

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 July 6, 2015

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 June 1, 2015.

II. OLD BUSINESS None

III. NEW BUSINESS

1. **CONDITIONAL USE PERMIT NO. 15-01 (COMPLETE WIRELESS)** – A proposal to establish a new 94-foot monopole wireless communication facility with a fenced lease area for ground equipment located at 17045 Everett Avenue, Laton, Assessor's Parcel Number 004-080-048.
 - A. Staff Report
 - B. Public Hearing
 - C. Decision

2. **DEVELOPMENT CODE TEXT CHANGE 668.10** – A proposal to amend Article 23 of the Kings County Development Code to incorporate updated subdivision regulations and to be titled Land Subdivisions.

CHANGE OF ZONE DISTRICT BOUNDARIES 15-03 – A proposal of various change of zone district boundaries to achieve the objectives of the Kings County Development Code and consistency with the 2035 Kings County General Plan

- A. Staff Report
- B. Public Hearing
- C. Decision

3. **ELECTION OF OFFICERS (for term of 7/1/15 to 6/30/16)**

- A. Nominations for Chairman
- B. Decision
- C. Nominations for Vice-Chairman
- D. Decision

IV. MISCELLANEOUS

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

V. ADJOURNMENT

NOTICE OF RIGHT TO APPEAL: For projects where the Planning Commission's action is final, actions are subject to appeal by the applicant or any other directly affected person or party and no development proposed by the application may be authorized until the final date of the appeal period. An appeal may be filed with the Community Development Agency at 1400 W. Lacey Blvd., Building #6, Hanford, CA, on forms available at the Community Development Agency. A filing fee of \$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 3 Commissioner – R.G. Trapnell

District 2 Commissioner – Bob Bajwa

District 4 Commissioner – Jim Gregory*

District 5 Commissioner – Steven Dias

*Chairman

**Vice-Chairman

June 1, 2015

CALL TO ORDER: The meeting of the Kings County Planning Commission was called to order by Chairman Gregory, on June 1, 2015, 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, Riley Jones, Steven Dias, R.G. Trapnell

COMMISSIONERS ABSENT: Bob Bajwa

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

VISITORS PRESENT: Bert Verrips

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 announced that the minutes of the February 2, 2015 meeting stand approved as presented.

OLD BUSINESS: None

NEW BUSINESS:

1. Conditional Use Permit No. 14-01 (Westside Assets)

Mr. Roper provided an overview of a proposal to establish a 22 Megawatt (MW) photovoltaic solar energy generating facility to be constructed in two phases on approximately 186 gross acres. Phase I consists of a 2 MW solar generating facility on approximately 18 acres. Phase II consists of a 20 MW solar generating facility on approximately 168 acres. The project site is located at 25329 Avenal Cutoff Road (Phase I), and 25523 Avenal Cutoff Road (Phase II), Lemoore, Assessor's Parcel Numbers 026-010-042 and 026-010-038. Mr. Roper reported that the project was located in the AX zone district and was subject to a Farmland Security Contract. He also reported that no significant new impacts were identified and there were no changes to the mitigated negative deck. There was discussion regarding the mineral rights. Mr. Kaeding stated any issues regarding mineral rights would be a civil matter and would have no impact on the decision before the Planning Commission.

Chairman Gregory opened the public hearing and asked if there was anyone wishing to speak in favor of the project or opposing the project. Mr. Bert Verrips, the CEQA consultant for the applicant, stated he was available for any questions since the applicant was unable to attend the meeting. Chairman Gregory commented that he was glad to see that 90% of the agricultural activities will continue and asked Mr. Bert Verrips to discuss the farming practice. Seeing nobody else wishing to speak, he closed the Public Hearing.

A motion was made and seconded (Jones/Trapnell) to adopt Planning Commission Resolution 15-03 as presented in the staff report. Motion carried unanimously with Bajwa absent.

1. Conditional Use Permit No. 15-02 (SAC Wireless - Verizon)

Mr. Kassik provided an overview of a proposal to establish a new 100 foot monopole wireless communication facility with a fenced lease area for ground equipment located at 4161 Dover Avenue, Hanford, Assessor's Parcel Number 002-180-017. Mr. Kassik stated the project was located in an AG-20 zone District and is subject to an Agricultural preserve. He stated three sets of comments were received and no significant impacts were found. The project is consistent with the zoning ordinance, 2035 General Plan and Williamson Act.

A motion was made and seconded (Dias/Jones) to adopt Planning Commission Resolution 15-03 as presented in the staff report. Motion carried unanimously with Bajwa absent.

MISCELLANEOUS

1. FUTURE MEETINGS:

The next regular meeting of the Planning Commission is scheduled for Monday, July 6, 2015. Mr. Kassik stated possible items for next months meeting is a cell tower and the subdivision code for the Development Code.

2. CORRESPONDENCE:

None

3. STAFF COMMENTS:

None

4. COMMISSION COMMENTS:

Commissioner Gregory shared a newspaper article from the Ventura County Star regarding the future of Save Open Space and Agricultural Resources (SOAR).

ADJOURNMENT – The meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

KINGS COUNTY PLANNING COMMISSION



Greg Gatzka, Commission Secretary

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Conditional Use Permit No. 15-01 Zoning Ordinance 269.69 July 6, 2015

APPLICANT: Michelle Ellis, Complete Wireless, 2009 V St., Sacramento, CA 95818

PROPERTY OWNER: George Randall, 17045 Everett Ave., Laton, CA 93242

LOCATION: 17045 Everett Avenue, Laton, CA

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

ZONE DISTRICT CLASSIFICATION: General Agricultural 20 (AG-20)

CONDITIONAL USE PROPOSED: The applicant proposes to construct a wireless telecommunications facility consisting of a 94-foot tall monopole tower. A prefabricated 11 foot by 16 foot equipment shelter is proposed to be placed at the base of the tower including a diesel generator.

DISCUSSION:

The applicant proposes to construct a wireless telecommunications facility consisting of a 94 foot tall monopole tower. A prefabricated 11 foot by 16 foot equipment shelter is proposed to be placed at the base of the tower including a standby diesel generator. The project site contains one Assessor's Parcel Number (APN: 004-080-048) totaling 5.09 acres in size. The proposed communications facility is planned for development on only a 2,500 square foot portion of the 5.09 acre parcel. The lease area is located in the southeast portion of the parcel and will be leased from the property owner. Fencing will surround the 2,500 square foot site and will have a six (6) foot tall chain link fence surrounding the leased portion of the property.

The equipment shelter will be a prefabricated California Department of Housing approved exposed aggregate concrete, self-contained fire protected building. The electronic equipment will operate at frequencies that will not interfere with other communication signals in the area and are licensed and regulated by the Federal Communications Commission (FCC). This proposed space is for electronic storage only and will be unmanned.

The applicant has investigated co-location opportunities within the area; however no tall buildings or other towers exist within the vicinity. The subject property was chosen as it provides the best location for

the most optimal coverage. The current and proposed coverage areas are provided as Attachments #1 and #2.

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

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

It should be noted that the proposed tower is not located within any of the Compatibility Zones for any of the Municipal Airports within Kings County as shown on Figures HS-22 and HS-23 of the Health and Safety Element of the 2035 Kings County General Plan. The proposed tower site is located approximately eight (8) miles southwest of the City of Hanford.

The required utilities will be brought in from the nearest available source which is along 4th Avenue. Access and easement issues have been approved by the owner. No public utilities such as water or sewer are necessary for operation of the proposed communications facility.

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

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

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

PARCEL ZONING PERMIT HISTORY:

No previous zoning permits have been issued for his site.

CURRENT USE OF THE SITE:

The parcel is approximately 5 acres in size and is being used as a homesite that is developed with a single family residence and accessory residential buildings.

LAND USE SURROUNDING SITE:

Agricultural lands (farm fields) to the north and west, another homesite adjacent to the east and the Kings River adjacent to the south. The subject parcel is located adjacent to Everett Avenue to the north.

ENVIRONMENTAL REVIEW:

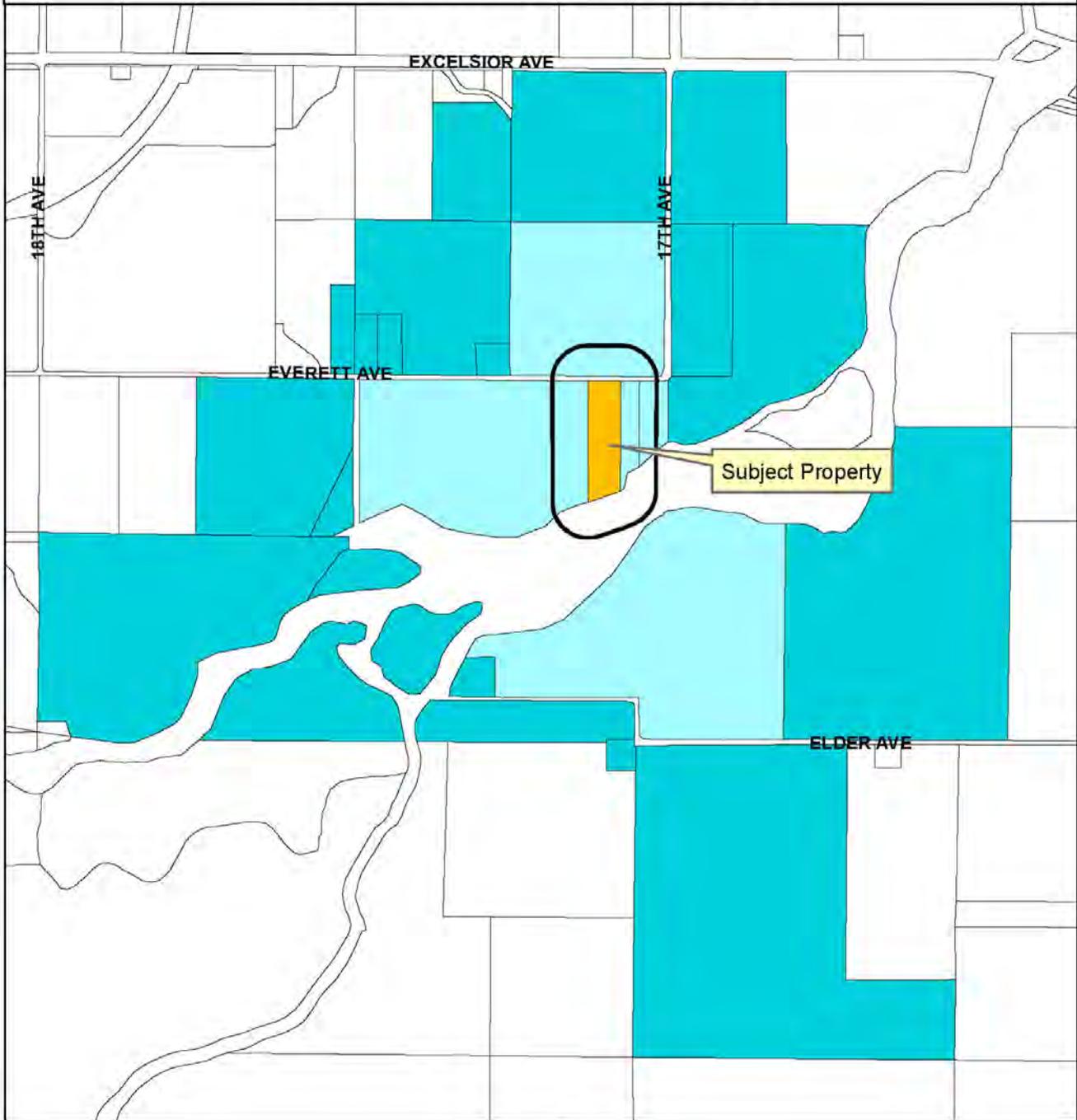
The Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for public review from May 29, 2015 through June 17, 2015. Four letters were received before the end of the public review period from the Building Division of the Kings County Community Development Agency, the Kings County Fire Department, the Kings County Public Works Department and the Kings County Environmental Health Services. The letters from the Building Division of the Kings County Community Development Agency, the Kings County Fire Department, the Kings County Public Works Department and the Kings County Environmental Health Services contained comments, standards, and requirements from those agencies, which have been listed in both the staff report and the resolution for this project.

A review of this Project in compliance with the *California Environmental Quality Act (CEQA)* indicates that there may be significant adverse impacts to the environment; however, those impacts can be mitigated to an insignificant level by implementing the Mitigation Monitoring and Reporting Program, which is attached to the Planning Commission Resolution for this project as Exhibit “A”. There is no evidence in the record that indicates that the Project has potential for adverse effects on wildlife, resources or habitat for wildlife. A copy of the Initial Study is attached.

PROJECT REVIEW:

February 9, 2015	Application submitted
April 20, 2015	Application certified complete
May 29, 2015	Begin 20-day review period for environmental review
June 17, 2015	20 day environmental review period ends
July 6, 2015	Planning Commission hearing

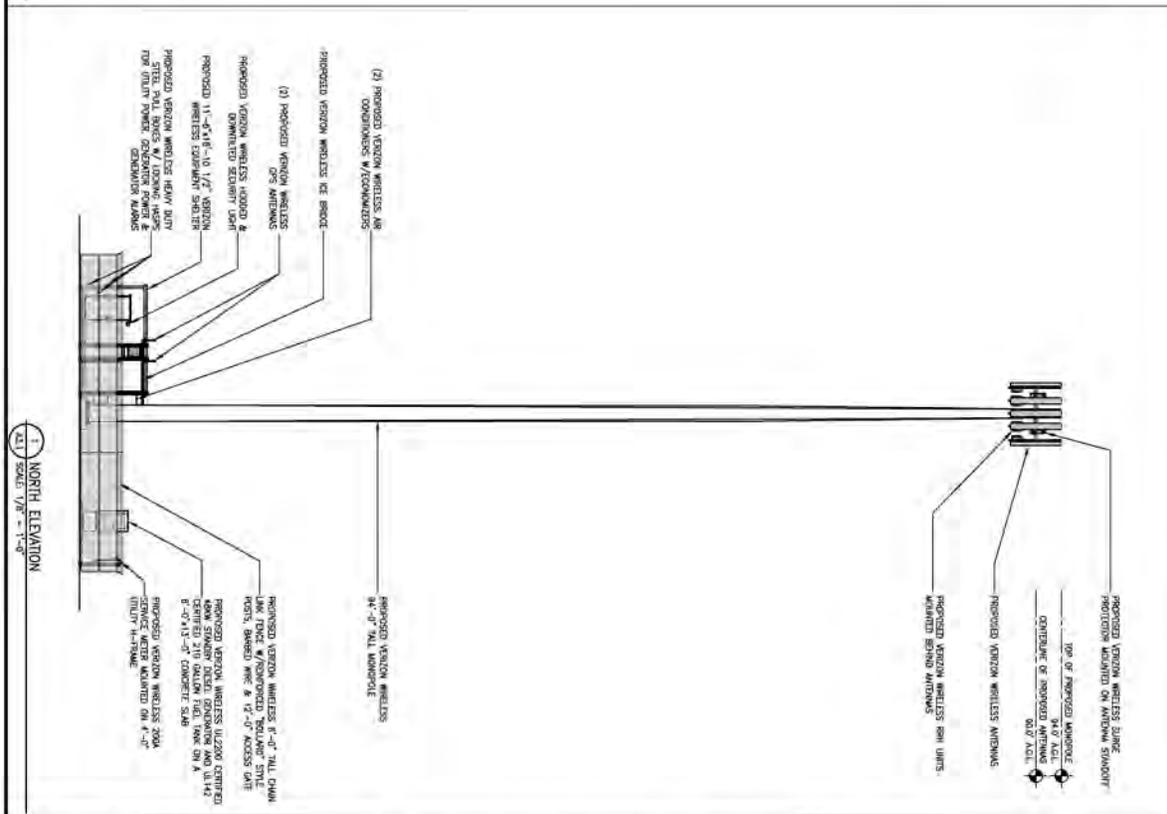
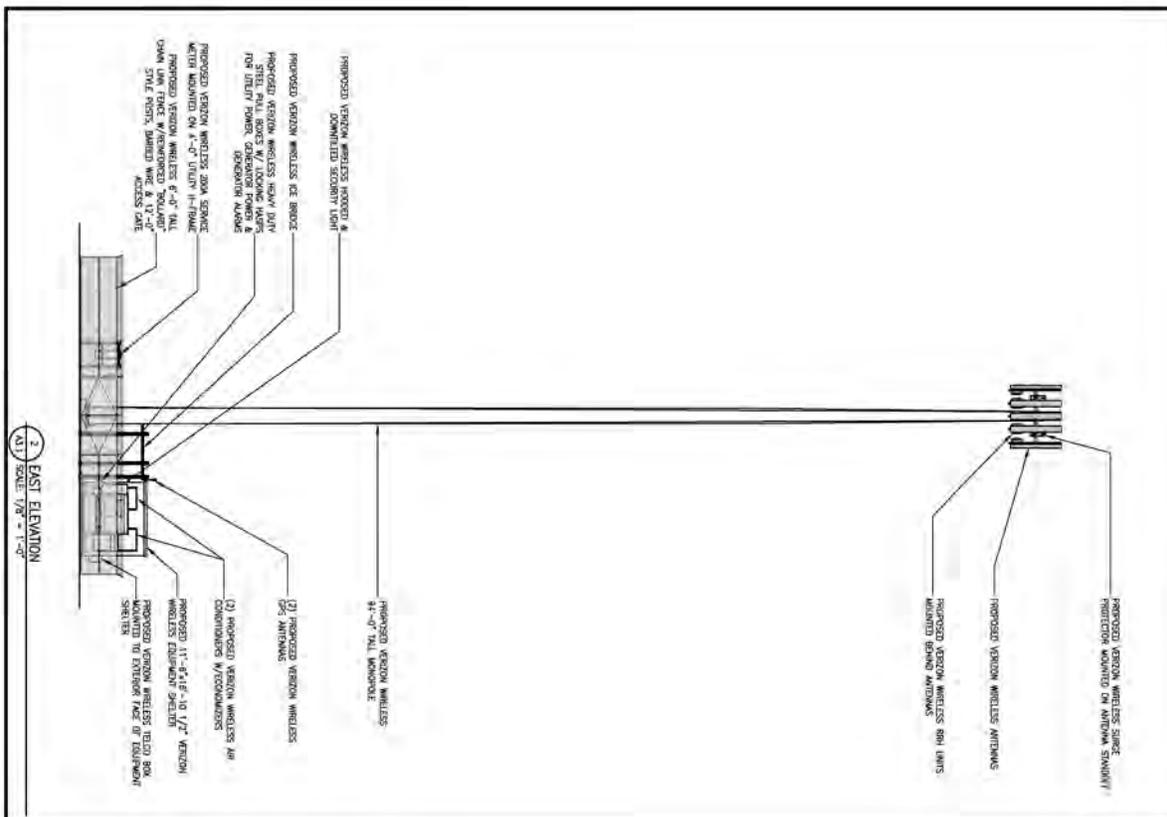
CUP 15-01 Site and Notification Map



Map prepared by
Dan Kassik
Kings County Community Development Agency
May 21, 2015
1400 W. Lacey Blvd., Hanford, CA 93230

Legend

-  300' Radius
-  Properties within 300'
-  Subject Property
-  Next Adjacent



<p>A3.1</p>	<p>2 EAST ELEVATION SCALE: 1/8" = 1'-0"</p>	<p>1 NORTH ELEVATION SCALE: 1/8" = 1'-0"</p>	<p>PROJECT ELEVATIONS</p>	<p>verizon WIRELESS E. EXCELSIOR & CEDAR 17045 EVERETT AVENUE LALON, CA 93242</p>	<p>MST ARCHITECTS 1000 West Park Blvd, Suite 200, Milpitas, CA 95035 408-253-1000 www.MSTArchitects.com</p>	<p>COMPLETE Wireless Consulting, Inc.</p>
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STAFF ANALYSIS:

In order to approve this permit, the Commission is first required to find that:

- (A) The use conforms with the objectives of the ordinance and policies of the General Plan.
- (B) The use should not be detrimental to public health and safety, nor materially injurious to properties in the vicinity.
- (C) The use will comply with applicable provisions of the ordinance.

With regard to these required findings, staff comments that:

1. This proposal conforms with the objectives of the ordinance and policies of the Kings County General Plan, specifically:
 - A. Figure LU-11, the Kings County Land Use Map, of the Land Use Element of the *2035 Kings County General Plan* designates this site as General Agriculture (AG-20).
 - B. Page LU-13, Section III.A.1. of the “Land Use Element” states that the AG-20 designation is applied to rural areas of the county north of Kansas Avenue, excluding the Urban Fringe areas of Hanford and Lemoore, Communities of Armona and Home Garden, the Naval Air Station Lemoore, the Santa Rosa Rancheria Tribal Trust Land, and other small Rural Interface pockets of urban uses. Generally characterized by extensive and intensive agricultural uses, farms within this designation have historically been smaller in size. These areas should remain reserved for commercial agricultural uses because of their high quality soil, natural and manmade waterways, scenic nature with larger concentrations of orchards, vineyards, and valley oak trees.
 - C. Page LU-13, Section III.A.1. of the “Land Use Element” states that agricultural land use designations account for a vast majority of the County’s land use. Included within this land use type are four agricultural type land use designations, Limited Agriculture, General Agriculture 20 Acre Minimum, General Agriculture 40 Acre Minimum, and Exclusive Agriculture. The major differences between the four Agriculture designations relate to minimum parcel size, animal keeping, and agricultural service businesses. These designations preserve land best suited for agriculture, protect land from premature conversion, prevent encroachment of incompatible uses, and establish intensity of agricultural uses in a manner that remains compatible with other uses within the County. The development of agricultural service and produce processing facilities within the Agricultural areas of the County shall develop to County standards.
 - D. Page LU-27, Section IV.B of the “Land Use Element” of the *2035 Kings County General Plan* states Agriculture Open Space is the most extensive environment category that displays the rural agricultural nature of the County. This environment category covers the vast agricultural resources of the County that accounted for \$1.76 billion in 2008 gross agricultural production. The Agricultural land use designations (Limited Agriculture, General Agriculture 20 Acre, General Agriculture 40 Acre, and Exclusive Agriculture) are

used to define distinct areas of agricultural intensity, and protect agricultural land from the encroachment of incompatible uses. Limited and General Agriculture designated areas provide appropriate locations for agricultural support businesses, while Exclusive Agriculture provides a safety and noise buffer around the Naval Air Station Lemoore. The physical development of agricultural properties is regulated and implemented by the *Zoning Ordinance*.

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

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

2. The use should not be detrimental to public health and safety, nor materially injurious to properties in the vicinity. A Mitigated Negative Declaration has been recommended for this Project. The proposed Project may have significant adverse impacts on the environment; however, those impacts can be mitigated to an insignificant level by implementing the Mitigation Monitoring and Reporting Plan attached to the Planning Commission Resolution for this project as Exhibit “A.” On the bases of the whole record (including the initial study and all comments received), there is no substantial evidence that the project will have a significant effect on the environment. The Mitigated Negative Declaration reflects the Planning Commission’s independent judgment and analysis.

3. The use complies with the applicable provisions of the ordinance, specifically: The proposed project, as recommended for approval, is consistent with the *Kings County Zoning Ordinance*.

A. Article 4, Section 402D.11 of the General Agriculture (AG-20) District lists cellular telephone transmission towers as a conditional use subject to Planning Commission approval.

STATEMENT OF FINDINGS OF CONSISTENCY:

1. LAND CONSERVATION (WILLIAMSON) ACT FINDINGS:

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

2. FLOOD PLAIN FINDINGS:

A. The site is within Zone A as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0050C, dated June 16, 2009. Zone A is a Special Flood Hazard Area Subject to Inundation by the 1 percent Annual Chance Flood where no base flood elevations have been determined.

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

3. AIRPORT COMPATIBILITY ZONE FINDINGS:

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

4. SEPTIC SYSTEM FINDINGS:

- A. The project site is located within an area requiring engineering for any new septic systems that are installed.

RECOMMENDATIONS:

It is recommended that the Commission approve Conditional Use Permit No. 15-01 as described above and adopt Resolution No. 15-05. Approval of this Resolution will:

1. Find that the proposed project will not have significant adverse impacts on the environment, and approves a *Mitigated Negative Declaration*.
2. Find that the project is consistent with the *2035 Kings County General Plan and the Kings County Zoning Ordinance*.
3. Approve the project with specified conditions of approval.

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

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

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

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY – PLANNING DIVISION Contact Dan Kassik of the Kings County Community Development Agency – Planning Division at (559) 852-2655 regarding the following requirements:

1. All proposals of the applicant shall be conditions of approval if not mentioned herein.
2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:
 - A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Conditional Use Permit.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan, will require either an amendment to the approved Conditional Use Permit or a new zoning permit.
3. The development shall comply with all regulations of *Development Code No. 668*, with particular reference to the General Agriculture 20 (AG-20) Zone District standards contained in Article 4.
4. Signage shall comply with Article 4, Section 418.H Table 4-3 of the *Kings County Development Code*.
6. Obstruction lighting, consisting of at least one red, constantly burning, 110-watt light bulb on the top of the tower in operation from dusk until dawn, shall be required for the proposed project.
7. Any exterior lighting (with the exception of obstruction lighting, see Planning Division Requirement No. 6) shall be hooded so as to be directed only on-site.
8. The minimum yard setback requirements for any new structures shall be as follows:
 - a. Front yard minimum setback requirements:
 1. Occupied structures including residential dwellings; public and quasi-public uses of an educational type; community facilities and institutions; public uses of an administrative, public service or cultural type; and dairy milk barns shall be not less than fifty (50) feet from the public road right-of-way line or the property line if not fronting on a public road

right-of-way.

2. Non-occupied uses shall be not less than thirty-five (35) feet from the public road right-of-way line or property line if not fronting on a public road right-of-way. Any portion of a carport which is constructed within the area of the front yard that exists between the thirty-five (35) foot front yard setback and the fifty (50) foot front yard setback must have open sides within that setback area
 3. The front yard setbacks noted above prevail except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including, but not limited to, the Kings County Improvement Standards.
 4. All minimum setback requirements shall be measured from the public road right-of-way. Public road right-of-way shall be verified with the Kings County Public Works Department to ensure that required setbacks are met.
- b. Rear yard minimum setback requirement: Ten (10) feet from property lines.
- c. Side yard minimum setback requirements:
1. Interior sites: Ten (10) feet from property lines.
 2. Corner sites: Twenty (20) feet from the public road right-of-way line on the street side of the corner site.
 3. The side yard setbacks noted above prevail except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including but not limited to, the *Kings County Improvement Standards*.
 4. Required yard areas may be used for the growing of agricultural crops, horticultural specialties or for aesthetic landscaping.
9. The applicant shall obtain any necessary federal, state or local regulatory licensing permits.
10. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.
11. No process, equipment or materials shall be used which are found by the Planning Commission to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any undue risk of fire or explosion.
12. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.
13. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.
14. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.

15. This Conditional Use Permit shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
16. This Conditional Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Conditional Use Permit is filed with the Kings County Community Development Agency prior to the permit's expiration date. It is the responsibility of the applicant to file an extension of time prior to the permit's expiration date. No further notice will be provided by the Community Development Agency prior to the permit's expiration date.
17. This approved conditional use permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the conditional use permit approval.

OTHER STANDARDS AND REGULATIONS:

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

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

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

6. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
7. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
8. All construction shall conform to the 2013 California Code of Regulations Title 24 which consist of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

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

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

KINGS COUNTY FIRE DEPARTMENT Contact Rick Smith of the Kings County Fire Department at (559) 852-2881 regarding the following requirements:

1. That a 2A:10BC fire extinguisher is required to be located in plain sight not more than 75 feet from any point in the structure. The location of fire extinguishers must be easily accessible, be free from blocking by storage and equipment or both, be near entrances or exit doors and be rapidly visible. All extinguishers shall be mounted to walls or columns with securely fastened hangers so that the weight of the extinguisher is adequately supported.
2. The plans comply with the California Fire Code and all regulations of the Kings County Fire Department.
3. Diesel fuel tank must meet applicable requirements of the California Fire Code and related NFPA standards, and be labeled in accordance with NFPA 704.
4. No accumulation of dry grass, weeds, or other combustible rubbish shall be allowed.

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

1. If hazardous materials at or above threshold reporting quantities (55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a gas) will be kept on site, the facility must file a Hazardous Materials Business Plan online at <http://cers.calepa.ca.gov> within 30 days of beginning operations. Hazardous materials are broadly defined, and include fuel, lubricants, antifreeze, motor vehicle

batteries, welding gases, paints, solvents, glues, agricultural chemicals, etc. Please contact our office if you require assistance with the online registration process.

2. The facility will be subject to the California Aboveground Petroleum Storage Act (APSA) if 1,320 gallons or more of petroleum products such as fuel will be stored on site. If this is the case the facility must contact our office for additional information.
3. Valley Fever: As per the Kings County Public Health Officer, *Coccidioides immitis*, the fungus that causes valley fever, a serious and potentially long-term respiratory illness, is endemic in the soils of Kings County. Construction activities that disturb soils containing the spores of the fungus can put workers and the nearby public at risk. Effective dust control must be maintained on the job site at all times in order to reduce the risk of valley fever to workers and nearby residents. More information regarding the prevention of work related valley fever is available at www.cdph.ca.gov/programs/hesis/Documents/CocciFact.pdf and <http://www.cdph.ca.gov/programs/ohb/Documents/OccCocci.pdf> Contact the San Joaquin Valley Air Pollution Control District for more information on dust control techniques.

PREPARATION:

Prepared by the Kings County Planning Agency (Dan Kassik) on June 23, 2015. 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.

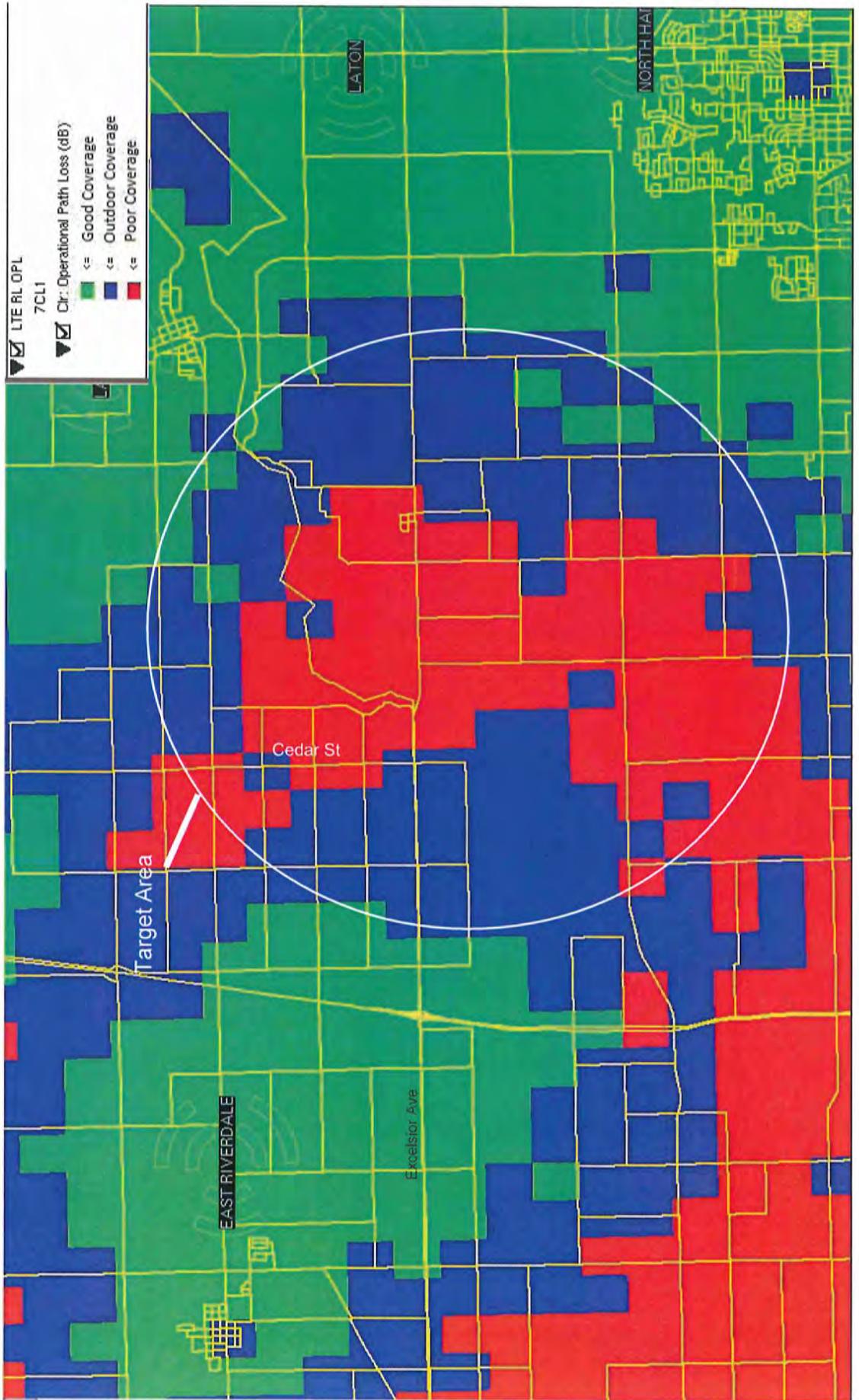
Attachments to Staff Report:

1. Existing Coverage Area
2. Proposed Coverage Area



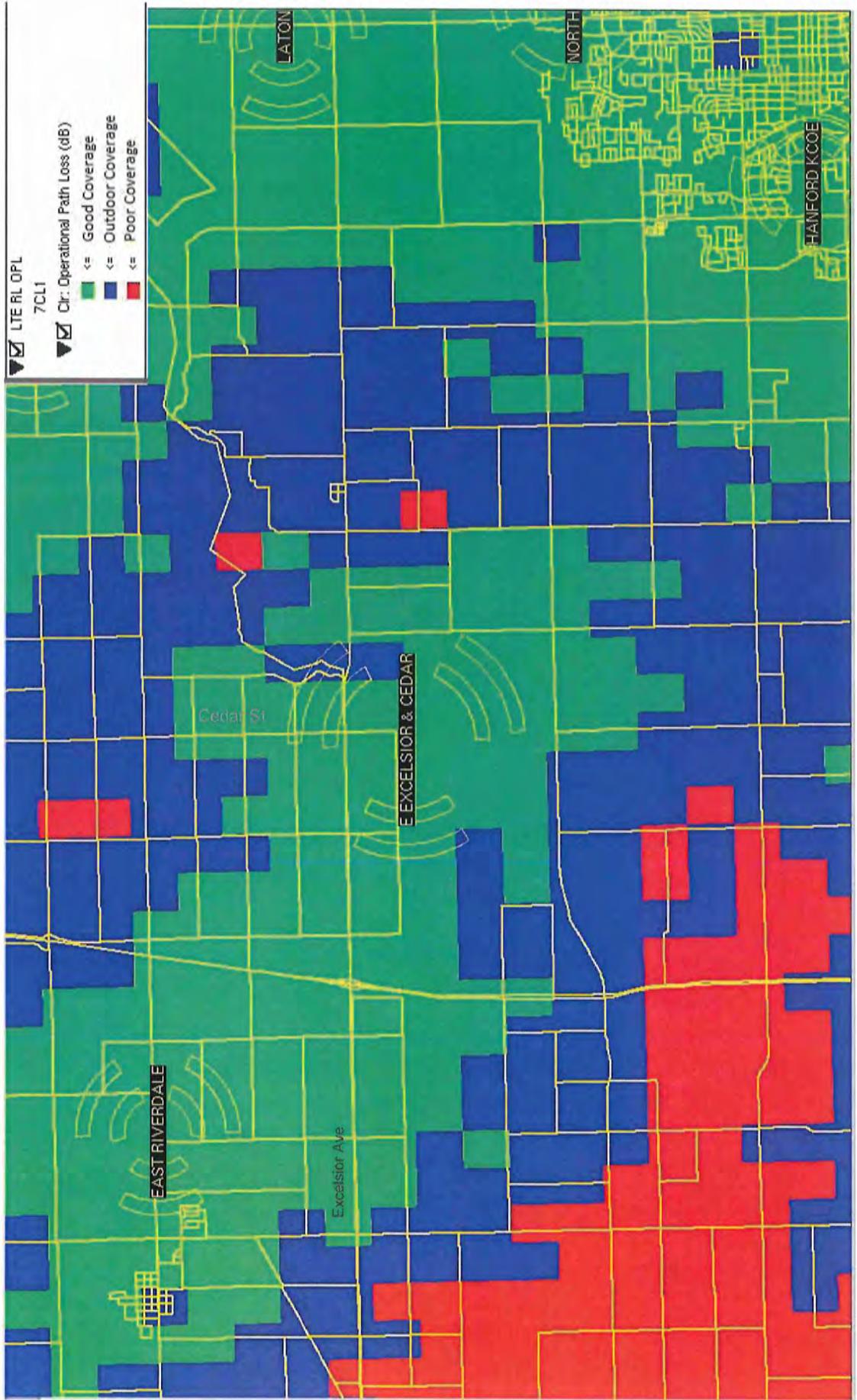
E Excelsior & Cedar

Objective: Provide coverage for rural area surrounding Excelsior Ave & Cedar St





E Excelsior & Cedar Proposed Coverage



INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

PROJECT TITLE: Conditional Use Permit No. 15-01

LEAD AGENCY NAME AND ADDRESS: Kings County Community Development Agency, 1400 W. Lacey Blvd., Hanford, CA 93230

CONTACT PERSON AND PHONE NUMBER: Dan Kassik, (559) 852-2655

PROJECT LOCATION: 17045 Everett Avenue, Laton, CA 93242

PROJECT APPLICANT'S NAME AND ADDRESS: Michelle Ellis, Complete Wireless Consulting, 2009 V Street, Sacramento, CA 95818

PROJECT OWNER'S NAME AND ADDRESS: George Randall, 17045 Everett Aveune, Laton, CA 93244

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

ZONE DISTRICT: General Agriculture 20 (AG-20)

DESCRIPTION OF PROJECT: The applicant proposes to construct a wireless telecommunications facility consisting of a 94-foot tall monopole tower. A prefabricated 11 foot by 16 foot equipment shelter is proposed to be placed at the base of the tower including a diesel generator.

CURRENT USE OF THE SITE: The parcel is approximately 5 acres in size and is being used as a homesite that is developed with a single family residence and accessory residential buildings.

SURROUNDING LAND USES AND SETTING: Agricultural lands (farm fields) to the north and west, another homesite adjacent to the east and the Kings River adjacent to the south. The subject parcel is located adjacent to Everett Avenue to the north.

PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED: Kings County Planning Commission

PROJECT SUMMARY: The applicant proposes to construct a wireless telecommunications facility consisting of a 94 foot tall monopole tower. A prefabricated 11 foot by 16 foot equipment shelter is proposed to be placed at the base of the tower including a standby diesel generator. The project site contains one Assessor's Parcel Number (APN: 004-080-048) totaling 5.09 acres in size. The proposed communications facility is planned for development on only a 2,500 square foot portion of the 5.09 acre parcel. The lease area is located in the southeast portion of the parcel and will be leased from the property owner. Fencing will surround the 2,500 square foot site and will have a six (6) foot tall chain link fence surrounding the leased portion of the property.

The equipment shelter will be a prefabricated California Department of Housing approved exposed aggregate concrete, self-contained fire protected building. The electronic equipment will operate at frequencies that will not interfere with other communication signals in the area and are licensed and regulated by the Federal Communications Commission (FCC). This proposed space is for electronic storage only and will be unmanned.

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

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

It should be noted that the proposed tower is not located within any of the Compatibility Zones for any of the Municipal Airports within Kings County as shown on Figures HS-22 and HS-23 of the Health and Safety Element of the 2035 Kings County General Plan. The proposed tower site is located approximately fifteen (15) miles northeast of the City of Hanford.

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology/Water Quality
<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Noise
<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



May 21, 2015

Date

Dan Kassik

Printed Name

Kings County Community Development Agency

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to project like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effect from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

I. <u>AESTHETICS</u> - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation for Section I. a), b), c), and d):

- a) There are no scenic vistas in the vicinity of the project site. The project site is bounded by agricultural fields.
- b) There are no scenic resources in the vicinity of the project site.
- c) The proposed project will be consistent with the existing visual character of the surrounding area. The presence of a wireless communications facility may create an aesthetically unattractive site, since to ensure public safety, the tower will be required to be illuminated at night for aviation safety. However, other towers located in Kings County have not caused any significant adverse aesthetic impacts. It is not anticipated that this project will create any greater impact than other existing towers in agricultural areas and no mitigation is necessary.
- d) The project may produce a new light and glare source. However impacts associated with light and glare will not be significant since the only lighting will be at the top of the tower, consisting of one red constantly burning 110 watt light bulb, will be in operation from dusk until dawn. Therefore, no mitigation is necessary.

II. <u>AGRICULTURAL RESOURCES</u> –Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Note: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the *California Agricultural Land Evaluation and Site Assessment Model* (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.)

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section II. a), b), c), d), and e):

- a) The 5.09 acre parcel is designated Semi-Agricultural and Rural Commercial. The parcel is being used as a residential homesite with residential accessory structures. The proposed wireless communication facility will only occupy 2,500 sq. ft. of the parcel. The proposed project will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses since the parcel is not in agricultural crop production or designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The property is located within a General Agricultural 20 zone district.
- b) The proposed project will be consistent with the proposed zoning for the property and will not conflict with a Williamson Act contract as the property is not under a Williamson Act contract.
- c) The proposed project could not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production since no such zoning designations exist in Kings County.
- d) The proposed project could not result in the loss of forest land or conversion of forest land to non-forest use since there is no forest land within Kings County.
- e) The proposed project could not result in conversion of forest land to non-forest use since there is no forest land within Kings County.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section III. a), b), c), d), and e):

- a) The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) has stated that the entire San Joaquin Valley is nonattainment for ozone and fine particulate matter (PM₁₀). Based on the information provided, this project would not result in any significant adverse air quality effects. However, the development phase of this project could temporarily increase emissions of PM₁₀ and will be subject to certain aspects of SJVUAPCD Regulation VIII. Mitigation Measure: Regulation VIII is a series of rules designed to reduce emissions of PM₁₀ resulting from human activity and is required. Mitigation measures to insure that air emissions will not create an adverse environmental impact will include requiring that the developer comply with SJVUAPCD Regulation VIII concerning fugitive dust rules. Effectiveness of Measure: This measure will assure that dust produced from this project will be reduced to a less than significant level. Implementation/Monitoring: This requirement shall be included in the conditions of approval and shall be implemented by the construction contractors and the applicant. Monitoring shall be performed by the Building Department Division of the Kings County Community Development Agency and the SJVUAPCD during project construction.
- b) The proposed project has been reviewed by the SJVUAPCD and the District has determined that the project would not result in any significant adverse air quality impacts.
- c) The proposed project has been reviewed by the SJVUAPCD and the District has determined that the project would not result in any significant adverse air quality impacts.
- d) The proposed project will not create pollution concentrations.
- e) The proposed project will not create any odors.

IV. <u>BIOLOGICAL RESOURCES</u> - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish & Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected Wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat Conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section IV. a), b), c), d), e), and f):

A Biological Resources Assessment for 1.76 acres of the property (a Portion of Kings County APN: 004-080-048) under consideration for construction of a new wireless communication facility was prepared by Foothill Associates dated February 19, 2015 (Biological Report).

Section 5.4.1, on page 14 of the Biological Report, states that only one special status plant species (See Appendix A of the Biological Report), Panoche pepper-grass, had potential to occur in the Study Area. Based on field observations and literature review it was determined there was no potential for occurrence in the Study Area due to lack of suitable habitat.

Section 5.4.2, on page 14 of the Biological Report, identified 16 special-status wildlife species (See Appendix A of the Biological Report) with the potential to occur in the Study Area. Based on field observations and literature review it was determined there was a potential for low occurrence of the Burrowing Owl and Swainson's Hawk and potential for high occurrence of Other Raptors (Hawks, Owls and Vultures) and Migratory Birds.

Section 6.0 on page 17 of the Biological Report recommends mitigation measures (MMs) to help the Applicant avoid or reduce potential impacts to Special Status species Burrowing Owl, Swainson's Hawk and Other Raptors and Migratory Birds.

a) Section 6.1 on page 17 of the Biological Report states general recommendations that can be implemented by the Applicant to avoid or reduce potential impacts to the Burrowing Owl include:

No burrows were observed during the site survey. However, they may occupy or forage on the Study Area in the future. Pre-construction surveys should be conducted by a qualified biologist during the breeding season (February 15 through July 15), in accordance with the 2012 Staff Report on Burrowing Owl Mitigation, State of California, Natural Resources Agency, Department of Fish and Game (2012 Staff Report) (CDFG 2012). The report should be submitted to the California Department of Fish and Wildlife, as indicated in the 2012 Staff Report. If the surveys are negative, then no additional measures are recommended.

If active burrows or burrowing owls are observed within 500 feet of the proposed project footprint, CDFW should be consulted to develop a mitigation and avoidance plan. Mitigation measures may include preserving the burrow,

establishing a visual screen, delaying construction until young have fledged, or having a biological monitor on the site during construction.

Section 6.1 on pages 17 and 18 of the Biological Report states general recommendations that can be implemented by the applicant to avoid or reduce potential impacts to the Swainson's Hawk include:

Although CDFW recommends multiple pre-construction surveys, due to the small size of the site, a modified survey protocol is recommended. If construction will begin during the nesting season (March 1 through September 15), the site and surrounding ½ mile should be surveyed by a qualified biologist for active Swainson's Hawk nests. If an active nest is identified within ½ mile of the project site, coordinate with CDFW to establish an avoidance plan. If no active Swainson's Hawk nests are located within ½ mile of the site, no additional mitigation or coordination is required.

Since the potential loss of foraging habitat is minor, this is not considered a significant impact and no mitigation is recommended.

Section 6.3 on page 18 of the Biological Report states general recommendations that can be implemented by the applicant to avoid or reduce potential impacts to the Raptors and Other Migratory Birds include:

If construction activities begin during nesting season (February 1 through August 31), a pre-construction survey is recommended to identify any active nests on or within 500 feet of the site. The survey should be conducted by a qualified biologist no more than 14 days prior to the onset of construction activities. If construction activities are proposed to begin during the non-breeding season (September through January), a survey is not required and no further studies are necessary.

If the pre-construction survey shows that there is no evidence of active nests, a letter report should be submitted to the project proponent for their records, and no additional measures are recommended. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.

If active nests are found within 500 feet of the site a buffer zone should be established around the nest as recommended by the project biologist. Typical buffer zones are 250 feet for raptor nests and 100 feet for other nests. However, the buffer zone should be established based on the site conditions. The project biologist should monitor nests weekly during construction until the young have fledged to evaluate potential nesting disturbance by construction activities.

- b) The Proposed Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish & Wildlife Service. See Substantiation for Section IV(a) above.
- c) The Proposed Project will not have a substantial adverse effect on federally protected Wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Section 5.5 on page 15 of the Biological Report states that although the Study Area is within one-tenth of a mile from the Kings River drainage, the property is separated from any flooding effects by a low-lying levee just south of the Study Area. Likewise, there is no extension of the riparian habitat from the Kings River. No wetlands or other waters of the U.S. were observed within the study area. See Substantiation for Section IV(a) above.
- d) The Proposed Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Section 5.5 on page 15 and 16 of the Biological Report state there are no designated critical habitat in the Study Area and the site is not part of a migration corridor. See Substantiation for Section IV(a) above.
- e) The Proposed Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. See Substantiation for Section IV(a) above.
- f) The Proposed Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat Conservation plan. There are no applicable Habitat Conservation Plans in Kings County.

V. <u>CULTURAL RESOURCES</u> - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section V. a), b), c), and d):

- a) Figure RC-24 Kings County Historical Sites, on Page RC-35 of the Resource Conservation Element of the *2035 Kings County General Plan*, shows that there are no known historical structures or monuments on the site.
- b) An Archaeological Survey Report was prepared for the property (a Portion of Kings County APN: 004-080-048) under consideration for construction of a new wireless communication facility by Ric Windmiller, Consulting Archaeologist, dated March, 2015.

Efforts to identify prehistoric properties/historical resources at the project site included records search, field survey, and coordination with the Santa Rosa Racheria Tachi Yokut Tribe. As a result of these efforts, no historic or prehistoric archaeological resources were identified within the Direct Area of Potential Effect (Direct APE).

Although there is no evidence of archaeological sites on the project site, there is the potential during project-related excavation and construction for the discovery of cultural resources. This impact is potentially significant, but can be mitigated to a less than significant level.

Mitigation Measure: If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Kings County Community Development Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.

Effectiveness of Measure: This measure will assure that any cultural resources are properly evaluated, and reduce this impact to a less than significant level.

Implementation/Monitoring: This requirement shall be included in the conditions of approval and shall be implemented by the construction contractors and the applicant. Monitoring shall be performed by the Building Department Division of the Kings County Community Development Agency during project construction.

- c) The project will involve limited grading or excavation and the total area of disturbance is 2,500 sq. ft. There are no unique geological features within the vicinity of the project area. There are no known fossil-bearing surficial sediments in the project area.
- d) There are no known burials within the project area.

VI. <u>GEOLOGY AND SOILS</u> - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines & Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section VI. a), b), c), d), and e):

- a) The project site is located in a V1, Liquefaction Seismic Zone (Figure HS-2 on Page HS-10 of the Health and Safety Element, *2035 Kings County General Plan*). Amplification of shaking that would affect low to medium-rise structures is relatively high but the distance to either of the fault systems that are expected sources of the shaking is sufficiently great that the effect should be minimal. The greatest potential for geologic disaster in Kings County is posed by the San Andreas Fault, which is located approximately four (4) miles west of the Kings County line (as shown in Figure HS-1 of the *2035 Kings County General Plan*). The San Andreas Fault is located approximately 50 miles southwest of the project site.
- i) Section II, Page HS-6 of the “Safety Element” states that the potential for extensive rupture is considered to be minimal, since no major fault systems are known to exist in Kings County.
- ii) Moderate to moderately high ground shaking has occurred, and will occur periodically, from earthquakes. Section II, Page HS-8 of the “Safety Element” states that damage and injury resulting from geologic hazards can be reduced acceptable levels through zoning and building permit review procedures and construction standards. New construction conforming to the standards of the Uniform Building Code will provide adequate protection.
- iii) Section II, Page HS-10 of the “Safety Element” states that the danger of secondary natural hazards such as liquefaction, settlement, landslides, and seiches, which result from the interaction of groundshaking with existing ground instabilities, is considered to be minimal.
- iv) Section II, Page HS-10 of the “Safety Element” states that the danger of secondary natural hazards such as liquefaction, settlement, landslides, and seiches, which result from the interaction of groundshaking with existing ground instabilities, is considered to be minimal.
- b) Construction of the proposed project will not encourage erosion or the loss of topsoil.
- c) See Substantiation for Items VI (a) and (b) above.
- d) As identified by the USDA Soil Survey of Kings County, prepared in 1980, the site soil is Course Sandy Loam. Figure H-4 on Page HS-13 of the Health and Safety Element of the *2035 Kings County General Plan* does not identify the project site as having expansive soils.
- e) The project will not utilize a septic system.

VII. <u>GREENHOUSE GAS EMISSIONS</u> - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation for Section VII. a) and b):

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and proactive approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck GHG emissions; these regulations applied to automobiles and light trucks beginning with the 2009 model year.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California's GHG emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the year 2020, and 3) 80% below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that ARB create a plan, which includes market mechanisms, and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state's Climate Action Team.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change.

Temporary Project construction emissions would be minimal and Project operations would not exceed SJVAPCD thresholds of significance since Project operations will not generate emissions. The diesel generator is for backup purposes only and if/when the generator would be in operation it would be temporary emissions would be minimal. In addition, Regulation VIII measures would be implemented, further decreasing potential emissions. The proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The Project would not significantly contribute to the emission of GHGs. These impacts are less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk or loss injury or death involving wildland fires, including where, wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section VIII. a), b), c), d), e), f), g), and h):

- a) The project will not involve the use of hazardous materials during construction or operation.
- b) See Substantiation for Item VIII (a) above.
- c) See Substantiation for Item VIII (a) above.
- d) The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) The project site is not located within the *Kings County Airport Land Use Compatibility Plan* and is located more than two miles from a public airport or public use airport.
- f) The project site is not within the vicinity of a private airstrip.
- g) The proposed project will not alter any of the existing traffic routes.
- h) There are no wildlands adjacent to the project site.

IX. <u>HYDROLOGY AND WATER QUALITY</u> - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place housing within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section IX. a), b), c), d), e), f), g), h), i), and j):

- a) The proposed project will not require water or sewer service. Therefore, the project will not violate any water quality standards or waste discharge requirements. There is no impact.
- b) The proposed project will not require water service. Therefore, the proposed project will not deplete groundwater supplies. There is no impact.
- c) No changes to the existing storm drainage pattern will be required.
- d) See Substantiation for Item IX (c) above.
- e) See Substantiation for Item IX (c) above.
- f) The use of the project site is for a wireless communication facility and will not have any adverse effect on water quality. There is no impact.
- g) The project does not propose any housing and is therefore no impact.
- h) See Substantiation for Item IX (g) above.
- i) The proposed project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows. The project was reviewed by the Kings River Conservation District and the District concluded that the structure will be located outside the Kings River Designated floodway, outside of the flood project boundaries and not within a District easement.
- j) There is no potential seiche or tsunami due to the lack of a significant water body near the project site. The project site is on hilly terrain; however due to minimal annual rainfall the possibility of mud flow is essentially eliminated.

X. <u>LAND USE AND PLANNING</u> - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project(including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section X. a), b), and c):

- a) The proposed project will not physically divide an established community.
- b) The proposed project is consistent with the *2035 Kings County General Plan* and the *Kings County Zoning Ordinance*. The applicable general plan policies are found in the *2035 Kings County General Plan*. Figure LU-11 designates this site as General Agriculture (AG-20). Article 4, Section 407 Table 4-1 of the Kings County Development Code lists cellular telephone transmission towers as a conditional use subject to Planning Commission approval within the General Agriculture (AG-20) zoning district.
- c) There are no applicable habitat conservation plans or natural community conversation plans.

XI. <u>MINERAL RESOURCES</u> - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section XI. a) and b):

- a) No known mineral resources exist below the project site surface.
- b) See Substantiation for Item XI (a) above.

XII. <u>NOISE</u> - Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generations of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section XII. a), b), c), d), e), and f):

- a) The proposed development is a wireless communication facility which will not have any adverse noise effects.
- b) See Substantiation for Item XII (a) above.
- c) See Substantiation for Item XII (a) above.
- d) Construction activities will increase noise levels at the project site and in the event of a loss of power a standby diesel generator would operate. The type and number of equipment to be used during construction are unknown. However, it is expected that the primary sources of noise during construction will include trucks, backhoes, compressors and similar equipment. However, construction activities will be temporary in nature and will generally occur during daylight hours. Construction noise impacts could result in annoyance or sleep disruption for nearby residents if nighttime operation were to occur or if equipment is not properly muffled or maintained. In the event of the propane generator operation, it is anticipated that the noise level would be similar to that of the farm equipment operated in the area.
Mitigation Measure: Noise producing equipment used during construction shall be restricted to the hours from 7:00 A.M. to 7:00 P.M., Monday through Friday, and 9:00 A.M. to 6:00 P.M. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment.
Effectiveness of Measure: These measures will reduce noise impacts during construction to a less than significant level.
Implementation/Monitoring: This requirement shall be included in the conditions of approval and shall be implemented by the construction contractors and the applicant. Monitoring shall be performed by the Building Department Division of the Kings County Community Development Agency during project construction.
- e) The project site is not located within two miles of a public or public use airport.
- f) See Substantiation for Item XII (e) above.

XIII. <u>POPULATION AND HOUSING</u> - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by processing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section XIII. a), b), and c):

- a) The proposed project will not induce population growth in the area. The project site is bounded by agricultural field crops. The applicant proposes to construct a wireless communication facility. The proposed project does not propose any new residential uses.
- b) The proposed project will not displace existing housing units.
- c) See Substantiation for Item XIII (b) above.

XIV. <u>PUBLIC SERVICES</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section XIV. a):

- a) The applicant proposes a conditional use permit to construct a wireless communications facility on a 2,500 sq. ft. area within an existing 160 acre dairy and homesite. The proposed project will not create any housing units or require the need to develop additional infrastructure related to water and sewer services. No increase in population will occur as a result of this project.
- i) The proposed project will not create a significant demand for public safety services as no additional housing units are being constructed, thus no increase in population will occur as a result of the project.
- ii) See Substantiation for Item XIV (a) above.
- iii) See Substantiation for Item XIV (a) above.
- iv) See Substantiation for Item XIV (a) above.
- v) See Substantiation for Item XIV (a) above.

XV. RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section XV. a) and b):

- a) The proposed project will not alter the existing use of recreation facilities.
- b) The proposed project does not include recreational facilities and does not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section XVI. a), b), c), d), e), f), and g):

- a) The proposed project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system as the proposed project is a stand alone wireless communication facility with no traffic demand.
- b) See Substantiation for Item XV (a) above.
- c) The proposed project will not result in a change in air traffic patterns.
- d) The proposed project will not substantially increase hazards due to a design feature or incompatible uses. The use is compatible with the zone district that it is proposed and does not have any design features that would increase hazards.
- e) The proposed project will not result in inadequate emergency access.
- f) The proposed project will not conflict with adopted policies, plans, or programs supporting alternative transportation or result in inadequate parking capacity since the use is a wireless communication facility which does not create consumer demand thus the need for parking or use of public facilities is not necessary.

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation for Section XVII. a), b), c), d), e), f), and g):

- a)** The proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- b)** The proposed project will not require the construction of new water or wastewater treatment facilities or expansion of existing facilities.
- c)** The proposed project will not require the construction of new storm water drainage facilities or expansion of existing facilities.
- d)** The proposed project is to construct a wireless communication facility which will have no water needs.
- e)** The proposed project is to construct a wireless communication facility which will have no wastewater needs.
- f)** The proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g)** The proposed project complies with federal, state, and local statutes and regulations related to solid waste.

XVIII. <u>MANDATORY FINDINGS OF SIGNIFICANCE</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation for Sections XVIII. a), b), and c):

- a) There will be no impact to biological resources as the subject parcel is already disturbed with agricultural diary and residential uses.
- b) All project impacts listed will be reduced to less than significant by implementing the mitigation measures identified above. See Substantiation for Sections III.a), V.b), and XII.d) above.
- c) See substantiation for Section XVIII.b) above.

SITE INFORMATION:

CURRENT USE OF SITE:	The parcel is approximately 5 acres in size and is being used as a homesite that is developed with a single family residence and accessory residential buildings.
SURROUNDING LAND USES:	Agricultural lands (farm fields) to the north and west, another homesite adjacent to the east and the Kings River adjacent to the south.
HYDROLOGY: (Source: Department of Water Resources, Groundwater Query Results for “19S21E35D001M” http://wdl.water.ca.gov)	Depth to Groundwater has ranged from 113 feet to 221 feet, averaging 160 feet from 2/10/67 to 2/1/13 (See Attachment).
SOILS:	Course Sandy Loam. Northeast Alluvial Fans. Remnoy-Melga-Youd Association.
SEISMICITY: (Page HS-10 of the Safety Element, <u>Kings County General Plan</u>)	The site is located in a V1, Liquefaction Seismic Zone
FLOOD HAZARD:	The site is located in a Special Flood Hazard Area (FIRM Map 06031C0050C, dated June 16, 2009).
LAND CLASSIFICATION: (Kings County Assessor)	The project site is classified as Semi-Agricultural and Rural Commercial Land.
WILLIAMSON ACT:	The project site is not within an established Agricultural Preserve.

RIGHT TO FARM NOTICE:

Pursuant to Section 14-38(d)(1) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded for all approvals of applications for rezonings, land divisions, zoning permits, and residential building permits, on property in the unincorporated territory of Kings County. The applicant, or the owner if different from the applicant, shall also acknowledge the contents of the notice and disclosure themselves, by signing and recording the written notice and disclosure, which includes a description of the property the notice and the disclosure pertains.

POSSIBLE IMPACTS:

There is no evidence in the record that indicates that the project has potential for adverse effects on wildlife, resources or habitat for wildlife. The project does not involve any riparian land, rivers, streams, watercourses, or wetlands under State and Federal jurisdiction. The project does not disturb any plant life required to sustain habitat for fish or wildlife. The project does not disturb any rare or unique plant life or ecological communities dependent on plant life. The project does not threaten any listed or endangered plant or animals or the habitat in which they are believed to reside. The project does not disturb any plants or animals that are subject to special management in the Fish and Game Code, Public Resources Code, the Water Code or any regulations thereto. The project does not disturb any marine or terrestrial species which are subject to the jurisdiction of the Department of Fish and Game and ecological communities in which they reside. The project will not degrade any air or water resources which will individually or cumulatively result in a loss of biological diversity among plants and animals residing in the air or water.

A review of this project in compliance with the *California Environmental Quality Act (CEQA)* indicates that there may be significant adverse impacts to the environment. However, those impacts can be mitigated to an insignificant level by implementing the mitigation measures identified in this Initial Study/Mitigated Negative Declaration. Therefore, a Mitigated Negative Declaration is appropriate. A mitigation monitoring program will be attached to the Planning Commission Resolution for this project as Exhibit “A.” The Mitigated Negative Declaration reflects the Planning Commission’s independent judgment and analysis, acting in their capacity as Division Two of the Kings County Advisory Agency.

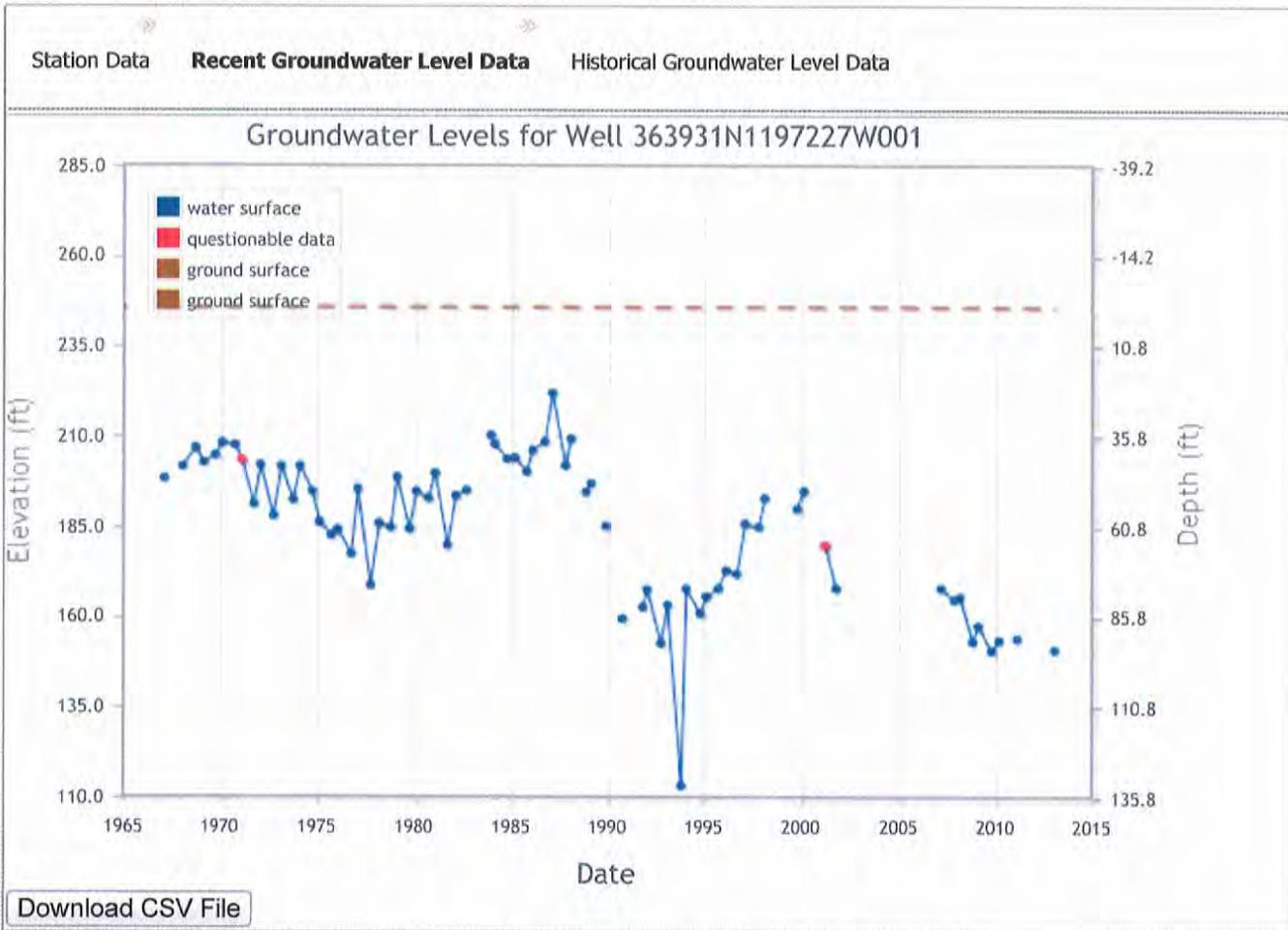
PLANNING COMMISSION DETERMINATION:

On _____, the Kings County Planning Commission found that on the basis of the Initial Study and comments received that there is no substantial evidence that Conditional Use Permit No. 15-01 will have a significant effect on the environment and approved the Mitigated Negative Declaration.

PREPARED BY: Kings County Community Development Agency (Dan Kassik) on May 20, 2015. Copies are available for review at the Kings County Community Development Agency or at the Kings County Clerk’s Office, Government Center, Hanford, California.

Groundwater Levels for Station 363931N1197227W001

Data for your selected well is shown in the tabbed interface below. To view data managed in the updated WDL tables, including data collected under the CASGEM program, click the "Recent Groundwater Level Data" tab. To view data stored in the former WDL tables, click the "Historical Groundwater Level Data" tab. To download the data in CSV format, click the "Download CSV File" button on the respective tab. Please note that the vertical datum for "recent" measurements is NAVD88, while the vertical datum for "historical" measurements is NGVD29. To change your well selection criteria, click the "Perform a New Well Search" button.



Date	RPE	GSE	RPWS	WSE	GS to...	Msmt Code	CASGEM Msmt	Agency
02/10/1967 00:00	245.760	245.760	47.5	198.26	47.5		N	1083
01/30/1968 00:00	245.760	245.760	44.2	201.56	44.2		N	1083
09/24/1968 00:00	245.760	245.760	39	206.76	39		N	1083
02/27/1969 00:00	245.760	245.760	43.1	202.66	43.1		N	1083
10/09/1969 00:00	245.760	245.760	41.1	204.66	41.1		N	1083
02/20/1970 00:00	245.760	245.760	37.6	208.16	37.6		N	1083
10/18/1970 00:00	245.760	245.760	38.2	207.56	38.2		N	1083
02/24/1971 00:00	245.760	245.760	42.3	203.46	42.3	Q-8	N	1083
10/05/1971 00:00	245.760	245.760	54.7	191.06	54.7		N	1083

02/08/1972 00:00	245.760	245.760	43.8	201.96	43.8	N	1083
10/07/1972 00:00	245.760	245.760	57.9	187.86	57.9	N	1083
02/27/1973 00:00	245.760	245.760	44.1	201.66	44.1	N	1083
10/09/1973 00:00	245.760	245.760	53.5	192.26	53.5	N	1083
02/13/1974 00:00	245.760	245.760	44.1	201.66	44.1	N	1083
10/02/1974 00:00	245.760	245.760	51.1	194.66	51.1	N	1083
02/19/1975 00:00	245.760	245.760	59.6	186.16	59.6	N	1083
09/25/1975 00:00	245.760	245.760	63.3	182.46	63.3	N	1083
01/19/1976 00:00	245.760	245.760	61.7	184.06	61.7	N	1083
10/04/1976 00:00	245.760	245.760	68.4	177.36	68.4	N	1083
02/05/1977 00:00	245.760	245.760	50.4	195.36	50.4	N	1083
09/30/1977 00:00	245.760	245.760	77.1	168.66	77.1	N	1083
03/07/1978 00:00	245.760	245.760	59.9	185.86	59.9	N	1083
10/10/1978 00:00	245.760	245.760	61.1	184.66	61.1	N	1083
02/08/1979 00:00	245.760	245.760	47.1	198.66	47.1	N	1083
10/01/1979 00:00	245.760	245.760	61.5	184.26	61.5	N	1083
02/10/1980 00:00	245.760	245.760	51.1	194.66	51.1	N	1083
09/26/1980 00:00	245.760	245.760	53	192.76	53	N	1083
02/02/1981 00:00	245.760	245.760	46	199.76	46	N	1083
09/24/1981 00:00	245.760	245.760	66	179.76	66	N	624
03/05/1982 00:00	245.760	245.760	52.3	193.46	52.3	N	624
09/22/1982 00:00	245.760	245.760	50.8	194.96	50.8	N	1083
02/17/1983 00:00	245.760	245.760				N-9	1083
12/10/1983 00:00	245.760	245.760	35.5	210.26	35.5	N	624
02/22/1984 00:00	245.760	245.760	38	207.76	38	N	624
10/08/1984 00:00	245.760	245.760	42.1	203.66	42.1	N	624
03/01/1985 00:00	245.760	245.760	41.8	203.96	41.8	N	624
10/08/1985 00:00	245.760	245.760	45.7	200.06	45.7	N	624
01/29/1986 00:00	245.760	245.760	39.7	206.06	39.7	N	624
09/22/1986 00:00	245.760	245.760	37.4	208.36	37.4	N	624
02/17/1987 00:00	245.760	245.760	23.9	221.86	23.9	N	1083
10/23/1987 00:00	245.760	245.760	44	201.76	44	N	1083
02/05/1988 00:00	245.760	245.760	36.5	209.26	36.5	N	1083
11/09/1988 00:00	245.760	245.760	51.3	194.46	51.3	N	1083
02/24/1989 00:00	245.760	245.760	48.9	196.86	48.9	N	1083
11/28/1989 00:00	245.760	245.760	60.7	185.06	60.7	N	1083
03/06/1990 00:00	245.760	245.760				N-1	1083
10/05/1990 00:00	245.760	245.760	86.4	159.36	86.4	N	1083
02/26/1991 00:00	245.760	245.760				N-1	1083
10/23/1991 00:00	245.760	245.760	83.2	162.56	83.2	N	1083
01/13/1992 00:00	245.760	245.760	78.3	167.46	78.3	N	1083
10/08/1992 00:00	245.760	245.760	93.2	152.56	93.2	N	1083
02/10/1993 00:00	245.760	245.760	82.6	163.16	82.6	N	1083
10/30/1993 00:00	245.760	245.760	132.7	113.06	132.7	N	1083

01/30/1994 00:00	245.760	245.760	78.1	167.66	78.1		N	1083
10/23/1994 00:00	245.760	245.760	84.9	160.86	84.9		N	1083
02/19/1995 00:00	245.760	245.760	80.3	165.46	80.3		N	1083
10/01/1995 00:00	245.760	245.760	78	167.76	78		N	1083
02/25/1996 00:00	245.760	245.760	73	172.76	73		N	1083
09/15/1996 00:00	245.760	245.760	74	171.76	74		N	1083
02/16/1997 00:00	245.760	245.760	60	185.76	60		N	1083
10/26/1997 00:00	245.760	245.760	61	184.76	61		N	1083
02/15/1998 00:00	245.760	245.760	53	192.76	53		N	1083
10/17/1999 00:00	245.760	245.760	56	189.76	56		N	1083
02/26/2000 00:00	245.760	245.760	51	194.76	51		N	1083
03/24/2001 00:00	245.760	245.760	66	179.76	66	Q-2	N	1083
10/14/2001 00:00	245.760	245.760	78	167.76	78		N	1083
03/08/2007 00:00	245.760	245.760	78	167.76	78		N	1083
11/12/2007 00:00	245.760	245.760	81.2	164.56	81.2		N	1083
03/02/2008 00:00	245.760	245.760	80.4	165.36	80.4		N	1083
10/27/2008 00:00	245.760	245.760	92.8	152.96	92.8		N	1083
02/11/2009 00:00	245.760	245.760	88.4	157.36	88.4		N	1083
10/24/2009 00:00	245.760	245.760	95.3	150.46	95.3		N	1083
03/11/2010 00:00	245.760	245.760	92.4	153.36	92.4		N	1083
02/23/2011 00:00	245.760	245.760	91.9	153.86	91.9		N	1083
02/18/2012 12:00	245.759	245.759				N-1	N	1
02/01/2013 12:00	245.759	245.759	95	150.759	95		N	1

All elevation and depth measurements are in feet. The vertical datum for recent measurements is NAVD88.

[Perform a New Well Search](#)

Biological Resources Assessment

Verizon E. Excelsior and Cedar Site
Kings County, California

Prepared for:

Complete Wireless Consulting, Inc.

Date:

February 19, 2015

Submitted by:

 **FOOTHILL ASSOCIATES**

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Appendix B — Tree Survey Data

1.0 EXECUTIVE SUMMARY

A Foothill Associates' biologist conducted a biological resources assessment on the proposed Verizon cellular tower site (Study Area), located at 17045 Everett Avenue (APN: 004-080-048), southwest of Laton in Kings County, California. The purpose of this document is to summarize the general biological resources in the Study Area, to assess the suitability of the Study Area to support special-status species and sensitive habitat types, and to provide recommendations for regulatory permitting or further analysis that may be required prior to development activities occurring on the site.

Potential sensitive biological resources that could be associated with the Study Area include:

- Potential habitat for burrowing owl;
- Potential habitat for Swainson's hawk; and
- Potential habitat for other raptors and migratory birds.

The following focused pre-construction surveys and other actions are recommended:

- Conduct burrowing owl surveys during breeding season (February – July);
- Conduct a pre-construction survey for active Swainson's hawk nests within ½-mile of the project site (if construction will begin between March 1 – September 15); and
- Conduct a pre-construction survey for active nests within 500 feet of the project site (if construction will begin during the nesting season (February 1 – August 31)).

2.0 INTRODUCTION

This report summarizes the findings of a Biological Resources Assessment (BRA) completed for the ±1.76-acre Study Area around the Verizon E. Excelsior and Cedar Site located in Kings County, southwest of Laton, California. This document addresses the onsite physical features, as well as plant communities present and the common plant and wildlife species occurring, or potentially occurring, within the Study Area. Furthermore, the suitability of habitats to support special-status species and sensitive habitats are analyzed and recommendations for any regulatory permitting or further analysis that may be required prior to development activities occurring on the site are provided.

3.0 REGULATORY FRAMEWORK

The following describes federal, State, and local environmental laws and policies that are relevant to the California Environmental Quality Act (CEQA) review process. The CEQA significance criteria are also included in this section.

3.1 Federal Endangered Species Act

The United States Congress passed the Federal Endangered Species Act (FESA) in 1973 to protect those species that are endangered or threatened with extinction. FESA is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

FESA prohibits the “take” of endangered or threatened wildlife species. “Take” is defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (FESA Section 3 [(3)(19)]). Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 CFR §17.3). Harassment is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR §17.3). Actions that result in take can result in civil or criminal penalties.

FESA and Clean Water Act (CWA) Section 404 guidelines prohibit the issuance of wetland permits for projects that jeopardize the continued existence of any endangered or threatened species or results in the destruction or adverse modification of habitat of such species. The U.S. Army Corps of Engineers (Corps) must consult with the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) when threatened or endangered species under their jurisdiction may be affected by a proposed project. In the context of the proposed project, FESA would be initiated if development resulted in take of a threatened or endangered species or if issuance of a Section 404 permit or other federal agency action could result in take of an endangered species or adversely modify critical habitat of such a species.

3.2 Migratory Bird Treaty Act

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of State and federal laws. The federal Migratory Bird Treaty Act (MBTA) prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of Interior. Section 3503.5 of the California Fish and Game Code states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.”

3.3 California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA is similar to FESA but pertains to state-listed endangered and threatened species. CESA requires state agencies to consult with the California Department of Fish and Wildlife (CDFW), formerly the California Department of Fish and Game (CDFG), when preparing CEQA documents. The purpose is to ensure that the lead agency's actions do not jeopardize the continued existence of a listed species or result in the destruction, or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available (Fish and Game Code §2080). CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur and allows CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows CDFW to authorize exceptions to the State's prohibition against take of a listed species if the "take" of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (Fish & Game Code § 2081).

3.4 CDFW Species of Concern

In addition to formal listing under FESA and CESA, species receive additional consideration by CDFW and lead agencies during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern," developed by CDFW. It tracks species in California whose numbers, reproductive success, or habitat may be threatened.

3.5 California Native Plant Society

The California Native Plant Society (CNPS) maintains a list of plant species native to California that have low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the *Inventory of Rare and Endangered Plants of California* (CNPS 2001). Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review. The following identifies the definitions of the CNPS listings:

- Rank 1A: Plants presumed Extinct in California
- Rank 1B: Plants Rare, Threatened, or Endangered in California and elsewhere
- Rank 2: Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere
- Rank 3: Plants about which we need more information – A Review List
- Rank 4: Plants of limited distribution – A Watch List

3.6 Jurisdictional Waters of the United States

3.6.1 Federal Jurisdiction

The Corps regulates discharge of dredged or fill material into waters of the United States under Section 404 of the CWA. “Discharges of fill material” are defined as the addition of fill material into waters of the U.S., including, but not limited to the following: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes and sub-aqueous utility lines [33 C.F.R. §328.2(f)]. In addition, Section 401 of the CWA (33 U.S.C. 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards.

Waters of the U.S. include a range of wet environments such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, and wet meadows. Boundaries between jurisdictional waters and uplands are determined in a variety of ways depending on which type of waters is present. Methods for delineating wetlands and non-tidal waters are described below.

- Wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” [33 C.F.R. §328.3(b)]. Presently, to be a wetland, a site must exhibit three wetland criteria: hydrophytic vegetation, hydric soils, and wetland hydrology existing under the “normal circumstances” for the site.
- The lateral extent of non-tidal waters is determined by delineating the ordinary high water mark (OHWM) [33 C.F.R. §328.4(c) (1)]. The OHWM is defined by the Corps as “that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas” [33 C.F.R. §328.3(e)].

3.6.2 State Jurisdiction

CDFW is a trustee agency that has jurisdiction under Section 1600 *et seq.* of the California Fish and Game Code. Under Section 1602, a private party must notify CDFW if a proposed project will “substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds...except when the department has been notified pursuant to Section 1601.” If an existing fish or wildlife resource may be substantially adversely affected by the activity, CDFW may propose reasonable measures that will allow protection of those resources. If these measures are agreeable to the parties involved, they may enter into an agreement with CDFW identifying the approved activities and associated mitigation measures.

3.7 The California Porter-Cologne Water Quality Control Act

Water quality in California is governed by the Porter-Cologne Water Quality Control Act (Porter Cologne; Ca. Water Code, Div. 7, §13000 et seq.). Under the California Porter-Cologne Water Quality Control Act, discharges to wetlands and other “waters of the state” have been and remain subject to state regulation. Under California State law, “waters of the state” are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state.” This law assigns overall responsibility for water rights and water quality protection to the State Water Resource Control Board (SWRCB) and directs the nine statewide Regional Water Quality Control Boards to develop and enforce water quality standards within their boundaries.

After the Supreme Court decision in *Solid Waste Agency of Northern Cook County v. the U.S. Army Corps of Engineers* the Office of Chief Counsel of the SWRCB released a legal memorandum confirming the State’s jurisdiction over isolated wetlands. The memorandum stated that under the California Porter-Cologne Water Quality Control Act, discharges to wetlands and other waters of the state are subject to State regulation, including isolated wetlands.

In general, the Regional Water Quality Control Boards regulate discharges to isolated waters in much the same way as they do for Federal-jurisdictional waters, using the Porter-Cologne Act rather than CWA authority.

3.8 CEQA Significance Criteria

Section 15064.7 of the CEQA Guidelines encourages local agencies to develop and publish the thresholds that the agency uses in determining the significance of environmental effects caused by projects under its review. However, agencies may also rely upon the guidance provided by the expanded Initial Study checklist contained in Appendix G of the CEQA Guidelines. Appendix G provides examples of impacts that would normally be considered significant. Based on these examples, impacts to biological resources would normally be considered significant if the project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and
- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional or State habitat conservation plan.

An evaluation of whether or not an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would diminish, or result in the loss of, an important biological resource, or those that would obviously conflict with local, State, or federal resource conservation plans, goals, or regulations. Impacts are sometimes locally important but not significant according to CEQA. The reason for this is that although the impacts would result in an adverse alteration of existing conditions, the impacts would not substantially diminish, or result in the permanent loss of, an important resource on a population-wide or region-wide basis.

3.9 Kings County General Plan

Kings County adopted a number of policies related to natural plant and animal habitats in the *2035 General Plan*, adopted January 26, 2010 (Kings County 2010). These policies are summarized below.

Resource Conservation Element

D. Natural Plan and Animal Habitat

GOAL D1: Preserve land that contains important natural plant and animal habitats.

OBJECTIVE D1.1: Require that development in or adjacent to important natural plant and animal habitats minimize the disruption of such habitats.

Policy D1.1.1: Evaluate all discretionary land use applications in accordance with the screening procedures contained in the Biological Resources Survey located in Appendix C [of the General Plan]. If the results of the project screening indicate the potential for important biological resources to exist on the site a biological evaluation (consistent with Appendix C) shall be performed by a qualified biologist. If the evaluation indicates that the project could have a significant adverse impact, mitigation shall be required or the project will be redesigned to avoid such impacts. Mitigation shall be provided consistent with the California Environmental Quality Act (CEQA), and applicable state and federal guidelines as appropriate. Mitigation may include habitat improvement or protection, acquisition of other habitat, or

payment to an appropriate agency to purchase, improve, or protect such habitat.

Policy D1.1.2: Require project applicants to consult with the California Department of Fish and Game [now referred to as California Department of Fish and Wildlife] and the United States Fish and Wildlife Service and to obtain appropriate authority for any such take pursuant to Endangered Species Act requirements if new development or other actions are likely to result in incidental take of any threatened or endangered species.

GOAL D2: Maintain the quality of existing natural wetland areas as required by the California Department of Fish and Game, the United States Fish and Wildlife Service and the United States Army Corp of Engineers.

OBJECTIVE D2.1: Maintain compatible land uses in natural wetland habitats designated by state and federal agencies.

Policy D2.1.1: Follow state and federal guidelines for the protection of natural wetlands. Require developers to obtain authorization from the appropriate local, state, or federal agency prior to commencement of any wetland fill activities.

Policy D2.1.2: Use the California Environmental Quality Act (CEQA) process to assess wetland resources, and require mitigation measures for development which could adversely impact a designated wetland.

Policy D2.1.3: “Prior Converted Croplands” as defined by state and federal regulations shall be exempt from consideration as wetlands under the County planning process.

GOAL D3: Protect and manage riparian environments as valuable resources.

OBJECTIVE D3.1: Ensure that, in development decisions affecting riparian environments, the conservation of fish and wildlife habitat and the protection of scenic qualities are balanced with other purposes representing basic health, safety, and economic needs.

Policy D3.1.1: Designate the Kings River as a resource conservation area, implemented by use of the Natural Resource Conservation overlay zone district.

Policy D3.1.2: Encourage the Kings River Conservation District to avoid substantial alteration of the Kings River channel and its riparian vegetation, consistent with their flood control responsibilities.

Policy D3.1.3: Evaluate the potential impact on the riparian environment of proposed development adjacent to the Kings River, beyond the

boundaries of the designated floodway. Conservation of fish and wildlife habitat and protection of scenic qualities should be the guiding principle.

Policy D3.1.4: Prohibit development within riparian environments over which the County has jurisdiction. However, allow or consider for approval if it is determined that significant disturbance of the riparian environment would not occur, the following passive uses or activities:

- Streamside maintenance and repair for mandated flood control or water delivery purposes, facilities, and equipment;*
- Road and utility line crossings;*
- Grazing and similar agricultural production activities not involving structures or cultivation;*
- Vegetation removal for integrated pest management programs under guidelines;*
- Passive recreational uses such as riverside parks and bikeways.*

Policy D3.1.5: Refer all discretionary permit applications for projects along the Kings River and Cross Creek to the appropriate local, state, and federal agencies for review and approval.

Policy D3.1.6: Evaluate Fish and Game approved conservation plans and wildlife corridor studies prepared by government or private non-profit biological resource entities that analyze Kings County's wildlife and riparian habitat, and where feasible, accommodate implementation of wildlife corridor plans.

E. Threatened and Endangered Species

GOAL E1: Balance the protection of the County's diverse plant and animal communities with the County's economic needs.

OBJECTIVE E1.1: Require mitigation measures to protect important plant and wildlife habitats.

Policy E1.1.1: Complete the inquiry process outlined in Appendix C [of General Plan] in the initial project review for development permits to determine whether the project is likely to have a significant adverse impact on any threatened or endangered species habitat locations, and to assure appropriate consideration of habitat

preservation by development. Maintain current copies of California Department of Fish and Game [now referred to as California Department of Fish and Wildlife] and United States Fish and Wildlife Service maps showing locations of known threatened and endangered species habitat. If shown to be necessary, require the developer to consult with the California Department of Fish and Game, the United States Fish and Wildlife Service, and the United States Army Corps of Engineers as to potential impacts, appropriate mitigation measures, and required permits.

Policy E1.1.2: Require as a primary objective in the review of development projects the preservation of healthy native oaks and other healthy native trees.

Policy E1.1.3: Maintain to the maximum extent practical the natural plant communities utilized as habitat by threatened and endangered species (see Appendix C for a listing and map of these plant communities).

4.0 METHODS

Available information pertaining to the natural resources of the region was reviewed. Due to the small size of the proposed project footprint, only the species lists for the *Riverdale* quadrangle were queried. All references reviewed for this BRA are listed in **References** section. Site-specific information was reviewed including the following:

- California Department of Fish and Wildlife (CDFW). 2015. *California Natural Diversity Data Base*. (CNDDDB: *Riverdale* topographic quadrangle) Sacramento, California. Accessed February 6, 2015;
- Natural Resource Conservation Service (NRCS). 2012. *National Hydric Soils List*. U.S. Department of Agriculture. Accessed February 6, 2015;
- Natural Resource Conservation Service (NRCS). Web Soils Survey Data. [www.http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx](http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx). Accessed January 23, 2015;
- U.S. Fish and Wildlife Service (USFWS). 2015. *Federal Endangered and Threatened Species that may be affected by Projects in the Riverdale 7.5-minute Series Topographic Quadrangle and Kings County*. Sacramento, California. Accessed February 6, 2015; and
- U.S. Geological Survey. 1953 (Photorevised 1980). *Riverdale, California. 7.5-minute series topographic quadrangle*. United States Department of Interior.

A Foothill Associates' biologist conducted a field survey of the Study Area on January 22, 2015. The 1.76-acre Study Area, consisting of the project footprint and a surrounding 50-foot buffer, was systematically surveyed on foot to ensure total search coverage, with special attention given to identifying those portions of the Study Area with the potential for supporting special-status species, sensitive habitats, and potential waters of the U.S. During the site survey, plant and wildlife species observed were recorded and biological communities in the Study Area were classified.

5.0 RESULTS

5.1 Site Location and Description

The Study Area is located at 17045 Everett Avenue, in Kings County, southwest of Laton, California. The site is in the southern portion of a 5-acre rural residential parcel. The surrounding land use is primarily rural residential and agricultural. Kings River is approximately one-tenth of a mile south of the site. The Study Area is zoned for commercial agricultural uses. The Study Area is located within of the USGS 7.5-minute series *Riverdale, California* topographic quadrangle (**Figure 1**).

5.2 Physical Features

5.2.1 Topography and Drainage

The Study Area is nearly level. The elevation is approximately 241 feet above mean sea level (MSL). No drainages or wetlands were observed within the Study Area. A permanent sprinkler system has been installed in most of the site. The site is located in the Kings River Watershed. Kings River is a seasonal river drainage and its flow is heavily modified due to agricultural uses.

5.2.2 Soils

The Natural Resources Conservation Service (NRCS) has identified one soil mapping unit occurring within the Study Area: **Whitewolf Coarse Sandy Loam (Figure 2)**. This soil is a coarse sandy loam over sand. It is found on floodplains and alluvial fans having slopes of 0 to 5 percent. It consists of somewhat excessively well drained soils derived from igneous and sedimentary rock. It ranges from slightly acid to moderately alkaline. Frequency of flooding and ponding is none. This soil is listed as having hydric inclusions (NRCS 2012).

5.3 Vegetation Communities

The Study Area consists of three habitats: irrigated pasture, orchard, and developed. These communities provide habitat to a number of common species of wildlife and may provide suitable habitat for special-status species. Each of the habitats including associated common plant and wildlife species observed, or that are expected to occur within these communities are described below.

5.3.1 Irrigated Pasture

The majority of the site is irrigated pasture. An irrigation system with underground pipes and two-foot tall sprinkler heads covers two-thirds of the pasture area. The irrigated pasture is dominated by non-native grasses and herbaceous species including: common mallow (*Malva neglecta*), shepherd's purse (*Capsella bursa-pastoris*), English plantain (*Plantago lanceolata*), and Bermuda grass (*Cynodon dactylon*). There is row of

eucalyptus trees planted along the eastern boundary and a small grove on the southwest corner of the Study Area. The Study Area is grazed by a small number of cattle in the spring and summer.

Wildlife observed during the site survey included: mourning doves (*Zenaida macroura*), and American crow (*Corvus brachyrhynchos*). Other wildlife species likely to utilize the site include: a variety of hawks, song birds, and ground-dwelling mammals, such pocket gophers (*Thomomys* sp.) and moles (*Scapanus* sp.). Domestic cats and goats were also observed.

5.3.2 Orchard

The orchard habitat occupies the extreme northern end of the Study Area on the north side of Everett Avenue. Because of intensive agricultural activities, orchard trees and ruderal species found along the edges of the orchard are the only plant species usually found in this highly disturbed habitat. Herbaceous ruderal species similar to those found in the irrigation pasture were observed on the project site.

Like the ruderal habitat, wildlife species are very limited in this habitat. Some small song bird species, occasionally raptors, and members of the Corvidae family may use the orchard trees as temporary perches. California ground squirrels (*Otospermophilus beecheyi*) and other rodents may use the less disturbed site borders as habitat.

5.3.3 Developed

The majority of the northern portion of the Study Area, surrounding the existing residence and extending to Everett Avenue is developed. The developed area is greatly influenced by human disturbance. Typical plant species in this area include: pineapple weed (*Chamomilla suaveolens*), annual bluegrass (*Poa annua*), and common groundsel (*Senecio vulgaris*) as well as ornamental landscape plantings.

Wildlife species are limited in this habitat, but may include: song birds, such as the house sparrow (*Passer domesticus*) and other wildlife observed in the irrigated pasture habitat.

5.4 Special-Status Species

Special-status species are plant and animal species that have been afforded special recognition by federal, State, or local resource agencies or organizations. Listed and special-status species are of relatively limited distribution and may require specialized habitat conditions. Special-status species are defined as meeting one or more of the following criteria:

- Listed or proposed for listing under CESA and/or FESA;
- Protected under other regulations (e.g. Migratory Bird Treaty Act);
- Listed by CDFW as a Species of Special Concern or on the CDFW Special Animals list;

- Listed by California Native Plant Society (CNPS); or
- Any other species that would receive consideration according to the CEQA Guidelines.

Special-status species considered for this analysis are based on queries of the CNDDDB and the online versions of the USFWS and CNPS species occurrence lists for the 7.5-minute *Riverdale, California* topographic quadrangles and Kings County (**Appendix A**). The following set of criteria has been used to determine each species' potential for occurrence in the Study Area:

- **Present:** Species known to occur in the Study Area, based on CNDDDB records, and/or was observed on the site during the field survey(s).
- **High:** Species known to occur on or near the Study Area (based on CNDDDB records within five miles, and/or based on professional expertise specific to the Study Area or species) and there is suitable habitat on the Study Area.
- **Low:** Species known to occur in the vicinity of the Study Area, and there is marginal habitat on the site. **-OR-** Species is not known to occur in the vicinity of the Study Area; however there is suitable habitat on the site.
- **None:** Species is not known to occur on or in the vicinity of the Study Area and there is no suitable habitat for the species on the site. **-OR-** Species was surveyed for during the appropriate season with negative results.

Appendix A includes the common name and scientific name for each species, regulatory status, habitat descriptions, and potential for occurrence in the Study Area. **Figure 3** depicts the locations of special-status species recorded in the CNDDDB within five miles of the Study Area. Only those species that are known to be present or have a high or low potential for occurrence are discussed in further detail in this BRA.

5.4.1 Listed and Special-Status Plants

A records search identified one special-status plant species, Panoche pepper-grass (*Lepidium jaredii* ssp. *Album*), with the potential to occur in the Study Area. Based on field observations and literature review of special-status plant information listed in **Appendix A**, Panoche pepper-grass was determined to have no potential for occurring in the Study Area due to a lack of suitable habitat.

5.4.2 Listed and Special-Status Wildlife Species

A records search identified 16 special-status wildlife species with the potential to occur in the Study Area. Based on field observations and literature review specific to the special-status wildlife listed in **Appendix A**, the potential for occurrence has been determined for each species. There is *low* potential for burrowing owl and *high* potential for Swainson's hawk and other raptors and migratory birds to occur in the Study Area.

Wildlife Species with a Low Potential for Occurrence

Burrowing Owl

The burrowing owl is a California Species of Concern. This species is a small, ground-nesting owl that is often found in open, dry grasslands, agricultural and range lands, and desert habitats often associated with burrowing animals. Small burrows were observed onsite during the site survey. Because the burrowing owl seeks dry habitats, most of the irrigated pasture may not be good nesting habitat. However, the surrounding areas are not irrigated and may have nesting as well as wintering habitat for this species. There is one known occurrence within five miles of the Study Area (**Figure 3**) (CDFW 2015). Because of the small area of potential for nesting and wintering habitat, and because there is one known occurrence within five miles of the Study Area, this species has a *low* potential of occurring within the Study Area.

Wildlife Species with a High Potential for Occurrence

Swainson's Hawk

Swainson's hawks are listed by the State of California as a threatened species. Swainson's hawks arrive to their breeding grounds in the Central Valley in early March. They often nest peripherally to valley riparian systems as well as utilizing lone trees or groves of trees in agricultural fields. Valley oak, Fremont cottonwood, walnut, and large willow trees, ranging in height from 41 to 82 feet in height, are the most commonly used nest trees in the Central Valley. The eucalyptus trees on the site provide suitable nesting habitat and may provide some foraging habitat. There are two occurrences known within five miles of the Study Area (**Figure 3**) (CDFW 2015) and an additional two occurrences within three miles (Halstead & Associates, 2008). Therefore, this species is considered to have a *high* potential for occurrence within the Study Area.

Other Raptor and Migratory Bird Species

Raptor and other bird species forage and nest in a variety of habitats throughout Kings County. The nests of raptors and most other birds are protected under the MBTA (refer to **Section 3.2**). Raptors are also protected by Section 3503.5 of the California Fish and Game Code, which makes it illegal to destroy any active raptor nest. The habitats and large trees found in the Study Area provide marginal nesting habitat for a variety of species. Raptors and other birds may utilize the entire Study Area for foraging. Therefore, the potential is *high* for other raptors and migratory birds to be found within the Study Area.

5.5 Sensitive Habitats

Sensitive habitats include those that are of special concern to resource agencies or those that are protected under CEQA, Section 1600 of the California Fish and Game Code, or Section 404 of the Clean Water Act. Although the Study Area is within one-tenth of a mile from the Kings River drainage, the property is separated from any flooding effects by a low-lying levee just south of the Study Area. Likewise, there is no extension of riparian habitat from the Kings River. No wetlands or other waters of the U.S. were

observed within the Study Area. There is no designated critical habitat in the Study Area and the site is not part of a migration corridor.

A total of 73 eucalyptus trees were identified in the Study Area (**Figure 4**). The species, trunk diameter at breast height (DBH), dripline radius (DLR), and condition of each trees is shown in **Appendix B**. Kings County does not afford protection to these trees.

6.0 DISCUSSION AND RECOMMENDATIONS

As discussed previously, the ±1.76-acre Study Area provides suitable habitat for a few special-status plant and wildlife species. The proposed project will impact ±0.24 acres through construction of a gravel access road, utility enclosure, cellular tower, and underground utility lines. The proposed project may impact the following biological resources:

- Potential habitat for burrowing owl;
- Potential habitat for Swainson's hawk; and
- Potential habitat for other raptors and migratory birds.

The following paragraphs discuss surveys and other actions that are recommended to potential impacts to biological resources.

6.1 Burrowing Owl

Any impacts to the irrigated pasture could potentially impact western burrowing owls. No burrowing owls were observed during the site survey. However, they may occupy or forage on the Study Area in the future. Pre-construction surveys should be conducted by a qualified biologist during the breeding season (February 15 through July 15), in accordance with the 2012 *Staff Report on Burrowing Owl Mitigation, State of California, Natural Resources Agency, Department of Fish and Game* (2012 Staff Report) (CDFG 2012). The report(s) should be submitted to the California Department of Fish and Wildlife, as indicated in the 2012 Staff Report. If the surveys are negative, then no additional measures are recommended.

If active burrows or burrowing owls are observed within 500 feet of the proposed project footprint, CDFW should be consulted to develop a mitigation and avoidance plan. Mitigation measures may include preserving the burrow, establishing a visual screen, delaying construction until young have fledged, or having a biological monitor on the site during construction.

6.2 Swainson's Hawk

The project has the potential to impact 0.15 acres of irrigated pasture, which is potential Swainson's hawk foraging habitat. No trees will be removed for the project, but the trees on and around the project site are potential Swainson's hawk nesting habitat. Although CDFW recommends multiple pre-construction surveys, due to the small size of the site, a modified survey protocol is recommended. If construction will begin during the nesting season (March 1 through September 15), the site and surrounding ½-mile should be surveyed by a qualified biologist for active Swainson's hawk nests. If an active nest is identified within ½-mile of the project site, coordinate with CDFW to establish an avoidance plan. If no active Swainson's hawk nests are located within ½-mile of the site, no additional mitigation or coordination is required.

Since the potential loss of foraging habitat is minor, this is not considered a significant impact and no mitigation is recommended. If mitigation is deemed necessary, then CDFW recommends varying rates of mitigation, in the form of conservation easements on suitable Swainson's hawk foraging habitat, depending on the distance of the project from active nests. Currently, this translates to the following: (1) for projects within a one-mile radius of an active nest site, the applicant should preserve 1.0 acre of similar habitat for each acre lost, (2) for projects within a one to 5-mile radius of an active nest site, the applicant should preserve 0.75 acre of similar habitat for each acre lost, and (3) for projects within a 5 to 10-mile radius of an active nest site, the applicant should preserve 0.5 acre of similar habitat for each acre lost.

6.3 Raptors and Other Migratory Birds

As discussed previously, the habitats present in the Study Area provide potential nesting habitat for a variety of raptors and migratory bird species. Active nests are protected by the California Fish and Game Code Section 3503.5 and the MBTA. If construction activities begin during nesting season (February 1 through August 31), a pre-construction survey is recommended to identify any active nests on or within 500 feet of the site. The survey should be conducted by a qualified biologist no more than 14 days prior to the onset of construction activities. If construction activities are proposed to begin during the non-breeding season (September through January), a survey is not required and no further studies are necessary.

If the pre-construction survey shows that there is no evidence of active nests, a letter report should be submitted to the project proponent for their records, and no additional measures are recommended. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.

If active nests are found on or within 500 feet of the site, a buffer zone should be established around the nest as recommended by the project biologist. Typical buffer zones are 250 feet for raptor nests and 100 feet for other nests. However, the buffer zone should be established based on the site conditions. The project biologist should monitor nests weekly during construction until the young have fledged to evaluate potential nesting disturbance by construction activities.

6.4 Summary of Recommendations

The following focused pre-construction surveys and other actions are recommended:

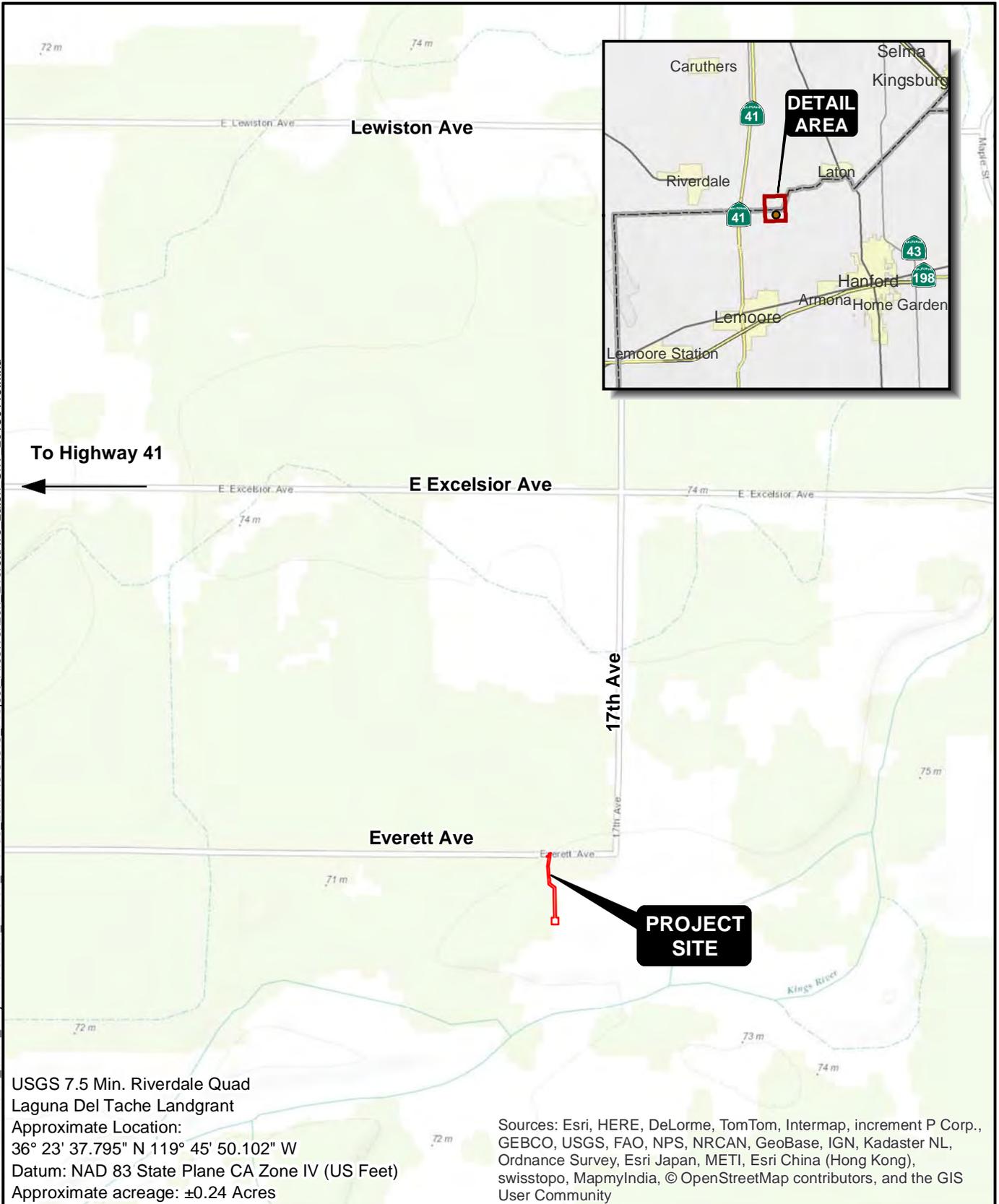
- Conduct burrowing owl surveys during breeding season (February – July);
- Conduct a pre-construction survey for active Swainson's hawk nests within ½-mile of the project site (if construction will begin between March 1 – September 15); and
- Conduct a pre-construction survey for active nests within 500 feet of the project site (if construction will begin during the nesting season (February 1 – August 31)).

7.0 REFERENCES

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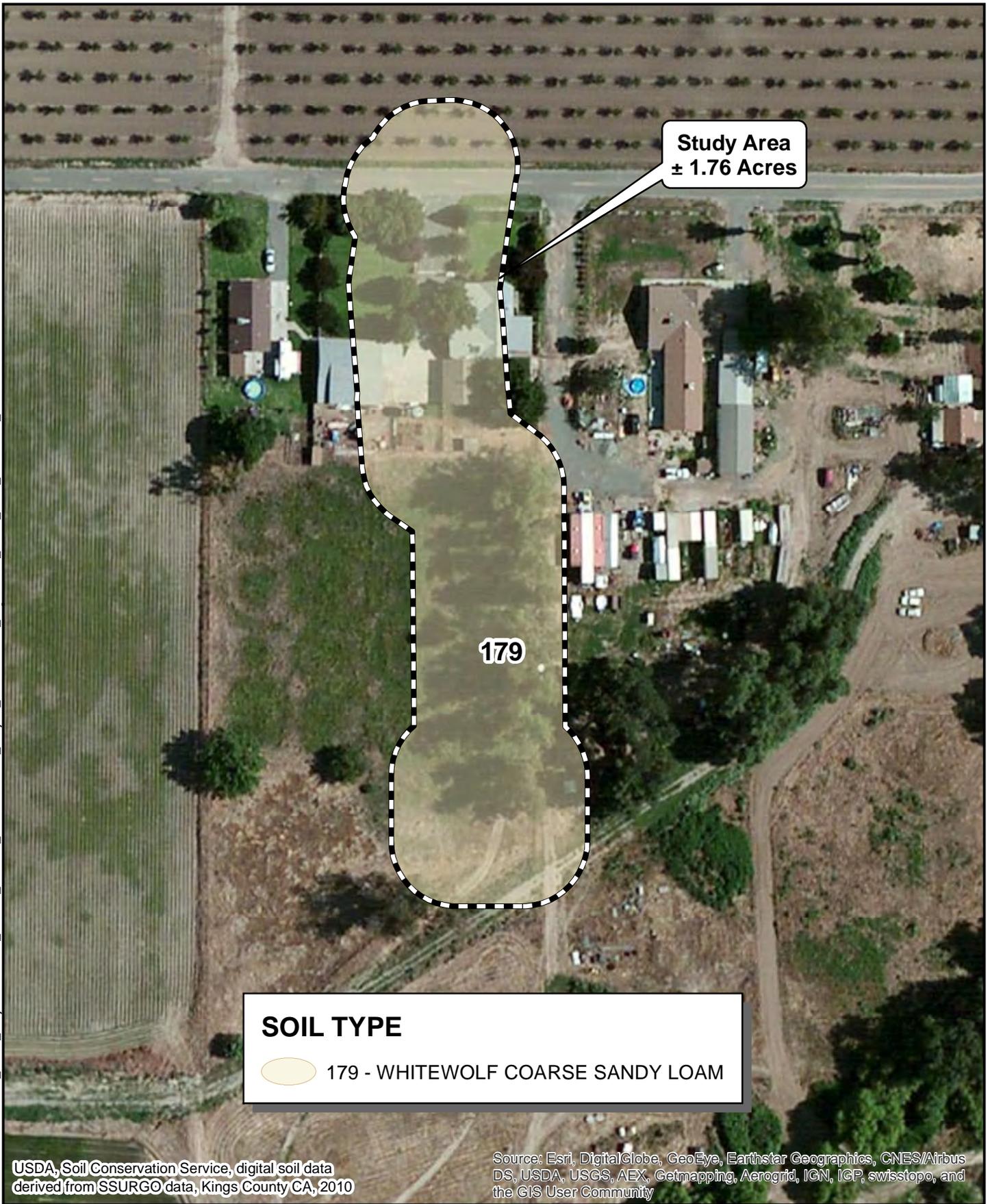
USGS 7.5 Min. Riverdale Quad
 Laguna Del Tache Landgrant
 Approximate Location:
 36° 23' 37.795" N 119° 45' 50.102" W
 Datum: NAD 83 State Plane CA Zone IV (US Feet)
 Approximate acreage: ±0.24 Acres

Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp.,
 GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL,
 Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong),
 swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS
 User Community

SITE AND VICINITY

 ENVIRONMENTAL CONSULTING • PLANNING • LANDSCAPE ARCHITECTURE © 2015		 1:12,000	Drawn By: MUB Date: 02/13/2015	<h2>FIGURE 1</h2>
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USDA, Soil Conservation Service, digital soil data derived from SSURGO data, Kings County CA, 2010

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

SOILS

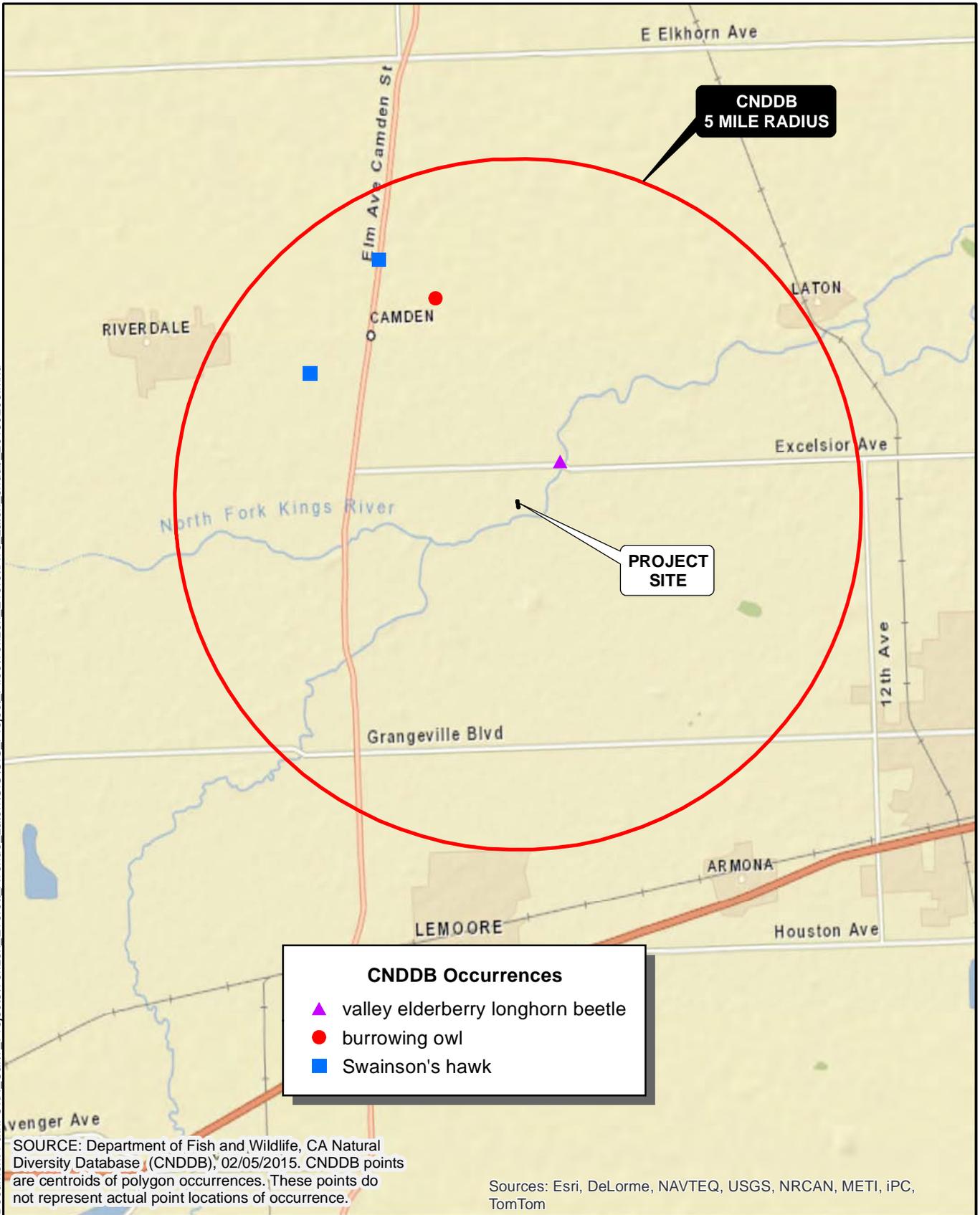


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 1 inch = 100 feet

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FIGURE 2

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CNDDDB



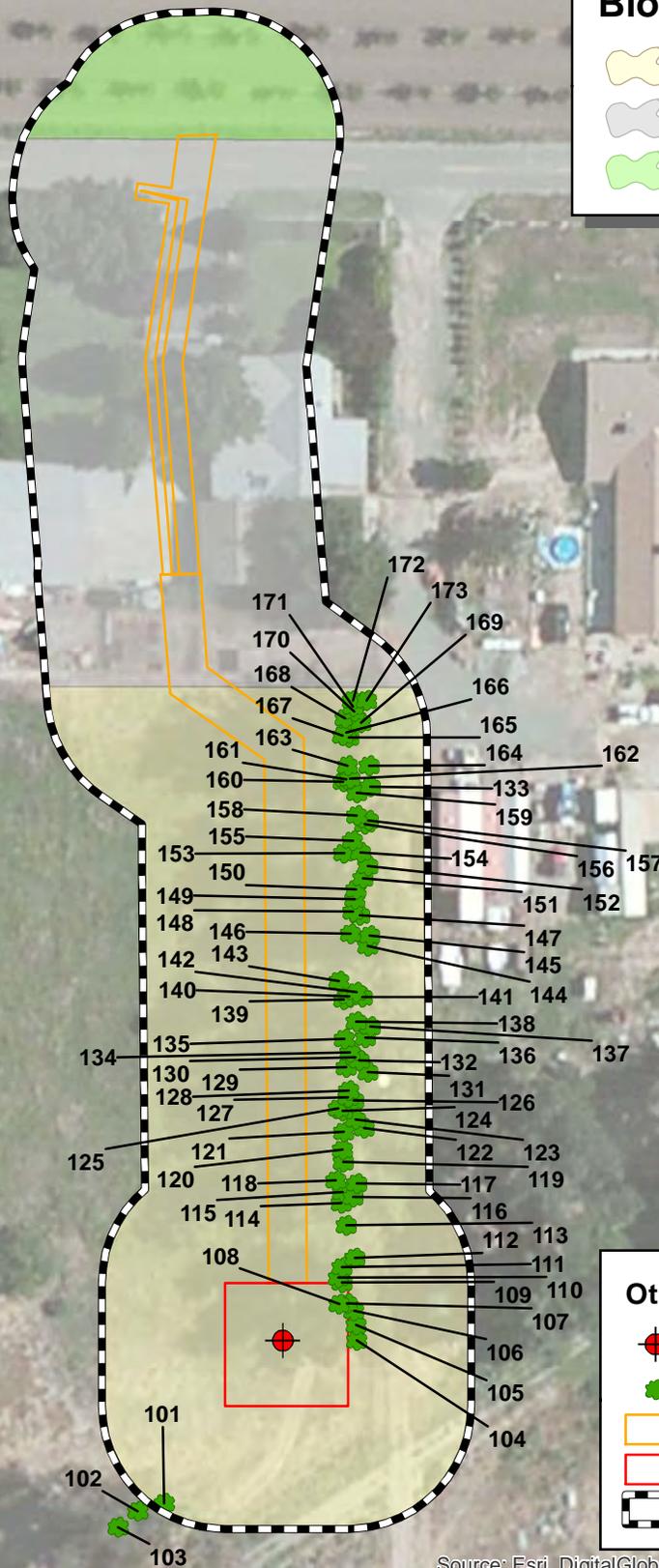
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FIGURE 3

Biological Constraints

-  Irrigated Pasture - 1.02 Acres
-  Developed - 0.62 Acres
-  Orchard - 0.12 Acres

Everett Ave.



Other Features

-  Proposed Tower Location
-  Tree
-  Access & Utility Easement - 0.18 Acres
-  Lease Area - 0.06 Acres
-  Biological Study Area - 1.76 Acres

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

BIOLOGICAL CONSTRAINTS



**Appendix A — Table of Listed and Special-Status
Species Potentially Occurring on the Site or in the
Vicinity**

Special-Status Species	Regulatory Status (Federal; State; Local; CNPS)	Habitat Requirements	Identification/ Survey Period	Potential for Occurrence
Plants				
Panoche pepper-grass <i>Lepidium jaredii</i> ssp. <i>album</i>	--; --; --; 1B	Steep slopes with clay soils in valley and foothill grasslands	Blooming period: February - June	None ; no suitable soils or slopes in Study Area.
Wildlife				
Invertebrates				
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	FT; CSA; --; --	Blue elderberry shrubs usually associated with riparian areas.	Adults emerge in spring until June. Exit holes are visible year-round.	None ; no suitable habitat in Study Area.
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT; CSA; --; --	Vernal pools, swales, and ephemeral freshwater habitat.	USFWS protocol-level wet-season sampling and/or dry season cyst identification.	None ; no suitable habitat in Study Area.
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	FE; CSA; --; --	Vernal pools, swales, and ephemeral freshwater habitat.	USFWS protocol-level wet-season sampling and/or dry season cyst identification.	None ; no suitable habitat in Study Area.
Fish				
Delta smelt <i>Hypomesus transpacificus</i>	FT; CE; --; --	Shallow fresh or brackish water tributary to the Delta ecosystem; spawns in freshwater sloughs and channel edgewaters.	Spawns December-July. Present year-round in delta.	None ; no suitable habitat in Study Area.
Amphibians/Reptiles				
California tiger salamander, central population <i>Ambystoma californiense</i>	FT; CT; --; --	Breeds in vernal pools and seasonal ponds in grasslands and oak savannas. Adults spend summer in small mammal burrows.	Drift fence studies during fall and winter for upland habitats.	None ; no suitable habitat in Study Area.
California red-legged frog <i>Rana draytonii</i>	FT; CSC; --; --	Typically found along quiet, slow-moving streams, ponds, or marsh communities with emergent vegetation or dense riparian vegetation. May disperse up to 2 miles between suitable aquatic habitat.	Aquatic surveys of breeding sites: February 25 – April 30.	None ; no suitable habitat in Study Area.

Special-Status Species	Regulatory Status (Federal; State; Local; CNPS)	Habitat Requirements	Identification/Survey Period	Potential for Occurrence
Blunt-nosed leopard lizard <i>Gambelia sila</i>	FE; CE; --; --	Semiarid grasslands, alkali flats, and washes. Prefers flat areas with open space for running, avoiding densely vegetated areas.	Clear days, morning to noon.	None ; no suitable habitat in Study Area.
Giant garter snake <i>Thamnophis gigas</i>	FT; CT; --; --	Agricultural wetlands and other wetlands such as irrigation and drainage canals, low gradient streams, marshes, ponds, sloughs, small lakes, and their associated uplands.	Active outside of dormancy period November-mid March.	None ; no suitable habitat in Study Area.
Birds				
Burrowing owl <i>Athene cunicularia</i>	--;CSC;-- ;-- (Burrowing sites and some wintering sites)	Found in open, dry grasslands, agricultural and range lands, and desert habitats often associated with burrowing animals.	Year-round; Breeding season surveys between March and August.	Low ; the site has potential foraging habitat and some nesting habitat in non-irrigated portion of the site. There is one recorded occurrence within 5 miles of the Study Area (CDFW 2015).
California condor <i>Gymnogyps californianus</i>	FE; CE; --; --	Nest on cliffs and in caves. Generally forage over mountainous country, especially rocky or brushy areas. May range 125 miles while foraging.	Year-round.	None ; no suitable habitat in the Study Area. Nearest known occurrence is ~50 miles to east (CDFW 2015).
Swainson's hawk <i>Buteo swainsoni</i>	--; CT; --; --	Nest peripherally to Valley riparian systems in lone trees or groves of trees in agricultural fields. Valley oak, Fremont cottonwood, walnut, and large willow trees, ranging in height from 41 to 82 feet, are the most commonly used nest trees in the Central Valley.	March – October.	Low ; the trees provide marginal nesting habitat and the irrigated pasture provides foraging habitat; however, this species was not observed during the biological surveys. Two CNDDDB occurrences within 5 miles of the Study Area (CDFW 2015).
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT; CSC; --; -- (Nesting)	Nests on sandy marine and estuarine shores and salt pond levees. Forages on sandy shores of rivers lakes and ponds.	Year-round.	None ; no suitable habitat in Study Area.
Other Raptors (Hawks, Owls and Vultures) and Migratory Birds	MBTA and §3503.5 Department of Fish and Game Code	Nests in a variety of communities including cismontane woodland, mixed coniferous forest, chaparral, montane meadow, riparian, and urban communities.	February 15 – August 31.	High ; the Study Area supports suitable foraging and nesting habitat.

Special-Status Species	Regulatory Status (Federal; State; Local; CNPS)	Habitat Requirements	Identification/ Survey Period	Potential for Occurrence														
Mammals																		
Fresno kangaroo rat <i>Dipodomys nitratooides exilis</i>	FE; CE; --; --	Sands and saline sandy soils in chenopod scrub and annual grassland communities on the Valley floor. Recently they have been found only in alkali sink communities between 200 to 300 feet in elevation. Topography is often nearly level, consisting of bare alkaline clay-based soils subject to seasonal inundation and are broken by slightly rising mounds of more crumbly soils, which often accumulate around shrubs or grasses.	Nocturnal and active year-round.	None ; the Study Area has marginal foraging and burrowing habitat and no known occurrences within 5 miles of the Study Area. Nearest recorded occurrence is ~10 miles west of Study Area (CDFW 2015).														
Tipton kangaroo rat <i>Dipodomys nitratooides nitratooides</i>	FE; CE --; --	Arid-land communities occupying the Valley floor of the Tulare Basin in level or nearly level terrain. They occupy alluvial fan and floodplain soils ranging from fine sands to clay-sized particles with high salinity. Historically, most numerous and persistent in relict Interior Dune Grassland and Sierra-Tehachapi Saltbush Scrub communities. Today, much of the occupied remnants of their range have one or more species of sparsely scattered woody shrubs and a ground cover of mostly introduced and native annual grasses and forbs.	Year-round; nocturnal.	None ; soils are marginal and there is no chaparral/ shrubs in the Study Area and there are no occurrences known within 5 miles of the Study Area. Nearest recorded occurrence is ~10 miles south of Study Area (CDFW 2015).														
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	FE; CT; --; --	Open, level areas with loose-textured soils supporting scattered, shrubby vegetation with little human disturbance.	Year-round.	None ; Study Area is open and level with loose-textured soil, but does not have shrubby vegetation and human disturbance is high.														
<table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">Federally-Listed Species:</td> <td style="width: 20%;">California State Listed Species:</td> <td style="width: 20%;">CNPS* Rank Categories:</td> <td style="width: 40%;">Other Special-Status Listing:</td> </tr> <tr> <td>FE = federal endangered</td> <td>CE = California state endangered</td> <td>1A = plants presumed extinct in California</td> <td rowspan="3">SLC = Species of local or regional concern or conservation significance.</td> </tr> <tr> <td>FT = federal threatened</td> <td>CT = California state threatened</td> <td>1B = plants rare, threatened, or endangered in California and elsewhere</td> </tr> <tr> <td>FC = candidate</td> <td>CR = California state rare</td> <td>2 = plants rare, threatened, or endangered in California, but common elsewhere</td> </tr> </table>					Federally-Listed Species:	California State Listed Species:	CNPS* Rank Categories:	Other Special-Status Listing:	FE = federal endangered	CE = California state endangered	1A = plants presumed extinct in California	SLC = Species of local or regional concern or conservation significance.	FT = federal threatened	CT = California state threatened	1B = plants rare, threatened, or endangered in California and elsewhere	FC = candidate	CR = California state rare	2 = plants rare, threatened, or endangered in California, but common elsewhere
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FC = candidate	CR = California state rare	2 = plants rare, threatened, or endangered in California, but common elsewhere																

Special-Status Species	Regulatory Status (Federal; State; Local; CNPS)	Habitat Requirements	Identification/ Survey Period	Potential for Occurrence
PT = proposed threatened FPD = proposed for delisting FD = delisted	CFP = California Fully Protected CSC = California Species of Special Concern CSA = California Special Animals List	3 = plants about which we need more information 4 = plants of limited distribution		Source: Foothill Associates

Species list generated from queries of the USFWS, CNPS, and CNDDDB databases for the Riverdale quadrangle and birds from the USFWS Kings County species list.

Appendix B — Tree Survey Data

Appendix B — Tree Survey Data

Tree #	Species	# of Trunks	DBH (inches)	DLR (feet)	Health	Structure	Additional Comments
101	Eucalyptus	2	10,16	20	Good	Fair-Good	
102	Eucalyptus	1	14	10	Fair-Good	Fair	
103	Eucalyptus	2	16,24	30	Fair-Good	Fair-Good	
104	Eucalyptus	1	7	6	Fair	Fair	
105	Eucalyptus	1	6	4	Poor-Fair	Poor-Fair	trunk wound
106	Eucalyptus	1	14	9	Fair	Fair	
107	Eucalyptus	1	6	3	Poor	Poor-Fair	
108	Eucalyptus	1	7	5	Fair	Fair	
109	Eucalyptus	1	7	5	Fair	Fair	
110	Eucalyptus	1	11	12	Fair-Good	Fair-Good	
111	Eucalyptus	1	9	6	Fair-Good	Fair-Good	
112	Eucalyptus	1	11	10	Fair-Good	Fair	
113	Eucalyptus	1	6	6	Poor-Fair	Fair	trunk wound
114	Eucalyptus	1	13	9	Fair-Good	Fair-Good	
115	Eucalyptus	1	11	9	Fair-Good	Fair-Good	
116	Eucalyptus	1	14	10	Good	Good	
117	Eucalyptus	1	5	5	Poor-Fair	Poor-Fair	
118	Eucalyptus	1	6	9	Good	Good	
119	Eucalyptus	1	8	12	Good	Good	
120	Eucalyptus	1	5	5	Poor-Fair	Poor	suppressed
121	Eucalyptus	1	9	8	Fair-Good	Fair-Good	
122	Eucalyptus	1	15	12	Good	Good	
123	Eucalyptus	1	8	6	Fair	Fair	trunk wound
124	Eucalyptus	1	8	12	Good	Fair-Good	
125	Eucalyptus	1	8	6	Poor	Poor-Fair	girdled
126	Eucalyptus	1	8	10	Good	Fair-Good	
127	Eucalyptus	1	7	8	Fair	Fair-Good	
128	Eucalyptus	1	10	10	Good	Good	
129	Eucalyptus	1	13	15	Good	Good	
130	Eucalyptus	1	6	5	Poor	Poor	
131	Eucalyptus	1	7	4	Poor	Poor	trunk wound broken top
132	Eucalyptus	1	6	8	Fair	Fair	
134	Eucalyptus	1	6	5	Fair	Fair	
135	Eucalyptus	1	5	8	Fair-Good	Fair-Good	
136	Eucalyptus	1	12	15	Good	Fair-Good	
137	Eucalyptus	1	9	12	Fair-Good	Fair-Good	
138	Eucalyptus	1	7	5	Poor-Fair	Poor-Fair	
139	Eucalyptus	1	15	12	Good	Good	
140	Eucalyptus	1	9	9	Fair-Good	Fair-Good	
141	Eucalyptus	1	8	6	Fair	Fair	
142	Eucalyptus	1	8	6	Fair	Poor-Fair	
143	Eucalyptus	1	6	10	Fair-Good	Fair-Good	
144	Eucalyptus	1	7	6	Poor-Fair	Poor-Fair	
145	Eucalyptus	1	15	12	Good	Fair-Good	
146	Eucalyptus	1	14	15	Good	Fair-Good	
147	Eucalyptus	1	8	12	Good	Fair-Good	
148	Eucalyptus	1	8	10	Fair-Good	Fair-Good	
149	Eucalyptus	1	10	8	Fair-Good	Fair-Good	
150	Eucalyptus	1	15	15	Good	Good	
151	Eucalyptus	1	5	6	Fair-Good	Fair-Good	

Appendix B — Tree Survey Data

Tree #	Species	# of Trunks	DBH (inches)	DLR (feet)	Health	Structure	Additional Comments
152	Eucalyptus	1	5	5	Poor-Fair	Poor-Fair	
153	Eucalyptus	1	11	11	Good	Fair-Good	
154	Eucalyptus	1	5	4	Poor	Poor	trunk wound
155	Eucalyptus	1	13	9	Good	Fair-Good	
156	Eucalyptus	1	10	10	Fair	Fair	
157	Eucalyptus	1	6	8	Fair	Fair	
158	Eucalyptus	1	6	8	Fair-Good	Fair	
159	Eucalyptus	1	6	8	Fair	Fair-Good	
133	Eucalyptus	1	6	5	Poor-Fair	Poor-Fair	trunk wound
160	Eucalyptus	1	7	10	Fair	Fair	
161	Eucalyptus	1	9	9	Fair	Fair	
162	Eucalyptus	1	6	6	Fair	Poor-Fair	
163	Eucalyptus	1	7	4	Poor	Poor	trunk wound
164	Eucalyptus	1	6	9	Fair	Fair	
165	Eucalyptus	1	9	10	Fair	Fair	
166	Eucalyptus	1	14	20	Good	Good	
167	Eucalyptus	1	13	20	Good	Good	
168	Eucalyptus	1	12	12	Good	Fair-Good	
169	Eucalyptus	1	6	6	Poor-Fair	Poor-Fair	
170	Eucalyptus	1	7	6	Fair	Fair	
171	Eucalyptus	1	7	8	Fair	Fair	
172	Eucalyptus	2	6,12	12	Fair-Good	Fair-Good	
173	Eucalyptus	1	6	6	Poor	Poor	

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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Dear FCC Applicant:

Section 106 FCC submissions will not be accepted unless this cover sheet is completed and attached.

Project Name	Verizon Wireless E. Excelsior and Cedar
Project Address	17045 Everett Ave., Lakewood, California

Based on the information provided on the accompanying FCC Form 620 or Form 621 the following information applies to this project:

<input type="checkbox"/>	There are buildings or structures over 45 years of age within this project's direct/indirect area of potential effect (APE).
<input type="checkbox"/>	There is an archeological site located within this project's direct APE.
<input type="checkbox"/>	A qualified archeologist has determined that the proposed project area is considered moderately to highly sensitive for archeological resources.

If the above boxes are blank, there are no historic properties within the direct or indirect project area. Therefore, pursuant to Stipulation VII.B.2 of the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* as quoted below, **your Section 106 responsibilities are complete:**

If the SHPO/THPO does not provide written notice to the Applicant that it agrees or disagrees with the Applicant's determination of No Historic Properties Affected within 30 days following receipt of a complete Submission Packet, it is deemed that no Historic Properties Exist within the APE or the Undertaking will have no effect on Historic Properties. The Section 106 process is then complete and the Applicant may proceed with the project, unless further processing for reasons other than Section 106 is required.

Yes, this submission contains an eligibility determination requiring SHPO concurrence. Yes, this submission contains tribal response.

This project will: Not Not Adversely Adversely affect Historic Properties.

The qualified project archeologist acknowledges that a pedestrian survey has been completed, a record search has been conducted at the appropriate California Historic Resources Information Center (IC) and that all submitted information is true.

Archeologist's signature *Pac Winder* Date 3-13-2015

Please note, this letter pertains only to FCC projects being submitted to the California SHPO for comment.

Sincerely,

Carol Roland Nawi, Ph.D.

Carol Roland Nawi, Ph.D.
State Historic Preservation Officer

Archaeological Survey Report
Verizon Wireless E. Excelsior & Cedar-- New Build
Location # 289854
APN # 004-080-048
17045 Everett Avenue
Laton, Kings County, California

T.18S, R.20E, Sections 1 & 2
Riverdale, Calif. U.S.G.S. 7.5' Quadrangle

By

Ric Windmiller
Consulting Archaeologist
2280 Grass Valley Highway, Suite 205
Auburn, California 95603

Prepared For

Foothill Associates, Inc.
590 Menlo Park Drive
Rocklin, California 95765

March 2015

Management Summary

Verizon Wireless plans a “new build” unmanned telecommunications facility at 17045 Everett Avenue, Laton, Kings County, California. Efforts to identify historic properties and historical resources (listed on or eligible for the National Register of Historic Places, listed on or eligible for the California Register of Historical Resources or unique archaeological resources) included the following:

- Records search by the Southern San Joaquin Information Center, California Historical Resources Information System;
- Sacred lands file search by the Native American Heritage Commission;
- Contacts with Native Americans listed by the commission;
- Literature review including published and gray literature;
- Archaeological field survey

As a result of these efforts, no historic or prehistoric archaeological resources were identified in the Direct Area of Potential Effect (area of anticipated ground disturbance). No historic properties listed on or eligible for the National Register, or historical resources listed on or eligible for the California Register of Historical Resources or unique archaeological resources were identified within the Indirect APE (one-half mile radius of the Direct APE) according to the records search results. It is the sub-consultant’s opinion the proposed undertaking will have no effect on historic properties, historical resources or unique archaeological resources.

Project Description

Verizon Wireless plans a “new build” unmanned telecommunications facility at 17045 Everett Avenue, Laton, Kings County, California. The principal elements of the project are a 50 x 50 foot lease area adjacent to the north side of a Reclamation Levee right-of-way; a fence at the lease area; a pre-fabricated equipment shelter; power and TELCO brought to the facility; a standby generator; a cable ice bridge antennae with associated tower mounted equipment mounted on a 94.0 foot monopole.

A 15 foot wide, approximately 500 foot long access and utility easement that incorporates an existing asphalt and concrete driveway would connect the lease area with Everett Avenue. A proposed six foot Verizon utility easement would be located on the west side of the existing driveway near Everett Avenue.

The construction project is subject to Federal Communications Commission (FCC) regulations and permit stipulations for the installation and maintenance of wireless communication systems. As such, the project must meet the requirements of the Nationwide Programmatic Agreement regarding the National Historic Preservation Act, Section 106 process for new tower construction and also Kings County requirements.

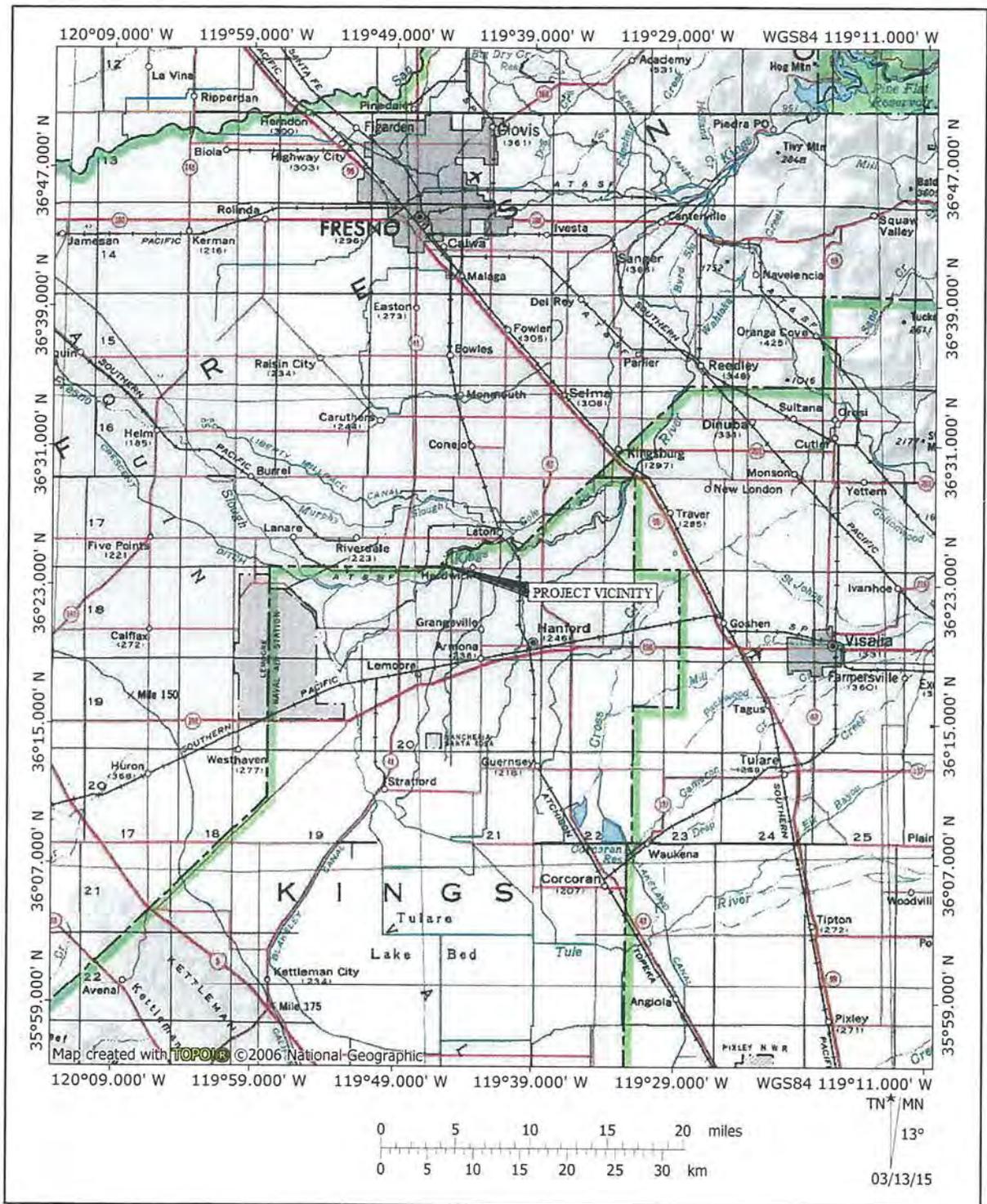


Figure 1. Project vicinity.

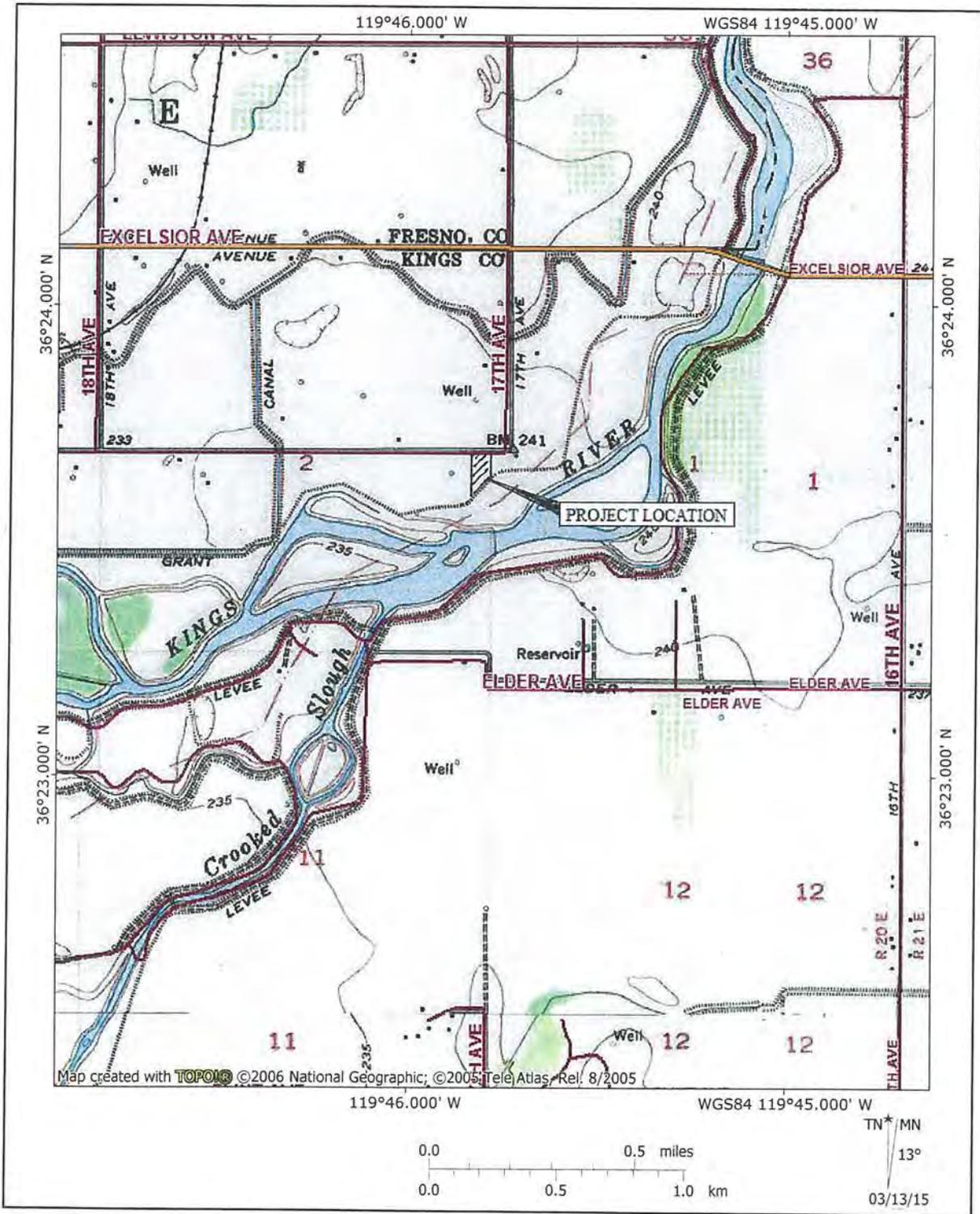


Figure 2. Project location.

Project Location/Area of Potential Effect

The project is located on the south side of Everett Avenue with power and TELCO connections on the west side of the driveway at 17045 Everett Avenue in that portion of rural Kings County served by the Laton, California Post Office. The NAD83 coordinates at the center of the proposed lease area are: Latitude N 36° 23' 36.48"; Longitude W 119° 45' 50.00". Elevation of ground at the proposed structure is 241 feet above mean sea level.

The Direct Area of Potential Effect (Direct APE) encompasses the anticipated area of ground disturbance which includes the lease area, access and utility easement on APN # 004-080-048. The vertical APE or the maximum depth of ground disturbance is unknown. The visual APE (Indirect APE or "setting") is a one-half mile radius around the Direct APE and consists of agricultural land mainly in orchards, Kings River and river bottom land, earthen levees and approximately five houses widely scattered among the orchards. Closest to APN #004-080-048 is the house and outbuildings on the proposed project site, which are not illustrated on the 1954 USGS quadrangle and appear to be less than 50 years old (see Attachment A: Photographs).

Setting

The Verizon Wireless E. Excelsior and Cedar project location lies at the head of the Kings River Delta in northern Kings County. The prehistory of the region dates back to the end of the last Ice Age. Finds of fluted projectile points and the fossil remains of extinct animals have been recovered from the ancient shoreline of Tulare Lake, southwest of the proposed wireless telecommunications site. The historic "delta" formed by the Kings and Kaweah rivers was inhabited by Yokuts-speaking people. Spanish explorers entered the region in the 1770s and documented its fertility as agricultural land for posterity. The first settlements of the 1830s and 1840s focused on cattle ranching. Over time, the region evolved from cattle and sheep to dry farmed wheat production to orchards and vineyards irrigated by canals and ditches.

Prehistory

The earliest evidence of Man in the region is found on the ancient shore of Tulare Lake some 15 miles south of the E. Excelsior and Cedar Project's APE. Finds at the Witt Site (CA-KIN-32) yielded hundreds of early chipped stone projectile points along an old shoreline dating back to the late Pleistocene when the climate was warming and drying and before the sudden onset of a cold climatic change caused by the impact of a comet off the east coast of Canada (Windmiller and Supernowicz 2014:3). The Witt Site finds mark an early Paleoindian presence in the region prior to the extinction of many Pleistocene animals (Moratto 1984:87).

In 1992, archaeologist David Fredrickson introduced a taxonomy in California borrowed from earlier scholars to define "Paleoindian," "Archaic" and "Emergent" stages, which, like

previous efforts to classify archaeological finds, implied cultural evolution. However, the purpose of erecting this scheme of “periodized” cultural stages was simply to promote better communication and encourage discussion among scholars and the lay public (Fredrickson 1994:99).

In Fredrickson’s scheme of cultural periods, “Paleoindian” marked the first demonstrated entry and spread of prehistoric hunters into California. A recent updated synthesis of California archaeology provides an updated time span of each of Fredrickson’s cultural periods based on new radiocarbon determinations adjusted with modern calibration curves. Paleoindian, therefore, is revised to date between 11,550 and 8550 cal B.C. (Rosenthal *et al.* 2007:150).

The following “Lower Archaic” period (8550-5550 cal B.C.), like the Paleoindian period, is represented mainly by isolated finds of stemmed chipped stone projectile points, chipped stone “crescents” and other artifacts. Lower Archaic artifacts are found along with the earlier concave base projectile points at Tulare Lake.

The following “Middle Archaic” period (5550-550 cal B.C.) coincided with warmer and drier Altithermal climatic conditions. Tulare Lake shrank in size and eventually became a dry playa. The early part of the Middle Archaic is represented in the San Joaquin Valley by only a few buried archaeological sites. Later sites of the Middle Archaic are found mainly along rivers and major tributaries, which coincides with the post-Pleistocene rise in sea level creating the Sacramento-San Joaquin Delta. At this time, there is evidence of village mounds and distinct grave sites.

Upper Archaic sites (550 cal B.C.-cal A.D. 1100) are not well known in the area. In other parts of the San Joaquin Valley, the period is represented by village mounds of dark gray to black midden resting on clay knolls along major water courses. At the beginning of the period, Medithermal climatic changes brought a more stable, cooler, wetter regimen. Lakes that dried up by the end of the Middle Archaic returned to older levels by 1050 cal B.C. During the Upper Archaic, Yokuts speaking people apparently moved into the San Joaquin Valley and Central Sierra foothills from the Sacramento Delta.

The “Emergent” (cal A.D. 1000-Historic period) is marked by the use of bow and arrow, which replaced the dart and throwing stick (*atlatl*). Territorial boundaries forged during the Emergent were probably much the same as recognized by early ethnographers. By A.D. 1700, Yokuts-speaking people inhabited the entire San Joaquin Valley including the south-central and southern Sierra foothills.

Ethnography

Anthropologist William Wallace once declared that no large section of California is so little known ethnographically as the San Joaquin Valley of which the E. Excelsior and Cedar APE is a part. Besides extracting pieces of information from the writings of early explorers,

soldiers, missionaries and other early travelers, archaeology remains a most important source for reconstructing the region's Native American past.

While most native California groups did not have true tribes, the Yokuts came closest to a full tribal system of government. Yokuts tribes ranged from 150 to 400 or 500 members. The Southern Yokuts had a unique relationship with their lake-slough-marsh environment. They lived in villages consisting of wood frame huts covered with large tule mats. Residences included single family dwellings with an oval floor plan constructed on the ground surface to avoid the dampness and flooding common to semi-subterranean dwellings found among aboriginal groups in other parts of California (Kroeber 1925:831; Wallace 1978:448).

According to avocational ethnographer Frank Latta, the *Wimilche* Yokuts lived on the north side of the Kings River. The *Wimilche* village of *Ugona* was located seven miles below Laton, which would place the village site 1-2 miles southwest of the present APE. The *Nutunutu* Yokuts lived on the south side of the Kings River. The *Nutunutu* village of *Cheou* was across the river and directly west of *Ugona*. The other *Nutunutu* village of *Kadistin* was located at old Kingston on the south bank of the Kings River downstream from Laton. Therefore, *Kadistin* would be about four miles northeast of the present APE (*cf.* Latta 1977:163-164).

History

Frank Latta credits the 1772 Spanish expedition led by Captain Pedro Fages and joined by Fray Juan Crespi as the first white men to enter Yokuts territory. Fages described the land as numerous reed patches and ponds and very fertile. In his writings, Fages also anticipated irrigation agriculture by noting that due to the lay of the land in relation to the rivers, irrigation ditches could be made (Latta 1977:34; 36).

In the 1840s, several Mexican lands grants were issued for the region surrounding Laton. *Laguna de Tache*, located on the south side of the Kings River, was granted to Jose Y. Limantour. Manuel Castro, a friend to Limantour, also applied for and received a grant of the same name, *Laguna de Tache*, on the north side of the Kings River. By the mid-1840s, Castro's foreman and three *vaqueros* had built a small house and corral, herded cattle and planted melons and vegetables along the river (Smith 2004:136-137).

The war with Mexico that started in 1846 and the Treaty of Guadalupe Hidalgo two years later marked the beginning of the end of the large Mexican *ranchos*. Coupled with the California gold rush, which brought a huge influx of Americans as well as other immigrants, it was inevitable that settlement of the San Joaquin Valley would intensify.

However, ranching continued in the lower Kings River country with early American settlers like Daniel Rhoads. The Rhoads Adobe, two miles north of Lemoore and some eight miles southwest of the present APE, marks the headquarters of one of the early American ranches south of the Kings River. Perry Phillips was one of Rhoads' neighbors. Phillips held land

between Kingston and that of another neighbor, David Burris, a Forty-niner who turned cattleman (Smith 2004: 298).

By 1858, Kingston boasted of a stage top for the Butterfield line. Butterfield stages ran between Los Angeles and San Francisco connecting Kingston with Fresno City to the north and Visalia to the southeast. Numerous local roads eventually criss-crossed the valley to the east and west (Smith 2004:252).

A decade later, the Central Pacific Railroad began construction of a railroad into the San Joaquin Valley. By the early 1870s, the Central Pacific had extended the Southern Pacific's north-south line south of Fresno. The Kings River Switch (Kingsburg) became the shipping point on the railroad for the local ranchers in the Kingsburg area. Goods destined for Kingston were also unloaded and freighted across the plains to the west (Windmiller 2011:9).

The 1870s saw construction of some of the first ditches and canals, which brought irrigation water to the region and fostered the development of orchards and vineyard that eventually all but replaced wheat and other dry-farmed crops.

Subsequent owners of the *Laguna de Tache* land grant turned the land over to Charles A. Laton and Llewellyn A. Nares in 1896. Laton was a San Francisco businessman who developed the land; Nares brought in settlers. The Santa Fe Railroad established a cross-valley route on the north side of the Kings River bypassing Kingston. As a consequence, the townspeople moved to the north side of the river and Laton was established on the railroad. The Laton Post Office was established by 1900 and a local high school was built shortly thereafter. One of the largest colonies to take up land around Laton were members of the Brethren Church from Kansas, who settled three miles west of the town. Their descendants still worship at the original church in Laton. By 1902, Laton boasted a population of 60 including 10 buildings and the Santa Fe Railroad depot. The Laguna Irrigation District was formed in the 1920s. Laton and its surroundings has remained largely agricultural to the present day (Smith 2004:303-304;FatCow n.d.).

Results of Efforts to Identify Historic Properties and Historical Resources

Efforts to identify historic properties/historical resources at the project site included a records search by the Southern San Joaquin Valley Information Center, California Historical Resources Information System; a sacred lands file search by the Native American Heritage Commission, contacts with Native Americans listed by the commission and an archaeological field survey.

Records Search Results

On February 2, 2015, the Southern San Joaquin Valley Information Center, California Historical Resources Information System completed a records search for the E. Excelsior and

Cedar project site and a one-half mile radius beyond the project site. Information center staff noted that the information center had no records of any prehistoric or historic resources located at the project site or within the one-half mile radius. No previous cultural resource surveys are on record as having been conducted at the project site or within the one-half mile radius of the project site. Information center staff reported that there were no listings in the California Office of Historic Preservation's Historic Property Directory, Archaeological Determinations of Eligibility or California Inventory of Historic Resources (see Attachment B: Records Search Results).

Native American Coordination

In a letter dated February 10, 2015, the Native American Heritage Commission responded to the sub-consultant's request for a sacred lands file search and list of Native American contacts. The commission's representative stated that the file search failed to indicate the presence of Native American cultural resources in the immediate project area. The commission listed two individuals to contact: Mr. Rueben Barrios Sr, Chairperson, Santa Rosa Rancheria Tachi Yokut Tribe and Mr. Lalo Franco, Cultural Coordinator, Santa Rosa Rancheria Tachi Yokut Tribe.

Each was contacted by U.S. Mail with a description and location of the proposed project along with a request for information regarding any known or suspected sites of sacred, ceremonial or other sites of importance to Native Americans. No responses were received as a result of the mailing. Therefore, the sub-consultant made an additional attempt to elicit a response from each contact by telephone on March 12, 2015. Mr. Barrios was out and would not return until March 16th according to his receptionist. Mr. Franco was also out of the office. However, the sub-consultant called again on the following day. Mr. Franco recommended that tribal representative(s) be contacted in advance of construction so they may participate in the pre-construction meeting on-site. The tribal representative(s) can then show the construction crew what they may find and how to treat those finds if encountered during excavations (see Attachment C: Native American Coordination).

Field Survey Methods

On February 26, 2015, Ric Windmiller conducted an archaeological survey of the Direct APE including the lease area and access/utility easement on APN # 004-080-048. The lease area and that portion of the access/utility easement located in pasture, was walked along transects approximately five meters apart. The row of Eucalyptus trees and fence line marked the eastern extent of the pasture land portion of the survey while a 100 foot radius beyond the west side of the lease area and access/utility easement in the pasture was also walked. Ground visibility in the pasture was approximately 10 percent. Therefore, surface scrapes and existing backdirt from burrowing animals were observed for indications of prehistoric or historic cultural deposits and artifacts. Grasses and annuals were about six to 12 inches high. The remainder of the access and utility easement is located on pavement at the existing house and

outbuildings portion of the property. Here, bare ground adjacent to the pavement was inspected where possible. It is unlikely that any historic properties, historical resources or unique archaeological resources were overlooked. Ric Windmiller has more than 38 years experience directing archaeological field surveys and excavations including projects in Kings County. Windmiller is the former board chairman of the Central California Archaeological Foundation and former staff archaeologist with the University of Arizona, University of Colorado and National Park Service, western and southwest regions. He holds a B.A. in Anthropology from California State University, Sacramento; M.A. in anthropology from the University of Manitoba, Canada and; all but dissertation for a Ph.D. in anthropology, University of Colorado. Since 1987, Windmiller has owned and operated a consultancy serving both public and private sector clients.

Findings

As a result of the above efforts, no historic or prehistoric archaeological resources were identified within the Direct APE. Though possible, it is unlikely that any archaeological resources would be uncovered within a vertical APE that may be established (*viz.*, the maximum depth of excavation). The land surrounding the project's Direct APE is mainly orchards with pastures between Everett Road and the Kings River levee. Information center staff reported no buildings or structures listed on or eligible for the National Register of Historic Places or the California Register of Historical Resources and located within that half-mile radius and therefore within the visual setting. Few buildings exist within the visual setting and most lie some distance from the Direct APE.

Assessment of Effect

Because no historic properties or historical resources or unique archaeological resources were identified within the Direct or Indirect APE and it is unlikely that any buried archaeological resources exist within the Direct APE, it is the sub-consultant's opinion that the proposed telecommunication project will have no effect on historic properties, historical resources or unique archaeological resources.

References Cited

FatCow

n.d. Laton, California and Surrounding Areas. Internet: <http://latoncalifornia.org/the-beginning.html>. Accessed 3-12-2015.

Fredrickson, D. A.

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- Kroeber, A. L.
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 2014 *City of Hanford General Plan Update: Archaeological and Historic Resources*. Ric Windmiller, Consulting Archaeologist. Submitted to Quad Knopf, Inc. Copies available from the Southern San Joaquin Valley Information Center, California State University, Bakersfield.

Attachment A: Photographs



Figure 4. Access/utility easement (foreground) looking south to lease area and levee (background) beyond lease area.



Figure 5. From same vantage point as Figure 4, looking north along access/utility easement towards Everett Avenue and orchard beyond Everett.



Figure 6. River bottom land setting looking south from top of levee.



Figure 7. Looking north from lease area along access/utility easement toward farm buildings and orchard beyond Everett Avenue .



Figure 8. Setting, looking east along levee from lease area.



Figure 9. Looking west across lease area at pasture lands between Everett Avenue (right) and the levee (left).

Attachment B: Records Search Results

This attachment contains information on the specific location of archaeological resources. This information is not for publication or release to the general public. It is for planning, management and research purposes only. Information on the location of prehistoric and historic sites are exempt from California Freedom of Information Act, as specified in Government Code §6254.10.



2/2/2015

Ric Windmiller
Consulting Archaeologist
2280 Grass Valley Hwy. #205
Auburn, CA 95603

Re: Verizon Wireless E Excelsior and Cedar
Records Search File No.: 15-059

The Southern San Joaquin Valley Information Center received your record search request for the project area referenced above, located on the Riverdale USGS 7.5' quad. The following reflects the results of the records search for the project area and the 0.5 mile radius:

As indicated on the data request form, the locations of resources and reports are provided in the following format: custom GIS maps shapefiles hand-drawn maps

Resources within project area:	None
Resources within 0.5 mile radius:	None
Reports within project area:	None
Reports within 0.5 mile radius:	None

- Resource Database Printout (list):** enclosed not requested nothing listed not available
- Resource Database Printout (details):** enclosed not requested nothing listed not available
- Resource Digital Database Records:** enclosed not requested nothing listed not available
- Report Database Printout (list):** enclosed not requested nothing listed not available
- Report Database Printout (details):** enclosed not requested nothing listed not available
- Report Digital Database Records:** enclosed not requested nothing listed not available
- Resource Record Copies:** enclosed not requested nothing listed
- Report Copies:** enclosed not requested nothing listed

- OHP Historic Properties Directory:** enclosed not requested nothing listed
- Archaeological Determinations of Eligibility:** enclosed not requested nothing listed
- CA Inventory of Historic Resources (1976):** enclosed not requested nothing listed

Caltrans Bridge Survey: Not available at SSJVIC; please see
<http://www.dot.ca.gov/hq/structur/strmaint/historic.htm>

Ethnographic Information: Not available at SSJVIC

Historical Literature: Not available at SSJVIC

Historical Maps: Not available at SSJVIC; please see
<http://historicalmaps.arcgis.com/usgs/>

Local Inventories: Not available at SSJVIC

GLO and/or Rancho Plat Maps: Not available at SSJVIC

Shipwreck Inventory: Not available at SSJVIC; please see
http://shipwrecks.slc.ca.gov/ShipwrecksDatabase/Shipwrecks_Database.asp

Soil Survey Maps: Not available at SSJVIC; please see
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,



Celeste M. Thomson
Coordinator

Attachment C: Native American Coordination

NATIVE AMERICAN HERITAGE COMMISSION

1050 Harbor Blvd. ROOM 100
West SACRAMENTO, CA 95833
(916) 373-3710
Fax (916) 373-3471



February 18, 2005

Ric Windmiller
2280 Grass Valley Highway #205
Auburn, CA 95603

Sent by Fax: (530) 576-0915
Number of Pages: 2

Re: Verizon Wireless E. Excision and Cedar, Kings County.

Dear Mr. Windmiller,

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 373-3712.

Sincerely,

Handwritten signature of Katy Sanchez in cursive script.

Katy Sanchez
Associate Government Program Analyst

Native American Contacts
Kings County
February 9, 2015

Santa Rosa Rancheria Tachi Yokut Tribe
Rueben Barrios Sr., Chairperson
P.O. Box 8 Tache
Lemoore CA 93245 Tachi
(559) 924-1278 Yokut
(559) 924-3583 Fax

Santa Rosa Rancheria Tachi Yokut Tribe
Lalo Franco, Cultural Coordinator
P.O. Box 8 Tachi
Lemoore CA 93245 Tache
(559) 924-1278 Ext. 5 Yokut
(559) 924-3583 Fax

h franco @ tachi - yokut - NSN. gov

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5057.98 of the Public Resources Code.

This list is only applicable for contacting Iocative Americans with regard to cultural resources to the proposed Project #D, Verizon Wireless E. Excelsior and Cedar, Riverdale Quad, Kings County.

SAMPLE OF LETTER

Ric Windmiller
CONSULTING ARCHAEOLOGIST

2280 GRASS VALLEY HIGHWAY #205
AUBURN, CALIFORNIA 95603

530/878-0979
FAX 530/878-0915

Jan 30, 2015

Mr. Rueben Barrios Sr.
Chairperson
Santa Rosa Rancheria
P.O. Box 8
Lemoore, CA 93245

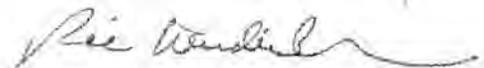
Re: Verizon Wireless E. Excelsior and Cedar, Laton

Dear Mr. Barrios:

Verizon Wireless proposes to locate telecommunications antennae and install ground mounted equipment at a proposed site at 17045 Everett Avenue, Laton, Kings County, California (see attached map).

We are conducting research on archaeological resources for environmental review. The Native American Heritage Commission listed your name as one who may have knowledge of Native American cultural resources in the project area. If you have any information regarding known or suspected sacred, ceremonial or other sites of Native American importance that may be impacted by the proposed project, please contact Cathryn Chatterton at the above address. You may also respond by telephone (530-878-0979), fax (530-878-0915) or email: windmiller-consult@sbcglobal.net. We would appreciate a response at your earliest convenience, if you wish to comment at this time.

Yours sincerely,

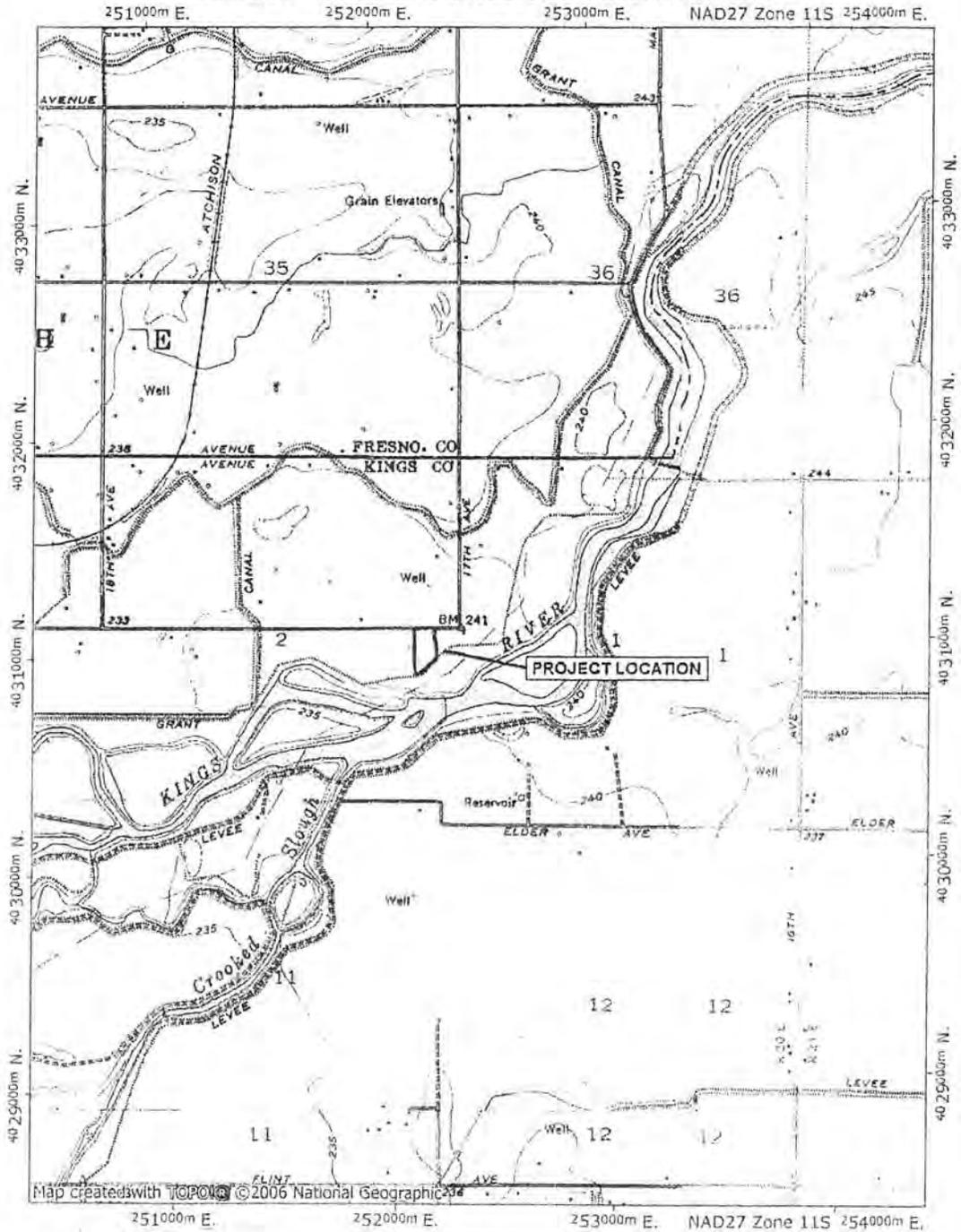


Ric Windmiller
Registered Professional Archaeologist

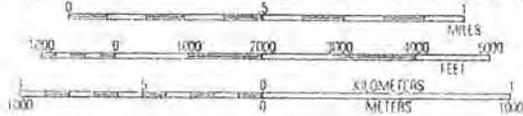
Enclosure

SAMPLE OF MAP ENCLOSED WITH LETTER

VERIZON WIRELESS E EXCELSIOR & CEDAR PROJECT



Map created with TOPO! © 2006 National Geographic



TN + MN
13°
01/30/15

Native American Coordination Log

Name/Affiliation	Date	Comments
Ms. Katy Sanchez Native American Heritage Commission	2-10-2015	Sacred lands file search failed to identify the presence of Native American cultural resources; recommended contacting the two individuals on attached list.
Mr. Rueben Barrios Sr. Chairperson Santa Rosa Rancheria Tachi Yokut Tribe	1-30-2015 3-12-2015	Posted letter to Mr. Barrios describing project and enclosed map; no response to letter. Attempted to reach Mr. Barrios by telephone; the receptionist explained that Mr. Barrios would be out of the office until Monday, but that Mr. Franco would be the appropriate contact person for cultural resources.
Mr. Lalo Franco Cultural Coordinator Santa Rosa Rancheria Tachi Yokut Tribe	1-30-2015 3-12-2015 3-13-2015	Posted letter to Mr. Franco describing project and enclosed map; no response to letter. Attempted to reach Mr. Franco by telephone; there was no answer. The sub-consultant left a detailed message. On the following day, the sub-consultant was successful in reaching Mr. Franco. Mr. Franco recommended that tribal representative(s) be present at the pre-construction meeting to advise the construction crew as to what they may find during any project-related excavations. Mr. Franco indicated that buried human remains have been found in previous excavations within several miles of the proposed wireless telecommunications project location.



4886 East Jensen Avenue
Fresno, California 93725

Tel: 559-237-5567
Fax: 559-237-5560

www.krcd.org

April 15, 2015

Mr. Gregory R. Gatzka, Director
Kings County Community Development Agency
1400 West Lacey Boulevard, Building 6
Hanford, CA 93230

Re: Kings County Planning Agency Policy No. 8 Compliance Letter

Dear Mr. Gatzka:

The Kings River Conservation District (District) received a request from Verizon Wireless for a letter per Kings County Planning Administration Policy No. 8 demonstrating that their project is in compliance with permitting and regulatory requirements administered by the District. The project consists of construction of a Verizon Wireless Unmanned Telecommunications Facility (Tower) on property adjacent to the Kings River (Section 2, T. 18 S., R. 20 E., M.D.B. & M).

Our staff has reviewed the data submitted by Michelle Ellis, Project Manager, on behalf of Verizon Wireless and performed a site inspection. It appears that the Structure is located: (1) outside the Kings River Designated Floodway; (2) outside of the flood project boundaries; and (3) not within a District easement. Accordingly, an encroachment permit will not be needed for the new construction.

While the project is not located within a District easement or in the designated floodway, there is the potential that any subsequent improvements may encroach onto a District easement or the designated floodway and would require an encroachment permit. Maps of the District's easements and the designated floodway are available for inspection at the District's office located in Fresno at 4886 E. Jensen Avenue.

Based on the information provided and our review, it appears that the project is in compliance with any permitting and regulatory requirements administered by the District.

If you have any questions on this matter, please contact Keith Seligman, Manager of Flood Operations & Maintenance at (559) 237-5567 extension 120 or at (559) 217-4285.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard N. Hoelzel", is written over the word "Sincerely,".

Richard N. Hoelzel,
Director of Water Resources

RH/KS/sjs

cc: Michelle Ellis

L15-0054
File: 700.01.04

BOARD OF DIRECTORS

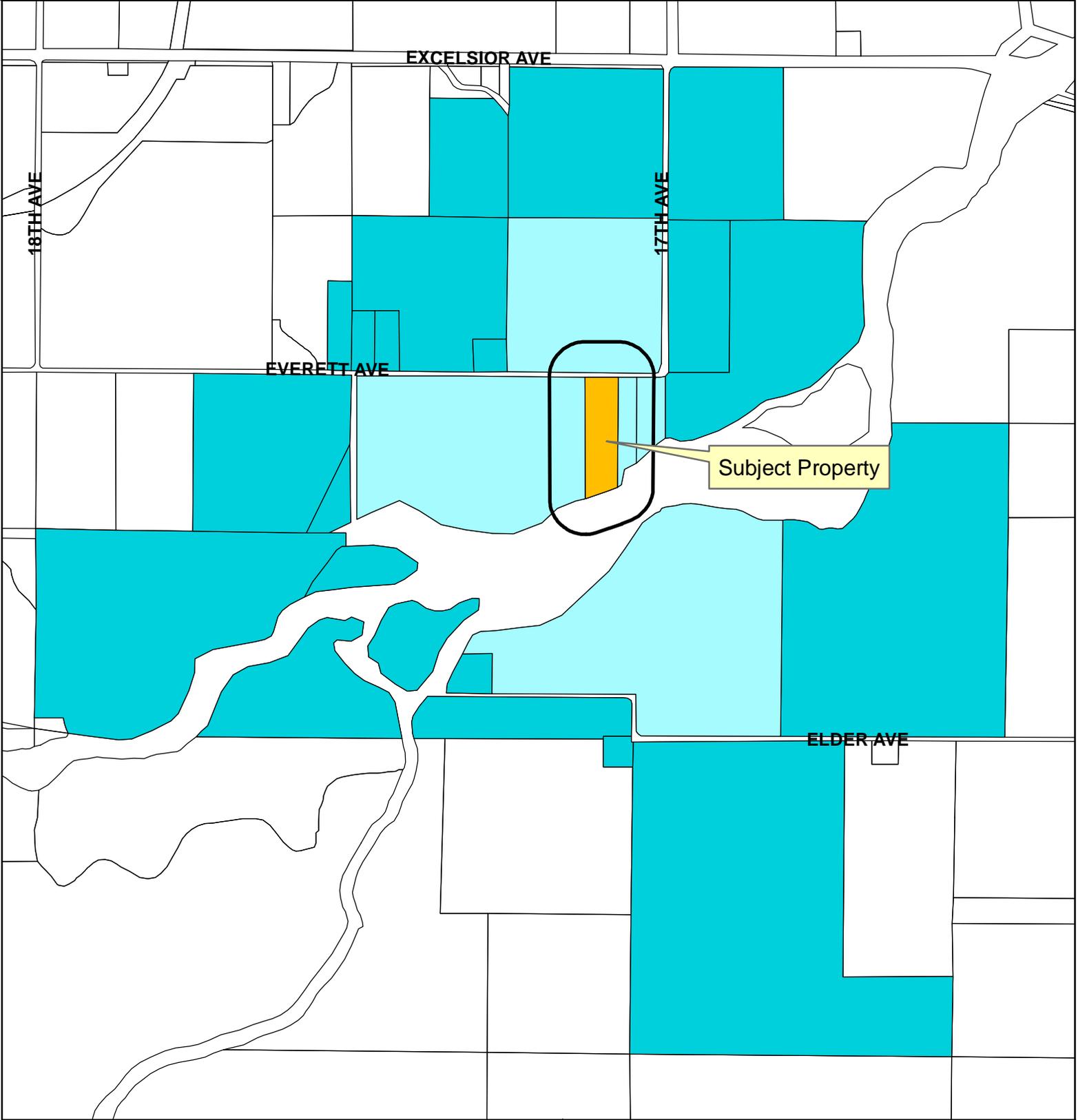
Division I, NORMAN B. WALDNER, Dinuba • Division II, MASARU YOSHIMOTO, Fowler • Division III, GILDO NONINI, Fresno • Division IV, MARK C. McKEAN, Riverdale
Division V, D. PAUL STANFIELD, Hanford • Division VI, CEIL W. HOWE, JR., Stratford • Division VII, DR. DAVID CEHRS, Sanger

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CUP 15-01

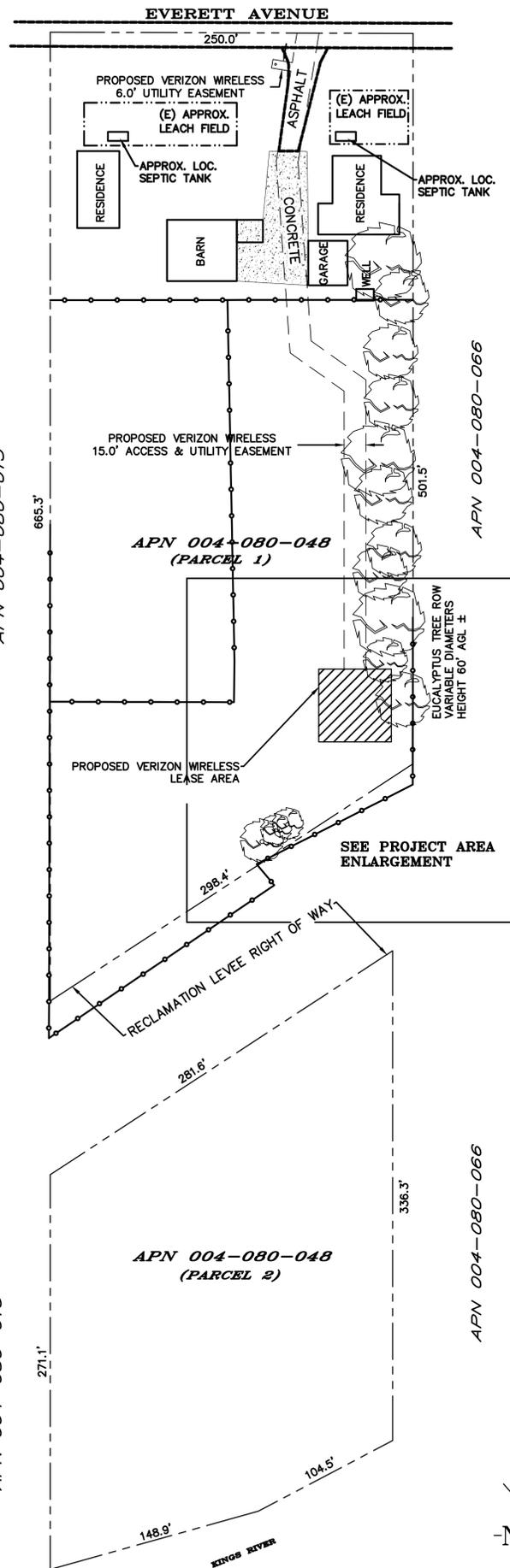
Site and Notification Map



Map prepared by
Dan Kassik
Kings County Community Development Agency
May 21, 2015
1400 W. Lacey Blvd., Hanford, CA 93230

Legend

-  300' Radius
-  Properties within 300'
-  Subject Property
-  Next Adjacent



OVERALL PROJECT AREA

**E. Excelsior & Cedar
Lease Area Description**

All that certain lease area being a portion of that certain parcel of land described in Document No. 9005690 Official Records of Kings County, California being more particularly described as follows:

Commencing at the Southeast corner of Parcel One as described in the aforementioned document; thence North 15.00 feet and West 15.00 feet to the True Point of Beginning; thence from said point of beginning North 50.00 feet; thence West 50.0 feet; thence South 50.00 feet; thence East 50.0 feet to the point of beginning.

Together with an easement for access and utility purposes, fifteen feet in width, the centerline of which is described as follows: Beginning at a point on the North boundary of the above described lease area which bears West 25.0 feet from the Northeast corner thereof; thence from said point of beginning North 194.76 feet; thence North 54'45"43" West 45.89; thence North 04'10"19" West 127.44; thence North 09'14"32" East 64.9 feet to a point hereafter referred to as Point A; thence continuing North 09'14"32" East 24.7 feet more or less to the public right of way.

Also together with an easement for utility purposes, six feet in width, the centerline of which is described as follows: Beginning at a the above described Point A; thence from said point of beginning North 80'45"28" West 21.0 feet more or less to an existing utility service connection location.

Project Name: E. Excelsior & Cedar
Project Site Location: 17045 Everett Avenue
Laton, CA 93242
Kings County
Date of Observation: 09-19-14

Equipment/Procedure Used to Obtain Coordinates: Trimble GeoXT post processed with Pathfinder Office software.
Type of Antenna Mount: Proposed Free Standing Monopole

Coordinates: (Center Lease Area)
Latitude: N 36°23'36.63" (NAD83) N 36°23'36.81" (NAD27)
Longitude: W 119°45'50.00" (NAD83) W 119°45'46.52" (NAD27)
ELEVATION of Ground at Structure (NAVD88) 241.0' AMSL

DATE OF SURVEY: 09-19-14
SURVEYED BY OR UNDER DIRECTION OF: KENNETH D. GEIL, RCE 14803 LOCATED IN THE COUNTY OF KINGS, STATE OF CALIFORNIA

CONTRACTOR IS RESPONSIBLE TO VERIFY LEASE AREA PRIOR TO CONSTRUCTION.

BEARINGS SHOWN ARE BASED UPON MONUMENTS FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY.

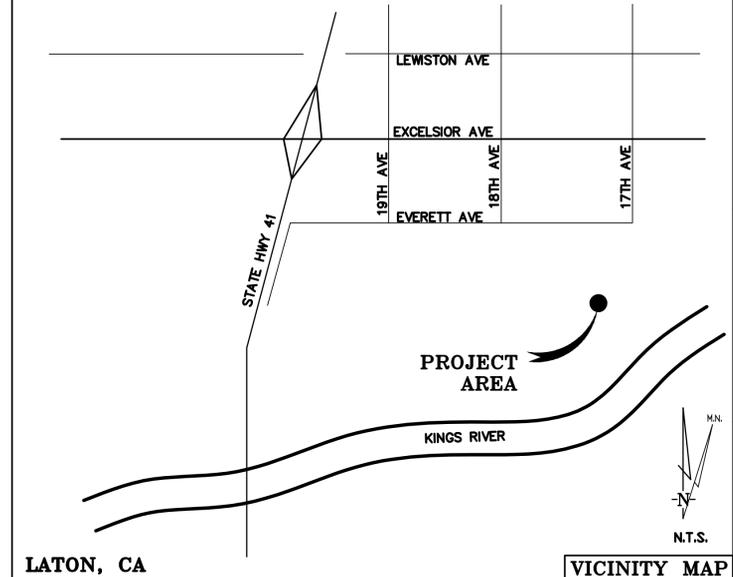
ELEVATIONS SHOWN ON THIS PLAN ARE BASED UPON U.S.C.S. N.A.V.D. 88 DATUM. ABOVE MEAN SEA LEVEL UNLESS OTHERWISE NOTED.

N.G.V.D. 1929 CORRECTION: SUBTRACT 2.77' FROM ELEVATIONS SHOWN.

CONTOUR INTERVAL: 1 FT.

ASSESSOR'S PARCEL NUMBER: 004-080-048

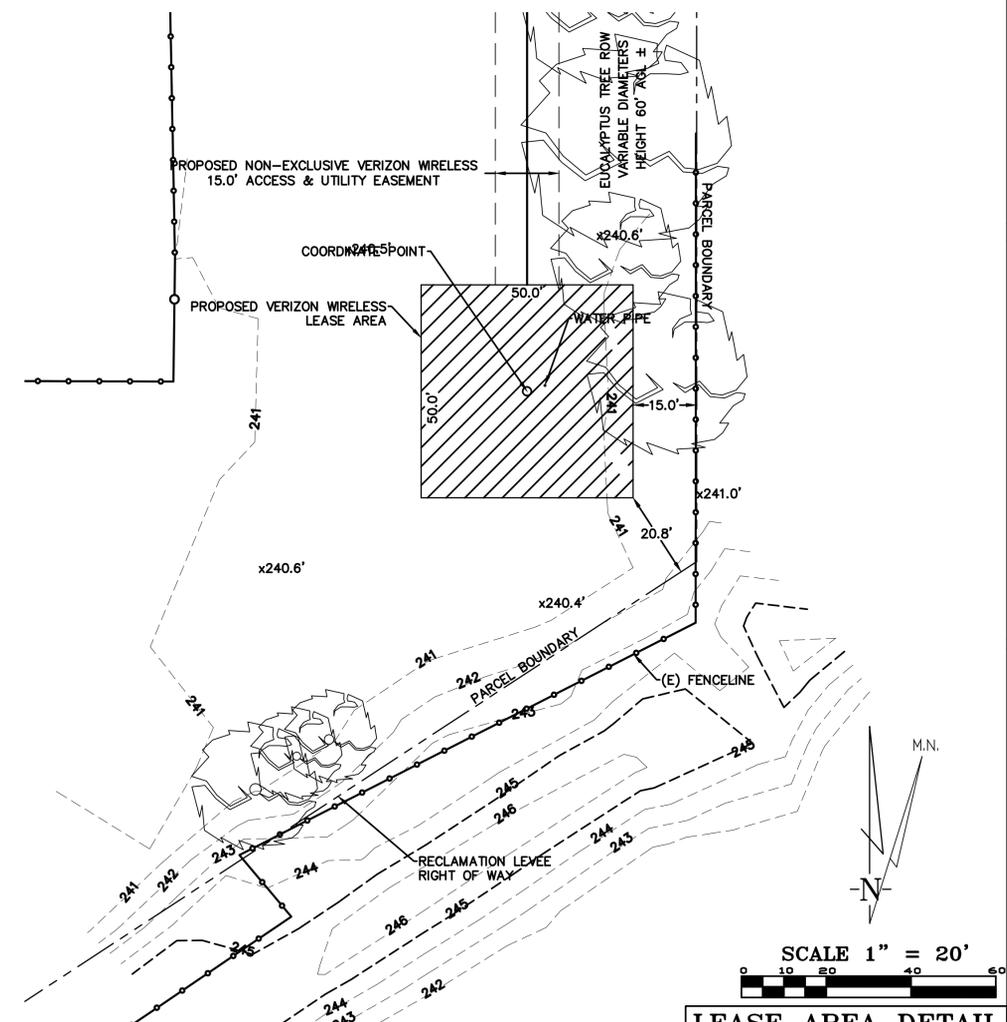
LANDLORD(S): GEORGE & NANCY RANDALL
17045 EVERETT AVE
LATON, CA 93242



VICINITY MAP

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF GEIL ENGINEERING AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE AND CARRIER FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM GEIL ENGINEERING. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH GEIL ENGINEERING WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. NO EASEMENTS WERE RESEARCHED OR PLOTTED. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED. NO PROPERTY MONUMENTS WERE SET.



LEASE AREA DETAIL

DEPT	APPROVED	DATE
ARC		
RE		
RF		
INT		
EE/IN		
OPS		
EE/OUT		

Surveyor
GEIL ENGINEERING
ENGINEERING • SURVEYING • PLANNING
1520 HIGH STREET
ATLANTA, CALIFORNIA 90045
Phone: (415) 888-1000
Fax: (415) 888-1000

verizon wireless

E. Excelsior & Cedar
17045 Everett Avenue
Laton, CA 93242

**PLOT PLAN AND
SITE TOPOGRAPHY**

REVISIONS	REV	DATE	DESCRIPTION
09-26-14	DG		Preliminary Drawing
03-13-15	DG		rev. lease area
03-17-15	DG		approx. sept. added
	REV		
	REV		

Sheet
C-1

EXISTING JOINT UTILITY POLE WITH TRANSFORMER,
PROPOSED VERIZON WIRELESS POWER & TELCO P.O.C.

PROPOSED VERIZON WIRELESS 6'-0" UTILITY EASEMENT

EXISTING RESIDENCE

EXISTING BARN

APN: 004-080-13

EXISTING FENCELINE

APN: 004-080-048

EVERETT AVENUE

EXISTING ASPHALT DRIVEWAY

EXISTING RESIDENCE

EXISTING CONCRETE

EXISTING GARAGE

PROPOSED VERIZON WIRELESS 15'-0"
ACCESS & UTILITY EASEMENT. PROPOSED
VERIZON WIRELESS GRAVEL ACCESS ROAD

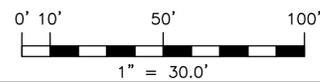
APN: 004-080-066

PROPOSED VERIZON WIRELESS
UNDERGROUND POWER & TELCO

1
A2.1 EQUIPMENT LAYOUT PLAN

PROPOSED VERIZON WIRELESS
50'-0"x50'-0" LEASE AREA

RECLAMATION LEVEE RIGHT OF WAY



1
A1.1 OVERALL SITE PLAN
SCALE: 1" = 30.0'



MST ARCHITECTS
17045 EVERETT AVENUE
LATON, CA 93242
916-429-2639
www.MSTArchitects.com



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E. EXCELSIOR & CEDAR
17045 EVERETT AVENUE
LATON, CA 93242

verizon WIRELESS
SHEET TITLE:
OVERALL SITE PLAN

Not valid unless signed in ink by licensee.

Revisions:	
△	03/17/2015
△	--
△	--
△	--

File: 162.1332A11.dwg
Drawn By: AME
Checked By: TST
Scale: AS NOTED
Date: 03/17/15

Job No. 162.1332

A1.1

PROPOSED VERIZON WIRELESS SURGE PROTECTOR MOUNTED ON ANTENNA STANDOFF

PROPOSED VERIZON WIRELESS ANTENNAS

PROPOSED VERIZON WIRELESS RRH UNITS MOUNTED BEHIND ANTENNAS

PROPOSED VERIZON WIRELESS SURGE PROTECTOR MOUNTED ON ANTENNA STANDOFF

TOP OF PROPOSED MONOPOLE 94.0' A.G.L.

CENTERLINE OF PROPOSED ANTENNAS 90.0' A.G.L.

PROPOSED VERIZON WIRELESS ANTENNAS

PROPOSED VERIZON WIRELESS RRH UNITS MOUNTED BEHIND ANTENNAS

PROPOSED VERIZON WIRELESS HOODED & DOWNTILTED SECURITY LIGHT

PROPOSED VERIZON WIRELESS ICE BRIDGE

PROPOSED VERIZON WIRELESS HEAVY DUTY STEEL PULL BOXES W/ LOCKING HASPS FOR UTILITY POWER, GENERATOR POWER & GENERATOR ALARMS

PROPOSED VERIZON WIRELESS 200A SERVICE METER MOUNTED ON 4'-0" UTILITY H-FRAME

PROPOSED VERIZON WIRELESS 6'-0" TALL CHAIN LINK FENCE W/REINFORCED "BOLLARD" STYLE POSTS, BARBED WIRE & 12'-0" ACCESS GATE

PROPOSED VERIZON WIRELESS 94'-0" TALL MONOPOLE

(2) PROPOSED VERIZON WIRELESS GPS ANTENNAS

(2) PROPOSED VERIZON WIRELESS AIR CONDITIONERS W/ECONOMIZERS

PROPOSED 11'-6"x16'-10 1/2" VERIZON WIRELESS EQUIPMENT SHELTER

PROPOSED VERIZON WIRELESS TELCO BOX MOUNTED TO EXTERIOR FACE OF EQUIPMENT SHELTER

(2) PROPOSED VERIZON WIRELESS AIR CONDITIONERS W/ECONOMIZERS

PROPOSED VERIZON WIRELESS ICE BRIDGE

(2) PROPOSED VERIZON WIRELESS GPS ANTENNAS

PROPOSED VERIZON WIRELESS HOODED & DOWNTILTED SECURITY LIGHT

PROPOSED 11'-6"x16'-10 1/2" VERIZON WIRELESS EQUIPMENT SHELTER

PROPOSED VERIZON WIRELESS HEAVY DUTY STEEL PULL BOXES W/ LOCKING HASPS FOR UTILITY POWER, GENERATOR POWER & GENERATOR ALARMS

PROPOSED VERIZON WIRELESS 94'-0" TALL MONOPOLE

PROPOSED VERIZON WIRELESS 6'-0" TALL CHAIN LINK FENCE W/REINFORCED "BOLLARD" STYLE POSTS, BARBED WIRE & 12'-0" ACCESS GATE

PROPOSED VERIZON WIRELESS UL2200 CERTIFIED 48KW STANDBY DIESEL GENERATOR AND UL142 CERTIFIED 210 GALLON FUEL TANK ON A 6'-0"x13'-0" CONCRETE SLAB

PROPOSED VERIZON WIRELESS 200A SERVICE METER MOUNTED ON 4'-0" UTILITY H-FRAME

2 EAST ELEVATION
A3.1 SCALE: 1/8" = 1'-0"

1 NORTH ELEVATION
A3.1 SCALE: 1/8" = 1'-0"

COMPLETE
Wireless Consulting, Inc.

MST ARCHITECTS
17045 EVERETT AVENUE
LATON, CA 93242
916-427-9639
www.MSTArchitects.com

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verizon WIRELESS

E. EXCELSIOR & CEDAR
17045 EVERETT AVENUE
LATON, CA 93242

PROJECT ELEVATIONS

SHEET TITLE:

Not valid unless signed in ink by licensee.

Revisions:

Δ	03/17/2015
Δ	--

File: 162.1332A31.dwg
Drawn By: AME
Checked By: TST
Scale: AS NOTED
Date: 03/17/15

Job No. 162.1332

A3.1

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

**IN THE MATTER OF CONDITIONAL USE)
PERMIT NO. 15-01 (Complete Wireless))
_____)**

RESOLUTION NO. 15-05

RE: 17045 Everett Avenue, Laton

WHEREAS, on March 19, 2015, SAC Wireless (Verizon) filed Conditional Use Permit No. 15-02; to establish a new 100-foot monopole wireless communication tower with a fenced lease area for ground equipment; and

WHEREAS, the application was determined to be complete on March 19, 2015; and

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was published on May 1, 2015, providing notice that the Initial Study/Mitigated Negative Declaration (IS/MND) had been completed for the proposed Project and was available for public review and comment; and

WHEREAS, the IS/MND was circulated for public review and comment on May 1, 2015; and

WHEREAS, the Kings County Community Development Agency distributed copies of the IS/MND to those public agencies that have jurisdiction by law with respect to the Project, as well as to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, on May 20, 2015, the public review period for the proposed IS/MND for this project closed; and

WHEREAS, during the public review period for the proposed IS/MND three sets of comments were received before the end of the public review period from the Building Division of the Kings County Community Development Agency, the Kings County Fire Department, and the Kings County Public Works Department; and

WHEREAS, these comments did not result in changes to the IS/MND, none of the comments identified a new, unavoidable significant effect, nor did they result in a finding that the proposed mitigation measures in the IS/MND will not reduce potential effects to less than significant; and

WHEREAS, pursuant to CEQA Guidelines § 15073.5, recirculation of the IS/MND is not required; and

WHEREAS, on May 21, 2015, the Kings County Community Development Agency recommended that the Mitigated Negative Declaration be approved for the proposal; and

WHEREAS, on May 22, 2015, the Kings County Planning Department staff notified the applicant of the proposed recommendation on this project; and

WHEREAS, on June 1, 2015, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

WHEREAS, in order to approve CUP Number 15-02 the Planning Commission is required to make the following findings and certifications with regards to the California Environmental Quality Act: (1) The Planning Commission has reviewed and considered the IS/MND, together with the comments received during the public review and comment period, before approving the project; (2) Based on the whole record before it, including the IS/MND and the comments received during the public review period, there is no substantial evidence in the record that the proposed Project will have a significant effect on the environment; (3) The IS/MND for this Project has been completed in compliance with CEQA and is adequate; and (4) The IS/MND reflects the Planning Commission’s independent judgment and analysis; and

WHEREAS, the Planning Commission has reviewed the IS/MND in its entirety, and has determined that the document reflects the independent judgment of the County; and

WHEREAS, the IS/MND identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the construction and operation of the Project; and

WHEREAS, the Planning Commission is required, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects; and

WHEREAS, the Planning Commission is required by Public Resources Code Section 21081.6, subdivision (a), to adopt a Mitigation Monitoring and Reporting Plan to ensure that the mitigation measures adopted by the County are actually carried out; and

WHEREAS, as demonstrated by the Mitigation Monitoring and Reporting Plan, attached as Exhibit “A” to this Resolution, all of the Project’s significant environmental effects can be either substantially lessened or avoided through the adoption of feasible mitigation measures; and

WHEREAS, the Planning Commission determines it appropriate to certify and adopt the Mitigated Negative Declaration, to adopt the Mitigation Monitoring and Reporting Plan, and to approve CUP No. 15-02.

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

I. SECTION 1: Recitals

1. The above recitals are true and correct, and the Planning Commission hereby so finds.

II. SECTION 2: Findings Related to Proceedings

1. The Notice of Intent to Adopt a Mitigated Negative Declaration for the Project was duly prepared, noticed and properly circulated in accordance with the provisions of CEQA.
2. An Initial Study/Mitigated Negative Declaration has been conducted for the proposed Project by the Lead Agency to evaluate the potential for any adverse environmental impact in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.).

3. The Initial Study/Mitigated Negative Declaration was duly prepared, properly circulated and completed in accordance with CEQA.
4. After providing adequate public notice, the Initial Study/Mitigated Negative Declaration was duly circulated in accordance with the provisions of CEQA, and a public hearing was properly noticed and was conducted by the Planning Commission in compliance with CEQA.
5. All comments received during and after the period of public review have been duly considered and incorporated into the Initial Study/Mitigated Negative Declaration, and when necessary, replied to in accordance with the provisions of CEQA.
6. The comments resulted in no changes to the Initial Study/Mitigated Negative Declaration, none of the comments identified a new, unavoidable significant effect, nor did they result in a finding that the proposed mitigation measures in the Initial Study/Mitigated Negative Declaration will not reduce potential effects to less than significant.
7. Pursuant to CEQA Guidelines § 15073.5, recirculation of the Initial Study/Mitigated Negative Declaration is not required.
8. The Initial Study/Mitigated Negative Declaration was presented to this Commission, and it was independently reviewed and considered, together with the comments received during the public review period, by this Commission prior to acting on the proposed Project.
9. The Kings County Community Development Agency provided written responses to all comments received on the Initial Study/Mitigated Negative Declaration before certification of the Initial Study/Mitigated Negative Declaration pursuant to the provisions of CEQA.
10. The Mitigated Negative Declaration for the Project has been properly completed and has identified all significant environmental effects of the Project, and there are no known potential environmental effects that are not addressed in the Mitigated Negative Declaration.
11. The Project has been modified with mitigation measures to eliminate significant impacts or to reduce such impacts to a level of insignificance in all instances.
12. The proposed Project may have significant adverse impacts on the environment; however, those impacts can be mitigated to an insignificant level by implementing the Mitigation Monitoring and Reporting Program attached to this resolution as Exhibit "A." Based on the whole record, including the Initial Study/Mitigated Negative Declaration and the comments received during the public review period, there is no substantial evidence that the proposed Project will have a significant effect on the environment. The Initial Study/Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
13. The Planning Commission has used its own independent judgment in adopting this Resolution, in approving the Project, in adopting and certifying the Initial Study/Mitigated

Negative Declaration, and in adopting the Mitigation Monitoring and Reporting Plan.

III. SECTION 3: Certification of the Initial Study/Mitigated Negative Declaration and Adoption of the Mitigation Monitoring and Reporting Plan

1. It is hereby certified that the Initial Study/Mitigated Negative Declaration has been completed in compliance with CEQA and is adequate.
2. It is hereby certified that the Initial Study/Mitigated Negative Declaration has been presented to the Planning Commission, which has reviewed and considered the information and analysis contained therein.
3. It is hereby certified that the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the Planning Commission of the County of Kings.
4. The Planning Commission hereby adopts the Mitigation Monitoring and Reporting Plan for this Project.
5. The Planning Commission authorizes and directs County staff to prepare and file a Notice of Determination within five working days following the date of adoption of this Resolution with the County Clerk of the County of Kings and with the State of California and directs that copies of the Initial Study/Mitigated Negative Declaration be retained at the office of the Kings County Community Development Agency.

IV. Section 4: Consistency with the *Kings County General Plan*

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

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

D. Page LU-27, Section IV.B of the “Land Use Element” of the *2035 Kings County General Plan* states Agriculture Open Space is the most extensive environment category that displays the rural agricultural nature of the County. This environment category covers the vast agricultural resources of the County that accounted for \$1.76 billion in 2008 gross agricultural production. The Agricultural land use designations (Limited Agriculture, General Agriculture 20 Acre, General Agriculture 40 Acre, and Exclusive Agriculture) are used to define distinct areas of agricultural intensity, and protect agricultural land from the encroachment of incompatible uses. Limited and General Agriculture designated areas provide appropriate locations for agricultural support businesses, while Exclusive Agriculture provides a safety and noise buffer around the Naval Air Station Lemoore. The physical development of agricultural properties is regulated and implemented by the *Zoning Ordinance*.

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

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

V. SECTION 5: Consistency with the *Kings County Zoning Ordinance*

1. The proposed project, as recommended for approval, is consistent with the *Kings County Zoning Ordinance*.

A. Article 4, Section 402.D.11 of the General Agriculture (AG-20) District lists cellular telephone transmission towers as a conditional use subject to Planning Commission approval.

VI. SECTION 6: Consistency with the Kings County Septic Tank Absorption Field Minimum Requirements

The project site is not located in an area that requires engineered septic systems.

VII. SECTION 7: Consistency with the *California Land Conservation (Williamson) Act*

The project site is located within an established Agricultural Preserve and is consistent with the *Williamson Act*.

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

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

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

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

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

(a) Construction of the wireless communications facility would occur only on a 2,500 square foot portion of the 160-acre parcel. The 2,500 square foot lease area is within the existing developed dairy site which is not under agricultural production. No land would be removed from agricultural production. Since the proposed communications facility will be a compatible use and since no land would be removed from agricultural production, the long-term productive agricultural capability of the subject-contracted parcel will not be compromised.

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

(a) Construction of the wireless communications facility would occur only on a 2,500 square foot portion of the 160-acre parcel. The 2,500 square foot lease area is within the existing developed dairy site which is not under agricultural production. No land would be removed from agricultural production. Since the proposed communications facility will be a compatible use and since no land would be removed from agricultural production, it will not displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or on other

contracted lands in agricultural preserves.

- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
 - (a) Construction of the wireless communications facility would occur only on a 2,500 square foot portion of the 160-acre parcel. The 2,500 square foot lease area is within the existing developed dairy site which is not under agricultural production. No land would be removed from agricultural production. Since the proposed communications facility will be a compatible use and since no land would be removed from agricultural production, it will not result in the removal of adjacent contracted land from agricultural or open-space use.

VIII. SECTION 8: Consistency with the *Flood Damage Prevention Ordinance (Chapter 5A of the Kings County Code of Ordinances)*

The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0100C, dated June 16, 2009. There are no development restrictions associated with Other Areas Zone X since these are areas determined to be outside the 0.2 percent annual chance floodplain.

IX. SECTION 10: Consistency with the *Kings County Airport Land Use Compatibility Plan*

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

X. SECTION 11: Conditions of Approval

The Commission adopts the following conditions of approval for CUP Number 15-02:

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - PLANNING DIVISION Contact Dan Kassik of the Kings County Community Development Agency at (559) 852-2655 regarding the following requirements:

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

- B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Conditional Use Permit.
 - D. No expansion of use, regardless of size, which would increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit application, will be allowed. Any expansion that is a substantial change from the conceptually approved site plan, will require either an amendment to the approved Conditional Use Permit or a new zoning permit.
3. The development shall comply with all regulations of *Development Code No. 668*, with particular reference to the General Agriculture 20 (AG-20) Zone District standards contained in Article 4.
 4. Signage shall comply with Article 4, Section 418.H Table 4-3 of the *Kings County Development Code*.
 5. Obstruction lighting, consisting of at least one red, constantly burning, 110-watt light bulb on the top of the tower in operation from dusk until dawn, shall be required for the proposed project.
 6. Any exterior lighting (with the exception of obstruction lighting, see Planning Division Requirement No. 6) shall be hooded so as to be directed only on-site.
 7. The minimum yard setback requirements for any new structures shall be as follows:
 - a. Front yard minimum setback requirements:
 1. Occupied structures including residential dwellings; public and quasi-public uses of an educational type; community facilities and institutions; public uses of an administrative, public service or cultural type; and dairy milk barns shall be not less than fifty (50) feet from the public road right-of-way line or the property line if not fronting on a public road right-of-way.
 2. Non-occupied uses shall be not less than thirty-five (35) feet from the public road right-of-way line or property line if not fronting on a public road right-of-way. Any portion of a carport which is constructed within the area of the front yard that exists between the thirty-five (35) foot front yard setback and the fifty (50) foot front yard setback must have open sides within that setback area
 3. The front yard setbacks noted above prevail except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including, but not limited to, the Kings County Improvement Standards.
 4. All minimum setback requirements shall be measured from the public road right-of-way. Public road right-of-way shall be verified with the Kings County Public Works Department to ensure that required setbacks are met.
 - b. Rear yard minimum setback requirement: Ten (10) feet from property lines.
 - c. Side yard minimum setback requirements:
 1. Interior sites: Ten (10) feet from property lines.

2. Corner sites: Twenty (20) feet from the public road right-of-way line on the street side of the corner site.
 3. The side yard setbacks noted above prevail except along those streets and highways where a greater setback is required by other ordinances or standards of the County, including but not limited to, the *Kings County Improvement Standards*.
 4. Required yard areas may be used for the growing of agricultural crops, horticultural specialties or for aesthetic landscaping.
8. The applicant shall obtain any necessary federal, state or local regulatory licensing permits.
 9. The applicant shall comply with all adopted rules and regulations of the Kings County Public Works Department, Fire Department, and Department of Environmental Health Services, and all other local and state regulatory agencies.
 10. No process, equipment or materials shall be used which are found by the Planning Commission to be substantially injurious to persons, property, crops, or livestock in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any undue risk of fire or explosion.
 11. Pursuant to Section 14-38(d) of the *Kings County Code of Ordinances*, a “Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Kings” shall be signed, notarized, and recorded.
 12. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that this resolution is adopted.
 13. Within eight (8) days following the date of the decision of the Kings County Planning Commission, the decision may be appealed to the Kings County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
 14. This Conditional Use Permit shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year the proposed use has been established. A Conditional Use Permit involving construction shall lapse and shall become null and void one (1) year following the date that the Conditional Use Permit became effective, unless prior to the expiration of one (1) year a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Conditional Use Permit application.
 15. This Conditional Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Conditional Use Permit is filed with the Kings County Community Development Agency prior to the permit’s expiration date. It is the responsibility of the applicant to file an extension of time prior to the permit’s expiration date. No further notice will be provided by the Community Development Agency prior to the permit’s expiration date.
 16. This approved conditional use permit shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the conditional use permit approval.

XII. SECTION 12: Other Agency's Comments, Standards and Regulations

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

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

1. Building permits must be obtained from the Building Division of the Kings County Community Development Agency for any structures, plumbing, electrical, or mechanical work.
2. Failure to obtain a building permit for any structure, prior to commencing construction, which requires a building permit, will result in the payment of a double fee. Payment of such double fee shall not relieve any person from fully complying with the requirements of Kings County Code of Ordinances, Chapter 5 in the execution of the work or from any other penalties prescribed therein.
3. A minimum of (2) sets of plans and calculations signed by an architect or engineer licensed to practice in the State of California shall be required for all structures.
4. The applicant is responsible for contacting the Building Division to request a final inspection of the structures prior to occupying the structures and prior to startup of the operation. No building or structure shall be used or occupied until the Building Division has issued a Certificate of Occupancy.
5. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
6. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
7. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
8. All construction shall conform to the 2013 California Code of Regulations Title 24 which consist of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code, California Fire Code and California Green Building Standards Code.

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

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

KINGS COUNTY FIRE DEPARTMENT Contact Rick Smith of the Kings County Fire Department at (559) 852-2884 regarding the following requirements:

1. That a 2A:10BC fire extinguisher is required to be located in plain sight not more than 75 feet from any point in the structure. The location of fire extinguishers must be easily accessible, be free from blocking by storage and equipment or both, be near entrances or exit doors and be rapidly visible. All extinguishers shall be mounted to walls or columns with securely fastened hangers so that the weight of the extinguisher is adequately supported.
2. The plans comply with the California Fire Code and all regulations of the Kings County Fire Department.
3. Diesel fuel tank must meet applicable requirements of the California Fire Code and related NFPA standards, and be labeled in accordance with NFPA 704.
4. No accumulation of dry grass, weeds, or other combustible rubbish shall be allowed.

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on July 6, 2015, by the following vote:

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

KINGS COUNTY PLANNING COMMISSION

Jim Gregory, Chairperson

WITNESS, my hand this ____ day of _____, 2015.

Gregory R. Gatzka
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel
Kings County Community Development Agency – Building Division
Kings County Fire Department
Kings County Public Works Department
Michelle Ellis, Complete Wireless, 2009 V St., Sacramento, CA 95818

EXHIBIT “A”

Conditional Use Permit 15-01 MITIGATION MONITORING AND REPORTING PLAN						
Environmental Impact	Mitigation Measures	Timing of Monitoring Requirement	Responsibility for Compliance	Method for Compliance	Enforcement	Checkoff Date/ Initials
III. Air Quality						
a) Would the project conflict with or obstruct implementation of the applicable air quality plan	<ul style="list-style-type: none"> Compliance with Regulation VIII – Fugitive Dust PM10 Prohibitions. 	Prior to and during construction	Developer, Kings County Community Development Agency, and SJVUAPCD.	Compliance with SJVUAPCD permits. Include in bid specifications.	Require as condition of approval and County inspection	
IV. Biological Resources						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish& Wildlife Service?	<ul style="list-style-type: none"> No burrows were observed during the site survey. However, they may occupy or forage on the Study Area in the future. Pre-construction surveys should be conducted by a qualified biologist during the breeding season (February 15 through July 15), in accordance with the 2012 Staff Report on Burrowing Owl Mitigation, State of California, Natural Resources Agency, Department of Fish and Game (2012 Staff Report) (CDFG 2012). The report should be submitted to the California Department of Fish and Wildlife, as indicated in the 2012 Staff Report. If the surveys are negative, then no additional measures are recommended. <p>If active burrows or burrowing owls are observed within 500 feet of the proposed project footprint, CDFW should be consulted to develop a mitigation and avoidance plan. Mitigation measures may include preserving the burrow, establishing a visual screen, delaying construction until young have fledged, or having a biological monitor on the site during construction.</p> <ul style="list-style-type: none"> Although CDFW recommends multiple pre-construction surveys, due to the small size of the site, a modified survey protocol is recommended. If construction will begin during the nesting season (March 1 through September 15), the site and surrounding ½ mile should be surveyed by a qualified biologist for active Swainson’s Hawk nests. If an active nest 	During construction.	Developer and Kings County Community Development Agency.	Include in bid specifications.	Require as condition of approval.	

Conditional Use Permit 15-01
MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measures	Timing of Monitoring Requirement	Responsibility for Compliance	Method for Compliance	Enforcement	Checkoff Date/Initials
	<p>is identified within ½ mile of the project site, coordinate with CDFW to establish an avoidance plan. If no active Swainson’s Hawk nests are located within ½ mile of the site, no additional mitigation or coordination is required.</p> <ul style="list-style-type: none"> • If construction activities begin during nesting season (February 1 through August 31), a pre-construction survey is recommended to identify any active nests on or within 500 feet of the site. The survey should be conducted by a qualified biologist no more than 14 days prior to the onset of construction activities. If construction activities are proposed to begin during the non-breeding season (September through January), a survey is not required and no further studies are necessary. <p>If the pre-construction survey shows that there is no evidence of active nests, a letter report should be submitted to the project proponent for their records, and no additional measures are recommended. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.</p> <p>If active nests are found within 500 feet of the site a buffer zone should be established around the nest as recommended by the project biologist. Typical buffer zones are 250 feet for raptor nests and 100 feet for other nests, However, the buffer zone should be established based on the site conditions. The project biologist should monitor nests weekly during construction until the young have fledged to evaluate potential nesting disturbance by construction activities.</p>					

**Conditional Use Permit 15-01
MITIGATION MONITORING AND REPORTING PLAN**

Environmental Impact	Mitigation Measures	Timing of Monitoring Requirement	Responsibility for Compliance	Method for Compliance	Enforcement	Checkoff Date/Initials
V. Cultural Resources						
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<ul style="list-style-type: none"> If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall cease. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Kings County Community Development Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project. 	Prior to and during construction.	Developer and Kings County Community Development Agency.	Include in bid specifications.	Require as condition of approval.	
XII. Noise						
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<ul style="list-style-type: none"> Noise producing equipment used during construction shall be restricted to the hours from 7:00 A.M. to 7:00 P.M., Monday through Friday, and 9:00 A.M. to 6:00 P.M. on Saturday and Sunday. Effective mufflers shall be fitted to gas-powered and diesel-powered equipment. 	During Construction	Developer and Kings County Community Development Agency	Include in bid specifications	Require as condition of approval	

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Development Code Text Change No. 668.10 and Change of Zone District Boundaries No. 15-03 July 6, 2015

APPLICANT: Kings County Community Development Agency, 1400 Lacey Blvd., Hanford, CA

PROPOSED CHANGES: Amend Article 23 of the Kings County Development Code to incorporate updated subdivision regulations and be titled Land Subdivisions and various Changes of Zone District Boundaries to bring existing zoning into compliance with the 2035 Kings County General Plan and Kings County Development Code.

DISCUSSION:

Development Code Text Change No. 668.10

In February 2015, the Planning Commission recommended approval of the new Development Code and in March 2015 the Board of Supervisors approved the new Development Code as recommended by the Planning Commission. At the time, the Land Subdivisions section (Article 23) of the Development Code was not included in order to get more input from local surveyors.

On April 17, 2015, the Community Development Agency sent out a draft of the Land Subdivisions section to five local surveyors for review and comment. In addition, a meeting was scheduled in May 2015 in the event any of the surveyors wanted to discuss any issues in person. Staff received one set of comments from Zumwalt Hansen and John Zumwalt was the only person to attend the meeting.

The majority of changes were related to updating terminology and amending and/or deleting out dated requirements. There were no major changes to existing land division regulations since all land divisions are bound by State law (Subdivision Map Act). The one area that was added was in relation to Designated or Unmapped Remainers (Section 2308.D). This requirement will help to more clearly define the area that is “leftover” as a remainder on a parcel map.

The approval of the new Development Code is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from *CEQA* if the activity is covered by the general rule that *CEQA* applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to *CEQA*. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code. In addition, any new uses added to the Development Code will be required to undergo individual environmental review determination, and will either be ministerial, categorically exempt, or subject to individual *CEQA* review. It would be speculative at this time to attempt to determine specific impacts without specific activity and site information.

Change of Zone District Boundaries

The zone changes proposed in this staff report are proposed for sites located throughout the county and are a result of the creation of the mixed use zoning district within the Kings County Development Code. The initial phase of the zone changes was completed in March 2015 and primarily due to the Kings County Development Code eliminating the Central Commercial (CC) zoning district and being replaced with the Mixed Use Downtown zone district. Those zone changes ran concurrently with the adoption of the new Kings County Development Code to ensure the CC properties would be within a zoning district.

The current proposal will implement the Mixed Use zoning district in the Armona and Home Garden areas. The General Plan Amendment in March 2015 changed the land use designations of properties on the west side of Becky Pease St in Kettleman City and the proposed Change of Zone District Boundaries will implement the High Density Residential (RM-2) zoning district for those properties.

Based on the previous zone district boundary changes in March 2015 and the current request, the zone district boundaries will all be consistent with the *2035 Kings County General Plan* and within a Development Code recognized zoning district. All of the affected official Kings County Zone Maps will be amended to reflect the approved changes of zones.

**INCREMENT
OF CHANGES FOR
CONSIDERATION:**

The Development Code Text Change 668.10 is provided as Attachment #1 of Resolution 15-06. All general and geographic descriptions of properties proposed for change of Zone District Boundaries are contained in Exhibit “A” of Resolution 15-06.

**ENVIRONMENTAL
REVIEW:**

The project is a change of zone district boundaries in order to bring all zone districts into consistency with the *2035 King County General Plan*. The environmental determination on this application is that the *2035 Kings County General Plan Program Environmental Impact Report (PEIR)* is the environmental document for this project. Section 15168 of the CEQA Guidelines recognizes that a Program EIR may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1) Geographically,
- (2) As logical parts in a chain of contemplated actions,
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- (4) As individual activities carried out under the same statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

The changes of zone district boundaries are being proposed to obtain consistency with the changes of land use designations implemented by the *2035 Kings County General Plan*. Project specific EIR’s may be required to address potentially significant impacts related to any specific project listed in the zoning ordinance as requiring environmental review.

STAFF ANALYSIS:

Section 65860 of the California Government Code requires that the County’s zoning ordinance must be consistent with the County’s general plan and that the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended. The Planning Commission must make the

finding that the zoning ordinance is consistent with the general plan along with findings from the zoning ordinance, in order to approve zone changes. With regard to these required findings, the Commission must make the specific findings that:

- A. The changes are required to achieve the objectives of the zoning ordinance prescribed in Section .
- B. The changes would be consistent with the purposes and intended application of the zone classification proposed.
- C. The changes of zone are consistent with the *2035 Kings County General Plan*.

Pursuant to finding “A”, staff comments that the zone changes will ensure consistency with the objectives and policies of the *2035 Kings County General Plan* and achieve the objectives of the *Kings County Development Code*. All changes of zone district boundaries proposed are recommended so that the general plan land use designations and site specific zoning are consistent. This change of zone district boundaries will meet the objective of the Development Code to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare by providing 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.

Pursuant to finding “B”, staff comments that the proposed zone changes would be consistent with the purposes and intended application of the zone classification proposed by conforming to the *Kings County Development Code*. The proposed zone districts, once adopted, will be consistent with the *2035 Kings County General Plan*.

Pursuant to finding “C”, staff comments that the proposed changes of zone are consistent with the *2035 Kings County General Plan*. The *2035 Kings County General Plan* makes improvements to the distribution of land use throughout the County, and enhances land use policy foundations to meet current legislative and environmental challenges.

STAFF RECOMMENDATION: Staff recommends that the Commission, upon completion of the public hearing recommend:

- 1. The approval of Development Code Text Change 668.10 is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (*CEQA* Guidelines).
- 2. Re-certifies the Environmental Impact Report as the environmental document for Change of Zone District Boundaries No. 15-03.
- 3. The Commission finds that Development Code Text Change 668.10 is consistent with and will implement the policies of the *2035 Kings County General Plan*.
- 4. The Commission finds that Change of Zone District Boundaries No. 15-03 is consistent with the *2035 Kings County General Plan* and the purposes and intended application of the zone classifications proposed.
- 5. The Commission finds that Development Code Text Change 668.10 and Change of Zone District Boundaries No. 15-03 will achieve the objectives of the General Plan and the Development Code.

6. Adopt Resolution No. 15-06, recommending that the Board of Supervisors approve the Development Code Text Change 668.10 and Changes of Zone District Boundaries No. 15-03.

Prepared by the Kings County Community Development Agency (Dan Kassik) on June 25, 2015. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

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

**IN THE MATTER OF DEVELOPMENT CODE)
TEXT CHANGE 668.10 (ARTICLE 23 - LAND)
SUBDIVISIONS) AND CHANGE OF ZONE)
DISTRICT BOUNDARIES 15-03)**

RESOLUTION NO. 15-06

**Re: Amending Article 23 of the Development
Code and Change of Zone District
Boundaries 15-03.**

WHEREAS, the California Government Code, Section 65300, requires that the planning agency of each county or city prepare, and the legislative body adopt, a comprehensive, long-term general plan for the physical development of the county or city; and

WHEREAS, on December 14, 2009, after a duly noticed public hearing, the Kings County Planning Commission adopted Resolution No. 09-15 approving the *2035 Kings County General Plan* and recommending its adoption by the Kings County Board of Supervisors; and

WHEREAS, on January 26, 2010, after a duly noticed public hearing, the Kings County Board of Supervisors adopted Resolution No. 10-002 adopting the *2035 Kings County General Plan*; and

WHEREAS, from time to time the General Plan requires adjustment of its contents to ensure that it is consistent with current law, is internally consistent, consolidates and coordinates policies from one element to another, and addresses the changing physical needs of the county and the people who live and work here; and

WHEREAS, the California Government Code, Section 65103 requires the implementation of the general plan through actions, including but not limited to the administration of specific plans and zoning and subdivision ordinances; and

WHEREAS, in May 2015, the Kings County Community Development Agency finished a draft of the subdivision regulations, provided as Attachment #1, after ensuring that it is consistent with current law, is internally consistent, implements policies within the 2035 Kings County General Plan, and addresses the needs of the county and the people who live and work here;

WHEREAS, in June 2015, the Kings County Community Development Agency filed applications for Development Code Text Change 668.10 and Change of Zone District Boundaries 15-03 to amend the Development Code to incorporate land subdivision regulations and initiate change of zone district boundaries for the last phase of implementation of the mixed use zoning districts to ensure consistency with the General Plan; and

WHEREAS, the Change of Zone District Boundaries No. 15-03 proposes to change the zone district of a various parcels throughout Kings County as shown on Exhibit "A"; and

WHEREAS, The project is a change of zone district boundaries in order to bring all zone districts into consistency with the *2035 King County General Plan*. The environmental determination on this application is that the 2035 Kings County General Plan Program Environmental Impact Report (PEIR) is the environmental document for this project. Section 15168 of the CEQA Guidelines recognizes that a Program EIR may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically, (2) As logical parts in a chain of contemplated actions, (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) As individual activities carried out under the same statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

WHEREAS, the approval of the amendment to the Development Code is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from *CEQA* if the activity is covered by the general rule that *CEQA* applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to *CEQA*. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code. In addition, any new uses added to the Development Code will be required to undergo individual environmental review determination, and will either be ministerial, categorically exempt, or subject to individual *CEQA* review. It would be speculative at this time to attempt to determine specific impacts without specific activity and site information.

WHEREAS, this Commission has duly reviewed the contents of Development Code Text Change 668.10 and Change of Zone District Boundaries No. 15-03 as well as comments and testimony received from the public and interested governmental agencies.

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

1. The approval of the amendment to the Development Code is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*.
2. Re-certifies the Environmental Impact Report for the 2035 Kings County General Plan as the environmental document for Change of Zone District Boundaries No. 15-03.
3. The Commission finds that the amendment to the Development Code is consistent with and will implement the policies of the 2035 Kings County General Plan.
4. The Commission finds that Change of Zone District Boundaries No. 15-03 is consistent with the 2035 *Kings County General Plan* and the purposes and intended application of the zone classifications proposed.
5. The Commission finds that Development Code Text Change 668.10 and Change of Zone District Boundaries No. 15-03 will achieve the objectives of the General Plan and the Development Code.
6. The Commission adopt Resolution No. 15-06, and directs the Secretary of the Planning Commission to present this Resolution and its Attachment and Exhibit as approved by this commission, to the Kings County Board of Supervisors for their consideration and adoption.

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held before the Kings County Planning Commission on July 6, 2015 by the following roll call vote:

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

KINGS COUNTY PLANNING COMMISSION

Jim Gregory, Chairperson

WITNESS, my hand this ____ day of _____, 2015.

Gregory R. Gatzka
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel

Attachments: Attachment #1 – Article 23 - Land Subdivisions

Exhibits: Exhibit A - General and Geographical Descriptions for Change of Zone District Boundaries No.
15-03

Article 23. Land Subdivisions

Sections:

- Sec. 2301 - Purpose and Objectives**
- Sec. 2302 - Application of Article**
- Sec. 2303 - Definitions Specific to Subdivision of Land**
- Sec. 2304 - Functions Of Departments and the Advisory Agency**
- Sec. 2305 - Preliminary Subdivision Procedures**
- Sec. 2306 - Tentative Map**
- Sec. 2307 - Final Map**
- Sec. 2308 - Parcel Maps**
- Sec. 2309 - Lot Line Adjustments**
- Sec. 2310 - Reversion to Acreage**
- Sec. 2311 - Exceptions and Appeals**
- Sec. 2312 - Penalties and Enforcement**
- Sec. 2313 - Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project**
- Sec. 2314 - Certificate of Compliance**
- Sec. 2315 - Correction and Amendment of Maps**

Sec. 2301. Purpose and Objectives: The purpose of this Article is to promote the orderly development of the county, to protect purchasers and land owners, to ensure compliance with land division, zoning and building ordinances and regulations and with the *Subdivision Map Act* (Map Act) (Government Code Section 66410 et seq.), and to promote the public health, safety and welfare, and for the accomplishment of the following objectives:

- A. Implement the *2035 Kings County General Plan* and elements thereof, as adopted by the Board of Supervisors.
- B. To ensure:
 - 1. Lot design and improvements that will not adversely affect the values or enjoyment of nearby properties;
 - 2. Adequate supply of domestic water;
 - 3. Adequate systems for sewage disposal;
 - 4. Adequate means for drainage of storm water;
 - 5. Adequate access to lots created by the division of land;
 - 6. Adequate improvements to public roads, streets and easements and other public improvements;
 - 7. Adequate provisions for fire protection;
 - 8. A safe and efficient road system;
 - 9. Proper grading and erosion control.

Sec. 2302. Application of Article. The provisions of this Article shall apply to Subdivisions as defined in the *Subdivision Map Act* and this Article; except as otherwise provided, all terms used herein which are defined in the *Subdivision Map Act* shall have the same meaning as provided in the Act, and as the Act may hereafter be amended in the future by the State Legislature. No land shall be subdivided, divided, or its boundaries adjusted for any purpose inconsistent with this Development Code. Before any approval is granted pursuant to this Article, a development permit must be obtained, where required, pursuant to Chapter 5A of the Kings County Code of Ordinances.



Sec. 2303. Definitions Specific to Subdivisions of Land: The definitions set forth in the Subdivision Map Act are hereby incorporated herein by this reference as though set forth at length and shall govern in the definition, interpretation and construction of this Article. The following basic definitions are provided here to assist the public in understanding the provisions of this Article. Please refer to the Subdivision Map Act, Government Code Section 66410 – 66499.58, for definitions not contained herein:

Advisory Agency (AA): A designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps. The Advisory Agency as designated in the *Subdivision Map Act* shall be comprised of Division One and Division Two, as detailed in Section 2304.G of this Article.

Assessor's Parcel Number (APN): A twelve digit number (000-000-000-000) used as identification for taxation purposes. A particular APN may actually include two or more legal lots or parcels of record, or portions of a single parcel, therefore the land represented by an APN may not represent a single lot or parcel but rather a grouping of lots or parcels under a single ownership. A legal lot or parcel may also have more than one APN assigned.

Certificate of Compliance: A process through which the County records a document to establish a legal record officially recognizing a lot as legal in compliance with the *Subdivision Map Act*. A conditional Certificate of Compliance establishes a legal record when the property was not created in compliance with the *Subdivision Map Act* and county ordinances.

Improvement Plans: The plans, cross sections and specifications of all proposed improvements, including the information required by Section 2307.E of this Article.

Improvement Standards: Standards and requirements for design and construction of improvements shown in the "County of Kings Improvement Standards" as adopted by resolution of the Board of Supervisors, and as it may hereafter be amended. Improvement standards may be amended by resolution of the Board of Supervisors only after one week's notice that the Board intends to consider an amendment thereto.

In-Lieu Parcel Map: In lieu of filing a Tentative Parcel Map an In-Lieu Parcel Map can be filed. See Section 2308 for additional information.

Lot Line Adjustment: The adjustment of a lot line between four or fewer adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no additional parcels are thereby created.

Parcel Map: The basic drawings (maps) of the land cadaster (ownership boundaries) for all public and private lands.

Parcel Map Waiver: A process by which to record a new legal description for property which does not necessitate the recording of an actual map.

Remainder: That portion of an original lot or parcel that is not a part of the Subdivision but, after recordation of the final or Parcel Map may be sold subject to the recordation of a Certificate of Compliance or a Conditional Certificate of compliance. A Designated Remainder shall not be counted as a parcel for the purposes of determining whether a Parcel Map or final map is required.

Reserve Strip: A strip of land offered for dedication, contiguous to a public way, accepted by the Board of Supervisors, but not declared a public road.

Subdivider: A person, firm, corporation, partnership or association proposing to divide, dividing or causing to be divided real property into a Subdivision for himself or for others, except that employees and consultants of such persons or entities acting in such capacity are not Subdividers.

Subdivision: Means the division by any Subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way.



Subdivision Map Act: The *Subdivision Map Act* shall mean Division 2 of Title 7 of the Government Code of the State of California as it now exists or may hereafter be amended.

Sec. 2304. Functions of Departments and the Advisory Agency:

- A. **Planning Division of the Community Development Agency.** The Planning Division of the Community Development Agency shall be the principal department for processing Tentative Maps, In-Lieu Parcel Maps, Lot Line Adjustments and Certificates of Compliance. It shall be the function of the Planning Division to recommend approval, conditional approval, or disapproval of Tentative Maps based upon the design and land use proposed by the developer. Design and land use recommendations shall include:
 - 1. Geometric and structural street design;
 - 2. Traffic control;
 - 3. Control of flood waters within developments and outside of developments;
 - 4. Method of erosion and sedimentation control;
 - 5. Source and quantity of water supply;
 - 6. Review and approval of Improvement Plans;
 - 7. Review of final map or Parcel Map for compliance;
 - 8. Coordinate installation of water and sewer with city or utility districts;
 - 9. Compliance with other requirements of the County Improvement Standards.

- B. **Public Works Department:** It shall be the responsibility of the Public Works Director, acting upon the recommendation of the County Surveyor and Road Commissioner, to recommend approval, conditional approval or disapproval of Tentative Maps based upon evaluation of the improvements proposed by the developer. Recommendations on such improvements shall include:
 - 1. Geometric and structural street design;
 - 2. Traffic control;
 - 3. Control of flood waters within developments and outside of developments;
 - 4. Method of erosion and sedimentation control;
 - 5. Source and quantity of water supply;
 - 6. Review and approval of Improvement Plans;
 - 7. Review of final map or Parcel Map for compliance;
 - 8. Coordinate installation of water and sewer with city or utility districts;
 - 9. Compliance with other requirements of the County Improvement Standards.

- C. **Health Department:** It shall be the function of the Environmental Health Services Director to recommend approval, conditional approval, or disapproval of the Tentative Maps in accordance with the results of an analysis of the impact of the proposal upon public health and environmental quality. The analysis shall include:
 - 1. Method of sewage disposal;
 - 2. Analysis of soils reports as they relate to sewage disposal;
 - 3. Source and quality of water supply to be provided for domestic use;
 - 4. Analysis of elements affecting the environment (such as noise, odor, dust, pesticides, and other spraying operations);
 - 5. Co-ordination of activities with the California Environmental Protection Agency, and the United States Environmental Protection Agency;
 - 6. Evaluation of hazardous materials management, including underground storage tanks and hazardous waste generation, storage, and disposal;
 - 7. Enforcement of the provisions of local ordinances pertaining to the above.

- D. **Fire Department:** It shall be the function of the Fire Department to make appropriate recommendations to the Advisory Agency relative to the fire protection facilities proposed by the developer. Recommendations shall include:
 - 1. Specific location and spacing of fire hydrants;
 - 2. The minimum fire flows necessary to serve the proposed development;
 - 3. Emergency egress roads;
 - 4. Location of fire and fuel breaks and easements;



5. Location of fire station sites and immediacy of need.

E. **Assessor/Clerk-Recorder:** It shall be the function of the Assessor/Clerk-Recorder to make appropriate recommendations to the Advisory Agency relative to the ownership of title to the proposed site and surrounding properties for the purpose of ascertaining compliance with state laws and local ordinances governing land division.

F. **Building Division of the Community Development Agency:** It shall be the function of the Building Division of the Community Development Agency to review and make appropriate recommendations to the Advisory Agency relative to the preliminary soils report.

G. **Advisory Agency:** The Advisory Agency as designated in the *Subdivision Map Act* shall be comprised of two divisions as follows:

1. Division One shall be the Director of Community Development who is the decision maker for Lot Line Adjustments, Certificates of Compliance, In-Lieu Parcel Maps, and Tentative Parcel Maps that qualify for a Parcel Map Waiver. The Director shall consult with the County departments identified in this Section, and other departments, agencies, and persons deemed appropriate by the Director prior to taking any final action.
2. Division Two shall be comprised of the Planning Commission which is the decision maker for any divisions of land that require environmental review (such as an initial study/mitigated negative declaration or EIR). The Director of Community Development, or his or her, designee shall be secretary to Division Two of the Advisory Agency, shall consult with the County departments identified in this Section, and other departments, agencies, and persons deemed appropriate by the Director prior to making any final recommendations.
3. Both divisions of the Advisory Agency shall have the duty to make investigations and reports on the design and improvement of proposed divisions of real property, impose requirements or conditions thereon and shall approve, conditionally approve, or disapprove maps after holding a properly noticed public hearing. In addition to the circumstances described in Subdivisions A through F of this Section, the appropriate division of the Advisory Agency shall base its decision to approve, conditionally approve, or disapprove maps on any other circumstance specified at Government Code Section 66474, et seq.

Sec. 2305. Preliminary Subdivision Procedures: Prior to submittal of a Tentative Map, it may be advantageous to engage in a preliminary review of the proposed Subdivision. The preliminary review would allow the developer an opportunity to be aware of physical conditions, facts, and policies affecting the proposed Subdivision.

Note: Maps recorded prior to August 14, 1929, were descriptors only and did not create parcels or lots and a conveyance (such as recording a Grant Deed) would need to have been recorded after the map was recorded in order to create a parcel or lot shown on the map.

A. **Procedures and Requirements:** The Subdivider shall file with the Community Development Agency at least five copies of the Preliminary Map.

B. **Information Required on Preliminary Map**

1. Every preliminary map shall contain the following information:
 - a. Name and address of owner(s) of record of the property to be subdivided, and name and address of the Subdivider(s) if the owner(s) is/are not the Subdivider(s).
 - b. Name of person who prepared the map.
 - c. A vicinity map indicating the location of the proposed Subdivision in relation to the surrounding area or region.
 - d. Date of preparation, north arrow, and scale.
 - e. Approximate acreage of parcel to be subdivided and the acreage or square feet proposed for each lot in the Subdivision.



- f. Exterior boundary lines of the total area to be divided.
- g. Lot lines and approximate dimensions.
- h. Location and approximate dimensions of proposed public areas.
- i. Approximate location of existing structures, irrigation ditches, water wells, pipelines, railroads, utility lines, and other physical features. Any existing structures or physical features which are to be left in place shall be so noted.
- j. Location and widths of watercourses and areas subject to flooding.
- k. Approximate location and species of all existing and proposed trees and groups of trees located within the proposed Subdivision.
- l. Proposed name of Subdivision, if any. No existing Subdivision name may be reused. Stage developments may reuse a previous stage name by adding the words "Unit No. 2", etc. Subdivisions contiguous to other Subdivisions may reuse the previous name by adding the word "Addition"

2. Every preliminary map shall show thereon or be accompanied by the following statements:

- a. Existing uses of property.
- b. Proposed uses of the property.
- c. Source of water supply.
- d. Proposed method of sewage disposal.
- e. All other improvements proposed to be made or installed.
- f. Description and location of community facilities which would serve the proposed Subdivision.
- g. Minimum lot size and average lot size.

C. **Filing Fees.** At the time of filing the Preliminary Map, the Subdivider shall pay to the Planning Division of the Community Development Agency a nonrefundable fee in an amount established by the Board of Supervisors. Such fee shall be credited toward the filing fee for the Tentative Map if the Tentative Map is filed within 180 days of the date of filing the preliminary map.

Sec. 2306. Tentative Map: A map made for the purpose of showing the design and improvement of a proposed Subdivision and the existing conditions in and around it. A Tentative Map need not be based upon an accurate or detailed final survey of the property boundary. The Tentative Map shall be filed and processed in accordance with the *Subdivision Map Act*, the provisions of this Article, and any other applicable law or ordinance.

A. **Form of Tentative Map.** Tentative Maps shall be a minimum of eight and one-half inches by 11 inches and a maximum of 24 inches by 36 inches in size. There shall be a marginal line drawn completely around the drawing, leaving one inch blank margin. The scale shall be large enough to show all details clearly. Division One of the Advisory Agency and the secretary of Division Two of the Advisory Agency may require a larger scale than submitted if deemed necessary for clarity.

B. **Completeness of Submission.** Any map submitted without the foregoing information shown in Table 23-1 and 23-2 above shall be returned to the applicant, and when so returned, no further action by the Advisory Agency will be taken until the omitted information is furnished to the Advisory Agency.



C. Review and Approval or Disapproval.

1. The appropriate division of the Advisory Agency shall review a filed Tentative Map and report upon the map directly to the applicant and the Board of Supervisors in the manner prescribed in the *Subdivision Map Act* after holding a properly noticed public hearing. Prior to taking an action on a Tentative Map, the Advisory Agency shall consult with city officials, school officials, and other public agencies which may be affected by the proposed Subdivision.
2. A Tentative Map may be approved, or conditionally approved by the Advisory Agency only if all requirements of state law, this Article, and other applicable laws, regulations, and policies of the Board of Supervisors are complied with or can be conditionally met.
3. An approved or conditionally approved Tentative Map shall expire 36 months after its approval or conditional approval unless the expiration date is extended pursuant to state law or Subdivision D below.

D. Information on Tentative Map.

1. Every Tentative Subdivision map shall be clear and legible and shall contain thereon the following information:
 - a. A tract number as assigned by the secretary of the Advisory Agency.
 - b. Name and address of the owner(s) of record of the property to be subdivided, and name and address of the Subdivider(s) if the owner(s) is/are not the Subdivider(s).
 - c. The Assessor's Parcel Number or numbers of the land to be divided.
 - d. Name of the registered civil engineer, licensed land surveyor, or person who prepared the map.
 - e. A vicinity map indicating the location of the proposed Subdivision in relation to the surrounding area or region.
 - f. Date of preparation, north arrow, and scale.
 - g. Approximate acreage of parcel to be subdivided and the acreage or square feet proposed for each lot in the Subdivision.
 - h. Exterior boundary lines of the total area to be divided.
 - i. The location, names, width, and curve radii of all existing or proposed alleys, roads, streets, highways and ways adjacent to or within the proposed Subdivision. Profiles shall be required where the grade exceeds three per cent.
 - j. Contour lines drawn to intervals of one foot, and/or spot elevations shown on a maximum grid of one hundred (100) feet in each direction. Contour lines are required when grades in the Subdivision exceed three (3) per cent.
 - k. The width and location of all existing or proposed easements or rights-of-way, whether public or private, for roads, drainage, sewers, public utilities, flood control purposes, or any other purpose.
 - l. Lot numbers, lot lines and approximate dimensions.
 - m. Location and approximate dimensions of proposed public areas.
 - n. Waivers of rights of access to and from streets, lots and other parcels of land and the location and approximate width of Reserve Strips.
 - o. Location of existing structures, irrigation ditches, water wells, pipelines, railroads, utility lines, and other physical features. Any existing structures or physical features which are to be left in place shall be so noted.
 - p. Location of specific plan lines.



- q. Location of city boundary lines and boundary lines of any public district which may lie within 300 feet of the exterior boundary line of the proposed Subdivision.
 - r. Location and widths of watercourses and areas subject to flooding.
 - s. Approximate location and species of all existing and proposed trees or groups of trees located within the proposed Subdivision.
 - t. Proposed name of Subdivision, if any. No existing Subdivision name may be reused. Phased developments may reuse a previous phase name by adding the words "Unit No. 2", etc. Subdivisions contiguous to other Subdivisions may reuse the previous name by adding the word "Addition."
 - u. The existing and proposed zoning of the property to be divided.
2. Every Tentative Map shall show thereon or be accompanied by the following statements:
- a. Existing uses of property.
 - b. Proposed uses of the property, including a statement of the relative proportions of the total area of the proposed Subdivision to be devoted to each use.
 - c. Source of water supply (system of supply and distribution).
 - d. Proposed method of sewage disposal.
 - e. Proposed storm water or other means of drainage disposal.
 - f. Type of street improvement.
 - g. A preliminary title report.
 - h. All other improvements proposed to be made or installed.
 - i. The time when improvements are proposed to be made or installed. (One of the following must be completed prior to recording the map: 1) install the improvements or, 2) bond for the improvements.)
 - j. Description and location of community facilities which would serve the proposed Subdivision.
 - k. Minimum lot size and average lot size.
 - l. Justification and reasons for any exceptions to the provisions of this Article.
 - m. If the Subdivider desires that notices, reports and other communications from the Advisory Agency, Board of Supervisors, and other officers and agents of the county be sent to him in care of his engineer, he shall attach to the Tentative Parcel Map a statement to that effect. If such a statement is attached to the Tentative Parcel Map, all notices, reports and communications required under the provisions of this Article shall be sent to the engineer.
 - n.
 - o. Representative percolation tests at site locations, taken in accordance with the "Manual of Septic Tank Practice" by the U.S. Health Service, PB 218 226, shall be submitted if septic tanks are proposed or if storm waters are to be contained on the lots, and percolated.
 - p. If the depth of ground water, as determined from information provided by the health department is less than 30 feet, its expected annual minimum depth, taking into account annual variation and fluctuations in adjacent water ways, shall be submitted. If the source of water supply is to be located within the Subdivision the expected depth to the potable water shall be reported.



- q. A checklist stating that all information required on the Tentative Parcel Map is included with the application and signed by the applicant or his, or her, agent
3. Any Tentative Parcel Map submitted without the foregoing information shall be returned to the applicant, and when so returned, no further action by the Advisory Agency will be taken until the omitted information is furnished to the Advisory Agency.

E. Extension of Approval of Tentative Map.

1. Upon application of the Subdivider filed prior to the expiration of the approved or conditionally approved Tentative Map, the time at which such map expires may be extended for a period or periods of time not exceeding a total of three years. However, the total extension time may not be more than three years beyond the end of the original approval.
2. Before granting any extension the Advisory Agency may request additional conditions. However, if the Subdivider does not agree to the new conditions the extension may be denied if the Advisory Agency finds, based on justifying evidence, that unless the condition is imposed, the development will be injurious to public health, safety or general welfare. In such a case the Tentative Map will expire. The Subdivider may immediately submit a new Tentative Map to which the new condition can be attached. Such additional conditions may be appealed in the same manner as the original approval of the Tentative Map.

F. Vesting Tentative Maps.

1. A "Vesting Tentative Map" is a Tentative Map as defined in the *Subdivision Map Act* which shall have printed conspicuously on its face the words "Vesting Tentative Map" and which is processed in accordance with this Article.
2. Whenever a Tentative Map is required by this Development Code or the *Subdivision Map Act*, a Vesting Tentative Map may be filed instead. If a Subdivider does not seek the rights conferred by a Vesting Tentative Map, the filing of a Vesting Tentative Map shall not be required as a prerequisite to any approval for any proposed Subdivision, permit for construction, or work preparatory to construction.
3. A Vesting Tentative Map shall be processed in the manner provided for Tentative Maps in this Article. A Vesting Tentative Map shall be filed in the same form and with the same content as provided in this Article except that the words "Vesting Tentative Map" shall be conspicuously printed on the face thereon.
4. A Vesting Tentative Map shall expire and be subject to the same extensions as apply to a Tentative Map as set forth in this Development Code.
5. The approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with those ordinances, policies and standards in effect as of the date the application for a Vesting Tentative Map is determined to be complete, or as otherwise permitted by Government Code Section 66474.2. If Government Code Section 66474.2 is repealed, the approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the Vesting Tentative Map is approved or conditionally approved. Approval of a Vesting Tentative Map shall in no way limit or diminish the authority of the County to deny or impose reasonable conditions in conjunction with subsequent approvals relating to the project provided the County applies those ordinances, policies and standards in effect at the time of approval of the Vesting Tentative Map.
6. Notwithstanding Subsection E above, the County may condition or deny a permit, approval, extension, or entitlement for use based upon ordinances, policies and standards enacted subsequent to the time the Vesting Tentative Map is approved or conditionally approved if any of the following are determined:
 - a. A failure to do so would place the residents of the Subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - b. The condition or denial is required in order to comply with state or federal law.



7. The rights referred to in this Section shall expire if a final map is not approved prior to the expiration of the Vesting Tentative Map. After the final map is approved, the rights referred to in this Section shall apply for the time periods specified in Government Code Section 66498.5.
8. Whenever a Subdivider files a Vesting Tentative Map for a Subdivision whose intended development is inconsistent with the zoning ordinance or Development Code in existence at that time, that inconsistency shall be noted on the map. The County shall deny such a Vesting Tentative Map, or approve it conditioned upon the Subdivider obtaining the necessary change in the Development Code to eliminate the inconsistency. If the change in the Development Code is obtained, the approved or conditionally approved Vesting Tentative Map shall confer the vested right to proceed with development in substantial compliance with the change in the Development Code and the map as approved.

G. **Filing Fee.** At the time of filing the Tentative Map, the Subdivider shall pay the Planning Division of the Community Development Agency a nonrefundable fee in an amount established by resolution or order of the Board of Supervisors.

Sec. 2307. Final Map: The procedures for processing final maps shall be the same as those required by the *Subdivision Map Act*, except as may otherwise be required by this article. The final map shall be submitted in the form prescribed by the *Subdivision Map Act*.

A. **Filing Procedure:** The Subdivider shall submit to the County Surveyor two complete sets of black or blue-lined prints of the final map. The County Surveyor shall determine the technical accuracy of such prints and upon approval of such prints the original set of maps and one set of black or blue-line prints shall be submitted to the County Surveyor who will affix his approval of the technical accuracy of the maps, retain the map until all actions preliminary to recordation are completed and upon completion of all such preliminary actions deliver the map to the County Assessor/Clerk-Recorder for recordation.

B. Information Required on Final Map

1. *Location and index map.* If more than two sheets are used to show the actual layout of the streets and lots, an index map shall be used showing the relationship of the sheets. Each sheet shall be numbered, Sheet 1 of 1, etc. A location map shall appear on the map showing the relative position of the land to be subdivided with the rest of the section or sections in which it lies and also the surrounding existing Subdivisions indicating their name and tract number. The minimum amount of surveying information shown on the location map shall be the amount which was necessary to actually set the exterior control monuments of the new Subdivision. The location map, and the index map if used, may be the same map. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication, and seals required by law and by this Article shall appear on the first sheet.
2. *Subdivision name.* The Subdivision name, if one is used, and the tract number shall conspicuously appear on each sheet of the final map. On one of the sheets there shall be a legal description of the exterior boundaries of the area subdivided.
3. *Lot numbering.* Lots shall be numbered consecutively beginning with Lot No. One, except that when the Subdivision is a continuation or an addition to an existing Subdivision, the lot numbers shall commence with the next highest number of the preceding portion. Blocks may be used. If used, they shall be consecutively lettered or numbered with no omissions. Each block, if blocks are used, and each lot shall be shown completely on one sheet.
4. *Public dedications.* The final map shall show the location of and types or names of, without abbreviation, the following:
 - a. New streets
 - b. New public areas and easements
 - c. Adjoining streets
 - d. All other existing streets and/or easements



5. *Technical information.*

- a. Dimensions of all lot lines, Subdivision perimeter and of the centerline of streets shall be in feet and decimals thereof to the nearest 1/100 of a foot, and bearings to the nearest second.
 - b. If a course is a curve, the radius, length of curve and central angle shall be shown.
 - c. If the ends of a curve are not tangent to the preceding or following, the radial of the end of the curve, with its bearing shall be shown.
 - d. No ditto marks are allowed.
 - e. The width of each street right-of-way shall be shown, indicating the widths on each side of the centerline. If additional right-of-way for an existing street is offered for dedication, the original right-of-way width, and the right-of-way width offered for dedication shall be shown along with the total width of the new right-of-way.
 - f. The basis of bearing shall be identified by a statement on the map.
6. *Soil report.* At the time of filing the Final Map, the Subdivider shall file with the Advisory Agency a soils report on the Subdivision prepared by a registered civil engineer. Said soils report shall be based upon test borings or excavations which the county building official determines to be adequate. The county building official may waive the soils report if he determines that because of the knowledge of his department as to the soil qualities of the Subdivision, no analysis is needed. If the soils report indicates the presence of critically expansive soils or other soil problems, which if not corrected, could lead to structural defects, a soil investigation shall be prepared by a civil engineer registered in the State of California and shall recommend corrective action which is likely to prevent possible structural damage to each dwelling or structure proposed to be constructed within the Subdivision.

C. Monuments.

1. All monuments shall be set at locations and in the manner prescribed in the Improvement Standards and as set forth in the Land Surveyors Act.
2. Manufactured monuments may be used in lieu of the above requirements if approved by the County Surveyor.
3. All monuments shall be marked or tagged according to the provisions of the Land Surveyors Act.
4. The final map shall show clearly all stakes, monuments or other evidence found on the ground which were used to determine the boundaries of the tract. The corner of adjoining Subdivision, or portions thereof shall be identified and referenced to the new Subdivision.

D. Survey Requirement.

1. A complete and accurate survey of the land to be subdivided shall be made.
2. Basis of bearing. The basis of bearing shall be taken from a line between two existing monuments; the bearing shall be obtained from one of the following sources:
 - a. A record map or record of survey.
 - b. California Coordinate System.
 - c. County Surveyor's records.
 - d. True north based on astronomical, solar observation or acceptable GPS based geodetics.
3. The engineer or surveyor who prepares the final map shall make the most logical choice of the first three of the above. If none of the first three sources are available, then an assumed basis of bearing may be used.



4. All sources of information shown or used in platting the survey shall be noted by legend on the plat.
5. If a recorded course is different from a field course, both should be noted in proper notation with the recorded course in parentheses.
6. Traverse calculations shall be provided by the engineer or surveyor showing closure of the perimeter of the Subdivision and centerline of streets and any lot or block which is not a parallelogram.

E. **Filing Fee.** At the time of filing the Final Map, the Subdivider shall pay to the secretary of the Advisory Agency a nonrefundable fee in an amount established by resolution or order of the Board of Supervisors.

F. **Improvements.** The Subdivider shall install, construct, and/or provide all improvements required by the Advisory Agency or Board of Supervisors in accordance with the Improvement Standards.

G. **Improvement Plans and Specifications.**

1. Prior to construction of improvements, entering into any agreement with the County for improvements, or recording of the final map, the Subdivider shall submit to the Public Works Director for approval two sets of copies of improvement drawings and specifications for the improvements which are to be provided by the Subdivider. The drawings and specifications shall meet the following requirements:
 - a. Must contain adequate engineering information to describe the construction of the improvements required, as determined by the Public Works Director.
 - b. The drawings must contain a cover page with index to the construction drawings, when consisting of more than three sheets.
2. Upon approval of the copies of the improvement drawings and specifications, or subsequent submissions, the original plus one set of black or blue-line prints shall be filed with the Public Works Director.
3. In the event the Subdivider decides to construct improvements before recording the final map, no construction of improvements may be commenced prior to entering into an agreement with the County setting forth the conditions under which the County will accept the improvements and record the final map. Improvements will not be accepted until the Subdivider provides security in the amount of 10 percent of the estimated cost of improvements to guarantee the improvements against any defects in workmanship or materials.

H. **Plan Checking and Inspection.**

1. The Subdivider shall pay a fee to cover the expense to the County of checking plans and specifications for all improvements inspected by the county and for the expense of inspecting the construction of such improvements. The fee shall be based on the estimate, made by the Public Works Director or his authorized agent, of total cost for constructing such improvements and shall be as follows:

Table 23-1 Plan Check Fees	
Estimated Cost of Construction	Fee
0 - \$ 5,000	5% of cost
\$ 5,001 - \$ 25,000	\$250 + 4% of cost over \$5,000
\$ 25,001 - \$100,000	\$1,050 + 3½% of cost over \$25,000
\$100,001 - \$250,000	\$3,675 + 3% of cost over \$100,000
\$250,001 & over	\$8,175 + 2% of cost over \$250,000

2. In the discharge of this duty, and subject to the Fourth Amendment, the Public Works Director or his authorized agent shall have the right to enter upon the sites of improvements for the purpose of inspecting them and he shall be furnished with samples of materials as may be required for making the tests to determine the acceptability of such materials.



3. Any work done without inspection by the county shall be presumed to be unsatisfactory.

I. Improvements-Agreement, Security, and Repairs.

1. If the improvements are not satisfactorily completed before the final map is approved for recording, the Subdivider shall enter into an agreement with the county whereby, in consideration of the acceptance by the Board of Supervisors of improvements and dedications, the Subdivider agrees to complete all improvements required by the Advisory Agency or Board and to comply within the time specified in the agreement. Such agreement shall be secured through an improvement security which complies with the requirements of the *Subdivision Map Act*.
2. The Subdivider shall furnish security in the amount of 100 percent of the estimated cost of the improvements to insure faithful performance of the agreement, and shall furnish additional security in an amount of at least 50 percent of said estimated cost to insure payment to contractors, subcontractors, and to persons furnishing labor, materials, or equipment. The exact amount shall be determined by the Public Works Director. The Subdivider shall also furnish a security in the amount of 10 percent of the estimated cost of the improvements, as determined by the Public Works Director, which shall be retained for the period of 12 months following acceptance of the improvements to guarantee the improvements against any defects in workmanship or materials. The performance, payment, and warranty securities may be given in the form of a surety bond, a cash deposit, a letter of credit, escrow account, or other form of performance guarantee required as security by the Board of Supervisors that meets the requirements as acceptable security pursuant to law.
3. When the County enters into such an agreement, said agreement shall require that performance of the agreement be guaranteed by the security specified in Chapter 5 (commencing with Section 66499) of the *Subdivision Map Act*. Acceptable guarantees include any form of security, including interests in real property which is acceptable to the County.

J. Release of Security.

1. Pursuant to provisions of the *Subdivision Map Act*, the Public Works Director shall have the power to release up to 90 percent of the improvement security for faithful performance of the contract, deposited by the Subdivider upon satisfactory completion of all improvements required in the contract between the County and the Subdivider. A minimum of 10 percent of the security shall be retained for 12 months following acceptance as a warranty against the labor and materials supplied by the Subdivider. If at the end of 12 months from the date of satisfactory completion of improvements such improvements are in satisfactory condition, subject to normal wear and damage which is not the fault of the labor and materials supplied, the remainder of the security shall be released. If repairs are necessary because of faulty labor or materials, the withheld security shall be used for necessary labor and materials to bring the improvements to a satisfactory condition. Any security remaining after necessary repairs are made shall be released to the Subdivider.
2. The security furnished by the Subdivider shall be released in whole or in part in the following manner:
 - a. Security given for faithful performance of any act or agreement shall be released by the Public Works Director upon the performance of the act or final completion and acceptance of the required work. The Board of Supervisors may, in an agreement for improvements entered into with the Subdivider, provide for the partial release of the security upon the partial performance of the act or the acceptance of the work as it progresses, consistent with the provisions of this Subdivision. If the security furnished by the Subdivider is a documentary evidence of security such as a surety bond or a letter of credit, the Director of Public Works shall release the documentary evidence and return the original to the issuer upon performance of the act or final completion and acceptance of the required work. In the event that the Public Works Director is unable to return the original documentary evidence to the issuer, the security shall be released by written notice sent by certified mail to the Subdivider and issuer of the documentary evidence within 30 days of the acceptance of the work. The written notice shall contain a statement that the work for which the security was furnished has been performed or completed and accepted by the County, a description of the project subject to the documentary evidence and the notarized signature of the Public Works Director.



- b. At the time that the Subdivider believes that the obligation to perform the work for which security was required is complete, the Subdivider may notify the Public Works Director in writing of the completed work, including a list of work completed. Upon receipt of the written notice, the Public Works Director or other appropriate County officer, as well as the authorized representative of any other local agency that is a party to the agreement for the improvements, shall have 45 days to review and comment or approve the completion of the required work. If the County or other local agency that is a party to the improvements agreement does not agree that all work has been completed in accordance with the plans and specifications for the improvements, it shall supply a list of all remaining work to be completed.
- c. Within 45 days of receipt of the list of remaining work described above in Paragraph 2.b, the Subdivider may then provide cost estimates for all remaining work for review and approval by the Public Works Director. Upon receipt of the cost estimates, the Public Works Director shall then have 45 days to review, comment, and approve, modify, or disapprove those cost estimates.
- d. If the Public Works Director approves the cost estimate, he or she shall release all performance security except for security in an amount up to 200 percent of the cost estimate of the remaining work. Notwithstanding the foregoing, unless the agreement for improvements approved by the Board otherwise allows for partial release of the security, the process allowing for a partial release of performance security shall occur only when the cost estimate of the remaining work is less than or equal to 20 percent of the total original performance security, and the County shall not engage in the process of partial release more than once between the start of work and completion and acceptance of all work. Substitute bonds or other security may be used as a replacement for the performance security, subject to the approval of the Public Works Director. If substitute bonds or other security is used as a replacement for the performance security released, the release shall not be effective unless and until the County receives and approves that form of replacement security. A reduction in the performance security shall not be deemed to be an acceptance of the completed improvements, and the risk of loss or damage to the improvements and the obligation to maintain the improvements shall remain the sole responsibility of the Subdivider until all required public improvements have been accepted and all other required improvements have been fully completed in accordance with the plans and specifications for the improvements.
- e. The Subdivider shall complete the works of improvement until all remaining items are accepted. Upon the completion of the improvements, the Subdivider, or his or her assigns, shall be notified in writing by the Public Works Director within 45 days. The Public Works Director shall release any remaining performance security within 60 days of the issuance of the notification.
- f. The Public Works Director shall, six months after completion and acceptance of all improvements, reduce the improvement security securing payment to the contractor, his or her subcontractors, and to persons renting equipment or furnishing labor and materials to an amount not less than the total of all claims on which a claim of lien has been recorded and notice thereof given in writing to the Public Works Director.
- g. The release of security described in this Subdivision shall not apply to the security in the amount of 10 percent of the estimated cost of the improvements, described above in Subdivision G.2 of this Section, which shall be retained for the period of 12 months following acceptance of the improvements to guarantee the improvements against any defects in workmanship or materials. Nor shall the release of security described in this Subdivision apply to costs and reasonable expenses and fees, including attorneys' fees, incurred by the County in enforcing the terms of the agreement for improvements.

K. Final Inspection. Upon completion of the required improvements by the Subdivider, the Public Works Director or his authorized agent shall make a final inspection of the Subdivision. If it is found upon inspection that all improvements have been installed in accordance with the approved plans and specifications and are in good repair, the public works director shall prepare a notice of completion for acceptance by the Board of Supervisors.

L. Provisions for Processing Final Maps with Technical and Inadvertent Errors. If during the review of a Final Map the Surveyor's Office determines that a Final Map fails to meet or perform any requirements or conditions imposed by the *Subdivision Map Act* or local ordinance, the Surveyor's Office shall consult with the appropriate county departments or agencies concerning the failure. If it is determined after such consultation that the failure of the map is a result of a technical and inadvertent error which does not materially affect the validity of the map the final map shall not be disapproved.



Sec. 2308. Parcel Maps. The processing, review, and approval of Tentative Parcel Maps and Parcel Maps shall be pursuant to the provisions of the *Subdivision Map Act* and this article.

A. **Application.** The provisions of this article shall apply to Subdivisions of land which require Parcel Maps as described and defined in the *Subdivision Map Act*, but not to Subdivisions pursuant to Section 66412.5 of the *Subdivision Map Act*.

B. Tentative Parcel and In-Lieu Parcel Maps.

1. A Subdivider subdividing real property for which a Parcel Map is required shall file a Tentative Parcel Map with the secretary of the Advisory Agency pursuant to this article and the requirements of the *Subdivision Map Act*, unless the division meets all of the criteria listed in paragraph 2 below.
2. A Tentative Parcel Map is not required and an In-Lieu Parcel Map can be filed if the proposed division meets all of the following criteria:
 - a. The division will result in four parcels or fewer, including divisions for the purpose of retaining a farm home or transferring title to an immediate family member in compliance with Sections 408 through 410 of this Development Code, excluding any unmapped Remainder.
 - b. No public improvements pursuant to the Kings County Improvement Standards are required, other than deferred improvements required pursuant to said standards, and/or dedication of additional right-of-way along existing roadways consistent with the road classification and the circulation element of the General Plan, in which case the Subdivider shall make an offer of dedication of the required right-of-way on the face of the Parcel Map.
 - c. All of the resulting parcels comply with the existing regulation of this Development Code, and no zoning actions or approvals are required except for divisions for the purpose of retaining a farm home or transferring title to an immediate family member. This does not include development permits which may be required for uses on individual parcels after the Parcel Map is recorded.
 - d. A Parcel Map will be recorded.
 - e. All parcels, five acres or less in area, shall have frontage on, or direct access to, a public road or street.
3. A division of land which meets the criteria listed in paragraph 2 above is hereby deemed ministerial (pursuant to Section 21080(b)(1) of the Public Resources Code, and Sections 15300.1 and 15369 of the CEQA Guidelines) and is exempt from environmental review pursuant to Kings County environmental review procedures and the California Environmental Quality Act.

C. Filing of Tentative Parcel Map or Proposed Parcel Map; number copies required; size.

1. Five copies of the Tentative Parcel Map, or proposed Parcel Map in the case of a submittal pursuant to Section 2308.B.2 above, shall be filed with the secretary of the Advisory Agency. Additional copies may be required by the secretary of the Advisory Agency.
2. The Tentative Parcel Map or proposed Parcel Map shall be at least eight and one-half inches by 11 inches in size and no greater than 24 inches by 36 inches in size.
3. A Tentative Parcel Map or proposed Parcel Map shall be considered filed at the time when all requirements of this Section have been met.

D. Designated or Unmapped Reminders:

1. In the case of any parcel or final map which establishes a “Designated Remainder” or “Unmapped Remainder”, the map shall include all parcels lines with deed references which are located under the Remainder area.



2. The face of the map shall note that a Certificate of Compliance or Conditional Certificate of Compliance is required to be recorded prior to the sale, lease or financing (farm home retention), of the Remainder parcel. Agriculture zoned property is exempt from this requirement.

E. Review and Approval or Disapproval.

1. Tentative Parcel Maps shall be reviewed pursuant to the procedures required for Tentative Subdivision maps as contained in Section 2306 of this Article and the *Subdivision Map Act* except as otherwise provided by this article and the Advisory Agency shall approve, conditionally approve or disapprove Tentative Parcel Maps in the manner set forth in the *Subdivision Map Act* for Tentative Subdivision maps. The Advisory Agency may approve Tentative Parcel Maps only if, in addition to all other requirements, all of the following conditions are met:
 - a. The division conforms to all applicable zoning regulations, regulations of this Article, requirements of the County Improvement Standards, and the *Subdivision Map Act*.
 - b. All proposed parcels shall have road access, in accordance with the Improvement Standards, allowing access to each parcel, and such roads may, at the discretion of the Advisory Agency be required for dedication to the county.
2. A proposed Parcel Map submitted pursuant to Section 2308.B.2 shall be reviewed administratively by Division One of the Advisory Agency in consultation with those departments listed in Section 2304 of this Article and with city officials, school officials, and other public agencies which may be affected by the proposed Parcel Map. The Director of Community Development shall develop procedures to review the Parcel Map, including the consultation with other officials and agencies he, or she, feels is appropriate, to determine whether the division meets all of the criteria found within Section 2308.B.2. The procedures shall require the Director to complete the review within 15 working days after receiving the proposed Parcel Map:
 - a. If the Director of Community Development determines that any of the criteria are not met, the Director shall return the Parcel Map to the Subdivider who may refile it as a Tentative Parcel Map pursuant to Section 2308.C of this article.
 - b. If the Director determines, after consultation, that all of the criteria are met, the Director shall sign a certification on the face of the Parcel Map that the division complies with all applicable General Plan requirements. Upon completion of the certification the Director shall forward the proposed Parcel Map to the County Surveyor's Office for further processing pursuant to Section 2308 of this article.

F. Expiration.

1. An approved or conditionally approved Tentative Parcel Map shall expire 36 months after its approval or conditional approval.
2. The period of time specified in Paragraph 1 above shall not include any period of time during which a development moratorium is in effect as provided in Section 66463.5 of the *Subdivision Map Act*.
3. The period of time specified in Paragraph 1 above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a Tentative Parcel Map, but only if a stay of the time period is approved by the Planning Commission, as provided in Section 66453.5 of the *Subdivision Map Act*.
4. The expiration of the approved or conditionally approved Tentative Parcel Map shall terminate all proceedings, and no Parcel Map on all or any portion of the real property included within an expired Tentative Parcel Map shall be filed without first processing a new Tentative Parcel Map.
5. Notwithstanding the provisions of this Development Code to the contrary, if an approved or conditionally approved Tentative Parcel Map is subject to an automatic extension of the expiration date pursuant to California Government Code Section 66452.21 or 66452.22, or any other applicable statute and if the Tentative Parcel Map was approved or conditionally approved in conjunction with a separate discretionary land use entitlement (including design review



permits, use permits, variances, or other discretionary land use entitlements), then the initial expiration date of the separate discretionary land use entitlement shall automatically be extended to be equal to the expiration date of the approved or conditionally approved Tentative Parcel Map.

G. Extension of Approval of Tentative Parcel Map. Upon application of the Subdivider filed prior to the expiration of the approved or conditionally approved Tentative Parcel Map, the time at which such map expires may be extended for a period or periods of time not exceeding a total of three years. However, the total extension time may not be more than three years beyond the end of the original approval. Before granting any time extension the Advisory Agency may request additional conditions. However, if the Subdivider does not agree to the new conditions the extension may be denied if the Advisory Agency finds, based on justifying evidence, that unless the condition is imposed, the development will be injurious to public health, safety or general welfare. In such a case the Tentative Parcel Map will expire. The Subdivider may immediately submit a new Tentative Parcel Map to which the new condition can be attached. Such additional conditions may be appealed in the same manner as the original approval of the Tentative Parcel Map.

H. Appeals Procedure. If the applicant or any interested person is adversely affected by a decision of the Advisory Agency the applicant or any interested person adversely affected may appeal to the Board of Supervisors in the manner set forth in Section 66452.5 of the *Subdivision Map Act*.

I. Exemptions from Parcel Map Filing Requirements.

1. A Tentative Parcel Map must be filed for all proposed divisions of real property not exempted by this article or the *Subdivision Map Act*. A Tentative Parcel Map must be filed and approved, but in lieu of a Parcel Map, a Parcel Map Waiver may be recorded if the division is one of the following:
 - a. The smallest resulting parcel is nominally 20 or more acres and is a fractional portion of a section.
 - b. No new parcel is created, the real property is zoned agricultural and the division is for purpose of adjusting common boundaries of adjoining parcels.
 - c. No new parcel is created and all of the following conditions exist:
 - (1) The division is for the purpose of adjusting property lines between adjoining properties.
 - (2) The properties are in a previously lawfully created Subdivision and shown on a recorded map.
 - (3) The properties are developed at the time of the proposed division.
 - (4) The properties are zoned other than commercial or industrial.
 - d. Four or less parcels are created and every new division line is coincident with a county road, street, freeway, expressway, occupied railroad right-of-way, the California Aqueduct, division lines created by an approved government township plat or survey of public record and all of the property is zoned other than commercial or industrial.
 - e. The division results in only one additional parcel, the division is for financing purposes only and the property is in a general or exclusive agriculture zoning district.
 - f. A Lot Line Adjustment where no new parcel is created pursuant to this Article.
2. Applications for Parcel Map Waiver, pursuant to Section 66428(b) of the *Subdivision Map Act*, shall be reviewed by the Director of Community Development. If the Director makes the above findings and also finds that the proposed division complies with requirements established by the *Subdivision Map Act* or any other local ordinance related to area, improvements and design, floodwater damage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements, the Parcel Map may be waived.



3. A division of land which meets the criteria listed in Paragraph 1 above is hereby deemed ministerial (pursuant to Section 21080(b)(1) of CEQA, and Section 15360 of the CEQA Guidelines) and is exempt from environmental review pursuant to Kings County environmental review procedures and the California Environmental Quality Act.

J. **Filing and Recording of Parcel Maps.** Subsequent to the approval of a Tentative Parcel Map, final Parcel Maps shall be filed with the County Surveyor in the manner provided in Section 2307.A and the fees required by Section 2305.D shall be paid at the time the final Parcel Map is filed with the Surveyor. Upon approval of the construction drawings and the Parcel Map and receipt of the agreement and improvement security, the County Surveyor shall forward the Parcel Map to the office of the County Recorder for recordation.

K. **Signature of Owner.** Except under circumstances described in Government Code Section 66436, Subdivision (a), in the event that dedications are required, the Parcel Map shall contain a certificate signed and acknowledged by all parties having any record title interest in the real property proposed to be subdivided, consenting to the preparation and recordation of the Parcel Map. In the event dedications or offers of dedication are not required, the Advisory Agency may require satisfactory evidence that all parties having any record title interest in said property have consented to the proposed division.

L. **Improvements.** Improvements shall be installed, constructed, and/or provided in accordance with the Kings County Improvement Standards. The Subdivider shall construct the required improvements within a reasonable time following approval of the Parcel Map and prior to issuance of a permit or other grant of approval if the Advisory Agency determines that the improvement is necessary by reasons of:

1. Public health and safety; or
2. Orderly development of the surrounding area. When found to be necessary for the above reasons, the Subdivider shall enter into an agreement with the county in the manner described in Section 2307.G or construct improvements prior to recording of the Parcel Map as provided in Section 2307.E. When required improvements are not necessary for the above reasons, then their construction may be deferred until such time as the reason for deferment no longer exists, or the first lot of such division is sold, whichever occurs first. Deferment of such improvements shall be allowed only if the Subdivider enters into an agreement with the county stating that such improvements will be constructed at the owner's cost. The public works director shall make the determination as to when the reason for deferment no longer exists. The responsibility for construction of required improvements shall be binding on successors in interest of each parcel. Such agreement shall be secured through an improvement security which complies with the requirements of the *Subdivision Map Act*.

Sec. 2309. Lot Line Adjustments (LLA): A Lot Line Adjustment is an adjustment or relocation of a boundary line or a transfer of real property between four or fewer adjoining legally created lots (Grant Deeds prior to 3/4/1972, Parcel Maps, or Subdivision Maps), where the adjustment or relocation does not result in the creation of additional parcels or potential building sites. The processing, review and approval of a Lot Line Adjustment shall be pursuant to the provisions of the *Subdivision Map Act* and this article.

A. **Application.** The provisions of this article shall apply to Lot Line Adjustments as described in the *Subdivision Map Act*, specifically Government Code Section 66412 Subdivision (d).

B. **Procedures for Filing an Application for a Lot Line Adjustment.**

1. An original application and five copies of the site plan must be filed with the Director of Community Development with such nonrefundable fee as established by resolution or order of the Board of Supervisors, to cover the cost of processing, reviewing and approving all required documents for the Lot Line Adjustment approval. The county mapping/bond fees shall be collected by the Kings County Financial Director ("Financial Director") prior to the tax clearance signature being placed on the Parcel Map Waiver form which must be done prior to recording. In addition, all County Assessor/Clerk-Recorder's fees shall be collected by the recorder at the time the documents are recorded.
2. The application shall be in a manner and form prescribed by the Director of Community Development. Copies of such an application form shall be available to the public at the Planning Division of the Community Development Agency.



The original application filed with the Director shall include a “*Parcel Map Wavier for Lot Line Adjustment*” that is suitable for recording and must be neatly and accurately drawn, lettered and legible.

3. The application form and the “*Parcel Map Wavier for Lot Line Adjustment*” form shall be eight and 8½ by 11 inches in size and shall contain the following information:
 - a. The actual legal description of the property being transferred, which will be used on the deed(s) transferring the property, including a statement that the transferred territory will be joined with a specific parcel and will not become a separate parcel.
 - b. The legal descriptions of each of the properties after the adjustment which will be used on the perfection deed(s) for each of the parcels resulting from the adjustment.
 - c. A site plan that is accurately drawn, and, shall be neatly and accurately drawn, lettered or typed, legible, and containing the following information:
 - (1) Date, north arrow, and scale of drawing.
 - (2) Existing parcel lines (broken and thin) with dimensions.
 - (3) Adjusted parcel lines (solid and bold) with dimensions.
 - (4) Location, dimensions, distance to adjusted lines, number of stories or height, of all existing surface and underground structures.
 - (5) Name, width, and location of existing or proposed, abutting or transversing streets, easements, or right-of-ways.
 - (6) Number of each parcel corresponding to the description and including the Assessor's Parcel Number (APN) below the parcel number.
 - (7) Area of each parcel after the adjustment.
 - (8) Location with dimensions to adjusted lines of existing waste water disposal systems and all wells.
 - d. Preliminary title reports.
 - e. Documentation such as copies of deeds, court orders, probate documents, or other legal documents that all parcels involved in the Lot Line Adjustment are legally created.
 - f. If any or all of the parcels involved in the Lot Line Adjustment are restricted by Land Conservation (Williamson Act) contracts or Farmland Security Zone contracts, all of the Preserve Number(s) or Farmland Security Zone Number(s), and contract number(s).
4. The application shall be deemed filed when all provisions of this article have been met.
5. The Lot Line Adjustment application form must be signed by all of the property owners involved, including trust deed holders.
6. At the time of filing an application for a Lot Line Adjustment, the applicant shall pay to the Community Development Agency a non-refundable fee in an amount established by ordinance of the Board of Supervisors.

C. Procedure for Review, Determination and Completion of a Lot Line Adjustment Application.

1. A Lot Line Adjustment is a ministerial action and shall be administratively reviewed by the Director of Community Development pursuant to Section 2304.G, who shall ensure that the Lot Line Adjustment conforms to local Development Code and building ordinances, shall also consult with the Public Works Department in order to review



the legal descriptions, and shall consult with other departments and agencies as is necessary to adequately review the application.

2. A Lot Line Adjustment shall not be recorded which does not conform to state law, local ordinance, or other regulation.
3. Upon completion of the review of the Lot Line Adjustment, the Director of Community Development shall notify the applicant that either additional information is necessary, and specify what that information is, or inform the applicant that the application is in order and may proceed. The applicant shall then submit copies of the new legal description(s) for the subject properties being used for the new transfer and perfection deed(s). The Director shall review the legal description(s) to determine that the new transfer and perfection deed(s) will be consistent with the Lot Line Adjustment. Recording transfer and perfection deed(s) with legal description(s) different from the description(s) approved by the Director shall not be deemed an appropriate Lot Line Adjustment.
4. When the Lot Line Adjustment is completed and any required transfer and perfection deed(s) are recorded, title to the transferred territory shall be shown the same as the title on the property that it joined.
5. Items which will be recorded together are the approved Parcel Map Waiver and the transfer and perfection deed(s). Any transfer deed that is recorded shall contain the following:
 - a. A description of the property being transferred.
 - b. A statement that the transfer deed is being recorded pursuant to the Advisory Agency decision for the Lot Line Adjustment and the date of approval.
 - c. A statement that the transferred territory will be joined with a specific parcel and will not become a separate parcel.
6. In compliance with Section 2309.B.5 above, prior to recording the Parcel Map Waiver for the Lot Line Adjustment application, the Parcel Map Waiver form must be signed by all of the property owners involved. For any parcels that are encumbered by a deed of trust the following are required:
 - a. The project proponent shall present evidence that, at the time of the recording of the Parcel Map Waiver in the office of the County Clerk/Recorder, the parties consenting to such recording are all of the parties having a record title interest in the real property being adjusted whose signatures are required, otherwise the Parcel Map Waiver shall not be recorded.
 - b. Prior to recording the Parcel Map Waiver, for the Lot Line Adjustment, a Pro Forma Preliminary Title Report shall be submitted to the Community Development Agency stating how title will be held as a result of recording the following: 1) the Parcel Map Waiver for the Lot Line Adjustment and 2) the transfer deed(s).
 - c. Prior to recording the Parcel Map Waiver, for the Lot Line Adjustment, modifications of any deed(s) of trust that encumber property that is subject to this adjustment shall be submitted to the Community Development Agency and be approved by the County for their content. The modifications of the deed(s) of trust shall be recorded simultaneously with the Parcel Map Waiver to modify the legal description to be consistent with the parcels resulting from the adjustment.
 - c. Prior to recording the Parcel Map Waiver, for the Lot Line Adjustment, partial reconveyances, from trust deed holders for areas to be transferred as part of the lot line adjustment, shall be submitted to the Community Development Agency and be approved by the County for their content. The partial re-conveyances shall record simultaneously with the Parcel Map Waiver for the Lot Line Adjustment and the transfer deed(s).
 - d. An Updated Preliminary Title Report shall be submitted to the Community Development Agency within thirty (30) days after recording the Parcel Map Waiver for the Lot Line Adjustment.
7. The transfer and perfection deed(s) and the required Lot Line Adjustment documents, recorded pursuant to the Lot Line Adjustment approval, shall be reviewed and approved by the Director prior to being recorded.



8. The Assessor/Clerk Recorder shall review the Lot Line Adjustment prior to recording the deed(s) and the Parcel Map Waiver form for the Lot Line Adjustment and insure that property taxes are properly paid. Section 66412.(d) of the *Subdivision Map Act* requires the prepayment of real property taxes prior to recording the deed(s) and the Parcel Map Waiver form for the Lot Line Adjustment. Information concerning prepayment of real property taxes is as follows:
 - a. The tax year is from July 1st through June 30th and the due dates for installments are December 10th (first installment) and April 10th (second installment).
 - b. After approval of a Lot Line Adjustment the applicant or the applicant's surveyor needs to request that the Assessor's Office prepare the bond calculation. After the bond calculation is completed it is good for 90 days and expires thereafter. The only exception would be bond calculations completed after October 2nd, which would instead expire on December 31st. After the Assessor/Clerk Recorder completes the bond calculation it is forwarded to the Finance Director to determine whether or not taxes need to be paid prior to recording the Parcel Map Waiver and deed(s). If taxes need to be paid then the Finance Director contacts the applicant or the applicant's surveyor to inform them that taxes are due. If the Parcel Map Waiver and transfer deed(s) are not recorded within 90 days of the bond calculation, or December 31st, then a new bond calculation must be done.
 - c. If the Parcel Map Waiver and transfer deed(s) are recorded after April 10th and before December 10th, then prepayment of the first installment and payment of supplemental taxes, if any are due, must be completed before the Finance Director can provide the tax clearance signature on the Parcel Map Waiver.
 - d. If the Parcel Map Waiver and transfer deed(s) are recorded after December 10th and before December 31st, then prepayment of the second installment and payment of supplemental taxes, if any are due, must be completed before the Finance Director can provide the tax clearance signature on the Parcel Map Waiver.
 - e. If the Parcel Map Waiver and transfer deed(s) are recorded after December 31st and before April 10th, then prepayment of the second installment of the current tax year; payment of supplemental taxes, if any are due; and first and second installment of the next tax year must be completed before the Finance Director can provide the tax clearance signature on the Parcel Map Waiver.
8. The Parcel Map Waiver will be recorded at the request of the applicant, or the applicant's agent, after the Finance Director has reviewed the Lot Line Adjustment. After the Finance Director has reviewed the Lot Line Adjustment, a representative from the Community Development Agency will accompany the applicant to the Assessor/Clerk-Recorder office to record the documents. The Parcel Map Waiver will be recorded first, followed immediately in sequence by any transfer and perfection deed(s).
9. Recording of the Lot Line Adjustment documents shall constitute the completion of the procedures by the local agency. Recording of the deed(s) by the applicant shall constitute completion of the Lot Line Adjustment.
10. The Lot Line Adjustment shall become null and void if the Lot Line Adjustment documents and any required deed(s) have not been recorded within three years of the date that the applicant is informed that the review is complete, pursuant to Section 2309.C.3 above. Upon application of the applicant, filed prior to the expiration of the Lot Line Adjustment, the time at which the Lot Line Adjustment expires may be extended by the Director for a period or periods not exceeding a total of three years.

D. Lot Line Adjustments-Original Parcel Lines Removed. Whenever the Director of Community Development determines that property lines may be adjusted between two adjoining parcels, the original line shall be considered as having been reverted. In the case where one or more of the original lines are original lines created by a recorded map, then the portion of that original lot annexed to an adjoining parcel shall be considered as merged and shall be a "unit" for purposes of applying the *Subdivision Map Act* to any future divisions.

E. Lot Line Adjustments Between Undersized Agricultural Designated Parcels When an Adjustment Facilitates Better Land Utilization: The common property line between two adjacent parcels, where at least one parcel is less than the required minimum parcel size for that zoning district, may be adjusted if the following findings are made.

1. No additional non-conforming parcels will result from the adjustment.



2. Where individual water supply or individual sewage waste disposal systems are to be utilized on the sites, the smallest parcel shall not be diminished to less than one acre in area.
3. No other health and safety problems are likely to occur from the transfer.
4. The transfer of territory from one parcel to another parcel is accomplished pursuant to this Article and the *Subdivision Map Act*.
5. If one or more of the parcels are within an agricultural preserve and subject to a California Land Conservation (Williamson) Act of 1965 contract, the resulting restricted parcels will still comply with the provisions of the "Williamson" Act and the contract.

F. **Lot Line Adjustments of Farm Home Parcels Established Through a Farm Home Retention Division:** Any parcel of land established as a result of a farm home retention action shall be restricted from later Lot Line Adjustments which serve to increase the area of the farm home parcel boundaries beyond a maximum of 2.5 acres, except if the parcel is being increased to meet the minimum parcel size of the zoning district.

Sec. 2310. Reversion to Acreage: The provisions of this article shall apply to reversion to acreage as required by the *Subdivision Map Act*, and this article. Reversion to acreage of existing Subdivisions shall be completed as provided for in the *Subdivision Map Act*, except that other methods of reverting to acreage may be used only when not possible under the provisions of the *Subdivision Map Act* or this article.

- A. **Tentative Reversion Map Generally.** The person(s) or agency proposing to revert divided or subdivided land to acreage shall file a tentative reversion to acreage map with the secretary of the Advisory Agency pursuant to this article.
- B. **Filing of Tentative Reversion Map; number copies required; size.** Five copies of the tentative reversion to acreage map shall be filed with the Advisory Agency. Additional copies may be required by the secretary of the Advisory Agency. The tentative reversion to acreage map shall be at least 8½ inches by 11 inches in size, and no greater than 24 inches by 36 inches in size.
- C. **Tentative Map and Final Filing Fees.** At the time of filing the tentative reversion to acreage map, a nonrefundable fee, in an amount established by resolution or order of the Board of Supervisors, shall be paid to the secretary of the Advisory Agency to cover the cost of processing both the tentative and final reversion to acreage maps.

D. Information on Tentative Reversion Map.

1. The tentative reversion to acreage map shall contain the following information:
 - a. The name and address of all the legal owner(s) of record of the property proposed for reversion to acreage.
 - b. The boundary lines of the property proposed for reversion and approximate dimensions.
 - c. All existing surface and underground structures and improvements located on the property proposed for reversion, together with their dimensions, the distances between them, the distances to division and property lines, and the number of stories or the height of each structure.
 - d. The names, widths and location of all existing and proposed streets, abutting or transversing the original parcel, and a statement as to whether the street is private or public, and a statement as to whether the street actually exists on the ground, and as to whether the street is to remain after reversion.
 - e. Location, purposes, width, and record owners of all existing and proposed easements or private rights-of-way abutting or traversing any part of the original parcel, and a statement as to whether they will remain after reversion. Easement boundaries shall be shown by means of a dotted line.



- f. An accurate description of the original parcel, accompanied by a single duplicated copy of the instrument which conveyed the original parcel.
 - g. Date of preparation, north arrow and scale of drawing.
2. The tentative reversion to acreage map shall show thereon or be accompanied by the following information:
- a. Preliminary title report on all property within the boundary of the proposed reversion.
 - b. Evidence of title and nonuse or lack of necessity of streets or easements which are to be vacated or abandoned.
- E. **Review of Tentative Reversion Map.** Division Two of the Advisory Agency shall review the tentative reversion to acreage map, and submit its recommendations to the Board of Supervisors within 21 working days of receipt of said map. The Board of Supervisors shall then establish a date for public hearing of the proposed reversion to acreage in accordance with the provisions of the *Subdivision Map Act*. The Board of Supervisors shall be the agency before which said hearing is held and notice shall be given in the time and manner provided in Government Code Section 65090 and 65091.
- F. **Approval of the Reversion to Acreage.** After the hearing of the proposed reversion to acreage the Board of Supervisors shall approve, conditionally approve, or disapprove said reversion in accordance with the provisions of the *Subdivision Map Act*.
- G. **Final Reversion to Acreage Maps.** Final reversion to acreage maps shall be prepared in accordance with the requirements for "Final Maps" found in the *Subdivision Map Act* and this Article and shall be conspicuously titled "Reversion to Acreage."
- H. **Certificates on Final Reversion to Acreage Maps.** The final reversion to acreage map shall contain all certificates applicable to said maps which are required by the *Subdivision Map Act*. It shall also contain any other certificates that may be required by the Advisory Agency or Board of Supervisors.
- I. **Reversion to Acreage by Parcel Map.** Previously subdivided properties consisting of four or less contiguous parcels under the same ownership may be reverted to acreage by filing a Parcel Map in accordance with the provisions of the *Subdivision Map Act* and this Development Code.

Sec. 2311. Exceptions and Appeals. Exceptions and conditional exceptions to the regulations prescribed by this Article may be authorized by the Board of Supervisors as provided in the *Subdivision Map Act*.

- A. **Appeals Board.** The Board of Supervisors shall be the appeals board designated in the *Subdivision Map Act*.
- B. **Appeals:** The action of the Advisory Agency may be appealed in the same manner as described Article 17 of this Development Code.
- C. **Hearing Notice, Additional Requirements.** In addition to the public hearing notice requirements in Section 66451.3 of the *Subdivision Map Act*, notice shall include additional notice as follows:
 - 1. For site specific projects, notice shall also be given in the following manner: If the property immediately adjacent to the to the subject property is more than 300 feet in width, then notice shall be given to the next adjacent parcel as well. However, if the immediately adjacent property is less than 300 feet in width, no additional notice is required beyond the 300 feet.
 - 2. Parcels separated by a street or road shall be considered adjacent for determining which parcels are given notice. In addition to the above requirements, if a parcel is within the area that receives notice, both the property owner, and the site address if it is different from the owner's address as shown on the latest equalized assessment roll, shall be given notice.



3. Any additional notification or method of notification, in the opinion of the Director of Community Development or decision maker deemed necessary or appropriate, or as may be required by law, may also be used to give notice.

D. **Merger.** Any and all parcels merged prior to July 7, 1977, pursuant to the provisions of the *Subdivision Map Act* of the State of California are deemed unmerged and no further proceedings under this Article or the Subdivision Map are required for the purpose of sale, lease or financing of such parcels except that, if the sale, lease or financing of such parcels would constitute a Subdivision of five or more units or parcels, such parcels shall not be deemed unmerged.

Sec. 2312. Penalties and Enforcement.

A. **Penalties:** Penalties for violation of this Article shall be the same as those provided in the *Subdivision Map Act*.

B. **Enforcement:** It shall be the responsibility of the secretary of the Advisory Agency to notify the district attorney of any violations of this Article and to sign any necessary complaints, and to record any "notice of violation" as outlined in the *Subdivision Map Act*.

Sec. 2313. Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project.

A. **Legislative Intent; purpose.** This Section is adopted to supplement and implement Sections 65970 to 65981 of the Government Code of the State of California in order to establish a method of providing interim classrooms and related facilities for school districts having conditions of overcrowding within the district or one or more attendance areas thereof. All of the requirements of Sections 65970 to 65981 of the Government Code are incorporated by reference and shall apply to school districts and the county as though expressly set forth herein.

B. **Application:** This Section applies to all dwelling units and all land proposed for residential development which is owned by any person, firm, partnership, joint venture, association, corporation, estate or trust. In addition, it applies to any land proposed for residential development which is owned by the United States and any agency of the United States, the State of California and any agency of the state, a city, and any public district or political Subdivision of the State of California insofar as it is legally possible to enforce this Section, or any portion thereof, against such entities.

C. **Definitions.** The definitions set forth in Section 65973 of the Government Code of the State of California shall apply throughout this Section. In addition, the following words and phrases, as used in this Section, shall have the following meanings:

1. *Attendance area* means that portion of a school district, with identifiable boundaries determined by the governing board of a school district, from which children residing therein would normally be assigned to attend a specified school in the district.
2. *Developer* means any person, or any of the other entities mentioned in Section 2313.B above, who applies to have property rezoned to a residential use, applies for a discretionary permit for residential use, files a Tentative Subdivision or Parcel Map for residential purposes, or makes application for a building permit for residential purposes.
3. *Dwelling unit* means one or more rooms in a building, mobile home, or portion thereof, designed, intended to be used, or used for occupancy by a person or persons for living and sleeping quarters.
4. *Mobile home space* means any space, including each space within a mobile home park, designed for parking a mobile home on a temporary, semi permanent or permanent basis.
5. *Reasonable methods for mitigating conditions of overcrowding* include, but are not limited to, the following:
 - a. Agreements between a developer and the affected school district whereby temporary-use buildings will be leased to the school district for an interim period, or whereby temporary-use buildings owned by the school district will be used.



- b. The availability of funds, the use of which would not impair the normal functioning of education programs.
- c. The use of funds which could be made available from the sale of surplus school district real property and/or personal property.
- d. The use of school district property for temporary-use buildings.
- e. The use of other schools in the district not having overcrowded conditions.
- f. Classroom space in other school districts that may be available for use.

D. School facilities; findings; notification to Board of Supervisors. Before a developer may be required to dedicate land or pay a fee in lieu thereof, pursuant to Sections 65970 to 65981 of the Government Code of the State of California and this Section, the governing board of a school district which operates an elementary or high school shall file a written notice with the Board of Supervisors-containing all of the following:

1. The findings required by Section 65971 of the Government Code.
2. The evidence supporting the findings.
3. The reasonable methods for mitigating conditions of overcrowding which have been considered by the school district and any determination made concerning them.
4. The precise geographic boundaries of the overcrowded attendance area or areas, if applicable.
5. Sufficient evidence on the interim classroom and related facilities needed by the school district, the costs of providing the same, and recommendations on a method for assessing fees and the recommended amount of such fees, so that the Board of Supervisors-may consider setting the fees charged to the developer.
6. The schedule as required by Government Code Section 65976 with respect to the use of the fees, the school sites to be used, the classroom facilities to be made available, and the times when such facilities will be made available.
7. A report from the County Building Official and Director of Community Development_with respect to whether or not the facilities to be constructed from the fees are consistent with the county's General Plan.

E. Action by Board of Supervisors. Within 61 to 150 days after the date of receipt of such notice from a school district, the Board of Supervisors shall, by resolution, concur in the findings of the school district or state why it does not concur in such findings.

F. Fees or Dedication of Land or Facilities.

1. When the Board of Supervisors has concurred in such findings under Section 2313.E above, the Board shall determine the fees payable by a developer which shall be subject to the limitations imposed by state law, including Government Code Section 65995, et seq, Government Code Section 65974, Subdivision (a)(4), or any successor statutes thereto. Thereafter, no ordinance rezoning property to a residential use, no discretionary permit for residential use, no Tentative Subdivision or Parcel Map for residential purposes, and no building permit for residential purposes, shall be issued, approved or adopted within the school district or affected attendance area, without the fee previously determined by the Board being imposed as a condition of such issuance, approval or adoption.
2. Notwithstanding the provisions of Paragraph 1 above, the Board of Supervisors may find that there are specific overriding fiscal, economic, social, or environmental factors which in the judgment of the Board would benefit the county and justify an approval, issuance or adoption without requiring the payment of fees or the dedication of land in Subdivisions containing more than 50 parcels.
3. Notwithstanding the provisions of Paragraph 1 above, a developer may exercise the option of providing interim facilities at the developer's expense, at a place designated by the school district, in lieu of paying fees; or may enter into any other legally binding agreement with the school district which the school district deems satisfies its needs. A



developer may also exercise the option of dedicating land in lieu of paying fees, in which case the value of the land dedicated shall equal the amount of the fees due from the developer. Although a developer may, by agreement, dedicate more land or pay more in fees than is required by this Section, in no case shall a developer be compelled to do so, either as a mitigation measure or condition of approval or otherwise.

4. A right to appeal the imposition of fees to the Board of Supervisors shall be available to a developer, who shall be apprised of such right at the time that fees are imposed in the manner provided by this Section.
5. Any dedication of land, or payment of fees in lieu thereof, shall comply fully with all of the requirements of this Section and Section 65974 of the Government Code of the State of California.

G. **Exemptions.** This Section shall not apply to the following types of projects:

1. Senior citizen housing approved, financed and/or subsidized by the United States Department of Housing and Urban Development; provided, that the developer enters into a written agreement with the affected school district that the developer will dedicate land or pay fees in lieu thereof, or a combination of both, when and if such restrictions cease during a period the school district has overcrowded conditions within the attendance area in which the development is located.
2. Conversion of existing apartment buildings to condominiums or a community apartment project, except when such apartment buildings were restricted to senior citizens and said restrictions are removed when the conversion takes place.
3. Alterations, remodeling or renovations of existing residences which do not result in additional dwelling units.

H. **Determination.**

1. The fees payable by a developer to a school district shall be determined by the Board of Supervisors at or after the time that the Board concurs in the findings of the school district pursuant to Section 2313.E above. No dedication of land may be required in Subdivisions containing 50 parcels or less.
2. On request of a school district the Board of Supervisors shall consider adjusting the fee schedule to reflect new information on the fees necessary to alleviate overcrowding caused by new residential development.

I. **Time and Place of Payment.** When the Board of Supervisors has determined that the developer shall pay fees pursuant to Section 2313.F above, the school district shall be responsible to ensure a copy of the determination of the Board is sent to the County Building Official and Director of Community Development. Payment of fees required shall then be made to the Building Official and the Director at the time the building permit is issued. The school district shall provide verification if a developer provided interim classroom facilities or has dedicated land in lieu of the fee, or has entered into an agreement which satisfies the school district's needs.

J. **Condition Precedent to Imposition of Fees.** Notwithstanding anything in this Section to the contrary, no fee or dedication of land may be imposed hereunder unless and until the County receives a valid and enforceable commitment in writing from the school district that it shall at its sole cost and expense defend, represent, pay, and indemnify the county from and for any claim, demand, and/or litigation in any way arising out of or relating to this Development Code, its enforcement and operation, the establishment, the amount of and/or collection of fees established there under or therefore.

K. **Report by School District.** The school district shall file with the Planning Division of the Community Development Agency not later than October 15th of each year a report on the following:

1. The amount of fees received from each developer in the preceding fiscal year period of July 1st through June 30th.
2. The facilities leased, purchased or constructed during the previous fiscal year and the amount expended on the facilities.
3. A determination whether the school district, or attendance areas if applicable, will continue to be overcrowded in the current school year.



4. A schedule specifying how the school district will use fees or land acquired to relieve overcrowding, the sites to be used, the facilities to be acquired and the times when the facilities will be available.

L. **Termination of Dedication or Fee Requirement.** If overcrowding conditions cease to exist in the school district, or affected attendance area, for which a fee or land dedication has been imposed under this Section, the school district shall promptly adopt a resolution so finding and deliver a copy of it to the Planning Division of the Community Development Agency.

Sec 2314. Certificates of Compliance. A Certificate of Compliance is a document issued by the Community Development Agency and recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current Subdivision map requirements, is considered by the County to be legal parcel of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to validate a parcel that was not legally subdivided. Section 66499.35 of the Map Act requires the approval of these certificates if the County determines that the real property complies with the provisions of the Map Act and of local ordinances enacted pursuant to this Section.

A. **Application.** Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a Certificate of Compliance or Conditional Certificate of Compliance. The processing, review and approval of a Certificate of Compliance shall be pursuant to the provisions of the *Subdivision Map Act* and this Article.

B. Procedures for Filing an Application for a Certificate of Compliance.

1. An original and three copies of the Certificate of Compliance application must be filed with Director of Community Development with such non refundable fees as established by resolution or order of the Board of Supervisors, to cover the cost of processing, reviewing and recording the Certificate of Compliance approval.
2. The application for the Certificate of Compliance shall be in a manner and form prescribed by the Director of Community Development. Copies of such an application form shall be available to the public at the Planning Division of the Community Development Agency. The original application filed with the Director shall be suitable for recording and must be neatly and accurately lettered and be legible.
3. The application form shall be 8 ½ by 11 inches in size and shall contain the following information:
 - a. The name of the property owner(s) of record for the subject property.
 - b. The legal description of the subject property.
 - c. The Assessor's Parcel Number for the subject property.
 - d. Record data for the subject property including copies of the deeds and other instruments of record title.
4. The application shall be deemed filed when all provisions of this Article have been met.
5. The Certificate of Compliance form must be signed by the Director of Community Development and the Public Works Director prior to recording.
6. At the time of filing an application for a Certificate of Compliance, the applicant shall pay the planning division of the Community Development Agency a non-refundable fee in an amount established by ordinance of the Board of Supervisors.

C. Procedure for Review, Determination and Completion of a Certificate of Compliance Application.

1. A Certificate of Compliance is a ministerial action and shall be administratively reviewed by the Director of Community Development, who shall determine whether the real property was created in compliance with the *Subdivision Map Act*, the Kings County General Plan, and the Kings County Land Division procedures contained in this Development Code. The Director shall consult with the Public Works Department in order to review the Certificate of Compliance.



2. A Certificate of Compliance shall not be recorded which does not conform to state law, local ordinance, or other regulation.
3. Upon completion of the review of the Certificate of Compliance, the Director shall notify the applicant that either additional information is necessary, and specify what that information is, or inform the applicant that the application is in order and may proceed by recording the Certificate of Compliance.
4. The Certificate of Compliance form, recorded pursuant to the Certificate of Compliance approval, shall be reviewed and approved by the Director prior to being recorded.
5. Recording of the Certificate of Compliance shall constitute the completion of the procedures by the local agency.

Sec. 2315. Correction and Amendment of Maps. Pursuant to the provisions of Article 7 of Chapter 3 of Division 2 of Title 7 of the Government Code, commencing with Section 66469 thereof, the procedures established in this Article shall govern the correction or amendment of Final or Parcel Maps.

A. Method and Purposes of Correction or Amendment. After a Final or Parcel Map is filed in the office of the County Assessor/Clerk-Recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:

1. To correct an error in any course or distance shown thereon.
2. To show any course or distance that was omitted therefrom.
3. To correct an error in the description of the real property shown on the map.
4. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
5. To show the proper location or character of any monument which has been changed in location, or character, or originally was shown at the wrong location or incorrectly as to its character.
6. To correct any additional information filed or recorded pursuant to Section 66434.2, if the correction does not impose any additional burden on the present fee owner of the property and does not alter any right, title, or interest in the real property reflected on the recorded map.
7. To correct any other type of map error or omission as approved by the County Surveyor, which does not affect any property right. Errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps. As used in this Section, "error" does not include changes in courses or distances from which an error is not ascertainable from the date shown on the final or Parcel Map.

B. Additional Modifications. In addition to the methods and purposes of correction set forth in Section 2315.A, a final map or Parcel Map may be modified by a certificate of correction or an amending map if there are changed circumstances which make any or all of the conditions of the map no longer appropriate or necessary, and if the proposed modifications do not impose any additional burden on the present fee owner of the property, and if the proposed modifications do not alter any right, title or interest in the real property reflected on the recorded map, and if the Board of Supervisors finds that the map as modified conforms to the provisions of Government Code Section 66474. Any such modification or modifications to be made under this Section shall be set for public hearing by the Board of Supervisors pursuant to the provisions of Government Code Section 66451.3. The Board of Supervisors shall confine the hearing to consideration of, and action on, the proposed modification or modifications.

C. Preparation, Form and Contents. The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Government Code Section 66434, if a final map, or Subdivisions (a) to (d), inclusive and (f) to (i), inclusive, of Government Code



Section 66445, if a Parcel Map. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

D. **Submittal and Approval by County Surveyor.** The amending map or certificate of correction, complete as to final form, shall be submitted to the County Surveyor for review and approval.

1. The County Surveyor shall review the amending map or certificate of correction for compliance with this Article and for compliance with Article 7 of Chapter 3 of Division 2 of Title 7 of the Government Code.
2. The County Surveyor shall examine the amending map or certificate of correction and if the only changes made are those set forth in Section 2315.A, this fact shall be certified by the County Surveyor on the amending map or certificate of correction. All amending maps and certificates of correction shall be reviewed and examined by the County Surveyor pursuant to the provisions of Government Code Section 66471.

E. **Filing with the County Assessor/Clerk-Recorder.**

1. The amending map or certificate of correction certified by the County Surveyor shall be recorded in the office of the Assessor/Clerk-Recorder. Upon such recordation, the Assessor/Clerk-Recorder shall index the names of the fees owners and the appropriate Subdivision designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.”
2. Upon recordation of a certificate of correction, the Assessor/Clerk-Recorder shall, within 60 days of recording, transmit a certified copy to the County Surveyor, who shall maintain an index of recorded certificates of correction. If authorized in the County’s fee schedule, as adopted by the Board of Supervisors, the Assessor/Clerk-Recorder shall charge a fee, in addition to a fee charged for recording the certificate of correction, which shall be transmitted to the County Surveyor as compensation for the cost of maintaining an index of recorded certificates of correction. The amount of this additional fee shall not exceed the fee which is charged for recording the certificate of correction.



EXHIBIT "A"
General and Geographical Descriptions
Change of Zone District Boundaries No. 15-03

1. Zone Map No. 302.009 & 302.010

Armona Area

Rural Commercial (CR) to Mixed Use (MU) (Map Attachment A1)

General: Assessor Parcel Numbers 017-010-036 & 037; Assessor Parcel Numbers 017-100-001& 002

Geographic

Descriptions: A portion of Lots 1 and 2 of Bryant Subdivision recorded in Book 2 of Licensed Surveyors Plats at Page 63, Kings County Records, being a portion of the Northeast Quarter of Section 32, Township 18 South, Range 21 East M.D.B.&M., Kings County, California. Also shown as Record of Survey recorded in Book 24 at Page 26 of Licensed Survey Plats, Kings County Records.

A portion of the south half of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 32, Township 18 South, Range 21 East and a portion of north half of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 32, Township 18 South, Range 21 East, M.D.B.&M., Kings County, California.

The northern 870 feet of Parcel 1 of that certain Parcel Map as recorded in Book 15 of Parcel Maps at Page 50, Kings County Records, being a portion of Section 33, Township 18 South, Range 21 East, M.D.B.&M., Kings County, California.

The northern 870 feet of the West Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 33, Township 18 South, Range 21 East, M.D.B.&M., Kings County, California.

2. Zone Map No. 302.010

Armona Area

Service Commercial (CS) to Mixed Use (MU) (Map Attachment A2)

General: Assessor Parcel Numbers 017-100-016, 017, 021 and 022

Geographic

Descriptions: Being a portion of Section 33, Township 18 South, Range 21 East, M.D.B.& M. in the unincorporated area of the County of Kings, State of California, being more particularly described as Parcels 1 and 2 of that certain Parcel Map as recorded in Book 13 of Parcel Maps at Page 26, Kings County Records.

Being a portion of Section 33, Township 18 South, Range 21 East, M.D.B.& M. in the unincorporated area of the County of Kings, State of California, being more particularly described as Parcel 1 and the south half of Parcel 2 of County Tract Map No. 897 as recorded in Book 24 of Licensed Surveyors Plats at Page 47, Kings County Records.

3. Zone Map No. 302.010

Armona Area

Transitional Use (T) to Mixed Use (MU) (Map Attachment A3)

General: Assessor Parcel Number 017-110-001

Geographic

Description: Being a portion of Section 33, Township 18 South, Range 21 East, M.D.B.& M. in the unincorporated area of the County of Kings, State of California, being more particularly described as Lot 1, excepting therefrom the south 208.71 feet, of Pacific Improvement Tract as recorded in Book 1 of Licensed Surveyors Plats at Page 97, Kings County Records.

4. Zone Map No. 302.010

Armona Area

Multi-Family Residential (RM-3) to Mixed Use (MU) (Map Attachment A4)

General: Assessor Parcel Numbers 017-100-022, 023, 024 and 025; Assessor Parcel Numbers 017-100-001, 002 and 018

Geographic

Description: Being a portion of Section 33, Township 18 South, Range 21 East, M.D.B.& M. in the unincorporated area of the County of Kings, State of California, being more particularly described as the northern half of Parcel 2, Parcel 3, Parcel 4, and an approximate 38,000 sq. ft. area in the northern of portion of Parcel 5 of County Tract Map No. 897 as recorded in Book 24 of Licensed Surveyors Plats at Page 47, Kings County Records.

The southern 430 feet of Parcel 1 and Parcel 2 of that certain Parcel Map as recorded in Book 15 of Parcel Maps at Page 50, Kings County Records, being a portion of Section 33, Township 18 South, Range 21 East, M.D.B.&M., Kings County, California.

The southern 430 feet of the West Quarter of the East Half of the Northwest Quarter of the Northwest Quarter of Section 33, Township 18 South, Range 21 East, M.D.B.&M., Kings County, California.

5. Zone Map No. 302.010

Armona Area

Limited Agriculture (AL-10) to Mixed Use (MU) (Map Attachment A5)

General: Assessor Parcel Numbers 017-100-003 and 004

Geographic

Description: The northern 790 feet of the East Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 33, Township 18 South, Range 21 East, M.D.B.&M., Kings County, California.

6. Zone Map No. 302.030

Home Garden Area

Multi-family Residential (RM-1.5) to Mixed Use (MU) (Map Attachment A6)

General: Assessor Parcel Number 011-440-010

Geographic

Description: Approximately 1.25 acres in the southeastern portion of the North Half of the Northeast Quarter of the Southeast Quarter of Section 1, Township 19 South, Range 21 West, M.D.B.&M., in the County of Kings, California.

7. Zone Map No. 302.030

Home Garden Area

Single Family Residential (R-1-6) to Mixed Use (MU) (Map Attachment A7)

General: Assessor Parcel Number 011-440-010

Geographic

Description: Approximately 2 acres in the southeastern portion of the North Half of the Northeast Quarter of the Southeast Quarter of Section 1, Township 19 South, Range 21 West, M.D.B.&M., in the County of Kings, California.

8. Zone Map No. 302.031

Home Garden Area

Service Commercial (CS) to Mixed Use (MU) (Map Attachment A8)

General: Assessor Parcel Numbers 016-171-048 and 049

Geographic

Description: A portion of Lot 6 in Block 1 of Home Garden Tract recorded in Book 2 at Page 81, Licensed Surveyors Plats, Kings County Records, more particularly described as Record of Survey recorded in Book 12 at Page 45 of Licensed Survey Plats, Kings County Records, lying in Section 6, Township 19 South, Range 22 East, M.D.B.&M., Kings County, California

The East 110 feet of the West 210 feet of Lot 6 in Block 1 of Home Garden Tract recorded in Book 2 at Page 81, Licensed Surveyors Plats, Kings County Records, lying in Section 6, Township 19 South, Range 22 East, M.D.B.&M., Kings County, California

9. Zone Map No. 302.049

Kettleman City Area

Transitional Use (T) to Multi-Family Residential (RM-2) (Map Attachment A9)

General: Assessor Parcel Numbers 042-122-016, 018, 019, 020, 037 and 038; Assessor Parcel Numbers 042-128-001 and 002; Assessor Parcel Numbers 042-132-003, 004, 005, 006, 007 and 016; Assessor Parcel Numbers 042-138-001, 002, 004, 005, and 006

Geographic

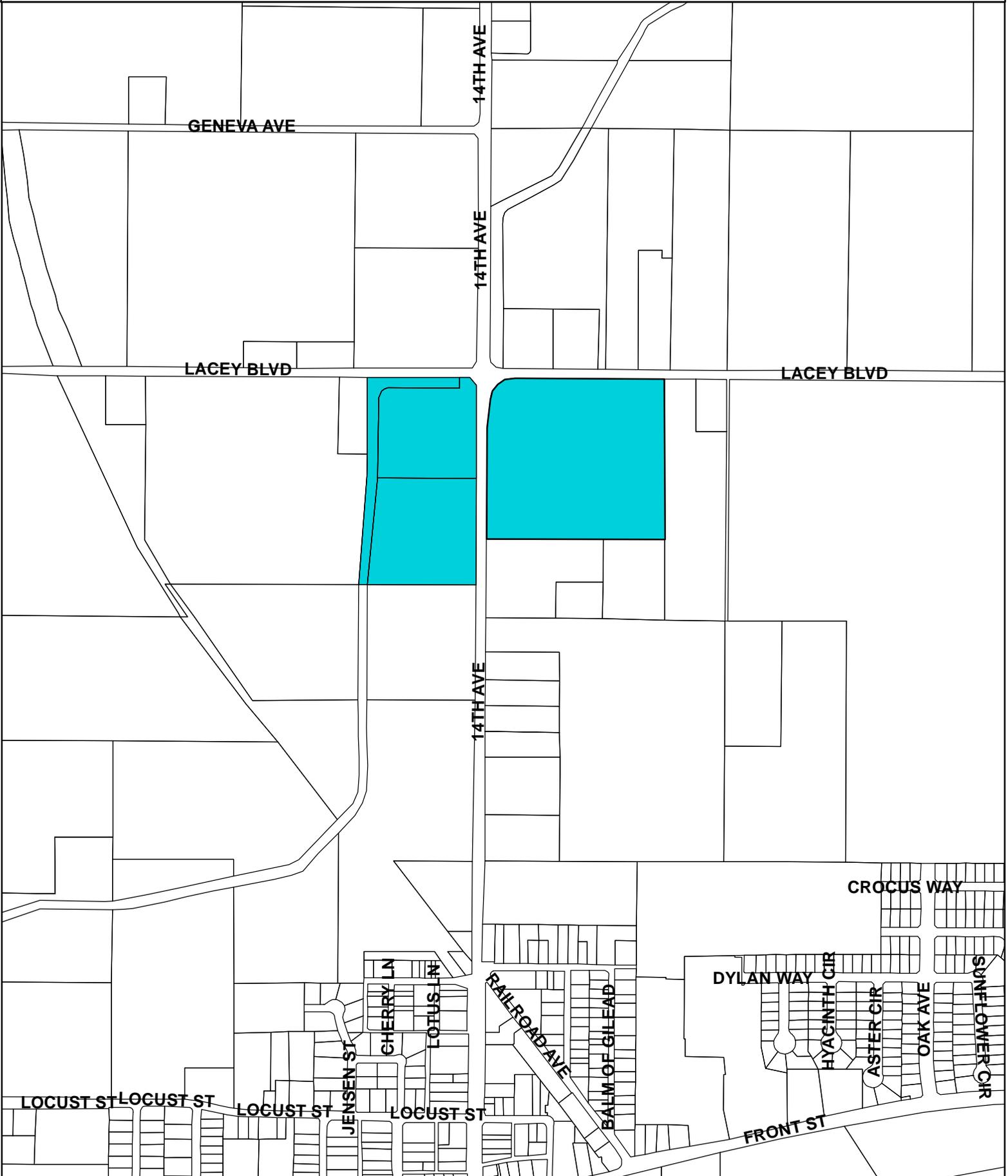
Description: Lots 5, 6, 7, 8, 9, 10, 11, and 12 in Block 49 of the Kettleman City Subdivision No. 2 recorded in Book 2, Page 100, Licensed Surveyors Plats, Kings County Records and lying in Section 18, Township 22 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Kings.

Lots 1, 2, 3, 4, 5, 6 and 7 in Block 4 of the Kettleman City Subdivision No. 1 recorded in Book 2, Page 99, Licensed Surveyors Plats, Kings County Records and lying in Section 18, Township 22 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Kings.

Lots 1, 2, 3, 4, 5, 6 and 7 in Block 5 of the Kettleman City Subdivision No. 1 recorded in Book 2, Page 99, Licensed Surveyors Plats, Kings County Records and lying in Section 18, Township 22 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Kings.

Lots 1, 2, 3, 4, 5, 6 and 7 in Block 12 of the Kettleman City Subdivision No. 1 recorded in Book 2, Page 99, Licensed Surveyors Plats, Kings County Records and lying in Section 18, Township 22 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Kings.

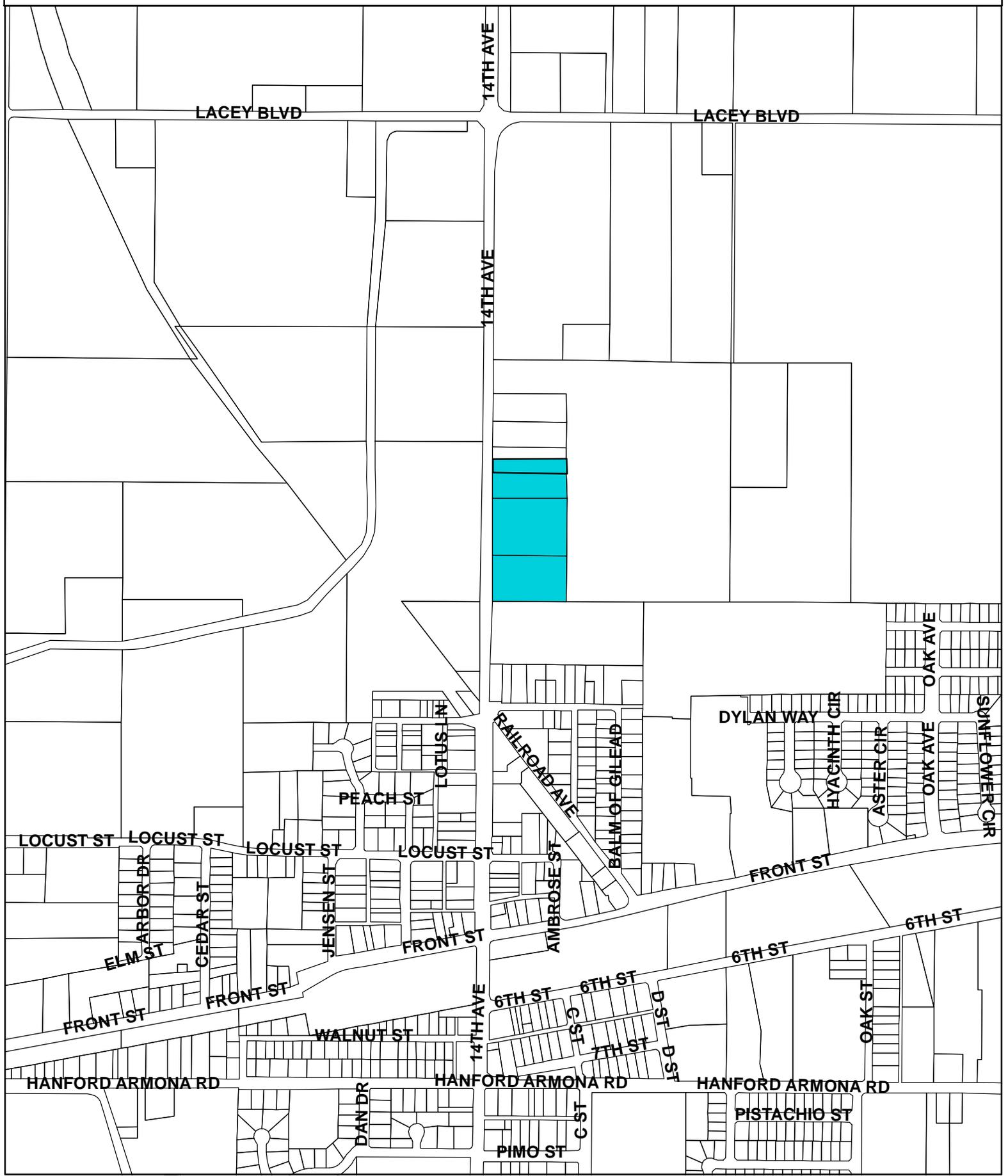
CZDB 15-03
Map Attachment A1
Armona Area



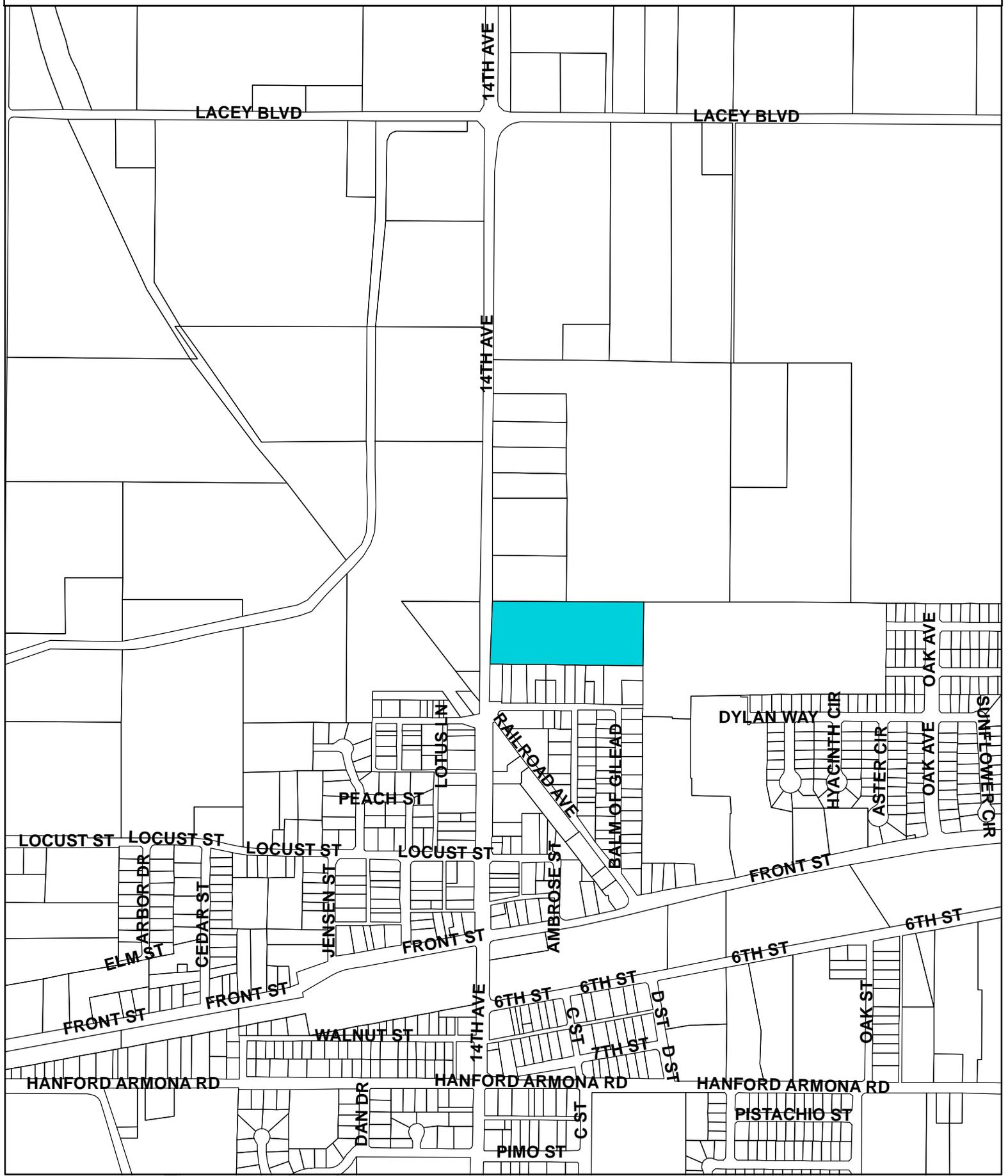
CZDB 15-03

Map Attachment A2

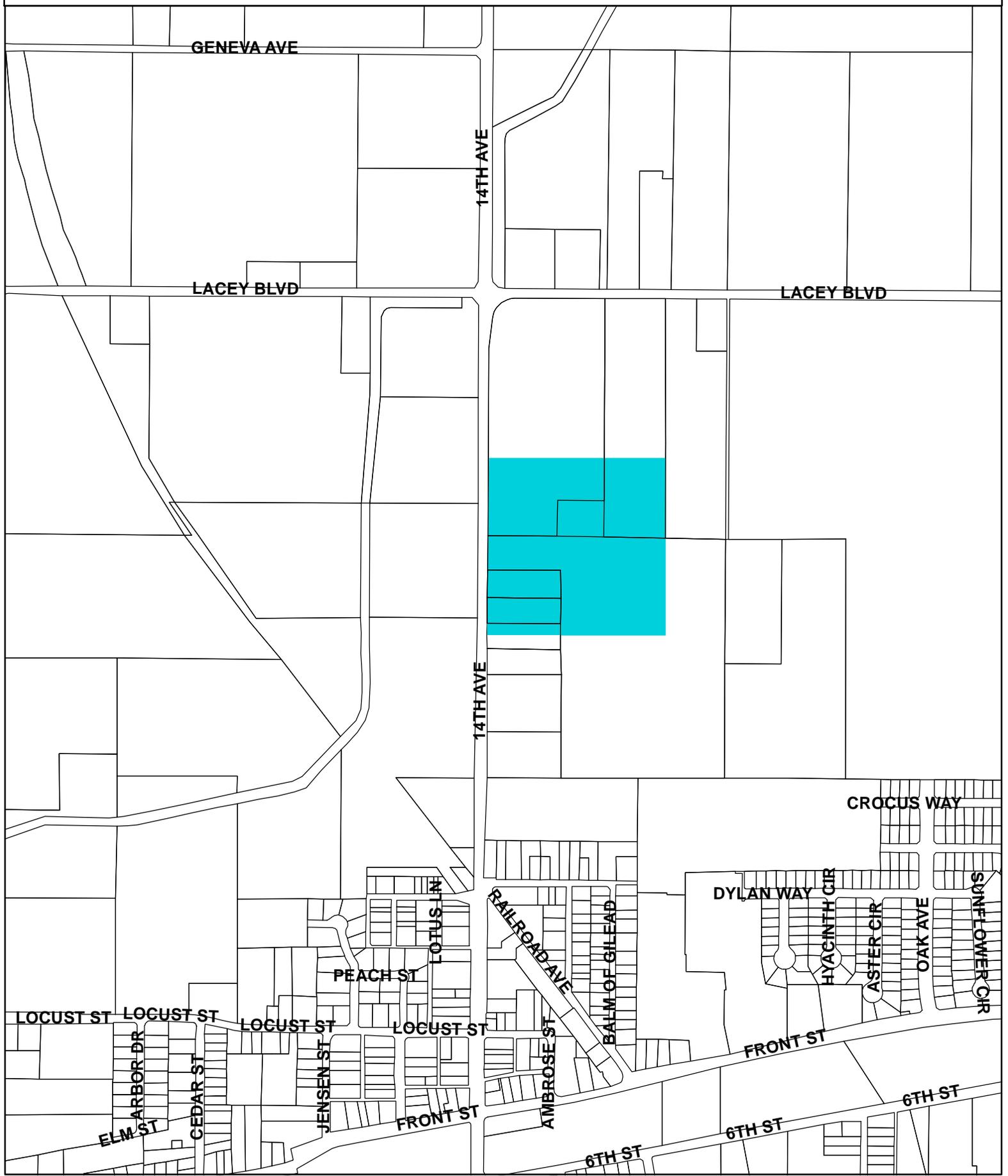
Armona Area



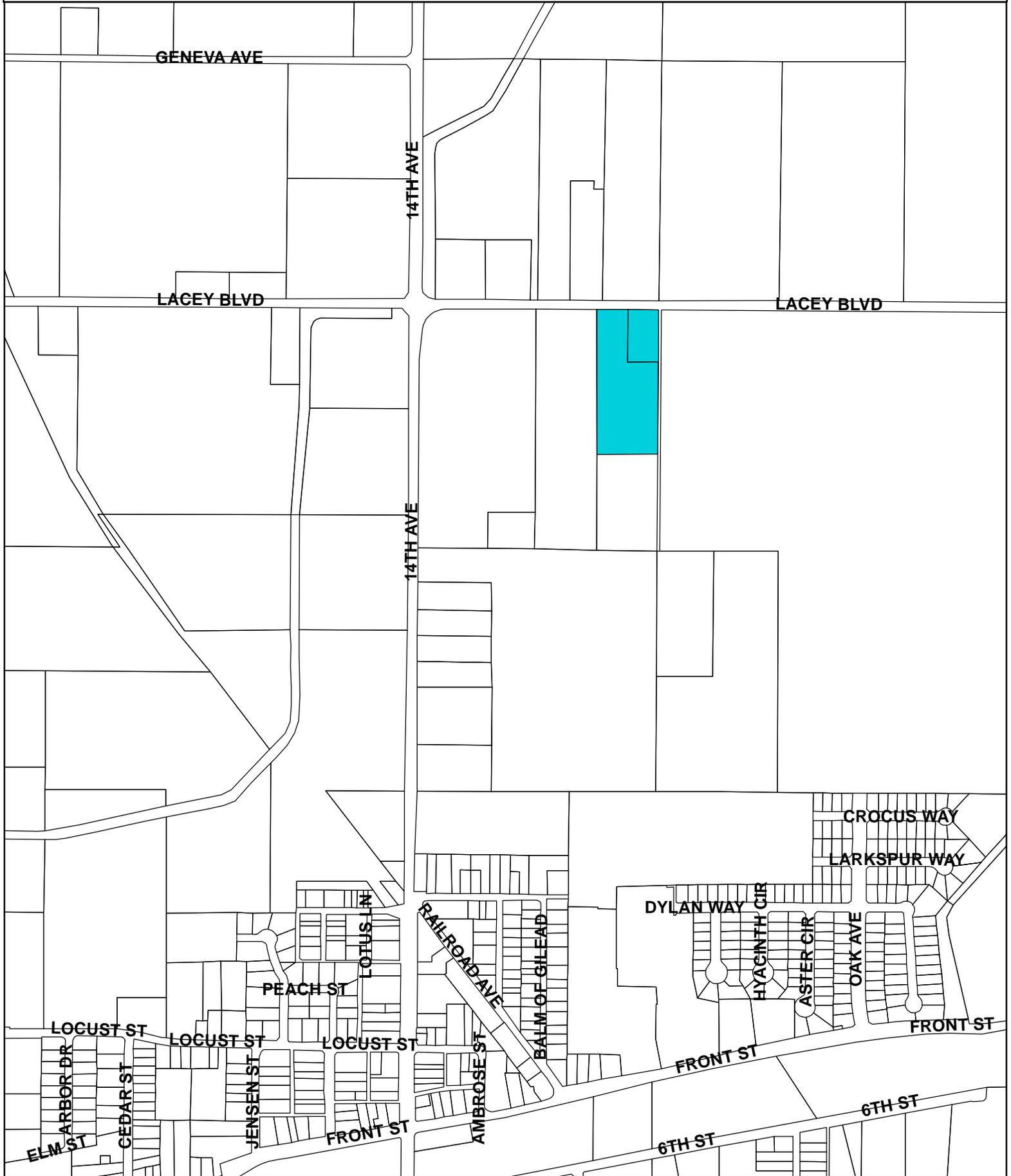
CZDB 15-03 Map Attachment A3 Armona Area



CZDB 15-03 Map Attachment A4 Armona Area



CZDB 15-03
Map Attachment A5
Armona Area



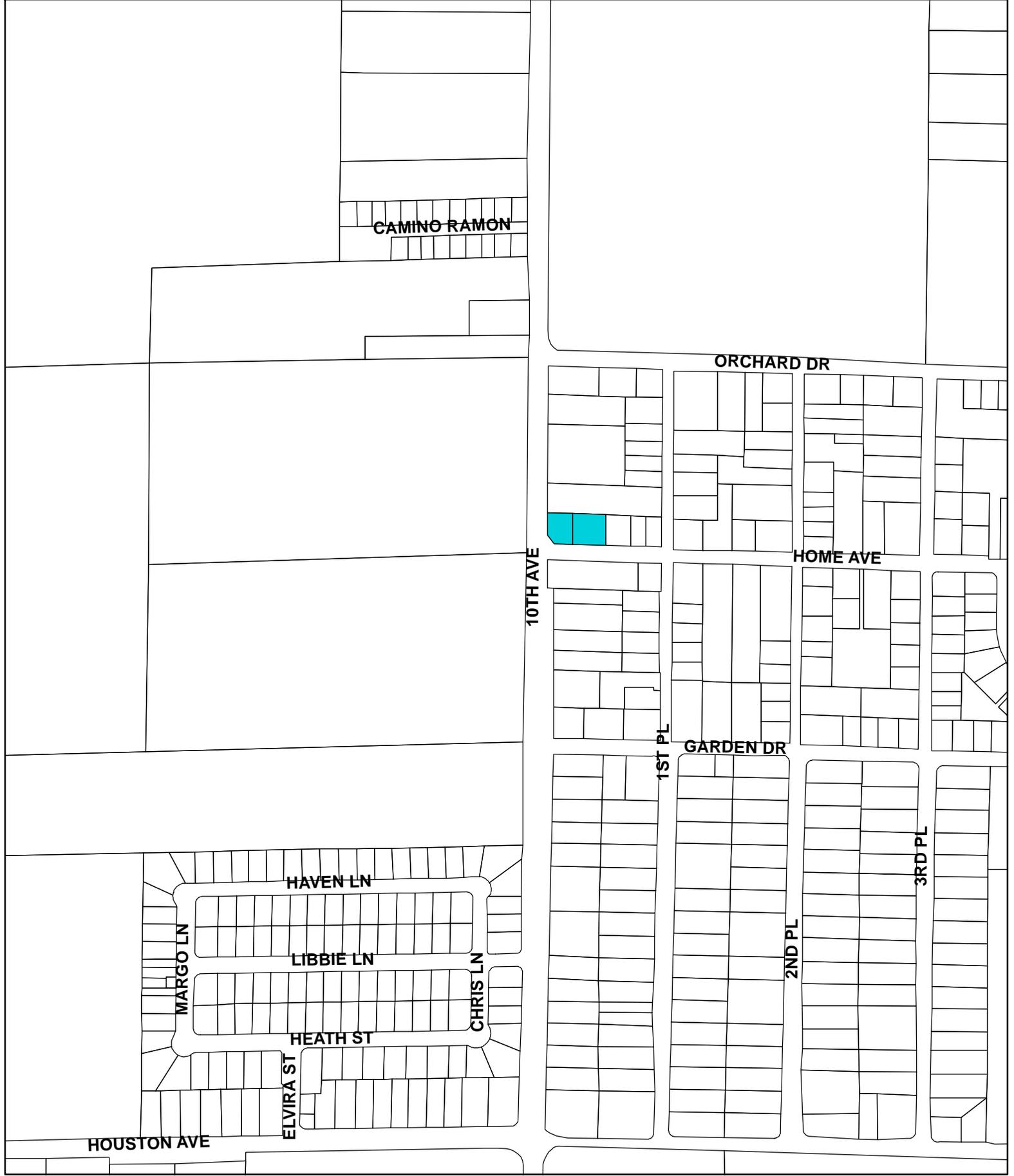
CZDB 15-03
Map Attachment A6
Home Garden Area



CZDB 15-03
Map Attachment A7
Home Garden Area



CZDB 15-03
Map Attachment A8
Home Garden Area



CZDB 15-03

Map Attachment A9

Kettleman City Area

