



KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY

Gregory R. Gatzka, Director

PLANNING DIVISION

Chuck Kinney, Deputy Director – Planning

Web Site: <http://www.countyofkings.com/departments/community-development-agency>

September 21, 2015

Fish Pond LLC
18556 Jackson Avenue
Lemoore, CA 93245

RE: Site Plan Review No. 15-10
Development Code No. 668

Dear Fish Pond LLC:

Your Site Plan Review application has been approved. Before beginning construction of the facility, you must read and comply with all standards and regulatory requirements listed in Exhibit "A" of this letter.

After obtaining approval for Site Plan Review No. 15-10, you must obtain a building permit from the Building Division of the Kings County Community Development Agency any structures, plumbing, electrical, or mechanical work. Structures, plumbing, electrical, or mechanical work must be inspected by a Kings County Building Inspector and meet all building code requirements. Please see Building Division Requirement No. 1 in Section II.A. of Exhibit "A" below.

- I. **PROJECT PROPOSAL:** The applicant is proposing to add a research and development facility for wave generation and surfing to an existing open recreational private water ski lake. The existing open recreational private water ski lake is limited to a maximum occupancy of thirty (30) guests for all events and activities. This application does not propose any change to the maximum occupancy limit and will remain limited to a maximum occupancy of thirty (30) guests at any single given time. The wave generation and surfing will include the installation of a wave system, including approximately 2,000 feet of concrete and steel track for a wave generating mechanism and a cable winch system operated by an electric motor and drive to operate the wave mechanism movement system to the existing private limited membership water ski lake. The application also proposes to modify the on site parking and add an accessory structure for the purpose of the PLC (Programmable Logic Controller), motor machine and communication equipment. The property is located at 18556 Jackson Ave, Lemoore, Assessor's Parcel No. 024-080-080. A copy of the application package is attached for your information.
- II. **PARCEL ZONING PERMIT HISTORY:** Site Plan Review No. 03-05: was a proposal for a permit to establish an open recreational private water ski club. Site Plan Review No. 03-05 was approved by the Kings County Zoning Administrator on April 11, 2003.
- III. **FINDINGS:** In reviewing your application for Site Plan Review No. 15-10, I have made all the following findings concerning your application:
 - A. **CEQA FINDING:** The proposed project is a Ministerial project, and is exempt from an environmental review under Section 15268 of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*, implemented through Kings County Board of Supervisors Resolution No. 09-001, adopted January 27, 2009.

1. Section 4.g.1. of Resolution No. 09-001, *Kings County's Local Guidelines To Implement CEQA*, lists Site Plan Reviews conducted by the Zoning Administrator under the provisions of Article 21 of the *Kings County Zoning Ordinance* as exempted projects.

B. GENERAL PLAN FINDINGS: The proposed project is consistent with the applicable general plan policies that are found in the *2035 Kings County General Plan*, specifically:

1. Figure 11 of the *2035 Kings County General Plan* designates this site as General Agricultural 20 Acre (AG-20).
2. Page LU-3, Section I.D of the "Land Use Element" of the *2035 Kings County General Plan* states that "Agricultural Open Space" represents the agricultural lands which are the predominant land feature of Kings County, and make up approximately 90.2% of the unincorporated County territory. The project site is located within the General Agriculture land use designation and the General Agriculture 20 Acre Minimum (AG-20) Zone District, which is within the "Agricultural Open Space."
3. Page LU-13, Section III.A.1 of the "Land Use Element," of the *2035 Kings County General Plan*, 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.
4. Page LU-27, Section IV.B of the "Land Use Element" of the *2035 Kings County General Plan* states that the physical development of agricultural properties is regulated and implemented by the zoning ordinance.
5. 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 Agriculture Open Space area, and are supported for their continued operation and existence.
6. Page LU-46, LU Policy E1.2.6 of the "Land Use Element" of the *2035 Kings County General Plan* requires development to pay school district impact fees, pursuant to Section 65995.(b) of the *California Government Code*, at the time a building permit is issued to finance the construction of school facilities made necessary by the development.
7. Page LU-46, LU Policy E1.2.7 of the "Land Use Element" of the *2035 Kings County General Plan* requires development to pay County Public Facility impact fees, as established by County Ordinance 633, and County shall collect any relevant City impact fees at the time a building permit is issued.

C. DEVELOPMENT CODE FINDINGS: The proposed project is consistent with the *Kings County Development Code*, specifically:

1. Article 4, Section 407, Table 4-1 of the "Agricultural Zoning Districts Land Use Regulations" states that incidental uses located on the same site as a use requiring Site Plan Review or Conditional Use Permit requires a Site Plan Review.

2. Article 13, Section 1306.2.A requires that the parking area, aisles and access drives shall be surfaced as to provide and maintain a durable, dustless surface and shall be so graded and drained as to dispose of surface water, with the design and specifications of such work subject to the approval of the Director of Public Works.

D. LAND CONSERVATION (WILLIAMSON) ACT FINDINGS:

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

E. FLOOD PLAIN FINDINGS:

1. The site is within Other Areas Zone X as shown on the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Map Number 06031C0170C, 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.

F. AIRPORT COMPATIBILITY ZONE FINDINGS:

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

G. SEWAGE DISPOSAL FINDING:

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

IV. APPROVAL: Based on the above information, I have made all the necessary findings required by the *Kings County General Plan* and the *Kings County Development Code* and hereby approve Site Plan Review No. 15-10, subject to the standards and requirements listed in Exhibit A. COMPLIANCE WITH ALL OF THE REQUIREMENTS IN EXHIBIT A IS NECESSARY FOR THIS APPROVAL TO BE VALID. THIS PERMIT DOES NOT BECOME EFFECTIVE UNTIL ALL STANDARDS AND REQUIREMENTS LISTED IN EXHIBIT "A" HAVE BEEN MET.

If you have any questions concerning this matter, please contact Pamela Contreras of my staff at (559) 852-2679.

Sincerely,

KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY

Gregory R. Gatzka, Zoning Administrator


Chuck Kinney, Deputy Director-Planning

Cc: Kings County Assessor
Kings County Community Development Agency – Building Division
Kings County Community Development Agency – Building Division – Code Compliance
Kings County Public Works Department
Kings County Fire Department
Kings County Health Department - Environmental Health Services Division
San Joaquin Valley Air Pollution Control District
Southern California Edison

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Fish Pond LLC, 3300 La Cienega Place, Los Angeles, CA 90016

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EXHIBIT "A"
STANDARDS AND REQUIREMENTS

- I. REQUIRED DEVELOPMENT CODE STANDARDS AND REQUIREMENTS:** The following standards and requirements must be met before the zoning permit is valid. In order for the permit to remain in good standing these requirements must be maintained at all times.
- A. KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY - PLANNING DIVISION** Contact Pamela Contreras at the Kings County Community Development Agency - Planning Division at (559) 852-2679, regarding the following requirements:
1. All proposals of the applicant shall be requirements unless modified herein.
 2. 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" (hereafter referred to as the "Right to Farm Notice") shall be signed, notarized, and recorded. A blank Right to Farm Notice is attached. Please enter the legal description of your property on the Right to Farm Notice (or attach a separate sheet if necessary) and take it to the Kings County Recorder's Office for recording after you have had your signature notarized. A copy of the recorded Right to Farm Notice shall be returned to the Kings County Community Development Agency after recording.
 3. 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 of this approval letter.
 4. The project shall comply with all regulations of the *Kings County Development Code*, with particular reference to the General Agricultural -20 Zone District standards contained in Article 4 and the standards for Site Plan Reviews contained in Article 16.
 5. 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 specified zoning requirement 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 Site Plan Review 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 Site Plan Review or a new zoning permit.
6. A revised site plan shall be submitted to the Zoning Administrator for final approval before this permit becomes effective. The revised site plan shall be submitted with the building permit application and shall incorporate all required changes as detailed below:
 - a. Building Division Requirement No. 6, 7 and 8

7. A revised site plan shall be submitted to the Zoning Administrator in the event that any minor alterations (See Planning Division Requirement No. 5) to the approved site plan are needed to satisfy other regulatory agencies.

The revised site plan shall be submitted with the building permit application if a permit is required; if a building permit is not required (i.e., lagoons), the revised site plan shall be submitted prior to commencing construction. Also, a final "as built" site plan shall be submitted to the Zoning Administrator prior to the diary commencing operation.)

8. All conditions of approval or requirements contained in Site Plan Review No. 03-05 shall remain in effect and shall apply to this permit where appropriate.
9. Pursuant to Section 418.H of the *Kings County Development Code* signs shall be allowed in compliance with the regulations contained in Article 14 of the *Kings County Development Code*, and as prescribed in Table 4-3 located in article 4 of the *Kings County Development Code*.
10. Any exterior lighting shall be hooded so as to be directed only on-site.
11. The proposed use and structures shall be harmonious with existing structures and land uses in the vicinity.
12. A minimum of ten (10) off-street parking spaces shall be provided in accordance with Article 13, Table 13-1 of the *Kings County Development Code* and shall be installed in accordance with *Kings County Improvement Standards* and the approved site plan. (Note: Accessible parking requirements are listed under Other Standards and Regulatory Requirements, Building Division Requirement No. 6
13. Pursuant to Section 303.G of the *Kings County Improvement Standards* all parking areas, aisles, and driveways shall be surfaced and maintained so as to provide a durable, dustless surface. Section 303.G. and Drawing 3036 of the *Kings County Improvement Standards* requires four (4) inches of decomposed granite with a penetration seal of SC 250 @ 0.50 gallons per square yard under "Light Use Conditions." An alternate material which provides a durable dust free surface may be used only with prior approval of the Director of Public Works. (Note: The Kings County Zoning Administrator hereby reserves the authority to require additional improvements to the parking area and driveway if at any time in the future the decomposed granite surface deteriorates and either a dust problem is created due vehicles driving on the decomposed granite surface, or a mud problem is created due to vehicles tracking mud onto County Roads.)
14. All drive approaches, parking areas, aisles, and driveways shall be provided prior to either: 1) initial occupancy of the site or 2) the final inspection (Note: The applicant is responsible for contacting the Building Division to request a final inspection of the structure prior to startup of the operation).

15. The parking areas, aisles and access drives shall be so graded and drained as to dispose of surface water on the project site, with the design and specifications of such work subject to the approval of the Director of Public Works.
16. Pursuant to Article 13, Section 1306 of the *Kings County Development Code*, each parking space shall be not less than twenty (20) feet in length and nine (9) feet in width, exclusive of aisles and access drives. Except that compact car parking spaces, not less than seventeen (17) feet in length and eight (8) feet in width marked for compact cars, maybe provided for 25 percent of all parking spaces required for any use.
17. Accessible parking spaces shall be located so as to minimize the travel distance to the use's primary entrances for access. Required off street accessible parking spaces, and standards for those spaces, shall meet state standards.
18. No solid fence, wall, hedge or shrub exceeding three (3) feet in height shall be erected, planted or maintained within a required Traffic Safety Visibility Area. Traffic Safety Visibility Area is defined as a space set aside on a lot in which all visual obstructions, such as structures, fences and plantings that inhibit visibility and thus have the potential to cause a hazard to traffic and pedestrian safety are prohibited.
 - a. **Area adjacent to a driveway on any lot** - the Traffic Safety Visibility Area is that area on the street side of a diagonal line connecting points, measured from the intersection of the driveway (located on the property or adjoining parcel) and the street right of way line, twenty (20) feet along the side of the driveway and twenty (20) feet along the street side of a lot.
 - b. **On a corner lot** - the Traffic Safety Visibility Area also includes that area of a corner lot on the street side of a diagonal line connecting points, measured from the property corner where the streets intersect, set back one (1) foot for every one (1) mile per hour of the posted speed limit along each street.
19. Pursuant to Section 418.G.3 of the *Kings County Development Code*, any fence or wall over seven (7) feet in height is a structure and requires a building permit prior to construction.
20. Pursuant to Section 418 of the *Kings County Development Code*, the project shall comply with the following requirements pertaining to fencing and gates:
 - a. Fences, walls, gates, and hedges exceeding six feet in height shall be permitted except that fences, walls, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as defined in Article 25 of the *Kings County Development Code*.
 - b. Gates which are used for primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - (1) A minimum distance of twenty (20) feet.
 - (2) A distance sufficient to ensure that vehicles used for a permitted use requiring a site plan review or conditional use permit are able to pull completely onto their property.
 - c. Gates used for regular vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:

- (1) The property owner/occupant shall obtain a building permit from the Building Division of the Kings County Community Development Agency for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - (2) The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - (3) At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
- d. Access gates to property which are not used for the primary vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the fence line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.
21. All open and non-landscaped portions of the lot shall be maintained in good condition, free from weeds, dust, trash and debris.
 22. The minimum yard setback requirements for any new structures shall be as follows:
 - a. The minimum front yard setback shall be fifty (50) feet from the property line to an occupied structure.
 - b. The minimum side yard setback shall be ten (10) feet from the property line.
 - c. The minimum rear yard setback shall be ten (10) feet from the property line.
 23. No process, equipment or materials shall be used which are found by the Zoning Administrator 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. The Zoning Administrator may revise this approval to resolve any of the above issues, should they occur, by placing additional requirements on the use including restricting or prohibiting any offending activity or activities.
 24. Pursuant to Article 24, Section 2402 of the *Kings County Development Code*, the Kings County Zoning Administrator shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection provided the right of entry shall be exercised only at reasonable hours. The zoning administrator may serve notice requiring the removal of any structure or use in violation of the *Kings County Development Code* on the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation.
 25. The developer shall comply with San Joaquin Valley Unified Air Pollution Control District Regulation VIII concerning fugitive dust rules (attached).
 26. Within eight (8) days following the date of the decision of the Kings County Zoning Administrator, the decision may be appealed to the Kings County Planning Commission. The appeal shall be filed with the Kings County Community Development Agency.
 27. This Site Plan Review shall lapse and shall become null and void one (1) year following the date that the Site Plan Review became effective, unless prior to the expiration of one (1) year the proposed use has been

established. A Site Plan Review involving construction shall lapse and shall become null and void one (1) year following the date that the Site Plan Review 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 Site Plan Review application.

28. A Site Plan Review may be extended for additional periods of time, if an application (by letter) and fees for extension of the Site Plan Review are filed by the applicant with the Kings County Community Development Agency prior to the expiration date of the Site Plan Review. (You will receive no further notice of this requirement.)
29. This approved site plan review shall run with the land and shall continue to be valid upon change of ownership of the site which was the subject of the site plan approval.
30. The applicant shall comply with all adopted rules and regulations of the Kings County Community Development Agency, Kings County Public Works Department, Kings County Fire Department, and Kings County Health Department Division of Environmental Health Services, and all other local, District, State and Federal regulatory agencies.
31. The maximum occupancy is limited to thirty (30) guests for all events and activities. Any event or activity which proposes to have an occupancy greater than thirty (30) guest shall require the prior approval of a conditional use permit.

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

A consultation notice was sent to the regulatory agencies on August 10, 2015, requesting their comments and or recommendations concerning your project. Those agencies that responded to the County's request for comments are included below with the specific comments received from the agency. A point-of-contact telephone number is also provided for those agencies which did not provide comments but which may have additional standards and regulatory requirements that you must comply with. Please contact each agency listed below to ensure that you are aware of, and can comply with, any other requirements that might affect your project. These agencies may also have their own permit requirements that require your compliance.

A. 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. Prior to commencement of the business the applicant shall contact the Building Division of the Kings County Community Development Agency concerning obtaining a compliance inspection to determine the adequacy of the structure for the intended use. After conducting the compliance inspection, the Building Division of the Kings County Community Development Agency shall provide a list of any corrections that need to be made to the building. Any corrections required by the Building Division shall be made prior to the issuance of the certificate of occupancy for the structure.

3. 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.
4. No building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the Building Division has issued a Certificate of Occupancy.
5. 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.
6. 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.
7. 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.
8. Pursuant to Section 1115B of the *California Building Code* an accessible restroom shall be provided.
9. PUBLIC FACILITIES IMPACT FEES OF \$501.80 PER 1000 SQUARE FEET FOR THE MILK BARN SHALL BE PAYABLE AT THE TIME THE BUILDING PERMIT IS ISSUED.
10. PUBLIC FACILITIES IMPACT FEES OF \$1,000.49 PUBLIC FACILITIES IMPACT FEES OF \$1,000.49 FOR THE OFFICE SHALL BE PAYABLE AT THE TIME THE BUILDING PERMIT IS ISSUED.
11. PUBLIC FACILITIES IMPACT FEES OF \$2,663.03 FOR THE SINGLE FAMILY RESIDENCE SHALL BE PAYABLE AT THE TIME THE BUILDING PERMIT IS ISSUED.
12. PUBLIC FACILITIES IMPACT FEES OF \$2,112.02 FOR THE MULTI FAMILY RESIDENCE SHALL BE PAYABLE AT THE TIME THE BUILDING PERMIT IS ISSUED.
13. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
14. A septic system design, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
15. All construction shall conform to the 2007 California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and California Energy Code.

16. 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.
 17. All drive approaches and durable dustless surfaces shall be installed prior to the final inspection and maintained as per County Standards.
 18. Pursuant to the *California Building Code* accessible parking and path of travel shall be provided.
 19. The site, as well as the buildings, shall be made accessible and usable by the disabled according to the *California Building Code Chapter 11B*.
 20. The tenant, lessee and/or owner are responsible for compliance with the Americans with Disabilities Act, ADA. By federal law the facility shall be made accessible to the highest degree possible.
 21. All special inspection reports shall be provided to the Building Division prior to requesting a final inspection.
 22. A soils report, prepared by a qualified soils engineer, shall be provided to the Building Division prior to issuance of building permits.
 23. The facility shall meet the requirements of the State of California Model Water Efficient Landscape Ordinance. If landscaping is proposed then landscape and irrigation plans shall be provided to the Community Development Agency for review and approval prior to building permit issuance.
 24. All construction shall conform to the 2013 California Building Standards Code 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.
- B. KINGS COUNTY FIRE DEPARTMENT** Contact Rick Smith at the Kings County Fire Department at (559) 852-2885, for the following requirements:
1. Property must be equipped with Knox Box for Fire Department Access
- C. KINGS COUNTY HEALTH DEPARTMENT** Contact Troy Hommerding at the Kings County Health Department, Division of Environmental Health Services (EHS) at (559) 852-2627, regarding the following requirements:
1. 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.

2. 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.

D. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT Contact Jessica Willis at SJVAPCD at (559) 230-5818, regarding the following requirements:

1. The applicant shall comply with all San Joaquin Valley Air Pollution Control District *Regulation VIII* requirements (attached).

E. CALIFORNIA STATE BOARD OF EQUALIZATION (For general information, please call the Board of Equalization at 1-800-400-7115).

1. 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.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE, DISCLOSURE AND ACKNOWLEDGMENT OF AGRICULTURAL LAND USE PROTECTION AND RIGHT TO FARM POLICIES OF THE COUNTY OF KINGS

NOTICE IS HEREBY GIVEN pursuant to Kings County Ordinance No. 546, adopted on April 30, 1996, that the County of Kings has adopted policies which establish agriculture and agricultural facilities and operations as priority uses on productive agricultural lands within the County, and residents and other occupants of property in the agricultural zone districts should be prepared to accept inconveniences or discomfort from normal, usual, and customary agricultural operations, facilities, and practices.

ASSESSOR'S PARCEL NUMBER: _____

LEGAL DESCRIPTION OF PROPERTY:

is recognized to be in the vicinity of, or adjacent to, land designated and utilized for agricultural uses, facilities, and operations, and may be subject to inconveniences or discomforts arising from the pursuit of those agricultural operations, including but not limited to land preparation, cultivation, growing and harvesting of crops, raising of livestock, dairy production, processing of agricultural commodities, viticulture, apiculture, horticulture, aquaculture, poultry and other agricultural operations. Said inconvenience or discomforts may include, but shall not be limited to: equipment and animal noises; farming activities conducted on a 24-hour, 7-day a week basis; odors from manure, fertilizers, pesticides, chemicals, or other sources; the aerial and ground application of chemicals and seeds; dust; flies and other insects; and smoke from such agricultural operations.

I\WE HEREBY ACKNOWLEDGE AND UNDERSTAND the agricultural land use protection and right to farm policies of Kings County and declare that non-agricultural uses of the subject land, including any residential uses, are secondary and subservient to normal, usual, and customary agricultural activities and operations in the vicinity of this property, and **HEREBY NOTIFY AND PASS ON** said acknowledgment to all subsequent owners and occupants of the above described property.

Owner's Signature _____
Print or Type Owner's Name _____

Date _____

Owner's Signature _____
Print or Type Owner's Name _____

Date _____

(attach Notary acknowledgment)



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

COMPLIANCE ASSISTANCE BULLETIN April 2007

Fugitive Dust Control at Construction Sites: New Requirements

Regulation VIII, Fugitive PM10 Prohibitions, of the District's Rules and Regulations apply to many activities that generate fugitive dust, and particularly to construction sites.

Fugitive dust is emitted into the air by activities that disturb the soil, such as earthmoving and vehicular/equipment traffic on unpaved surfaces. Windblown dust is also of concern where soil has been disturbed at construction sites.

The District adopted Regulation VIII in 1993 and its most recent amendments became effective on October 1, 2004. This is a basic summary of the regulation's requirements as they apply to construction sites.

These regulations affect all workers at a regulated construction site, including everyone from the landowner to the subcontractors. Violations of Regulation VIII are subject to enforcement action including fines.

Visible Dust Emissions (VDE) may not exceed 20% opacity during periods when soil is being disturbed by equipment or by wind at any time. Visible Dust Emissions opacity of 20% means dust that would obstruct an observer's view of an object by 20%. District inspectors are state certified to evaluate visible emissions. Dust control may be achieved by applying water before/during earthwork and onto unpaved traffic areas, phasing work to limit dust, and setting up wind fences to limit wind blown dust.

Soil Stabilization is required at regulated construction sites after normal working hours and on weekends and holidays. This requirement also applies to inactive construction areas such as phased projects where disturbed land is left unattended. Applying water to form a visible crust on the soil and restricting vehicle access are often effective for short-term stabilization of disturbed surface areas. Long-term methods including applying dust suppressants and establishing vegetative cover.

Carryout and Trackout occur when materials from emptied or loaded vehicles falls onto a paved surface or shoulder of a public road or when materials adhere to vehicle tires and are deposited onto a paved surface or shoulder of a public road. Should either occur, the material must be cleaned up at least daily, and immediately if it extends more than 50 feet from the exit point onto a paved road. The appropriate clean-up methods require the complete removal and cleanup of mud and dirt from the paved surface and shoulder. Using a blower device or dry sweeping with any mechanical device other than a PM10-efficient street sweeper is a violation. Larger construction sites, or sites with a high amount of traffic on one or more days, must prevent carryout and trackout from occurring by installing gravel pads, grizzlies, wheel washers, paved interior roads, or a combination thereof at each exit point from the site. In many cases, cleaning up trackout with water is also prohibited as it may lead to plugged storm drains. Prevention is the best method.

Unpaved Access and Haul Roads, as well as unpaved vehicle and equipment traffic areas at construction sites must have dust control. Speed limit signs limiting vehicle speed to 15 mph or less at construction sites must be posted every 500 feet on uncontrolled and unpaved roads.

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(209) 557-6400 ♦ FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
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(559) 230-6000 ♦ FAX (559) 230-6062

Southern Region Office
2700 "M" Street, Suite 275
Bakersfield, CA 93301-2373
(661) 326-6900 ♦ FAX (661) 326-6985

Storage Piles and Bulk Materials have handling, storage, and transportation requirements that include applying water when handling materials, wetting or covering stored materials, and installing wind barriers to limit VDE. Also, limiting vehicle speeds, loading haul trucks with a freeboard of six inches or greater along with applying water to the top of the load, and covering the cargo compartments are effective measures for reducing VDE and carryout from vehicles transporting bulk materials.

Demolition activities require the application of water to the exterior of the buildings and to unpaved surfaces where materials may fall. A Dust Control Plan will be required for large demolition projects. Consider all structures slated for demolition as possibly being regulated due to potential asbestos, per District Rule 4002 - *National Emission Standards for Hazardous Air Pollutants*. Contact the District well before starting because a 10 working-day notice will likely be required before a demolition can begin.

Dust Control Plans identify the dust sources and describe the dust control measures that will be implemented before, during, and after any dust generating activity for the duration of the project. Owners or operators are required to submit plans to the District at least 30 days prior to commencing the work for the following:

- Residential developments of ten or more acres of disturbed surface area.
- Non-residential developments of five or more acres of disturbed surface area.
- The relocation of more than 2,500 cubic yards per day of materials on at least three days.

Operations may not commence until the District has approved the Dust Control Plan. A copy of the plan must be on site and available to workers and District employees. **All work on the site is subject to the requirements of the approved dust control plan. A failure to abide by the plan by anyone on site may be subject to enforcement action.**

Owners or operators of construction projects that are at least one acre in size and where a Dust Control Plan is not required, must provide written notification to the District at least 48 hours in advance of any earthmoving activity.

Record Keeping is required to document compliance with the rules and must be kept for each day any dust control measure is used. The District has developed record forms for water application, street sweeping, and "permanent" controls such as applying long term dust palliatives, vegetation, ground cover materials, paving, or other durable materials. Records must be kept for one year after the end of dust generating activities (Title V sources must keep records for five years).

Exemptions exist for several activities. Those occurring above 3,000 feet in elevation are exempt from all Regulation VIII requirements. Further, Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities* exempts the following construction and earthmoving activities:

- Blasting activities permitted by California Division of Industrial Safety.
- Maintenance or remodeling of existing buildings provided the addition is less than 50% of the size of the existing building or less than 10,000 square feet (due to asbestos concerns, contact the District at least two weeks ahead of time).
- Additions to single family dwellings.
- The disking of weeds and vegetation for fire prevention on sites smaller than ½ acre.
- Spreading of daily landfill cover to preserve public health and safety and to comply with California Integrated Waste Management Board requirements.

Nuisances are prohibited at all times because District Rule 4102 – *Nuisance* applies to all construction sources of fugitive dust, whether or not they are exempt from Regulation VIII. It is important to monitor dust-generating activities and implement appropriate dust control measures to limit the public's exposure to fugitive dust.

For more information please contact the Compliance Division of the District office nearest to you. Information on Regulation VIII, where you may obtain copies of record keeping forms, the Dust Control Plan template, and the Construction Notification form, is available on the District's website at:

www.valleyair.org, under Compliance Assistance/Dust Control.