manufactured or mobile homes will not be included in the density calculation. Density cannot be transferred to another parcel of land. Maximum density shall be no greater than that allowed under the base zoning district.
- b. If a property utilizes clustering, the physical subdivision of the property at a later date may be allowed however, no dwelling units may be constructed on the newly subdivided parcels.
- c. A development agreement between the County and landowner will be required that will define the specific parcels involved in the residential clustering.

Agricultural Residential Transfer

1. The purpose of the agricultural residential transfer is to provide an alternative mitigation method to property owners within the AO Zone District when agricultural residential clustering is not a feasible option and allows transfer of the agricultural residential development rights to a third party. Increased restrictions apply so as to protect the integrity of other prioritized agricultural land resources within the County. Agricultural residential transfer must be approved through site plan review and comply with the following requirements:

- a. Sufficiently demonstrate to the County that the Agricultural Residential Clustering is not a feasible option.



- b. Allow one agricultural residence development right per minimum parcel size that could be created through the subdivision of the property. Farm employee housing and accessory manufactured or mobile homes will not be included in the density calculation.
- c. A development agreement between the County and landowner will be required that will disclose and define the actual transfer of development rights to a specific parcel or parcels.
- d. Recipient parcel(s) shall not be located within a designated military aircraft flight corridor.
- e. Recipient parcel(s) shall not be located on Williamson Act or Farmland Security Zone contracted land.
- f. Recipient parcel(s) must be located within the Low-Medium Priority agricultural land or lower according to Figure RC-13 Priority Agricultural Land in the Resource Conservation Element of the 2035 Kings County General Plan.
- g. Future division of land shall be subject to the agricultural residential limitations as exercised by the present or past property owner.

Prohibited Uses

- 1. Farm Labor housing in excess of 5 dwelling units.
- 2. Community Care facilities, supportive housing for the target population, and transitional housing.
- 3. Large family day care homes for nine or more children.
- 4. Animal rescue shelters.
- 5. Guest ranches.

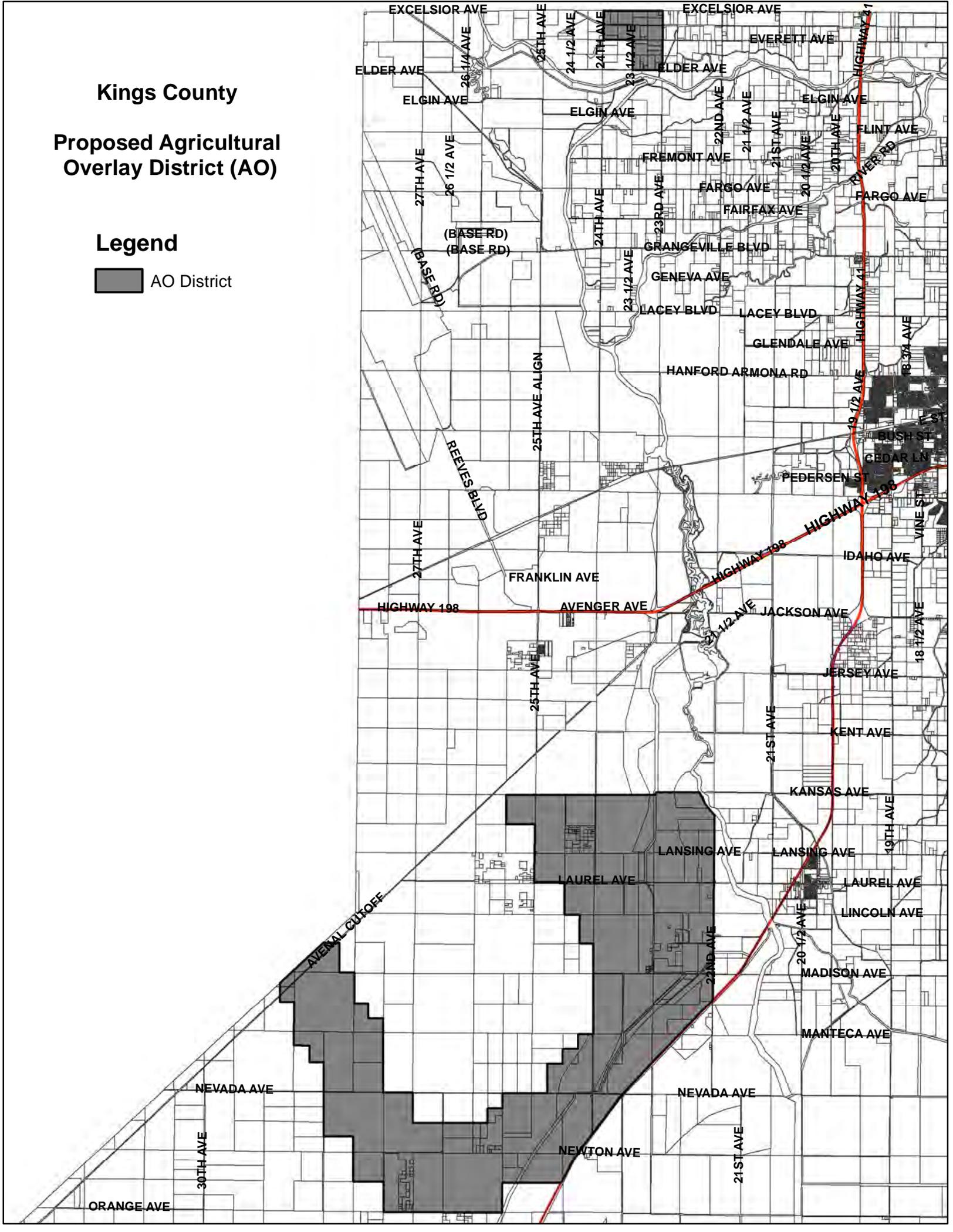


Kings County

Proposed Agricultural Overlay District (AO)

Legend

 AO District



Attachment #3

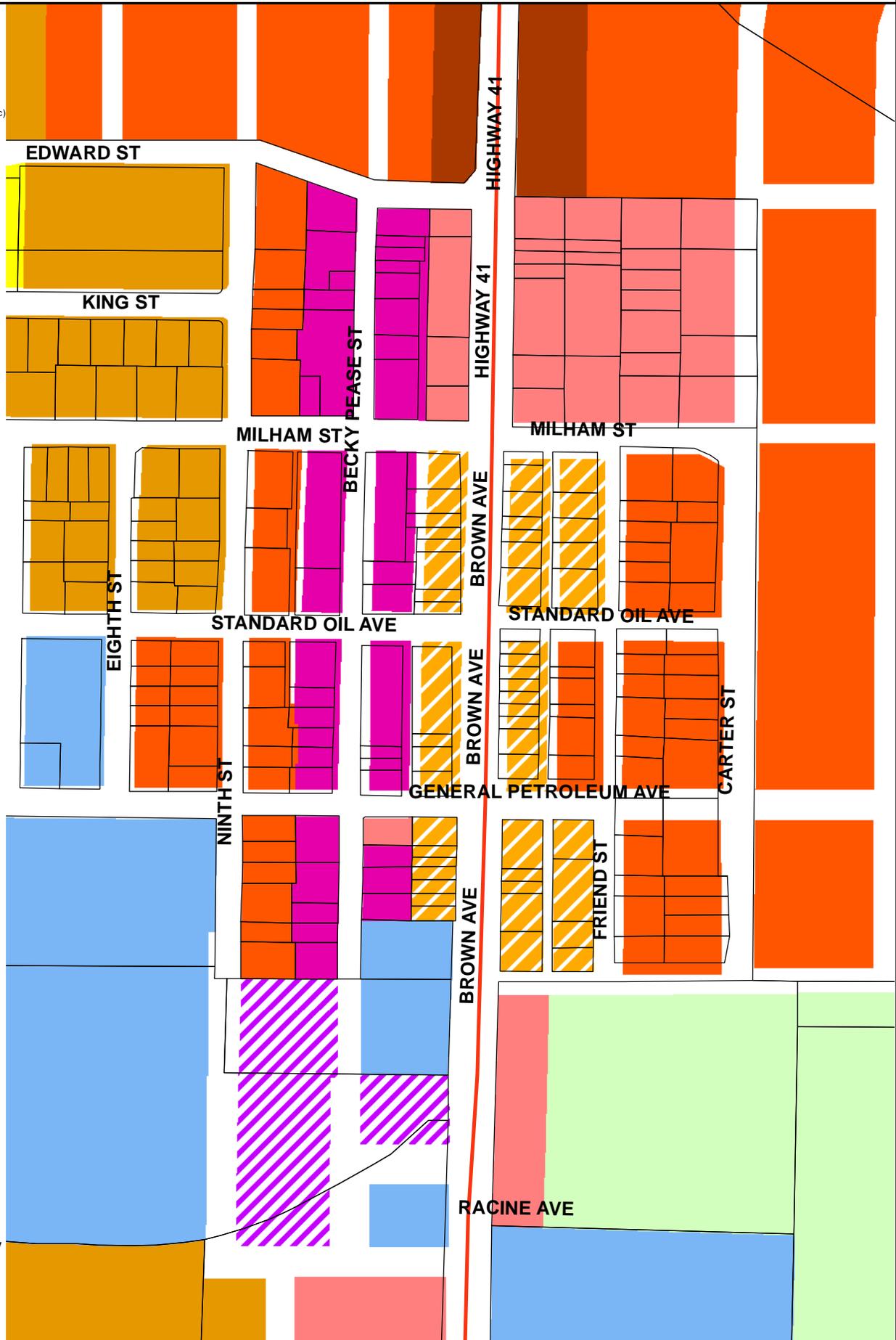
Kings County 2014 General Plan Amendments Summary

- Eliminate Transitional Mixed Use Designation (Page LU-16).
- Modify Table LU-2 (Kings County Land Use Summary) as follows:
 - Eliminate Transitional Mixed use and put into acreage into mixed use and high density residential
 - Add Overlay Zones to Other Land Uses category
- Create a land use “blowup” for the Hub (corner of Hwy 41 and Excelsior Ave) on the Rural Interface land use map.
- Revise the Exclusive Agriculture Safety/Nosie Buffer (Figure OS-15). Elimination of some properties from the AX and those properties designations being changed to AG-40 or AG-20. Create an AX overlay.
- Remove Corcoran as a public airport (Page HS-34). Change text to reflect private airport and remove Corcoran airport Compatibility Map (Figure HS-23) and change references to public throughout General Plan
- Update the NAS Lemoore Noise Contour Map (Figure N-8)
- Change text regarding N Policy A1.2.3.C aviation easements. Change from “.....granted to the County of Kings.....” to owner of airport (i.e., City of Hanford or Lemoore).
- Page AQ-33 – Modify text requiring a CUP for all Agriculture Service Establishments
- Modify the Armona Community Plan as follows:
 - Eliminate ACP Policy 4A.2.5 referring to the establishment of an Armona Community Advisory Committee to review development projects.
 - Table 6.1 – Modify to realistic street widths or eliminate
- Modify the Home Garden Community Plan as follows:
 - Table 6.1 – Modify to realistic street widths or eliminate
 - Modify Community Plan Land Use map to change mixed use downtown to mixed use
- Modify the Kettleman City Community Plan as follows:
 - Eliminate the 2,500 sq. ft. maximum dwelling size from KCCP Policy 2A.2.2
 - Table 6.1 – Modify to realistic street widths or eliminate
 - Change the properties designated Transitional to mixed use and high density residential. The Kettleman City Community Land Use Map will be changed to reflect properties east of Beck Pease changing to Mixed Use and properties west of Becky Pease changing to High Density Residential.
- Modify the Stratford Community Plan as follows:
 - Table 6.1 – Modify to realistic street widths or eliminate
- Update General Plan in regards to disadvantaged communities (Compliance with AB244)
- Individual properties change of land use designations (Specific parcels TBD)

2035 Kings County General Plan Kettleman City Community Plan Land Use Map Existing

Legend

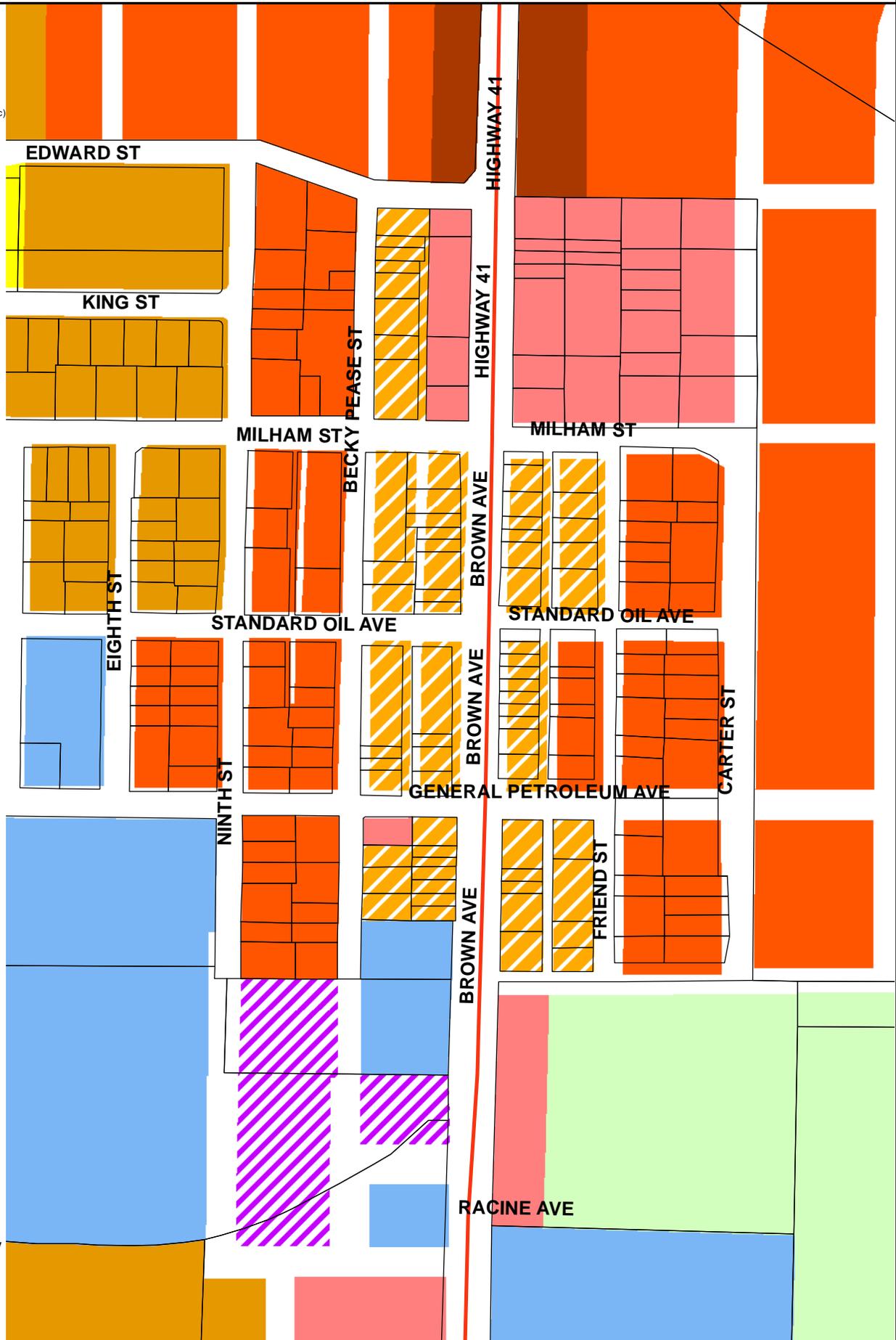
- Very Low Density Residential (1 unit/ac)
- Low Density Residential (1-2 units/ac)
- Low Medium Density Residential (2-4 units/ac)
- Medium Density Residential (4-7 units/ac)
- Medium High Density Residential (7-11 units/ac)
- High Density Residential (11-24 units/ac)
- Very High Density Residential (24+ units/ac)
- Reserve Low Medium Density Residential
- Reserve Medium Density
- Reserve Medium High Density
- Mixed Use
- Downtown Mixed Use
- Reserve Mixed Use
- Transitional
- Neighborhood Commercial
- Rural Commercial
- Multiple Commercial
- Service Commercial
- Transportation Commercial
- Reserve Multiple Commercial
- Light Industrial
- Heavy Industrial
- Limited Agriculture
- General Agriculture 20 ac.
- General Agriculture 40 ac.
- Exclusive Agriculture
- Open Space
- Natural Resource Conservation
- Public



Map prepared by
Dan Kassik
**Kings County Community
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October 13, 2014
1400 W. Lacey Blvd.
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2035 Kings County General Plan Kettleman City Community Plan Land Use Map Proposed

- Legend**
-  Very Low Density Residential (1 unit/ac)
 -  Low Density Residential (1-2 units/ac)
 -  Low Medium Density Residential (2-4 units/ac)
 -  Medium Density Residential (4-7 units/ac)
 -  Medium High Density Residential (7-11 units/ac)
 -  High Density Residential (11-24 units/ac)
 -  Very High Density Residential (24+ units/ac)
 -  Reserve Low Medium Density Residential
 -  Reserve Medium Density
 -  Reserve Medium High Density
 -  Mixed Use
 -  Downtown Mixed Use
 -  Reserve Mixed Use
 -  Transitional
 -  Neighborhood Commercial
 -  Rural Commercial
 -  Multiple Commercial
 -  Service Commercial
 -  Transportation Commercial
 -  Reserve Multiple Commercial
 -  Light Industrial
 -  Heavy Industrial
 -  Limited Agriculture
 -  General Agriculture 20 ac.
 -  General Agriculture 40 ac.
 -  Exclusive Agriculture
 -  Open Space
 -  Natural Resource Conservation
 -  Public



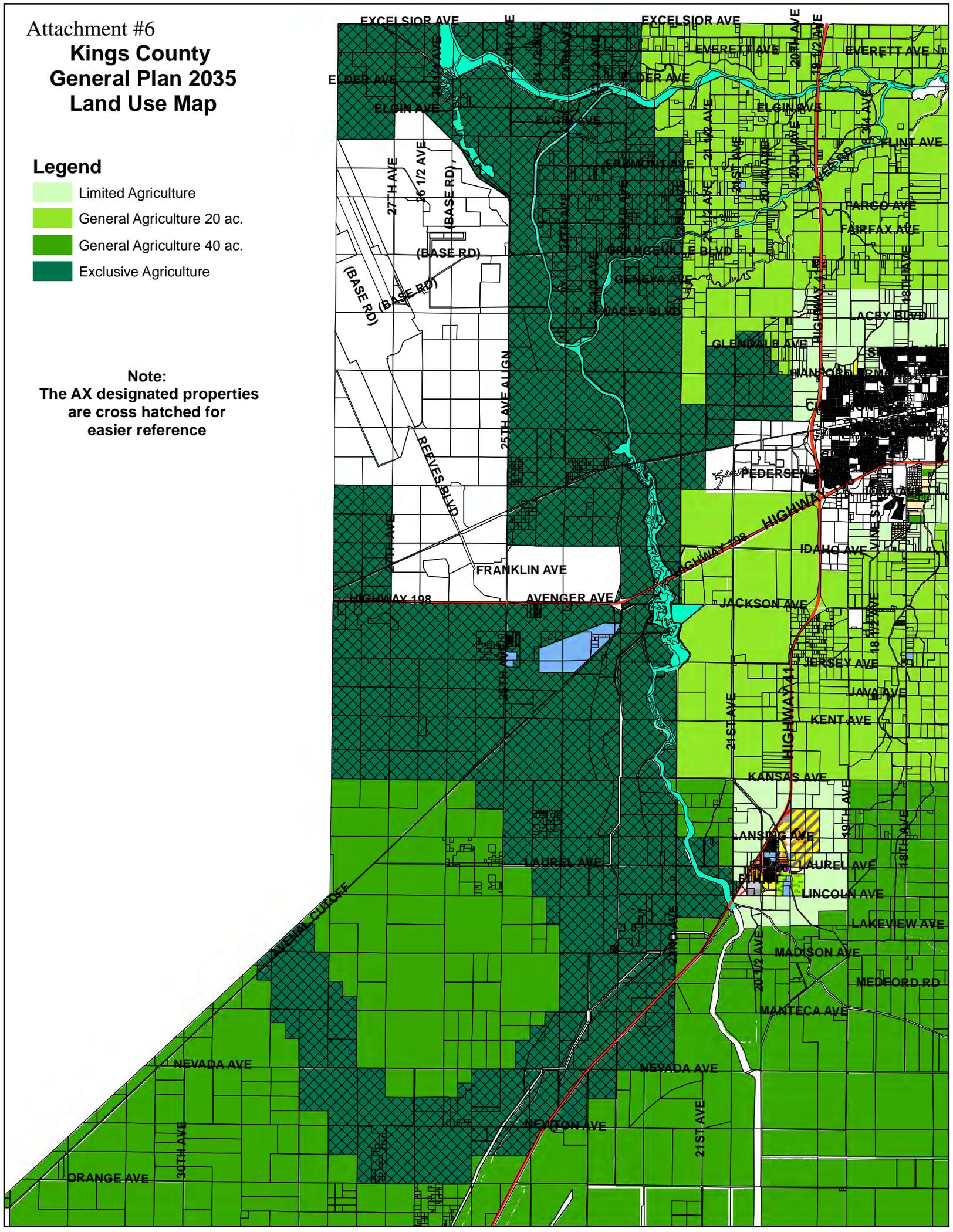
Map prepared by
Dan Kassik
Kings County Community
Development Agency
October 13, 2014
 1400 W. Lacey Blvd.
 Hanford, CA 93230

Kings County General Plan 2035 Land Use Map

Legend

-  Limited Agriculture
-  General Agriculture 20 ac.
-  General Agriculture 40 ac.
-  Exclusive Agriculture

Note:
The AX designated properties
are cross hatched for
easier reference



Kings County General Plan 2035 Land Use Map

Proposed Changes AX Designated Properties

Legend

- Limited Agriculture
- General Agriculture 20 ac.
- General Agriculture 40 ac.
- Exclusive Agriculture

Note:
The properties that have
changed are cross hatched
for easier reference

