

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) 582-3211, ext. 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 May 2, 2011

This meeting will be held in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, 1400 W. Lacey Boulevard, Hanford, California

I. CALL TO ORDER - Kings County Planning Commission Meeting

- 1. PLEDGE OF ALLEGIANCE**
- 2. SUMMARY OF THE AGENDA - Staff**
- 3. UNSCHEDULED APPEARANCES**

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

- 4. APPROVAL OF MINUTES - Meeting of April 4, 2011.**

II. OLD BUSINESS - None

III. NEW BUSINESS

- 1. CONDITIONAL USE PERMIT NO. 08-02 (AVILA) – A proposal to establish an individual agricultural specialty store for the sale of gift baskets within an existing 1,360 square foot structure located at 8742 Flint Avenue, Hanford, Assessor's Parcel Number: 014-070-059.**
 - A. Staff Report (C.U.P. No. 08-02 Pages 1 to 13)
 - B. Public Hearing
 - C. Decision: Adopt Resolution No. 11-03 (C.U.P. No. 08-02 Pages 16 to 25) Roll Call Vote

IV. MISCELLANEOUS

- 1. FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Monday, June 6, 2011.
- 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 2 Commissioner – Mark Cartwright

District 3 Commissioner – R.G. Trapnell

District 4 Commissioner – Jim Gregory

District 5 Commissioner - Louise Draxler

April 4, 2011

CALL TO ORDER: The meeting of the Kings County Planning Commission was called to order by Chairman Cartwright, on April 4, 2011, at 7:01 p.m. in the Board of Supervisors Chambers, Administration Building, Kings County Government Center, Hanford, California. The Pledge of Allegiance was recited.

COMMISSIONERS PRESENT: Mark Cartwright, R.G. Trapnell, Jim Gregory, Louise Draxler, Riley Jones

COMMISSIONERS ABSENT: None

STAFF PRESENT: Greg Gatzka, Johanna Hartley, Chuck Kinney, Sandy Roper, Jeremy Kinney, Terri Yarbrough

VISITORS PRESENT: Rebecca Campbell, Jim Kilner, Dennis Tristao, Michael Mia, Jessica Singh

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

UNSCHEDULED APPEARANCES: No one spoke during this portion of the meeting.

APPROVAL OF MINUTES: A motion was made and seconded (Gregory/Draxler) to approve the minutes of the January 3, 2011 meeting as presented. Motion carried unanimously with Cartwright and Trapnell abstaining.

OLD BUSINESS: None

NEW BUSINESS:

- 1. Conditional Use Permit No. 10-06 (Kings County)** – Mr. Roper provided an overview of a proposal to renovate a 54-year old telephone pole type communications tower with a new galvanized steel structure (lattice or pole type configuration) located at 36001 Highway 33, Avenue., Assessor's parcel number 050-060-004.

Chairman Cartwright opened the public hearing and asked if there was any testimony in favor of the project. Seeing none, he asked if there was any testimony in opposition to the project. Seeing none, he closed the public hearing. Mr. Gregory asked if the tower covered the entire county. Fire Chief Kilner confirmed that the tower is the main tower for public safety.

A motion was made and seconded (Draxler/Trapnell) to adopt resolution 11-02 approving the renovation of the communications tower. Motion carried with five in favor.

- 2. Study Session** – Mitigation for loss of agricultural land – Mr. Gatzka provided a historical background on solar projects. He stated that the Kings County Zoning regulations allow commercial solar facilities with the approval of a conditional use permit in all agricultural zones except the AL-10 Zone District. He also stated

that the Resource Conservation Element of the 2035 Kings County General Plan provides guidelines for renewable energy projects and that approximately 83% of eligible land for solar development is under contract. He also stated that under government code section 51238, electrical facilities are deemed compatible. If proposed SB618 is approved in its current form, it would confirm that solar projects are compatible with Williamson Act Contracts.

2. **Study Session** – Joint Land Use Study – Mr. Kinney provided a summary of the Joint Land Use Study Report and presented the reports recommendations in detail. The report is available for public review and comments concerning the report will be accepted through April 27, 2010.

MISCELLANEOUS

1. **FUTURE MEETINGS:** The next regular meeting of the Planning Commission is scheduled for Monday, May 2, 2011.
2. **CORRESPONDENCE:** None
3. **STAFF COMMENTS:** None
4. **COMMISSION COMMENTS:** None

ADJOURNMENT – The meeting was adjourned at 9:09 p.m.

Respectfully Submitted,

KINGS COUNTY PLANNING COMMISSION



Gregory R. Gatzka, Commission Secretary

KINGS COUNTY PLANNING COMMISSION STAFF REPORT

Conditional Use Permit No. 08-02 Zoning Ordinance No. 269 May 2, 2011

APPLICANT: Barbara Avila, 8788 Flint Avenue, Hanford, CA 93230

PROPERTY OWNER: LeRoy A. & Barbara K. Avila Trust, 8628 Flint Avenue, Hanford, CA 93230

LOCATION: 8742 Flint Avenue, Hanford, CA, Assessor's Parcel Number 014-070-059

GENERAL PLAN DESIGNATION: General Agriculture (AG-20)

ZONE DISTRICT CLASSIFICATION: General Agricultural (AG-20)

CONDITIONAL USE PROPOSED: The applicant proposes to establish an individual agricultural specialty store for the sale of gift baskets within an existing 1,360 square foot structure.

DISCUSSION:

The applicant is seeking a Conditional Use Permit for the addition of operations that are designed to add additional value to the primary on-site operation which is the growing of fruit and nut crops, primarily pistachios. The additional operations proposed for the site include the packing and processing of fruits and nuts by the applicant both for wholesale trade as well as retail sales through mail order, internet sales, and the limited sales of agricultural and ancillary added-value products through an on-site sales facility for the sale of gift baskets.

The on-site facility is an incidental and accessory structure to the agricultural operation and is used for packing, grading, retail sales and other wholesale related operations. It is a 1,360 square foot facility, fully served by adequate parking, handicapped access, delivery, and appropriate circulation.

The office and packing area of the facility will generally be used from 8:00 AM until 5:00 PM, Tuesday through Saturday, 52 weeks a year. The operation will be closed most traditional holidays. These hours may be extended to include some additional daytime hours on Monday and Sunday during short peak packing seasons (less than 30 days) and during November and December for holiday packaging to meet seasonal sales demand.

The retail ancillary portion of the structure will be open a maximum of 8 hours per day, 10:00 AM until 6:00 PM, six days a week from Tuesday through Sunday.

The applicant expects daily customer traffic not to exceed 24 daily visitors who will be at the site during normal business hours on an average year-round basis. The applicant expects this average to be exceeded during the months of November and December with daily traffic to be approximately double normal traffic. Each customer visit is expected to average about 15 minutes.

The applicant expects daily delivery traffic to average one daily pickup for packages to be mailed and one daily delivery of supplies or related incidental items. The delivery vehicles will average no more than 10 minutes per visit.

The applicant expects to be a full-time operator of the retail/mail order operation. An additional full-time equivalent (FTE) employee will be on-site during the year, especially during the holiday seasons. This FTE slot may be filled by one full-time worker or two or more part-time workers.

The applicant may hire up to five additional seasonal agricultural packing employees to temporarily package agricultural products for retail and wholesale trade.

The only applicant vehicles on-site will be vehicles normally associated with the applicant's on-going and allowable full-time agricultural operation. Additional visitor and delivery vehicles will be on site for short visits as described above.

All parking areas are fully paved and include three (3) parking spaces at the front of the facility for visitors as well as an additional full handicapped parking space. All delivery vehicles will be directed to the rear loading door out of sight behind the building. Visitor traffic is not projected to escalate by the applicant as operations for future growth will be focused on internet, mail order, and wholesale operations.

Equipment used on-site is stored within the structures and is generally limited to equipment traditionally associated with the operation of smaller packing and sales facilities. Supplies and consumable materials used on-site include those traditionally associated with the operation of smaller packing and sales facilities. No hazardous or toxic materials are associated with the applicant's proposed use.

The proposed occupancy will generate noise normally associated with the operation of smaller packing and sales facilities. The applicant proposed to conduct all those activities inside enclosed buildings. Dust and odors will not be generated by the proposed use.

Outdoor lighting will be limited to four outside hooded security lamps attached to the outside of the structure. One existing decorative lamp exists in the front landscaping facing Flint Avenue. Sound amplification will not be used. The site is fully landscaped.

The applicant has a current Beer and Wine license that will be limited to the resale of bottled wine as an accessory to the sale of fruit and nut packaged products in both retail and wholesale sales environments.

CURRENT USE OF SITE: An existing 1,360 square foot specialty store for the sale of pistachios, fruits and nuts, including off site sale of beer and wine, as a home occupation, an existing 200 square foot modular building, and growing of fruit and nut crops, primarily pistachios.

LAND USE

SURROUNDING SITE: Orchards, field crops, an agricultural service shop, an agricultural trucking service, and agricultural residences.

ENVIRONMENTAL REVIEW: The Kings County Community Development Agency has determined that this project is Categorically Exempt from environmental review pursuant to Section 15303(c) of the *Guidelines for Environmental Quality Act (CEQA Guidelines)* and therefore, the preparation of an environmental document is not necessary. Section 15303(c) exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, including stores not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

PROJECT REVIEW:

September 12, 2008	Application submitted
September 12, 2008	Application put on hold pending a Zoning Ordinance Text Change adding individual agricultural specialty stores as a conditional use in the General Agricultural (AG-20) zone district
September 28, 2010	Zoning Ordinance Text Change No. 269.77 adopted by the Kings County Board of Supervisors adding individual agricultural specialty stores as a conditional use in the General Agricultural (AG-20) zone district
February 23, 2011	Application certified complete
May 2, 2011	Planning Commission hearing

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

1. The use conforms with objectives of the ordinance and policies of the General Plan.
2. The use should not be detrimental to public health and safety, nor materially injurious to properties in the vicinity.
3. The use will comply with applicable provisions of the ordinance.

With regard to these required findings, staff comments that:

1. The proposed individual agricultural specialty store is consistent with the objectives of the ordinance and policies of the *2035 Kings County General Plan*, specifically:
 - A. Figure LU-16, the Land Use Map of “Hanford Urban Fringe” designates this site as General Agriculture (AG-20).

- B. 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, prevents 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.
 - C. 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.
 - D. Page LU-27, Section IV.B. of the “Land Use Element” states that 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-31, LU Objective B2.3 allows increased diversified business opportunities within agricultural areas when they are compatible with agricultural operations.
 - F. Page LU-32, LU Policy B2.3.1 states that value added agriculturally related businesses may be allowed when the business operation is primarily associated with the commercial farming operation. Additional employees may be allowed to work at the business.
2. This project is Categorically Exempt from environmental review pursuant to Section 15303(c) of the *Guidelines for Environmental Quality Act (CEQA Guidelines)* and therefore, the preparation of an environmental document is not necessary. Section 15303(c) exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, including stores not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

3. The use complies with the applicable provisions of the ordinance, specifically: The proposed individual agricultural specialty store, as recommended for approval, is consistent with the *Kings County Zoning Ordinance*.
 - A. Article 4, Section 402.D.25. of the General Agricultural (AG-20) District lists individual agricultural specialty stores as a conditional use subject to Kings County Planning Commission approval.
 - B. Article 25, Section 2503, Definition No. 69.9 defines an individual agricultural specialty store as “A direct marketing outlet store owned and operated by the agricultural producer, located at or near the point of production, which provides an alternative method for growers to sell their products while benefiting the consumer by supplying quality produce at a reasonable price as well as selling value added products which may include, but are not limited to fruit and nut baskets, specialty gifts and snacks that augment or compliment the produce. Beer and wine may be included as value added items provided the appropriate ABC (Alcoholic Beverage Control) license is obtained. All items for sale must include produce which is grown by the producer as part of the value added item with the exception of bottled water, soft drinks, bottled or canned juices, and non-potentially hazardous prepackaged food products which may be sold separately.”
4. The project site is located within an established Agricultural Preserve.

WILLIAMSON ACT CONSISTENCY FINDING:

1. *California Land Conservation Act of 1965 (Williamson Act)* consistency: The proposed project, as recommended for approval, is consistent with the *Williamson Act*.
 - A. The proposed project is consistent with the *Uniform Rules for Agricultural Preserves in Kings County*.
 - (1) The *Uniform Rules for Agricultural Preserves in Kings County* state that during the term of a contract, the only uses permitted upon the land shall be Commercial Agricultural Uses and Compatible Uses.
 - (a) Section B.12 of the *Kings County Uniform Rules for Agricultural Preserves* lists as a compatible use agricultural produce processing facilities for the processing of food, feed, fiber and fertilizers, and other similar activities, which convert raw agricultural produce that is grown or raised on farmland to a ready-for-market condition by canning, bottling, cooking, drying, mixing, combining, cutting, crushing, packing, packaging, or some other form of processing, on land zoned either AG-20 or AG-40 subject to the approval of a conditional use permit by the Planning Commission as a Compatible Use.

- B. 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) The applicant is proposing to establish an individual agricultural specialty store for the sale of gift baskets within an existing 1,360 square foot structure. No land will be taken out of production as a result of this project. Since the proposed individual agricultural specialty store will be a Compatible Use, the long-term productive agricultural capability of the subject-contracted parcels will not be significantly 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) The applicant is proposing to establish an individual agricultural specialty store for the sale of gift baskets within an existing 1,360 square foot structure. No land will be taken out of production as a result of this project. Since the proposed individual agricultural specialty store will be a Compatible Use, the proposed individual agricultural specialty store will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcels 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) The applicant is proposing to establish an individual agricultural specialty store for the sale of gift baskets within an existing 1,360 square foot structure. No land will be taken out of production as a result of this project. Since the proposed individual agricultural specialty store will be a Compatible Use, the proposed individual agricultural specialty store will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

FLOOD PLAIN FINDING:

1. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0205C, 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.

ENTERPRISE ZONE FINDING:

1. The project site is not located within the Kings County Enterprise Zone.

AIRPORT COMPATIBILITY ZONE FINDING:

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

RECOMMENDATIONS:

It is recommended that the Commission approve Conditional Use Permit No. 08-02 as described above and adopt Resolution No. 11-03. Approval of this Resolution will:

1. Find that the proposed project is Categorical Exempt from environmental review pursuant to Section 15303(c) of the *Guidelines for Environmental Quality Act (CEQA Guidelines)* and therefore, the preparation of an environmental document is not necessary. Section 15303(c) exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, including stores not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.
2. Find that the project is consistent with the *Kings County General Plan, Kings County Zoning Ordinance*, and the *California Land Conservation Act of 1965 (Williamson Act)*.
3. Approve the project with specified conditions of approval.

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

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

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - PLANNING DIVISION Contact Sandy Roper at the Kings County Community Development Agency - Planning Division at (559) 582-3211, Extension 2685, regarding the following requirements:

1. All proposals of the applicant shall be conditions of approval if not mentioned herein.
2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:

- A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Site Plan Review.
 - 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 *Zoning Ordinance No. 269*, with particular reference to the General Agricultural (AG-20) Zone District standards contained in Article 4.
4. Pursuant to Section 1606.C.1 of the *Kings County Zoning Ordinance* unless otherwise stated, the following signs are allowed as a permitted use and do not require a sign permit, site plan review or conditional use permit. All signs shall be located outside of the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines. Signs shall be permitted only as follows in Agricultural (A) Districts:
- A. Name plates or signs, not directly illuminated, with an aggregate area of not more than forty (40) square feet pertaining to a permitted use, permitted use with site plan review or conditional use conducted on the site.
 - B. Signs exceeding forty (40) square feet in structural area and up to one-hundred-fifty (150) square feet in structural area which are incidental and pertaining to a permitted or conditional use may be permitted subject to a site plan review. Such signs may be located on the same parcel or an adjacent parcel used in conjunction with the permitted or conditional use. Signs exceeding forty (40) square feet in structural area may be illuminated and shall be thirty (30) feet from property lines adjacent to a road.
 - C. One non illuminated on-site sign real estate sign or subdivision not exceeding thirty-two (32) square feet in structural area with copy on both sides pertaining to the sale, lease, rental or display of a structure or land per Section 1606.B.2.a.
 - D. Directional or information (other than advertising) signs not exceeding two hundred and forty (240) square feet in area located adjacent to a state highway or a county road within an area limited by points not closer than one-fourth ($\frac{1}{4}$) mile or further than three-fourths ($\frac{3}{4}$) mile from a frontage road turnoff, listing commercial establishments accessible via the frontage road, and further provided that not more than four (4) such signs shall be permitted on each side of the highway or county road.
 - E. Signs not exceeding two hundred forty (240) square feet in area located adjacent to a state highway or county road that is classified as an arterial or collector road (including such

designations as urban or rural, major or minor) giving direction to or information about Kings County cities, communities, or rural service centers which are accessible by such state highways or county roads or direct routes consisting of combinations thereof, provided that such signs shall be limited to four (4) per city, community or rural service center regardless of the sign's location in this district, and further provided that such signs shall not contain information pertaining to a subdivision of land or private development, commercial establishments or quasi-public developments.

- F. Non-illuminated temporary construction signs in accordance with Section 1606.B.2.c.
- G. Political and Campaign Signs in accordance with Section 1606.B.3.
- H. Placing a sign on property which is restricted by contract under the *California Land Conservation "Williamson" Act of 1965* shall be prohibited, except for temporary signs (pursuant to Section 1606.B.2.a, c, and d), political and campaign signs (pursuant to Section 1606.B.4), and signs incidental to a permitted use, permitted use with site plan review, or conditional use which are consistent with the *Uniform Rules for Agricultural Preserves in Kings County*.

- 5. Exterior lighting shall be hooded so as to be directed only on site.
- 6. Off-street parking spaces shall be provided as shown on the approved site plan and that such parking be maintained in accordance with the *Kings County Improvement Standards*.
- 7. All parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G. and Drawing 3036 of the *Kings County Improvement Standards* requires Cutback Asphalt over four (4) inches of Decomposed Granite under the "Rural Alternative." (Note: The Kings County Planning Commission hereby reserves the right to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County Roads.)
- 8. The site shall not create any radio or television interference or noise audible beyond the boundaries of the site.
- 9. All open and unlandscaped portions of the lot shall be maintained in good condition, free from weeds, dust, trash and debris.
- 10. The minimum yard requirements from property line to a structure shall be as follows:
 - A. The minimum front yard setback shall be either fifty (50) feet from the front property line to a structure or eighty (80) feet from the center of the road to a structure, whichever is greater.
 - B. The minimum side yard setback shall be not less than ten (10) feet from the side property line to a structure.
 - C. The minimum rear yard setback shall be not less than ten (10) feet from the rear property line to a structure.
 - D. The minimum distance between structures shall be not less than ten (10) feet.
- 11. The land upon which this project is located is subject to California Land Conservation Contract No. 842, in Agricultural Preserve No. 70-175, Recorded in Book 962 at Page 507 on December 29, 1970, Kings County Records. All land uses and structures located on this contracted land

must comply with the “*Uniform Rules for Agricultural Preserves in Kings County*” and the requirement of the “*California Land Conservation ‘Williamson’ Act*”, specifically sections 51231, 51238, 51238.1 and 51250. Failure to comply with said *Uniform Rules and Act* may result in action taken by Kings County or the State of California to enforce the conditions of the contract. Such enforcement may result in substantial monetary penalties and termination of that portion of the *Williamson Act* Contract determined to be incompatible.

12. 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.
13. 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.
14. 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.
15. Sales or use tax may apply to business activities on the site. The applicant may seek written advice regarding the application of tax to your particular business by writing to the nearest State Board of Equalization office. For general information, please call the Board of Equalization at 1-800-400-7115.
16. 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.
17. 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.
18. 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 Planning Commission prior to the permit’s expiration date.

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) 582-3211, Extension 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. 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.
4. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
5. Pursuant to Section 1129B of the *California Building Code* one (1) van accessible parking space, allowing room for individuals in wheelchairs, on braces or crutches to get in and out of an automobile onto a level surface, suitable for wheeling and walking shall be provided. The parking space shall be 9' x 20' with an 8' wide loading and unloading aisle placed on the side opposite the driver's side. The surfacing of the parking space, loading and unloading aisle and the accessible path from the space to the entrance of the building shall be either asphalt concrete or concrete.
6. The development shall comply with all applicable *Americans with Disability's Act (ADA)* requirements, especially Section 1127B of the *California Building Code*, which states that site development and grading shall be designed to provide access to all entrances and exterior ground-floor exits, and access to normal paths of travel. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities and the accessible entrance to the site, including but not limited to access from the accessible parking space to accessible building entrances.
7. Pursuant to Section 1115B of the *California Building Code* an accessible restroom shall be provided.

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2. A 2A-10BC fire extinguisher is required to be located in plain sight not more than 75 feet from any point within the structure. The location of the fire extinguisher must be easily accessible and the extinguisher shall be mounted with fastened hangers so that the weight of the extinguisher is adequately supported.
3. Employees should be familiar with the use of fire safety equipment.
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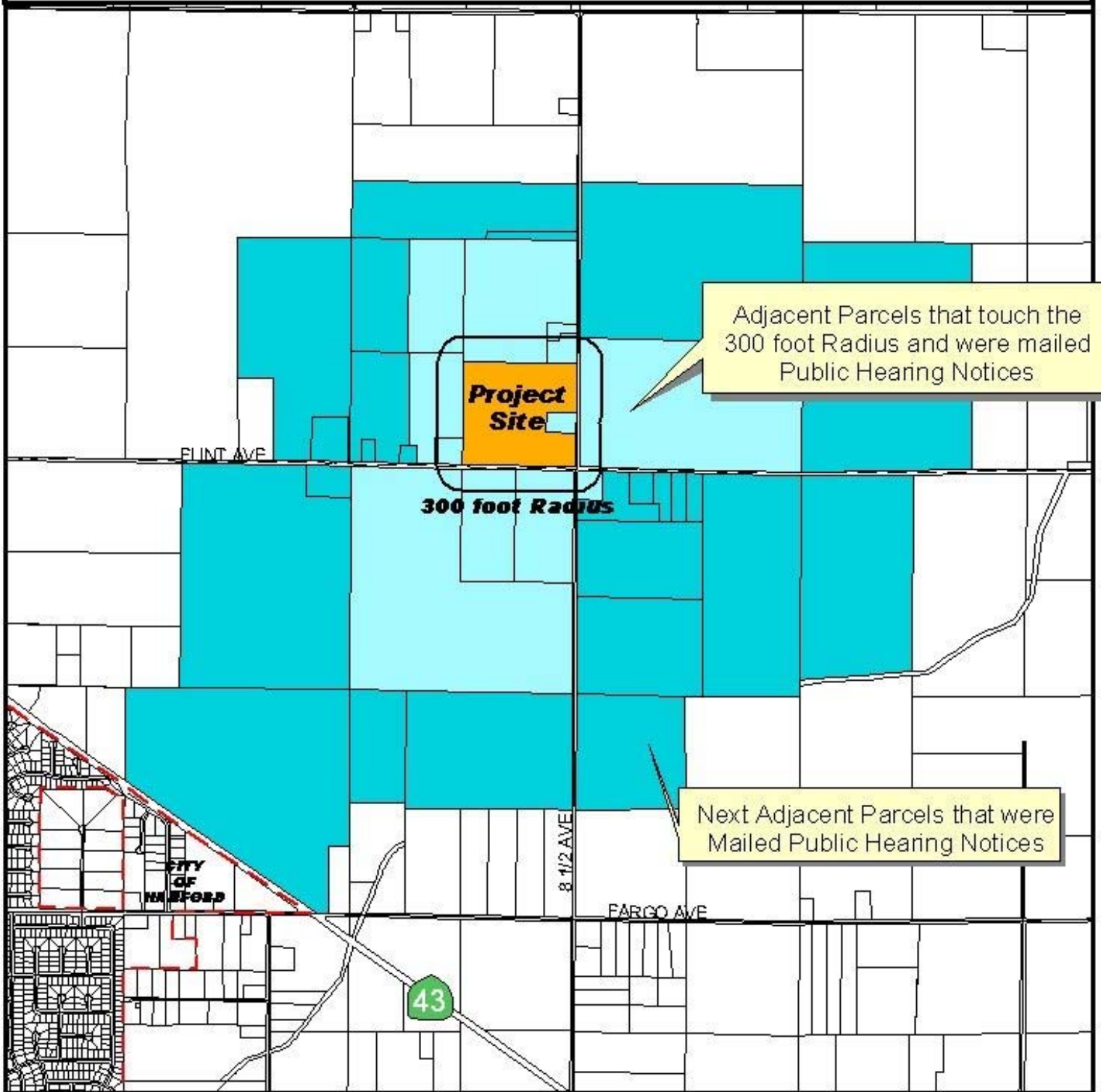
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1. The proponent currently maintains a food vending permit with our office under Avila Acres at 8768 Flint Avenue. Please contact us to modify the permit to reflect the change of sales location to 8742 Flint Avenue when it occurs.

PREPARATION:

Prepared by the Kings County Community Development Agency (Sandy Roper) on April 22, 2011. Copies are available for review at the Kings County Community Development Department, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

Project Location & Mailing Map for Conditional Use Permit No. 08-02



Map prepared by
Chuck Kinney
Kings County CDA
April 18, 2011
1400 W. Lacey Boulevard, Hanford, CA 93230 (559) 582-3211 ext. 2670

0.2 0 0.2 0.4 0.6 0.8 Miles



LEGEND

Project Site



Adjacent Properties Notified That Touch The 300 Foot Radius And Were Mailed Public Hearing Notices



Next Adjacent Properties Notified That Were Mailed Public Hearing Notices



City Boundary



Circulation:

- Minor Road
- Minor Arterial
- Interstate
- Free way
- Expressway
- Collector
- Arterial
- Railroad

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

**IN THE MATTER OF CONDITIONAL USE)
PERMIT NO. 08-02 (Avila))
_____)**

RESOLUTION NO. 11-03

RE: 8742 Flint Avenue, Hanford

WHEREAS, on September 12, 2008, Barbara Avila filed Conditional Use Permit No. 08-08; to establish an individual agricultural specialty store for the sale of gift baskets within an existing 1,360 square foot structure; and

WHEREAS, on September 12, 2008, Conditional Use Permit No. 08-02 was put on hold pending a Zoning Ordinance Text Change adding individual agricultural specialty stores as a conditional use in the General Agricultural (AG-20) zone district; and

WHEREAS, on September 28, 2010, Zoning Ordinance Text Change No. 269.77 was adopted by the Kings County Board of Supervisors adding individual agricultural specialty stores as a conditional use in the General Agricultural (AG-20) zone district; and

WHEREAS, the application was determined to be complete on February 23, 2011; and

WHEREAS, on April 25, 2011, the Kings County Community Development Agency recommended that that this project is Categorically Exempt from environmental review pursuant to Section 15303(c) of the *Guidelines for Environmental Quality Act (CEQA Guidelines)* and therefore, the preparation of an environmental document is not necessary; and

WHEREAS, Section 15303(c) exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, including stores not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area; and

WHEREAS, on April 25, 2011, the Kings County Community Development Agency staff notified the applicant of the proposed recommendation on this project; and

WHEREAS, on May 2, 2011, this Commission held a duly noticed public hearing to receive testimony from any interested person.

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

1. This proposal is consistent with the objectives of the ordinance and policies of the *2035 Kings County General Plan*, specifically:
 - A. Figure LU-16, the Land Use Map of “Hanford Urban Fringe” designates this site as General Agriculture (AG-20).

- B. 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, prevents 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.
 - C. 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.
 - D. Page LU-27, Section IV.B. of the “Land Use Element” states that 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-31, LU Objective B2.3 allows increased diversified business opportunities within agricultural areas when they are compatible with agricultural operations.
 - F. Page LU-32, LU Policy B2.3.1 states that value added agriculturally related businesses may be allowed when the business operation is primarily associated with the commercial farming operation. Additional employees may be allowed to work at the business.
2. This project is Categorically Exempt from environmental review pursuant to Section 15303(c) of the *Guidelines for Environmental Quality Act (CEQA Guidelines)* and therefore, the preparation of an environmental document is not necessary. Section 15303(c) exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, including stores not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

3. The use complies with the applicable provisions of the ordinance, specifically: The proposed individual agricultural specialty store, as recommended for approval, is consistent with the *Kings County Zoning Ordinance*.
 - A. Article 4, Section 402.D.25. of the General Agricultural (AG-20) District lists individual agricultural specialty stores as a conditional use subject to Kings County Planning Commission approval.
 - B. Article 25, Section 2503, Definition No. 69.9 defines an individual agricultural specialty store as “A direct marketing outlet store owned and operated by the agricultural producer, located at or near the point of production, which provides an alternative method for growers to sell their products while benefiting the consumer by supplying quality produce at a reasonable price as well as selling value added products which may include, but are not limited to fruit and nut baskets, specialty gifts and snacks that augment or compliment the produce. Beer and wine may be included as value added items provided the appropriate ABC (Alcoholic Beverage Control) license is obtained. All items for sale must include produce which is grown by the producer as part of the value added item with the exception of bottled water, soft drinks, bottled or canned juices, and non-potentially hazardous prepackaged food products which may be sold separately.”
4. The project site is located within an established Agricultural Preserve.
5. *California Land Conservation Act of 1965 (Williamson Act)* consistency: The proposed project, as recommended for approval, is consistent with the *Williamson Act*.
 - A. The proposed project is consistent with the *Uniform Rules for Agricultural Preserves in Kings County*.
 - (1) The *Uniform Rules for Agricultural Preserves in Kings County* state that during the term of a contract, the only uses permitted upon the land shall be Commercial Agricultural Uses and Compatible Uses.
 - (a) Section B.12 of the *Kings County Uniform Rules for Agricultural Preserves* lists as a compatible use agricultural produce processing facilities for the processing of food, feed, fiber and fertilizers, and other similar activities, which convert raw agricultural produce that is grown or raised on farmland to a ready-for-market condition by canning, bottling, cooking, drying, mixing, combining, cutting, crushing, packing, packaging, or some other form of processing, on land zoned either AG-20 or AG-40 subject to the approval of a conditional use permit by the Planning Commission as a Compatible Use.
 - B. 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) The applicant is proposing to establish an individual agricultural specialty store for the sale of gift baskets within an existing 1,360 square foot structure. No land will be taken out of production as a result of this project. Since the proposed individual agricultural specialty store will be a Compatible Use, the long-term productive agricultural capability of the subject-contracted parcels will not be significantly 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) The applicant is proposing to establish an individual agricultural specialty store for the sale of gift baskets within an existing 1,360 square foot structure. No land will be taken out of production as a result of this project. Since the proposed individual agricultural specialty store will be a Compatible Use, the proposed individual agricultural specialty store will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcels 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) The applicant is proposing to establish an individual agricultural specialty store for the sale of gift baskets within an existing 1,360 square foot structure. No land will be taken out of production as a result of this project. Since the proposed individual agricultural specialty store will be a Compatible Use, the proposed individual agricultural specialty store will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
6. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0205C, 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.
7. The project site is not located within the Kings County Enterprise Zone.
8. The project site is not located within an Airport Compatibility Zone.

BE IT FURTHER RESOLVED, that based on the above findings, this Commission approves Conditional Use Permit No. 08-02, as proposed, subject to the conditions and exceptions as follows:

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - PLANNING DIVISION Contact Sandy Roper at the Kings County Community Development Agency - Planning Division at (559) 582-3211, Extension 2685, regarding the following requirements:

1. All proposals of the applicant shall be conditions of approval if not mentioned herein.
2. The site plan for the project is approved in concept. However, it is understood that during the actual design of the project that either of the following minor alterations to the site plan may be necessary: 1) structural alterations; and/or 2) alterations to the location of structures. Any minor alterations shall comply with the following requirements:
 - A. The site shall be developed in substantial compliance with the conceptually approved site plan. Development of the site shall be considered substantially consistent with the approved conceptual site plan if any minor structural alteration is within ten (10) percent of the square footage shown on the conceptually approved site plan or up to a 2,500 square foot increase in structural size, whichever is less, and the minor structural alteration complies with coverage standards.
 - B. A minor alteration of the location of a structure shall be considered substantially consistent with the approved conceptual site plan if the new location of the structure complies with all setback requirements for the zone district that the project site is located in.
 - C. Any minor alteration that would make it necessary to modify or change any condition of approval placed on the project would require resubmittal of the application to amend the approval of the Site Plan Review.
 - 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.
4. The development shall comply with all regulations of *Zoning Ordinance No. 269*, with particular reference to the General Agricultural (AG-20) Zone District standards contained in Article 4.
5. Pursuant to Section 1606.C.1 of the *Kings County Zoning Ordinance* unless otherwise stated, the following signs are allowed as a permitted use and do not require a sign permit, site plan review or conditional use permit. All signs shall be located outside of the public right-of-way and shall not be located within a traffic safety visibility area if over three (3) feet in height. Unless a different setback is specified for a particular zone district, the minimum setback distance for all signs over three (3) feet in height shall be ten (10) feet from property lines. Signs shall be permitted only as follows in Agricultural (A) Districts:
 - a. Name plates or signs, not directly illuminated, with an aggregate area of not more than forty (40) square feet pertaining to a permitted use, permitted use with site plan review or conditional use conducted on the site.
 - b. Signs exceeding forty (40) square feet in structural area and up to one-hundred-fifty (150) square feet in structural area which are incidental and pertaining to a permitted or

conditional use may be permitted subject to a site plan review. Such signs may be located on the same parcel or an adjacent parcel used in conjunction with the permitted or conditional use. Signs exceeding forty (40) square feet in structural area may be illuminated and shall be thirty (30) feet from property lines adjacent to a road.

- c. One non illuminated on-site sign real estate sign or subdivision not exceeding thirty-two (32) square feet in structural area with copy on both sides pertaining to the sale, lease, rental or display of a structure or land per Section 1606.B.2.a.
 - d. Directional or information (other than advertising) signs not exceeding two hundred and forty (240) square feet in area located adjacent to a state highway or a county road within an area limited by points not closer than one-fourth ($\frac{1}{4}$) mile or further than three-fourths ($\frac{3}{4}$) mile from a frontage road turnoff, listing commercial establishments accessible via the frontage road, and further provided that not more than four (4) such signs shall be permitted on each side of the highway or county road.
 - e. Signs not exceeding two hundred forty (240) square feet in area located adjacent to a state highway or county road that is classified as an arterial or collector road (including such designations as urban or rural, major or minor) giving direction to or information about Kings County cities, communities, or rural service centers which are accessible by such state highways or county roads or direct routes consisting of combinations thereof, provided that such signs shall be limited to four (4) per city, community or rural service center regardless of the sign's location in this district, and further provided that such signs shall not contain information pertaining to a subdivision of land or private development, commercial establishments or quasi-public developments.
 - f. Non-illuminated temporary construction signs in accordance with Section 1606.B.2.c.
 - g. Political and Campaign Signs in accordance with Section 1606.B.3.
 - h. Placing a sign on property which is restricted by contract under the *California Land Conservation "Williamson" Act of 1965* shall be prohibited, except for temporary signs (pursuant to Section 1606.B.2.a, c, and d), political and campaign signs (pursuant to Section 1606.B.4), and signs incidental to a permitted use, permitted use with site plan review, or conditional use which are consistent with the *Uniform Rules for Agricultural Preserves in Kings County*.
6. Exterior lighting shall be hooded so as to be directed only on site.
 7. Off-street parking spaces shall be provided as shown on the approved site plan and that such parking be maintained in accordance with the *Kings County Improvement Standards*.
 8. All parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G. and Drawing 3036 of the *Kings County Improvement Standards* requires Cutback Asphalt over four (4) inches of Decomposed Granite under the "Rural Alternative." (Note: The Kings County Planning Commission hereby reserves the right to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County Roads.)
 9. The site shall not create any radio or television interference or noise audible beyond the boundaries of the site.

10. All open and unlandscaped portions of the lot shall be maintained in good condition, free from weeds, dust, trash and debris.
11. The minimum yard requirements from property line to a structure shall be as follows:
 - A. The minimum front yard setback shall be either fifty (50) feet from the front property line to a structure or eighty (80) feet from the center of the road to a structure, whichever is greater.
 - B. The minimum side yard setback shall be not less than ten (10) feet from the side property line to a structure.
 - C. The minimum rear yard setback shall be not less than ten (10) feet from the rear property line to a structure.
 - D. The minimum distance between structures shall be not less than ten (10) feet.
12. The land upon which this project is located is subject to California Land Conservation Contract No. 842, in Agricultural Preserve No. 70-175, Recorded in Book 962 at Page 507 on December 29, 1970, Kings County Records. All land uses and structures located on this contracted land must comply with the “*Uniform Rules for Agricultural Preserves in Kings County*” and the requirement of the “*California Land Conservation ‘Williamson’ Act*”, specifically sections 51231, 51238, 51238.1 and 51250. Failure to comply with said *Uniform Rules and Act* may result in action taken by Kings County or the State of California to enforce the conditions of the contract. Such enforcement may result in substantial monetary penalties and termination of that portion of the *Williamson Act* Contract determined to be incompatible.
12. 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.
13. 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.
14. 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.
15. Sales or use tax may apply to business activities on the site. The applicant may seek written advice regarding the application of tax to your particular business by writing to the nearest State Board of Equalization office. For general information, please call the Board of Equalization at 1-800-400-7115.
16. 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.

17. 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.
18. 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 Planning Commission prior to the permit's expiration date.

BE IT FURTHER RESOLVED that the following departments' and agencies' have listed requirements, standards, and regulations that must be met under those departments' and agencies' jurisdiction. The Planning Commission has no authority to modify, amend, or delete any of these requirements, standards, and regulations, but lists them here as information to the applicant. Appeals for relief of these standards and regulations must be made through that department's or agency's procedures, not through the Zoning Ordinance procedures. However, failure of the applicant to comply with these other departments' and agencies' requirements, standards, and regulations is a violation of this conditional use permit (see condition No. 12 above) 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) 582-3211, Extension 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. 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.
4. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
5. Pursuant to Section 1129B of the *California Building Code* one (1) van accessible parking space, allowing room for individuals in wheelchairs, on braces or crutches to get in and out of an automobile onto a level surface, suitable for wheeling and walking shall be provided. The parking space shall be 9' x 20' with an 8' wide loading and unloading aisle placed on the side opposite the driver's side. The surfacing of the parking space, loading and unloading aisle and the accessible path from the space to the entrance of the building shall be either asphalt concrete or concrete.

6. The development shall comply with all applicable *Americans with Disability's Act (ADA)* requirements, especially Section 1127B of the *California Building Code*, which states that site development and grading shall be designed to provide access to all entrances and exterior ground-floor exits, and access to normal paths of travel. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities and the accessible entrance to the site, including but not limited to access from the accessible parking space to accessible building entrances.
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1. The proponent currently maintains a food vending permit with our office under Avila Acres at 8768 Flint Avenue. Please contact us to modify the permit to reflect the change of sales location to 8742 Flint Avenue when it occurs.

The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on May 2, 2011, by the following vote:

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

KINGS COUNTY PLANNING COMMISSION

 Mark Cartwright, Chairperson

WITNESS, my hand this ____ day of _____, 2011.

 Gregory R. Gatzka
 Secretary to the Commission

- cc: Kings County Board of Supervisors
 Kings County Counsel
 Kings County Assessor
 Kings County Community Development Agency – Building Division
 Kings County Public Works Department
 Kings County Fire Department
 Kings County Environmental Health Department
 Barbara Avila, 8788 Flint Avenue, Hanford, CA 93230
 LeRoy A. & Barbara K. Avila Trust, 8628 Flint Avenue, Hanford, CA 93230

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