Resource Management Agency
COUNTY OF TULARE
AGENDA ITEM

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: August 11, 2015

Public Hearing Required	Yes ☒	N/A ☐
Scheduled Public Hearing w/Clerk	Yes ☒	N/A ☐
Published Notice Required	Yes ☒	N/A ☐
Advertised Published Notice	Yes ☒	N/A ☐
Meet & Confer Required	Yes ☐	N/A ☒
Electronic file(s) has been sent	Yes ☒	N/A ☐
Budget Transfer (Aud 308) attached	Yes ☐	N/A ☒
Personnel Resolution attached	Yes ☐	N/A ☒
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes ☒	N/A ☐

CONTACT PERSON: Celeste Perez PHONE: 559-624-7010

SUBJECT: Amendment to the Tulare County Zoning Ordinance No. 352 for Zone Change No. PZ 10-002 Kennedy Meadows Restoration, LLC

REQUEST(S):

Request that the Board of Supervisors:

On August 11, 2015:

1. Introduce and waive the first reading of an Amendment to Ordinance No. 352, the Tulare County Zoning Ordinance, for Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration, LLC) to change the zone on: (1) 58 acres from MR-217 (Mountain Residential – 5 acre minimum) to CO (Commercial Recreation); and (2) 206 acres from MR-1742 (Mountain Residential – 40 acre minimum) to MR-435 (Mountain Residential – 10 acre minimum), in Kennedy Meadows.

2. Set the Public Hearing for August 25, 2015 at 9:30 a.m. or shortly thereafter as can be heard.

And on August 25, 2015:

1. Hold a Public Hearing at 9:30 a.m. or shortly thereafter for Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration, LLC) to change the zone on: (1) 58 acres from MR-217 (Mountain Residential – 5 acre minimum) to CO (Commercial Recreation); and (2) 206 acres from MR-1742 (Mountain Residential – 40 acre minimum) to MR-435 (Mountain Residential – 10 acre minimum), in Kennedy Meadows.

2. Certify that the Board has reviewed and considered the information contained in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to Title 14 California Code Regulations as being in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

3. Find there is no substantial evidence that said Change of Zone will have a significant effect on the environment and that based on substantial evidence in the record that the analysis presented in the Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Change of Zone No. PZ 10-002 has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970.

4. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and reverse the recommendation of denial in the Planning Commission Resolution No. 9032.

5. Direct the Environmental Assessment Officer of the Tulare County Resource Management Agency to file a Notice of Determination with the Tulare County Clerk.

6. Adopt the findings of approval for the Change of Zone No. PZ 10-002, and associated Zoning Ordinance Amendment, and override the recommendation of denial in the Planning Commission Resolution No. 9033.

7. Waive the final reading and adopt the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance.

8. Direct the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.

SUMMARY:

PROJECT SUMMARY:

The Tulare County Resource Management Agency has received an application for a change of zone. The Project, PZ 10-002 (Kennedy Meadows Restoration, LLC) is an application to change the zone on: (1) 58 acres from MR-217 (Mountain Residential – 5-acre minimum) to CO (Commercial Recreation) on APN 310-010-021; and (2) ±206 acres from MR-1742 (40-acre minimum) to MR-435 (10-acre minimum) on APNs 310-050-012, 013, 014, 015, & 019 in Kennedy Meadows.

The Planning Commission recommended denial of the zone change at their December 10, 2014 meeting. However, based upon mitigation commitments made by the applicant, staff is requesting the Board disregard the Planning Commission's

recommendation.

(1) The Planning Commission ascertained there would be an unpredictable increase in density on the subject property because the County could not limit second units on the property through (Mitigation Measure #1.4) due to state law allowing "granny units."

Staff Response: The Planning Commission's analysis was inaccurate because the granny unit law, Gov. Code Section 65852.2 Second Unit Law (Attachment 3), states that every local agency shall grant a special use permit for second units, if "the lot is zoned for single-family or multifamily use." The subject property is not zoned for single-family or multifamily use; therefore this law does not apply. Since this Section does not apply to the subject property, there would be no need to mitigate for increased density.

(2) The Planning Commission wanted to see a master plan in order to better understand the ultimate impacts.

Staff Response: First, ordinarily, the CO Zone would allow 1 Lot per 2.5 acres or 23 Lots maximum. A preliminary Lotting Study / Master Plan (Attachment 4) was drafted for the entire property. Based upon terrain and other factors, the study yields approximately 12 Lots, half the number that would ordinarily be allowed by the CO Zone. Second, as existing, the MR-1742 zoning allows 5 Lots; the rezone to MR-435 would allow 20 Lots.

(3) The Planning Commission said the project would impact the nighttime sky.

Staff Response: The Planning Commission's analysis was inaccurate because the MMRP (Attachment 5) mitigates potential impacts (as determined by study) to the nighttime sky by establishing standards for exterior lighting on commercial and residential properties that were agreeable to the commenting neighbor.

(4) The Planning Commission said the Project would increase noise pollution.

Staff Response: The Planning Commission's analysis was inaccurate because MMRP 11.1: Noise, mitigates potential impacts to noise by requiring generators be housed inside a sound-attenuating structure and muffling devices.

(5) The Planning Commission wanted to require anaerobic digesters for sewage disposal instead of septic tank – leach line systems.

Staff Response: The Planning Commission's analysis was inaccurate because MMRP 13.2: Public and Utility Services, mitigates potential impacts to soil and water by requiring an "engineered" septic system.

(6) The Planning Commission wanted to keep the area "pristine" as it is near the Pacific Crest Trail.

Staff Response: The commercial development would be approximately two miles east, and the residential development would be approximately one mile east, of the Trail. This portion of the Kennedy Meadows Plan is designated for commercial and residential development.

(7) The Planning Commission commented on the road access being insufficient.

Staff Response: The Planning Commission's analysis was inaccurate because Kennedy Meadows Road is about a 23 to 24 foot wide County-maintained road. This is standard road width, allowing for passage of two vehicles. Kennedy Meadows Road receives ongoing maintenance. The Transportation Services Coordinator, Tony Boland, provided the following maintenance record: (1) pothole patching in the months of October, November, December (2014); (2) snow plowing in December and January(2014-15); (3) removed debris from roadway caused by passing storms in January (2015); (4) repaired washout on shoulder in February (2015). Furthermore, Inyo County recently added guard rails to their portion of the road, further increasing safety features.

(8) The Planning Commission commented that power from a public utility would most likely never be available to residents in Kennedy Meadows.

Staff Response: The Planning Commission's analysis was accurate; therefore, MMRP 13.4 was added in order to assure that all generators are properly sized for the demand of proposed structures.

These mitigation measures incorporated into the Project will reduce the impacts regarding: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology & Water Quality, Noise, and Public and Utility Services.

For additional information, please see the Summary Report (Attachment 2).

ENVIRONMENTAL SUMMARY:

An Environmental Assessment Initial Study identified potentially significant effects on the environment resulting in a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program being prepared, indicating that, although the Project may have a significant effect on the environment, mitigation measures were incorporated into the Project that would reduce any impact to a point where clearly no significant effect on the environment could occur and there is no substantial evidence that the Project, as revised, would have a significant effect on the environment.

ENTITLEMENT(S):

The requested CO (Commercial Recreation) Zone on the 58-acre parcel (Zoning Ordinance Section 8.07) is intended primarily for the foothill and mountain areas and allows commercial uses, which are oriented to recreation-related activities, services, and other recreational characteristics of the area. The uses allowed by right include single-family dwellings, raising domesticated animals, agriculture, storage of petroleum products, electric generators, and satellite antennas. All other commercial and recreational-type uses proposed in the CO Zone, i.e. multiple family dwellings; retail stores selling liquor, drugs, and apparel; coffee shops; grocery stores; offices; service stations; restaurants; RV sales/service/rental; and more would require a Final Site Plan application be submitted to the Planning Commission for consideration and approval.

The requested Mountain Residential Zone, MR-435, (Zoning Ordinance Section 4.5) would allow the same residential uses as stated above (single-family dwellings, accessory structures, domesticated animals and agriculture) on parcels with a minimum size of 435,000 sq. ft. (10 acres). This request would allow an increase in density from 40-acre parcels to 10-acre parcels.

This Project is for the change of zone only. If the rezone is approved, there is the potential for 32 parcels to be created through future land divisions. Future land divisions would require that a tentative parcel map or tentative subdivision application be submitted to the Resource Management Agency for Planning Commission consideration and approval.

GENERAL PLAN CONSISTENCY:

The County's General Plan Amendment Policy provides that the Board shall, among other considerations give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, policies and the general plan and not obstruct their attainment (Policies and Procedures 391).

The Kennedy Meadows Sub Area Mountain Plan is the principle County General Plan document applicable to the Project. The Plan was adopted by the Board on October 28, 1986 by Resolution No. 86-1376 and amended by General Plan Amendment 92-03 on September 15, 1992 by Resolution No. 92-1012.

Assessor's Parcel Number (APN) 310-010-021 is within the Primary Development Area created by GPA 92-03. The land use designation of the area within 1,000 feet of Kennedy Meadows Road is Mountain Commercial Opportunity Area (MCOA). The MCOA is intended to designate areas that are considered appropriate for mountain commercial developments. APN 310-010-021 is within 1,000 feet of the centerline of Kennedy Meadows Road and is, therefore, within the MCOA, which indicates that this parcel is suitable for commercial zoning. Therefore, the requested Commercial Recreation (CO) Zone District is consistent with the respective MCOA land use designation (Attachment 6 – Kennedy Meadows Land Use Element).

With regard to Exhibit "A", below, the zoning categories are shown on the vertical axis of the matrix and land use designations are shown on the horizontal axis. "X" denotes the zoning categories that are determined to be potentially compatible with the land use designations contained in the Kennedy Meadows Plan.

Exhibit "A"
Kennedy Meadows Plan
Land Use/Zoning Compatibility Matrix

Zones and Minimum Lot Sizes	Mountain Residential (MR)	Commercial Recreation (CO)	Resource Conservation (RC)	Mountain Commercial Opportunity Area (MCOA)
MR-217	X	-	-	X
MR-435	X	-	-	-
MR-871	X	-	-	-
MR-1742	X	-	-	-
CO	-	X	-	X
RC	-	-	X	-
PD	-	X	-	X

GPA 92-03 Policy 1, Commercial Implementation Strategies (2) reads that Additional "Mountain Commercial" may be approved within the MCOA if the property under consideration exhibits all of the following criteria:

- The property has access to a publicly maintained road adequate to the development – *Staff Comment: The property has direct access to Kennedy Meadows Road.*
- The property can be developed without creating conflicts of use within existing or adjacent parcels – *Staff Comment: The Project is located within the Mountain Commercial Opportunity Area and in close proximity to the Grumpy Bear Restaurant (Commercial Node). Mitigation Measures have*

been incorporated into the Project to assure that conflicts of use will be minimized or avoided.

- The property will fulfill a need for a demonstrated demand for additional commercial designated land – *Staff Comment: The availability of commercially-designated land in Kennedy Meadows is limited and this zone change will provide for future demand.*
- Water can be made available for domestic and fire fighting purposes based on water specifications provided by the Tulare County Health Department and the County Fire Warden – *Staff Comment: A Mitigation Measure will require the applicant to submit water information that would support water availability and water quality at the time of application submission for the tentative map.*

The above criteria are specific to APN 310-010-021 only, the requested zone change to CO.
The following policy is specific to APNs 310-050-012, 013, 014, 015, & 019; the proposed change of zone to MR-435, the requested zone change to MR-435.

GPA 92-03 Goal A, Policy 4, reads as follows: The areas within one mile of the Primary Development Area are considered suitable for parcels with a minimum parcel size not less than 10 acres and no greater than 40 acres if the decision making body determines that the Monache deer migration corridor will not be significantly affected. Approval of Mountain Residential zoning with a residential lot density between one family per 10 acres and one family per 40 acres within this development area shall be in accordance with case-by-case evaluation of request for such zoning.

Staff Response: The 206 acres requesting a change of zone to MR-435 are within the Primary Development Area and are outside the Monache deer migration corridor, which is northwest of the Project site, west of the South Fork Kern River.

As can be seen in the matrix (Exhibit "A"), the proposed change in zone designation from MR-217 to CO and MR-1742 to MR-435 is consistent with the General Plan 2030, Mountain Plan: Kennedy Meadows Sub-Area and all applicable plans and policies.

FISCAL IMPACT/FINANCING:

The applicant cost for a Zone Change was an initial deposit of $1,451 to the Tulare County Resource Management Agency. Additional fees of $100 per hour are charged if actual cost of processing the Zone Change application exceeds the deposits. CEQA documentation and compliance for the Project is also charged at a full cost recovery basis.

Once the change of zone, staff report, and the environmental documentation are substantially complete and before submittal to the Planning Commission and Board

of Supervisors for action, the Department will bill the applicant for the actual cost of processing plus an additional estimated amount for taking the application through the hearing process and for final filing and recording. Payment will be required prior to setting the public hearing dates. If final actual cost is less than the deposit, because the application is not approved or some other reason, then the difference will be refunded.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the "Economic Well Being Initiative - to promote economic development opportunities, effective growth management and a quality standard of living"; the "Quality of Life Initiative – to promote public health and welfare, educational opportunities, natural resource management and continued improvement of environmental quality." The authorization to initiate the requested zone change application helps fulfill these initiatives by:

- Encouraging growth consistent with the County General Plan;
- Promoting tourist opportunities and services that stress Tulare County's historical heritage and proximity to the High Sierra and National Parks;

ADMINISTRATIVE SIGN-OFF:
RESOURCE MANAGEMENT AGENCY

Michael Washam
Assistant Director – Econ. Dev. & Planning

Michael C. Spata
Director

cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment 1 – Preliminary Lotting Study
Attachment 2 – Summary Report
Attachment 3 – Ordinance and Zoning Map
Attachment 4 – Govt. Code Section 65852.2
Attachment 5 – Mitigation Monitoring and Reporting Program
Attachment 6 – Exhibit A, GPA 92-03, Kennedy Meadows Land Use Element
Attachment 7 – Planning Commission Resolution Nos. 9031 & 9032
Attachment 8 – Planning Commission Report

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AN AMENDMENT TO THE TULARE COUNTY ZONING ORDINANCE NO. 352 FOR ZONE CHANGE NO. PZ 10-002 KENNEDY MEADOWS RESTORATION, LLC	)))))	**Resolution No. _____**

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD AUGUST 11, 2015, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * * * * * * * * * * * * * * * * *

That the Board of Supervisors:

1. Introduced and waived the first reading of an Amendment to Ordinance No. 352, the Tulare County Zoning Ordinance, for Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration, LLC) to change the zone on: (1) 58 acres from MR-217 (Mountain Residential – 5 acre minimum) to CO (Commercial Recreation); and (2) 206 acres from MR-1742 (Mountain Residential – 40 acre minimum) to MR-435 (Mountain Residential – 10 acre minimum), in Kennedy Meadows.

2. Set the Public Hearing for August 25, 2015 at 9:30 a.m. or shortly thereafter as can be heard.

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AN AMENDMENT TO THE TULARE COUNTY ZONING ORDINANCE NO. 352 FOR ZONE CHANGE NO. PZ 10-002 KENNEDY MEADOWS RESTORATION, LLC	)))))	**Resolution No. _____**

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD AUGUST 25, 2015 BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * * * * * * * * * * * * * * * *

That the Board of Supervisors:

1. Held a Public Hearing at 9:30 a.m. or shortly thereafter for Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration, LLC) to change the zone on: (1) 58 acres from MR-217 (Mountain Residential – 5 acre minimum) to CO (Commercial Recreation); and (2) 206 acres from MR-1742 (Mountain Residential – 40 acre minimum) to MR-435 (Mountain Residential – 10 acre minimum), in Kennedy Meadows.

2. Certified that the Board has reviewed and considered the information contained in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to Title 14 California Code Regulations as being in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

3. Found there is no substantial evidence that said Change of Zone will have a significant effect on the environment and that based on substantial evidence in the record that the analysis presented in the Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Change of Zone No. PZ 10-002 has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970.

4. Adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and reverse the recommendation of denial in the Planning Commission Resolution No. 9032.

5. Directed the Environmental Assessment Officer of the Tulare County Resource Management Agency to file a Notice of Determination with the Tulare County Clerk.

6. Adopted the findings of approval for the Change of Zone No. PZ 10-002, and associated Zoning Ordinance Amendment, and override the recommendation of denial in the Planning Commission Resolution No. 9033.

7. Waived the final reading and adopted the amendment to Ordinance No. 352, the Tulare County Zoning Ordinance.

8. Directed the Clerk of the Board to publish the adopted Ordinance and Amended Zoning Map.

Attachment No. 1

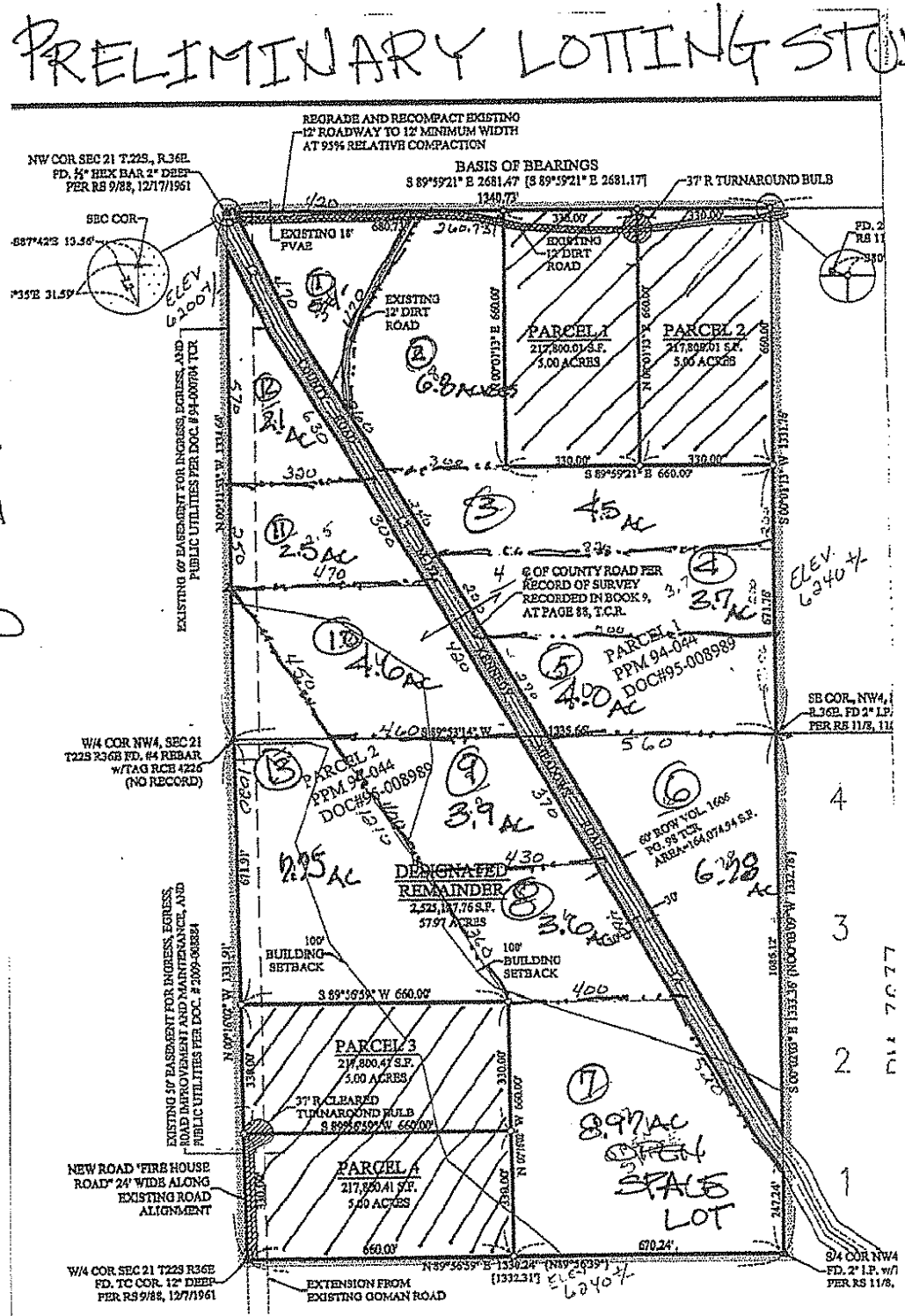
Preliminary Lotting Study

PRELIMINARY LOTTING STUDY

NOTES:

CO ZONING ALLOWS
1 LOT PER 2.5 ACRES
OR 23 LOTS MAX.

BASED ON TERRAIN
& OTHER FACTORS
THE SITE WILL YIELD
12 -13- LOTS.

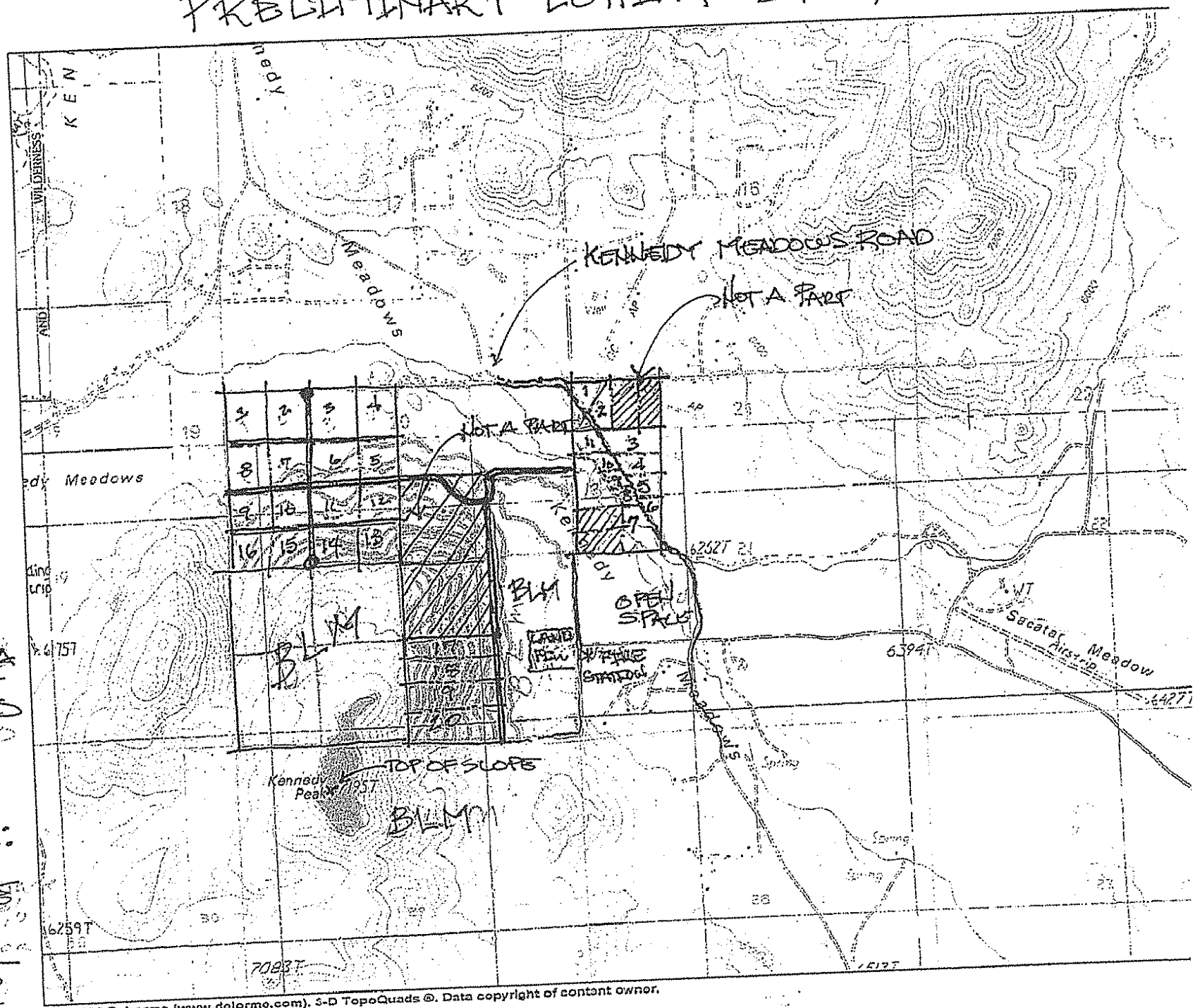


TULARE COUNTY RMA DEC. 23, 2014

DAVID BOCK

PRELIMINARY LOTTING STUDY

NOTES:
ALLOWED LOTS UNDER CURRENT MR1742 ZONING = 5 LOTS + 2 LOTS IN COMMERCIAL AREA = 7 LOTS



NOT A PART

YIELD 23 LOTS

20 UNITS MR-435

12 UNITS C-O

AVG SLOPE FOR: CO AREA HAS AN AVG SLOPE OF 3%

MR-435 AREA HAS AN AVG SLOPE OF 16 TO 36%

TULARE COUNTY RMA DEC. 23, 2014

AARON R. BAC

Attachment No. 2

Summary Report

Summary Report

Staff researched the referenced law: Gov. Code Section 65852.2 Second Unit Law (Attachment 4), which was designed to provide affordable housing in population-dense areas, ease rental housing deficits, increase the property tax base, and allow for additional income to homeowners. The law reads: "Any local agency may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones." And "...every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: ...(B) The lot is zoned for single-family or multifamily use." *Staff Comment: the subject property is not zoned for single-family or multifamily use; therefore this law does not apply. Since this Section does not apply to the subject property, there would be no need to mitigate for increased density.*

The second reason given for denial was that the Planning Commission wanted to see a master plan in order to better understand the ultimate impacts to the area to be rezoned. Accordingly, the applicant and RMA worked together on a preliminary Lotting Study / Master Plan (Attachment 1) for the 58 acres proposed to be re-zoned to CO (Commercial Recreation).

The third reason given for denial was that the Planning Commission did not want development to negatively impact the night time sky. Staff worked with the applicant, agent, and a local property owner who has an observatory in the vicinity of the Project so that all potential impacts to light pollution would be mitigated. The following mitigation measures were added to the Mitigation Monitoring and Reporting Program (MMRP) (Attachment 5) pertaining to light pollution: (1.1) Within the CO (Commercial Recreation) Zone: Lighted signage shall be shielded by a "roof" at least ½ the depth of the sign; and signs shall be set on motion sensors and limited by a timer to not activate after business hours. In no case shall a lighted sign create light pollution that would interfere with the nighttime sky. (1.2) Exterior lighting, signs, and light from the interior of structures shall be limited, except in emergency situations. a. Residential Uses: Allowed lighting after dark is fully shielded fixtures not to exceed 75 watts or 1200 lumens, with no back light, no up light, and no glare from any illumination source. The sum of all exterior luminaires associated with each residence (including paths, garages, outbuildings, etc.) shall not exceed 3500 lumens. b. Commercial Uses: Allowed lighting after dark from all exterior luminaires associated with each commercial establishment shall not exceed 5500 lumens, with no back light, no up light, and no glare from any illumination source. This includes lights of all form and function such as parking, store front, path, etc. At the main entry, one fully shielded fixture not to exceed 1680 lumens shall be allowed. Parking lot lighting shall be fully shielded and tripped by motion sensors. Path lighting from parking

lot to entrance shall be shielded and not exceed 420 lumens every 10 feet, with no back light, no up light, and no glare; path lighting shall be tripped by motion sensors. All exterior lighting shall be extinguished 1 hour after close of business. Exceptions: Emergency lighting; solar path lights, as long as light is directed downward; Christmas lights during the holiday season when attached to structures and mounted under eaves.

The fourth reason given for denial was that the Planning Commission did not want to increase noise pollution. *Staff Comment: Potential noise pollution would be mitigated with MMRP 11.1: Noise, which reads: Electric generators shall be equipped with appropriate muffling devices and shall be housed or enclosed in a sound attenuating structure designed to abate the noise to 50 db or less at all property lines.*

The fifth reason given for denial was that the Planning Commission wanted to require anaerobic digesters for sewage disposal instead of septic tank – leach line systems. *Staff Comment: MMRP 13.2: Public and Utility Services reads: Individual septic systems shall be required to be engineered and be able to demonstrate the soils can accommodate a septic system and 100% replacement area.*

Additionally, staff added MMRP 13.4: Public and Utility Services - "Generators for all proposed buildings shall be properly sized for demand by a qualified electrical engineer or electrician prior to submitting building plans."

The proposed zone change to CO on 58 acres (APN 310-010-021) would allow a minimum lot size of 2.5 acres for a potential 23 Lots being created. The preliminary Lotting Study that was performed for the Project's 58 acres indicates that, given the terrain, approximately 12 lots could be created.

The proposed zone change to MR-435 on five 40-acre parcels (±206 acres) has the potential to create twenty 10-acre parcels.

Attachment No. 3

Ordinance and Zoning Map

ORDINANCE NO. __

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, BEING AN ORDINANCE ESTABLISHING AND REGULATING LAND USES WITHIN CERTAIN ZONES IN THE COUNTY OF TULARE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of Section 21, Township 22 South, Range 36 East, Mount Diablo Base and Meridian, being a subdivision of Part 347 of the Official Zoning Map. The map showing the CO (Commercial Recreation) zoning approved for the 58 acres and the MR-435 for the 206 acres is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification from MR 217 to CO and MR 1742 to MR-435 as herein provided is briefly described as follows:

On the north side of Goman Road, Approximately ¼ mile north of Goman Road, on both sides of Kennedy Meadows Road, in Kennedy Meadows.

Section 3. This Ordinance shall take effect thirty (30) days from the date of the passage hereof, or if published more than 15 days after the date of passage, then 30 days after publication, whichever is later, and, shall be published once in the Visalia Times-Delta, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 2015, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES:

NOES:

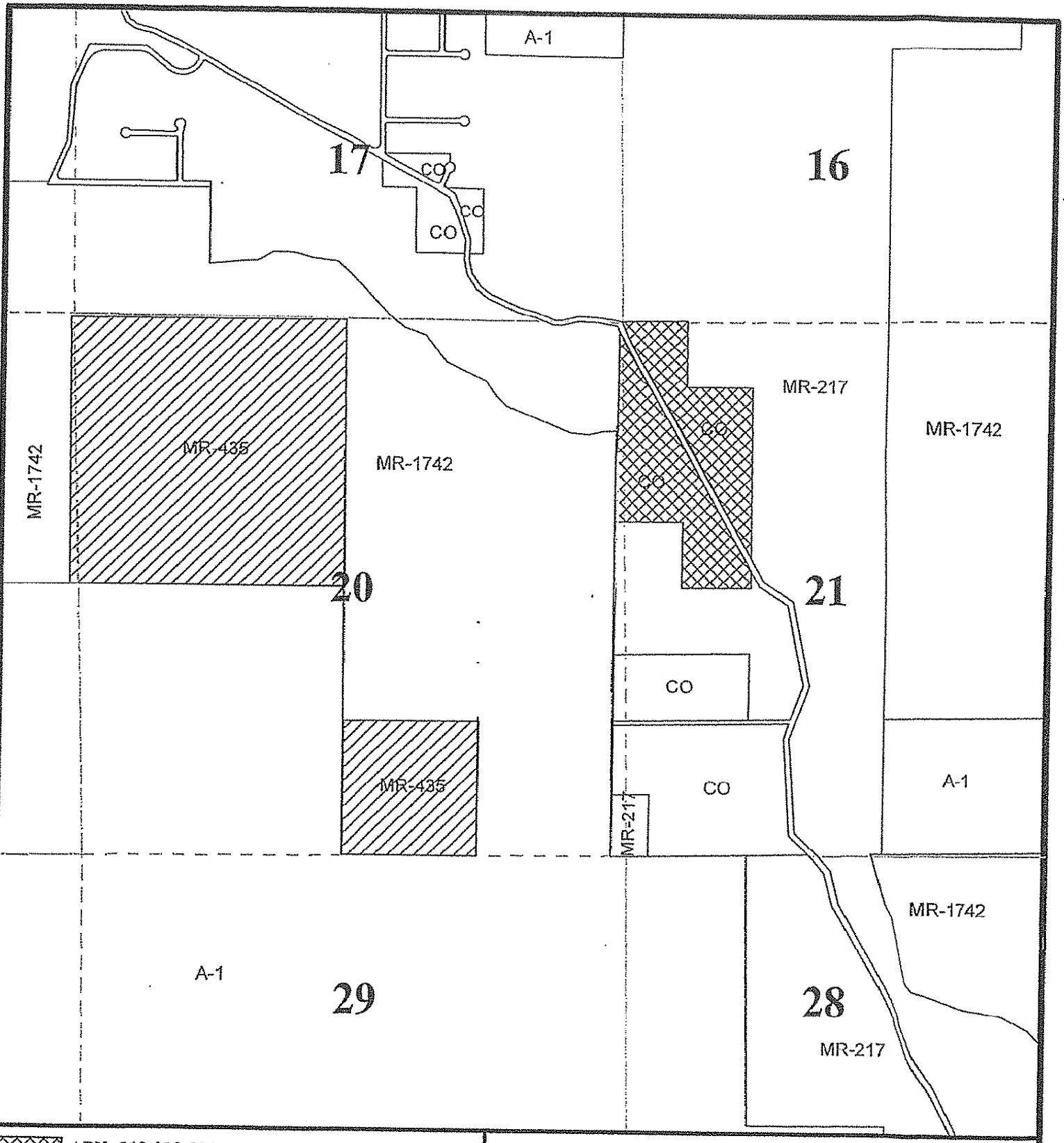
ABSENT:

_____

Chairman, Board of Supervisors

ATTEST: Jean M. Rousseau
County Administrative Officer/Clerk
Board of Supervisors

By: _____
Deputy



APN: 310-010-021
Zone Change from MR-217 to CO
(PZ 10-002)

APN: 310-050-012, 310-050-013, 310-050-014, 310-050-015, 310-050-019
Zone Change from MR-1742 to MR-435
(PZ 10-002)

0 600 1,200 1,800 2,400 Feet

N

ORDINANCE NO. ___
AMENDING A PORTION OF PART 347
OF SEC. 20 & 21, T22S, R36E, M.D.B.& M.
OF

OFFICIAL ZONING MAP
COUNTY OF TULARE, CA.

TULARE COUNTY BOARD OF SUPERVISORS
ADOPTED: //

Attachment No. 4

Govt. Code Section 65852.2

65852.2. (a) (1) Any local agency may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones. The ordinance may do any of the following:

(A) Designate areas within the jurisdiction of the local agency where second units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow.

(B) Impose standards on second units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of second units.

(b) (1) When a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following:

(A) The unit is not intended for sale and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.

(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements which apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage

http://www.leginfo.ca.gov/cgi-bin/displaycode?...

disposal system is being used, if required.

(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(4) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subdivision.

(5) A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

(d) A local agency may establish minimum and maximum unit size requirements for both attached and detached second units. No minimum or maximum size for a second unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which does not permit at least an efficiency unit to be constructed in compliance with local development standards.

(e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(f) Fees charged for the construction of second units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(h) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) or (c) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area," means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Second unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.

Attachment 5

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Mitigated Negative Declaration (State Clearinghouse No. 2013-081066) prepared for the project by the County of Tulare.

The California Environmental Quality Act (CEQA) Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment.[1] The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.

- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.

- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Aesthetics							
1.1	Within the CO (Commercial Recreation) Zone: Lighted signage	Immediate and Continuous	Applicant shall include this	County of Tulare			

[1] Public Resource Code §21081.6

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	shall be shielded by a "roof" at least ½ the depth of the sign; and signs shall be set on motion sensors and limited by a timer to not activate after business hours. In no case shall a lighted sign create light pollution that would interfere with the nighttime sky.		measure within the Covenants, Conditions, and Restrictions that are to be declared upon the sale of any parcel affected by this zone change.	Planning Department			
1.2	Exterior lighting, signs, and light from the interior of structures shall be limited, except in emergency situations. a. Residential Uses: Allowed lighting after dark is fully shielded fixtures not to exceed 75 watts or 1200 lumens, with no back light, no up light, and no glare from any illumination source. The sum of all exterior luminaires associated with each residence (including paths, garages, outbuildings, etc.) shall not exceed 3500 lumens.	Immediate and Continuous	Applicant shall include this measure within the Covenants, Conditions, and Restrictions that are to be declared upon the sale of any parcel affected by this zone change.	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	b. Commercial Uses: Allowed lighting after dark from all exterior luminaires associated with each commercial establishment shall not exceed 5500 lumens, with no back light, no up light, and no glare from any illumination source. This includes lights of all form and function such as parking, store front, path, etc. At the main entry, one fully shielded fixture not to exceed 1680 lumens shall be allowed. Parking lot lighting shall be fully shielded and tripped by motion sensors. Path lighting from parking lot to entrance shall be shielded and not exceed 420 lumens every 10 feet, with no back light, no up light, and no glare; path lighting shall be tripped by motion sensors. All exterior lighting shall be extinguished 1 hour after close of business.						

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	Exceptions: Emergency lighting; solar path lights, as long as light is directed downward; Christmas lights during the holiday season when attached to structures and mounted under eaves.						
1.3	There shall be no mobilehomes allowed in the MR (Mountain Residential) or the CO (Commercial Recreation) Zones that are affected by this zone change.	Immediate and continuous.	Applicant shall include this measure within the Covenants, Conditions, and Restrictions that are to be declared upon the sale of any parcel affected by this zone change.	County of Tulare Planning Department			
1.4	Second residences through Administrative Approval shall not be allowed on parcels that are affected by this zone change.	Immediate and continuous.	Applicant shall include this measure within the Covenants, Conditions, and Restrictions that are to be declared upon the sale of	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
			any parcel affected by this zone change.				
1.5	All future land divisions that result from this Project Zone Change to CO (Commercial Recreation) shall contain a minimum 2.5 acres in area for each parcel. In no case shall there be a division of land that results in parcels less than 2.5 acres in area.	Immediate and continuous.	Applicant shall include this measure within the Covenants, Conditions, and Restrictions that are to be declared upon the sale of any parcel affected by this zone change.	County of Tulare Planning Department			
Air Quality							
3.1	Applicant is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first grading/building permit	Prior to issuance of first grading / building permit	Applicant shall provide proof of AIA	County of Tulare Planning Department			
Biological Resources							
4.1	No development shall occur within 100 feet of the intermittent	Immediate and continuous	Require the intermittent	County of Tulare			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	streambed that traverses the property		streambed to be located on site plan of building permits and final site plans, if applicable	Planning Department			
4.2	In order to avoid impacts to all nesting raptors and migratory birds, initial ground disturbance activities such as grading, scraping, material stockpiling, etc. will occur between September 1 and January 31. This will ensure that construction does not coincide with the nesting season (February 1 to August 31).	Issuance of Building Permit shall occur between September 1 and January 31	Verification by County of Tulare	County of Tulare Planning Department			
4.3	If ground disturbance must be initiated between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active migratory bird nests within 15 days of the onset of these activities.	Prior Issuance of Grading Permits Ongoing monitoring during subsurface excavation	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
			applicable. Verification of take permit, if applicable.				
4.4	Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged	Ongoing monitoring during subsurface excavation	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit, if applicable.	County of Tulare Planning Department			
Cultural Resources							
5.1	In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project	Prior to issuance of grading permits Ongoing monitoring	Retention of professional archeologist/ongoing monitoring/submittal of Report of	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/ paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the County.	during subsurface excavation	Findings, if applicable				
5.2	Consistent with Section 7050.5 of the California Health and Safety	Prior to issuance of	Retention of professional	Department of Planning			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: a. The Tulare County Coroner/Sheriff must be contacted	grading permits Ongoing monitoring during subsurface excavation	archeologist and Native American Representative /ongoing monitoring/submittal of Report of Findings, if applicable	and Building in consultation with archaeologist and Native American representative			

Mitigation Monitoring Reporting Program							
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent						

Mitigation Monitoring Reporting Program							
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject						

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	to further subsurface disturbance. a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.						
5.3	The property owner shall avoid and minimize impacts to	Prior to issuance of	Retention of professional	County of Tulare			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not	grading permits Ongoing monitoring during subsurface excavation	paleontologist/ ongoing monitoring/submittal of Report of Findings, if applicable	Planning and Public Works Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.						
Hydrology & Water Quality							
9.1	Applicant shall submit water information that would support water availability and water quality for the tentative map to the Tulare County Environmental Health Services Division (TCEHSD)	Prior to Issuance of Building Permits	Verification of receipt (letter or email) shall be provided to RMA prior to permit release	County of Tulare Planning and Public Works Department and TCEHSD			
Noise							
11.1	Electric generators shall be equipped with appropriate muffling devices and shall be housed or enclosed in a sound attenuating structure designed to abate the noise to 50 db or less at all property lines	Prior to occupancy	Inspection and compliance with mitigation by Building Department	County of Tulare Building Department			

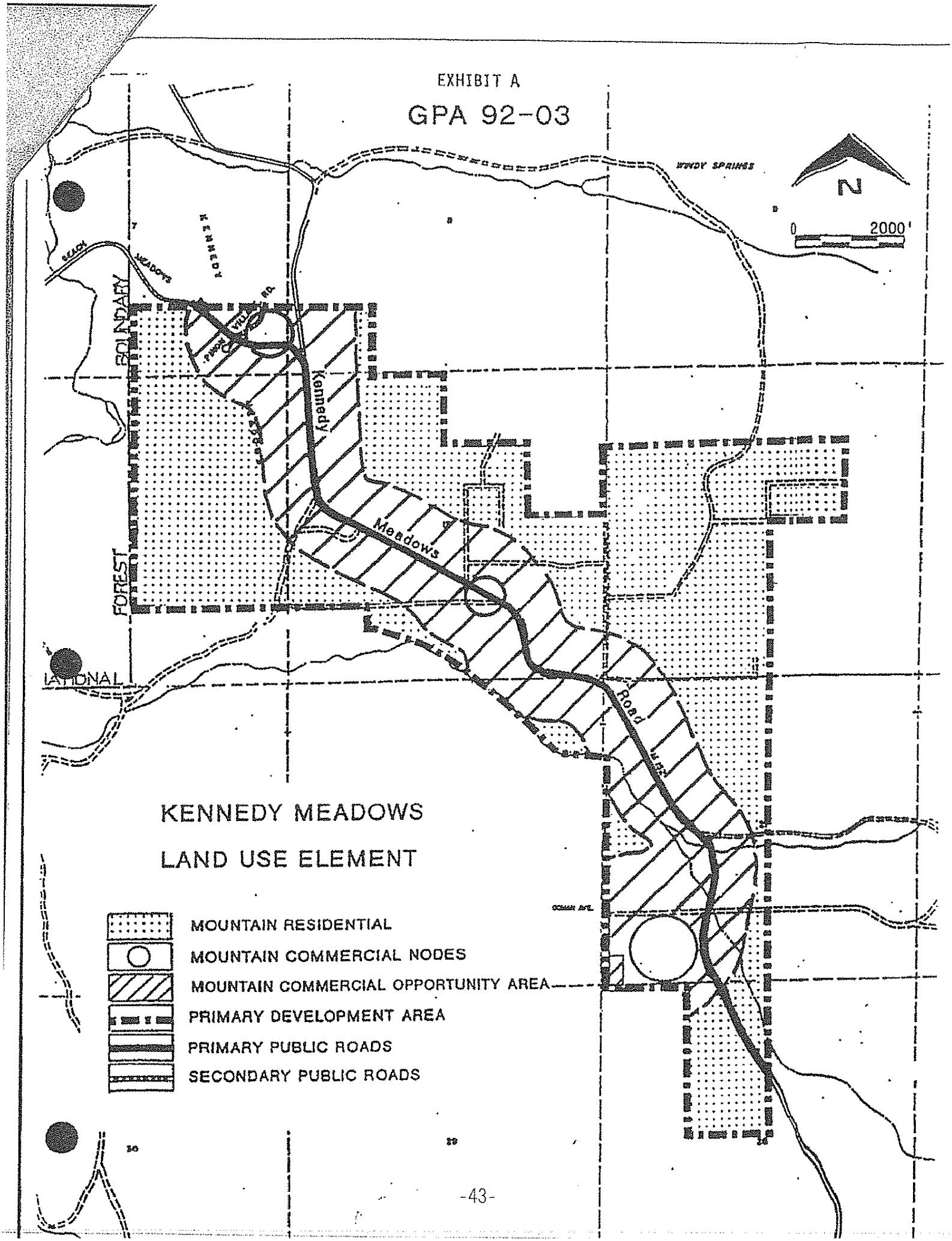
Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Public and Utility Services							
13.1	Applicant shall be required to install water main and fire hydrant system	Prior to occupancy	Tulare County Fire Department will have final approval	Tulare County Fire Department and RMA			
13.2	Individual septic systems shall be required to be engineered and be able to demonstrate the soils can accommodate a septic system and 100% replacement area	Prior to occupancy	Tulare County Environmental Health will have final approval	Tulare County Environmental Health and RMA			
13.3	Applicant shall be required to pay appropriate fees related to solid waste services provided by the County	Prior to occupancy	Receipt from Tulare County Solid Waste will be provided as verification	Tulare County RMA			
13.4	Generators for all proposed buildings shall be properly sized for demand by a qualified electrical engineer or electrician prior to submitting building plans.	At building permit	Building Plan shall indicate size of generator	Tulare County RMA			

Attachment No. 6

Exhibit A, GPA 92-03
Kennedy Meadows Land Use Element

EXHIBIT A

GPA 92-03



KENNEDY MEADOWS

LAND USE ELEMENT

- MOUNTAIN RESIDENTIAL
- MOUNTAIN COMMERCIAL NODES
- MOUNTAIN COMMERCIAL OPPORTUNITY AREA
- PRIMARY DEVELOPMENT AREA
- PRIMARY PUBLIC ROADS
- SECONDARY PUBLIC ROADS

Attachment No. 7

Planning Commission Resolution
Nos. 9031 & 9032

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE ZONE ORDINANCE, CHANGE OF ZONE NO. PZ 10-002 CHANGE FROM MR-217 TO CO AND CHANGE FROM MR-1742 TO MR-435	)))))	RESOLUTION NO. 9031

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors not approve a petition submitted by Kennedy Meadows Restoration, LLC., 99073 Pinion Ridge Road, Inyokern, CA 93257, (Agent: Roberts Engineering, P.O. Box 908, Porterville, CA, 93258), to change the zoning on ±588 acres from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation) and on ±246 acres from MR-1742 (Mountain Residential-1,742,000 sq. ft. minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum), located on both sides of Kennedy Meadows Road, approximately ¼ mile north of Goman Road, in Kennedy Meadows.

WHEREAS, a petition has been filed pursuant to the regulations contained in Section 17 of Ordinance No. 352, the Zoning Ordinance, and

WHEREAS, the Planning Commission has given notice of the proposed Ordinance amendment as provided in Section 18 of said Ordinance No. 352 and Section 65854 of the Government Code of the State of California, and

WHEREAS, Staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this proposed Ordinance amendment, and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on December 10, 2014; and

WHEREAS, at the December 10, 2014 meeting of the Planning Commission, public testimony was received and recorded in support of the proposal from Donna Shamley, Roberts Engineering; Thomas Simon; and Dave Erickson. Tim (Heflin), Craig Carr, and Cynthia Moreno spoke in opposition to the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the staff report for the proposed project together with any comments received during the public review process, in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines for the Implementation of the California Quality Act of 1970 prior to taking action on the change of zone.

B. This Planning Commission hereby adopts the following findings of fact were relevant in evaluating this application:

1. The applicant has requested a Zone Change to change the zoning on ±58 acres from MR-217 (Mountain Residential-217,000 square foot minimum) to CO (Commercial Recreation) and on ±246 acres from MR-1742 (Mountain Residential-1,742,000 square foot minimum to MR-435 (Mountain Residential-435,000 square foot minimum), located, approximately ¼ mile north of Goman Road, on both sides of Kennedy Meadows Road, in Kennedy Meadows

2. The subject site is located within the Kennedy Meadows Plan, which designates the site as "Mountain Commercial Opportunity Area." The land-use designation for the 58-acre parcel that runs parallel to Kennedy Meadows Road is "Mountain Commercial Opportunity Area" (MCOA). This land use designation lies within 1,000 linear feet of Kennedy Meadows Road and is inside the Kennedy Meadows Primary Development Area (PDA). The land-use designation for the parcels that comprise the 146 acres west of Kennedy Meadows Road, and which lie beyond 1,000 linear feet of Kennedy Meadows Road and are outside the MCOA, are designated "Mountain Residential." All of the parcels are located along either side of Kennedy Meadows Road and are inside the Kennedy Meadows PDA.

3. The following General Plan Policies are relevant to the project: (a) PF-1.2 Location of Urban Development; (b) PF-1.6 Appropriate Land Uses by Location; (c) LU-3.4 Mountain, Rural, and Low-Density Residential; (d) LU-4.4 Travel-Oriented Tourist Commercial Uses; (e) ED-3.1 Diverse Economic Base; (f) ED-5.1 Development of a Recreation Industry; (g) ED-5.4 Recreational Accommodations; (h) Housing Policy 1.11; (i) ERM-1.1 Protection of Rare and Endangered Species; (j) ERM-1.4 Protect Riparian Areas.

4. The 58 acres that are currently zoned MR-217 are located adjacent to and along either side of Kennedy Meadows Road. The current zoning allows for single family residential divisions with a minimum lot area of 217,000 sq. ft. (5 acres). The proposed CO (Commercial Recreation) Zone would allow a minimum lot area of 12,500 sq. ft., with one single family residence per legal lot, along with retail and service commercial uses. There is a mix of zoning on surrounding parcels, including A-1 (Agricultural) and CO to the south and west, and MR-217 to the north and east. The CO (Commercial Recreation) Zone is intended primarily for the foothill and mountain areas and allows commercial uses which are oriented toward recreational opportunities for the tourist or highway traveler as well as those that serve the needs of residents of foothill and mountain areas. All proposed commercial uses would require a Final Site Plan be approved by the Planning Commission prior to the issuance of building permits.

5. The 246 acres that are currently zoned MR-1742 (Mountain Residential - 40-acre minimum) are located on the west side of Kennedy Meadows Road. The current Zoning allows for one single family residence plus one additional residence for each 40 acres. The proposed MR- 435 (Mountain Residential – 10-acre minimum) Zone would allow a minimum lot area of 10-acres with one single family residence per legal lot and one additional residence for each 40 acres. The MR-435 (Mountain Residential – 10-acre minimum) zoning allows residences located in environmentally sensitive areas on 10 acre minimum parcels.

6. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared for the project and approved for public review by the Environmental Assessment Officer, indicating that the project will not have a significant effect on the environment. The Mitigated Negative Declaration was not accepted as the appropriate environmental document and was not adopted for the Zone Change by the Planning Commission on December 10, 2014.

7. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees. New Development may be subject to County Development Impact Fees.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the proposed Ordinance amendment to not be consistent with the purpose of Ordinance No. 352 and further finds the petition is not in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

1. This Planning Commission hereby recommends that the Board of Supervisors find there is substantial evidence that said Change of Zone will have a significant effect on the environment and determines that the Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended.

2. This Commission hereby recommends that the Board of Supervisors not approve Zone Change No. PZ 10-002 as petitioned.

The foregoing resolution was adopted upon motion of Commissioner Whitlatch, seconded by Commissioner Pitigliano, at a regular meeting of the Planning Commission on December 10, 2014, by the following roll call vote:

AYES: Pitigliano, Whitlatch, Millies, Elliott, Dias

NOES: Aguilar

ABSTAIN: None

ABSENT: Gong

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR CHANGE OF ZONE NO. PZ 10-002	))))	RESOLUTION NO. 9032

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors not adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for Change of Zone No. PZ 10-002 as being in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970, requested by Kennedy Meadows Restoration, LLC (Simon, Jacobs, Simon, a California Partnership, Thomas Simon, Managing Member), 99073 Pinion Ridge Road, Inyokern, CA 93527, said change of zone to allow Change of Zone on ±58 acres from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation) and a Change of Zone on ±246 acres from MR-1742 (Mountain Residential-1,742,000 sq. ft. minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum). The ±58 acres are located to the east and west of Kennedy Meadows Road and the ±246 acres are located west of the primary development area of Kennedy Meadows.

WHEREAS, the applicants, Kennedy Meadows Restoration, LLC, filed with Tulare County Resource Management Agency ("RMA") an application for a Change of Zone (PZ 10-002); and

WHEREAS, the proposed project information was referred to various public agencies and pertinent departments for review and recommendations; and

WHEREAS, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared by Tulare County staff and reviewed and approved for public review by the Tulare County's Environmental Assessment Officer; submitted for 30-day public review, comment and response on or about November 7, 2014; and a public hearing was held, offering an opportunity for public testimony at a regular meeting of the Planning Commission on December 10, 2014; and

WHEREAS, on November 7, 2014, a Notice of Public Hearing and Completion of Environmental Documents were duly published in the Visalia Times-Delta, a newspaper of general circulation in Tulare County, indicating a 30-day public review period commencing on November 7, 2014, and ending on December 8, 2014; and

WHEREAS, in accordance with state law and local ordinance, RMA Staff has given due notice of the public hearing regarding the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that would be held for the purpose of receiving comment on the environmental document (SCH #2013-081066) for the proposed zone change as described herein; and

WHEREAS, the Mitigated Negative Declaration for Kennedy Meadows Restoration, LLC, Change of Zone No. PZ 10-002 consists of the Mitigation Monitoring and Reporting Program,

Environmental Impacts Checklist and written comments from consulting agencies, all of which constitutes and shall be collectively referred to herein as the "Mitigated Negative Declaration"; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Planning Commission further finds that the public review period for the Mitigated Negative Declaration closed December 8, 2014 and that the public hearing for the change of zone was conducted at a regular meeting of the Planning Commission held on December 10, 2014.

2. The Planning Commission further finds and declares that on December 10, 2014, the Planning Commission duly opened and conducted the public hearing. During said hearing, evidence was submitted by County Staff, the applicant and the general public, and that said evidence was independently reviewed and considered by the Planning Commission.

3. The Planning Commission certifies and finds, based on substantial evidence that it has reviewed and considered the information contained in the Mitigated Negative Declaration prepared for Kennedy Meadows Restoration, LLC is inadequate and not in compliance with CEQA, the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15070 through Section 15075 and the County's procedures for implementing CEQA.

4. The Planning Commission further certifies and finds that prior to taking action on the project, it independently reviewed and considered the information contained in the Mitigated Negative Declaration and other relevant evidence presented thereto (including the Staff Report made a part hereof). The Planning Commission further certifies and finds that the Mitigated Negative Declaration prepared for Kennedy Meadows Restoration, LLC, Change of Zone No. PZ 10-002 is inadequate, and has not been prepared and completed in compliance with CEQA, the State CEQA Guidelines and the County's procedures for implementing CEQA.

5. Accordingly, the Planning Commission, after considering all of the evidence presented and based on substantial evidence, hereby opposes the adoption of the Mitigated Negative Declaration for Change of Zone No. PZ 10-002 (applicants Kennedy Meadows Restoration, LLC).

6. The Planning Commission does not recommend approval to the Board of Supervisors for Change of Zone No. PZ 10-002.

The foregoing resolution was adopted upon motion of Commissioner Whitlatch, seconded by Commissioner Elliott, at a regular meeting of the Planning Commission on December 10, 2014 by the following roll call vote:

AYES: Pitigliano, Whitlatch, Millies, Elliott, Dias

NOES: Aguilar

ABSTAIN: None

ABSENT: Gong

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

Attachment 8

Planning Commission Report

5961 S. Mooney Blvd
Visalia, CA
93277
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RESOURCE MANAGEMENT AGENCY
COUNTY OF TULARE
PLANNING COMMISSION
PROJECT OVERVEIW

PLANNING COMMISSION

CHAIRMAN: Ed Dias
VICE-CHAIR: Melvin Gong

COMMISSIONERS:
Wayne Millies
John Elliott
Nancy Pitigliano
Vacant
Bill Whitlatch
Gil Aguilar (alternate)

AIRPORT LAND USE COMMISSIONERS (ALUC)
Doug Silveria

PROJECT NO.: Zone Change No. PZ 10-002	**AGENDA DATE:**	
APPLICANT: Kennedy Meadows Restoration, LLC	**AGENDA ITEM NUMBER:**	
AGENT: Roberts Engineering		
SUBJECT: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Zone Change No. PZ 10-002; and Petition for a change of zone on: (1) 78 acres from MR-217 to C-O, and (2) 329 acres from MR-1742 to MR-435, in Kennedy Meadows. **ENVIRONMENTAL REVIEW:** Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program	**AGENDA ITEM TYPE**	
	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
	Other:	
	ACTION REQUESTED	
	Resolution – Planning Commission – Environmental	
	Resolution – Planning Commission – Project	X
MOTION(s): Two Motions		
CONTACT PERSON: Dana Mettlen	Recommendation to BOS	X

RECOMMENDATION(S):

That the Planning Commission:

1. Hold a public hearing
2. Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Zone Change No. PZ 10-002 consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.
3. Recommend that the Board of Supervisors approve Zone Change No. PZ 10-002

PLANNING COMMISSION ALTERNATIVES:

Alternative No. 1: Move to recommend the Board of Supervisors adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the proposal, subject to modifications as discussed by the Planning Commission.

Alternative No. 2: Move to recommend denial.
Alternative No. 3. Refer back to Staff for further study and report.

PROJECT OVERVIEW:
Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Zone Change No. PZ 10-002 requested by Kennedy Meadows Restoration, LLC, 99073 Pinon Ridge Road, Inyokern, CA 93527 (Agent: Roberts Engineering, P.O. Box 908, Porterville, CA 93258), for a change of zone on: (1) 78 acres from MR-217 (Mountain Residential – 5-acre minimum) to C-O (Commercial Recreation), and (2) 329 acres from MR-1742 (Mountain Residential – 40-acre minimum) to MR-435 (Mountain Residential – 10-acre minimum), on property located on both sides of Kennedy Meadows Road, approximately ¼ mile north of Goman Road, in Kennedy Meadows.

ENVIRONMENTAL SUMMARY:
An Environmental Assessment Initial Study identified potentially significant effects on the environment resulting in a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program being prepared, indicating that, although the project may have a significant effect on the environment, mitigation measures were incorporated into the project that would reduce any impact to a point where clearly no significant effect on the environment could occur and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. The Initial Study Checklist found the following potentially significant effects required mitigation.

Air Quality:
Mitigation Measure 3.1 requires the applicant to submit an Air Impact Assessment application to the Air District prior to the issuance of the first building permit.

Biological Resources:
Based on the Preliminary Biological Assessment, CNDDB Map and no comments from the California Department of Fish and Wildlife, it is anticipated that there will be No Impact. In the event construction or new uses occur on the site, the following Mitigation Measures will reduce or eliminate potential impacts to Less Than Significant: (a) Mitigation Measure 4.1 – No development shall occur within 100 feet of the intermittent streambed that traverses the property; (b) Mitigation Measure 4.2 – To avoid impacts to all nesting raptors and migratory birds, construction will not coincide with the nesting season; (c) Mitigation Measure 4.3 – If ground disturbance is during the nesting season, a pre-construction survey for bird nests is required; (d) Mitigation Measure 4.4 – If nests are discovered, a construction-free buffer will be created.

Cultural Resources:
A cultural resources records search was conducted for Tulare County RMA by the California Historical Resources Information Center (CHRIS), Southern San Joaquin Valley Information Center (SSJVIC) located at California State University, Bakersfield. The CHRIS responded that because the Project is only a Change of Zone and no ground disturbance will take place, no further cultural resource investigation is needed at this time. In the event historical or archaeological resources are discovered at the site when construction or new uses occur, the

following Mitigation Measures will be implemented, thereby reducing potential impacts to this resource to Less Than Significant: (a) Mitigation Measure 5.1 – Should resources be discovered, work shall be halted and a qualified archaeologist or paleontologist will determine the significance of the feature; (b) Mitigation Measure 5.2 – If human remains should be discovered, all work will be suspended and the applicant shall follow the state guidelines pertaining to said discovery; (c) Mitigation Measure 5.3 – If a paleontological resource is encountered, all work is suspended and a qualified paleontologist shall determine the significance and the recovery method and/or avoidance.

Hydrology and Water Quality:
When fully developed, the proposed project would increase the demand for water which could have substantial impacts to groundwater. A Ground Water Availability study was performed for a portion the project site (APNs 310-010-017, 018, 019, & 020 per Tentative Parcel Map No. PPM 08-081) by Southern Sierra Drilling of Inyokern. The on-site survey of the four specific 5-acre parcels indicates that underground fracture zones exist which are continuously recharged by rainfall and snowmelt. Additionally, Mitigation Measure 9.1 will require the submission of information that would support water availability and water quality for the tentative map.

Noise:
Typically, gas or diesel generators have been utilized to provide electricity. With the potential of increased development in the area, the use of generators could result in increased noise levels. Mitigation Measure 11.1 will require electric generators to be equipped with muffling devices and to be enclosed in a sound attenuating structure.

Public and Utility Services:
The change of zone on 407 acres may increase the need for public services. The following Mitigation Measures will reduce this impact to Less Than Significant: (a) Mitigation Measure 13.1 – The TC Fire Department will require a water main and fire hydrant system be installed; (b) TC Environmental Health will require an engineered septic system; (c) TC Solid Waste will require solid waste services be offset by the payment of appropriate fees.

Information about the environmental determination was provided in a notice regarding the public hearing that was published in the Visalia Times Delta and mailed to surrounding property owners. The public notice provided a thirty day comment period for review.

ENTITLEMENT(S):
The existing zoning on the 78-acre portion is Mountain Residential – 217 (5-acre minimum), whereas, the existing zoning on the 329-acre portion is Mountain Residential – 1742 (40 acre minimum). The Mountain Residential zone is intended primarily for mountain areas where residential uses may be located in environmentally sensitive surroundings; this zone is also considered appropriate in areas where residential uses are primarily a second home or of recreational character. The minimum lot area requirements are 217,000 sq. ft. (5 acres) and 1,742,000 sq. ft. (40 acres). Single-family dwellings, accessory structures, domesticated animals and agriculture are the typical uses allowed by right.

The requested CO (Commercial Recreation) Zone on the 78-acre portion (Zoning Ordinance Section 8.07) is intended primarily for the foothill and mountain areas and allows commercial uses which are oriented to recreation-related activities, services, and other recreational characteristics of the area. The uses allowed by right include single-family dwellings, raising domesticated animals, agriculture, storage of petroleum products, electric generators, and satellite antennas. All other uses, i.e. multiple family dwellings; retail stores selling liquor, drugs, and apparel; coffee shops; grocery stores; offices; service stations; restaurants; RV sales/service/rental; and more would require a Final Site Plan be approved by the Planning Commission. ALL COMMERCIAL AND RECREATIONAL-TYPE USES PROPOSED IN THE CO ZONE WOULD REQUIRE A FINAL SITE PLAN APPLICATION BE SUBMITTED FOR CONSIDERATION AND APPROVAL BY THE PLANNING COMMISSION.

The requested Mountain Residential Zone, MR-435, (Zoning Ordinance Section 4.5) would allow the same residential uses as stated above (single-family dwellings, accessory structures, domesticated animals and agriculture) on parcels with a minimum size of 435,000 sq. ft. (10 acres). This request would allow an increase of density from 40-acre parcels to 10-acre parcels.

THIS PROJECT IS FOR THE CHANGE OF ZONE ONLY. FUTURE LAND DIVISIONS WOULD REQUIRE A TENTATIVE PARCEL OR TENTATIVE SUBDIVISION APPLICATION BE SUBMITTED TO THE RESOURCE MANAGEMENT AGENCY FOR PLANNING COMMISSION CONSIDERATION AND APPROVAL.

GENERAL PLAN CONSISTENCY:

The County's General Plan Amendment Policy provides that *the Board shall, among other considerations give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, policies and the general plan and not obstruct their attainment* (Policies and Procedures 391).

The site is located within the Kennedy Meadows Sub Area Mountain Plan of the Tulare County General Plan. The Kennedy Meadows Mountain Plan, as amended, is contained within Part III of the Tulare County General Plan Update and provides the Land Use Designation and Policy Direction for the Kennedy Meadows area. GPA 92-003 amended the Kennedy Meadows Mountain Plan.

The land-use designation for the five parcels (78 acres) along Kennedy Meadows Road is "Mountain Commercial Opportunity Area" (MCOA). The land-use designation for the eight parcels (329 acres) west of Kennedy Meadows Road is "Mountain Residential." All of the parcels are located along either side of Kennedy Meadows Road and are inside the Kennedy Meadows Primary Development Area (PDA).

The Mountain Commercial Opportunity Area was established with GPA 92-003 and is intended primarily to designate areas that are considered appropriate for mountain commercial developments within the Kennedy Meadows Plan. The MCOA lies within 1,000 linear feet of Kennedy Meadows Road and is inside the Kennedy Meadows (PDA).

In regard to the zone change to CO (Commercial Recreation) on 78 acres, the request is consistent with the following Kennedy Meadows Mountain Plan policies as established with GPA 92-003:

Goal A, Policy 1, Commercial Implementation Strategies:

(2) Additional Mountain Commercial may be approved within Mountain Commercial Opportunity Area if the property under consideration exhibits all of the following locational criteria:

(a) The property has access to a publicly maintained road adequate to serve the development.

Staff Comment: *Of the 78 acres proposed to be changed to the CO Zone, only one parcel (APN 310-010-021 @ 57.97 acres) has direct access to a publicly maintained road (Kennedy Meadows Road). The other four 5-acre parcels have indirect access to Kennedy Meadows Road via a private vehicular access easement.*

(b) The property can be developed without creating conflicts of use within existing or adjacent parcels.

Staff Comment: *The project is located within the Mountain Commercial Opportunity Area; the project site and surrounding properties are undeveloped and would not conflict with use on adjacent parcels.*

(c) The property will fulfill a need for a demonstrated demand for additional commercial designated land.

Staff Comment: *The General Plan Economic Development Policies promote the development of a diversified economic base by promoting recreation services and commerce (ED-3.1; ED-5.1; ED-5.4).*

(d) Water can be made available for domestic and fire fighting purposes based on water specifications provided by the Tulare County Health Department and the County Fire Warden.

Staff Comment: *Private, domestic wells are proposed for each parcel; a water availability analysis was provided for the project indicating the availability of water supply.*

With regard to the zone change to MR-435 (Mountain Residential – 435,000 sq. ft. minimum) on 329 acres, the request is consistent with the following Kennedy Meadows Mountain Plan policies as established with GPA 92-003:

Goal A, Policy 4: The areas within one mile of the Primary Development Area are considered suitable for parcels with a minimum parcel size not less than 10 acres and no greater than 40 acres if the decision making body determines that the Monache deer migration corridor will not be significantly affected. Approval of Mountain Residential zoning with a residential lot density between one family per 10 acres and one family per 40 acres within this development area shall be in accordance with case-by-case evaluation of request for such zoning could be suitable for parcels with a minimum lot size of ten (10) acres and a maximum of 40 acres.

Staff Comment: *The Monache deer seasonal migration habitat is divided into three significant ranges within the Kennedy Meadows Sub-Area Plan, all of which lie south and/or west of the project area.*

In conclusion, the proposed changes in zone are consistent with the Tulare County General Plan, including the Goals and Policies of the Mountain Plan: Kennedy Meadows Sub Area. The Kennedy Meadows Plan Land Use/Zoning Compatibility Matrix (Exhibit A) indicates that the Land Use Designation of "Mountain Residential" is compatible with the "MR-435" zone category and the Land Use Designation of "Mountain Commercial Opportunity Area" is compatible with the "CO" zone category.

EXHIBIT A
Land Use/Zoning Compatibility Matrix

Zones and Minimum Lot Sizes	Mountain Residential	Commercial Recreation	Resource Conservation	Mountain Commercial Opportunity Area
MR-217	X	-	-	X
MR-435	X	-	-	-
MR-871	X	-	-	-
MR-1742	X	-	-	-
CO	-	X	-	X
RC	-	-	X	-
PD	-	X	-	X

PUBLIC NOTICE: Government Code Section 65009(b) requires the County to include in any public notice issued pursuant to Government Code, Title 7, Planning and Land Use, a notice substantially stating all of the following: "If you challenge the environmental determination and Tentative Subdivision Map, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of Tulare at, or prior to, the public hearing."

PROJECT PLANNER:

Dana Mettlen

PLANNING AND PROJECT PROCESSING:

Aaron R. Bock, Chief Planner

ENVIRONMENTAL PLANNING:

Hector Guerra, Chief Environmental Planner

ASSOCIATE DIRECTOR:

Michael C. Spata

ATTACHMENTS:

Attachment No. 1 – Resolution Recommending Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
Exhibit "A" – Mitigated Negative Declaration
Exhibit "B" – Mitigation Monitoring and Reporting Program
Exhibit "C" – Response to Comments to Draft MND
Attachment No. 2 – Resolution Recommending Approval of Zone Change No. PZ 10-002
Exhibit "A" – Draft Ordinance with Map
Attachment No. 3 – Staff Research and Background Reports
Attachment No. 4 – Initial Study Checklist
Attachment No. 5 – Consultation Notice and Responses
Attachment No. 6 – Maps and Graphics
Attachment No. 7 – Comments in Favor/Opposition to the Project
Attachment No. 8 – Water Availability Report
Attachment No. 9 – Biota Report
Attachment No. 10 – Notice of Determination
Attachment No. 11 – Public Notice Information

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR CHANGE OF ZONE NO. PZ 10-002	))))	RESOLUTION NO.

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for Change of Zone No. PZ 10-002 as being in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970, requested by Kennedy Meadows Restoration, LLC (Simon, Jacobs, Simon, a California Partnership, Thomas Simon, Managing Member), 99073 Pinion Ridge Road, Inyokern, CA 93527, said change of zone to allow Change of Zone on 78.57 acres from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation) and a Change of Zone on 329 acres from MR-1742 (Mountain Residential-1,742,000 sq. ft. minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum). The 78.57 acres is located to the east and west of Kennedy Meadows Road and the 329 acres is located adjacent and to and west of the primary development area of Kennedy Meadows.

WHEREAS, the applicants, Kennedy Meadows Restoration, LLC, filed with Tulare County Resource Management Agency ("RMA") an application for a Change of Zone (PZ 10-002); and

WHEREAS, this resolution of the Tulare County Planning Commission relates to the adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Kennedy Meadows Restoration, LLC consistent with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the County's Procedures for Implementing CEQA; and

WHEREAS, this resolution certifies that an Initial Study for a Mitigated Negative Declaration has been prepared for the purpose of the proposed Change of Zone; and

WHEREAS, the proposed project information was referred to various public agencies and pertinent departments for review and recommendations; and

WHEREAS, the project, as mitigated, will not result in any significant adverse environmental impacts; and

WHEREAS, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared by Tulare County staff and reviewed and approved for public review by the Tulare County's Environmental Assessment Officer; submitted for 30-day public review, comment and response on _____, 2014; and a public hearing has been held, offering an opportunity for public testimony at a regular meeting of the Planning Commission on _____, 2014; and

WHEREAS, the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Response to Comments on Draft MND are attached as Exhibit "A," Exhibit "B," and "Exhibit "C" and incorporated by reference herein; and detailed information is provided in the staff report and environmental document; and

WHEREAS, on August 22, 2013, Tulare County distributed the Notice of Completion and Environmental Document Transmittal to the State Clearinghouse with the requisite number of copies of the Mitigated Negative Declaration to be mailed to affected public agencies and interested parties, indicating a 30-day review period commencing on August 22, 2013 and ending on September 23, 2013; and

WHEREAS, on ~, 2014, a Notice of Public Hearing and Completion of Environmental Documents were duly published in the Visalia Times-Delta, a newspaper of general circulation in Tulare County, indicating a 30-day public review period commencing on ~, 2014, and ending on ~, 2014; and

WHEREAS, in accordance with state law and local ordinance, RMA Staff has given due notice of the public hearing regarding the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that would be held for the purpose of receiving comment on the environmental document (SCH #2013-081066) for the proposed zone change as described herein; and

WHEREAS, the Mitigated Negative Declaration for Kennedy Meadows Restoration, LLC, Change of Zone No. PZ 10-002 consists of the Mitigation Monitoring and Reporting Program, Environmental Impacts Checklist and written comments from consulting agencies, all of which constitutes and shall be collectively referred to herein as the "Mitigated Negative Declaration"; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Planning Commission further finds that the public review period for the Mitigated Negative Declaration closed _____, 2014 and that the public hearing for the change of zone was conducted at a regular meeting of the Planning Commission held on _____, 2014.

2. The Planning Commission further finds and declares that on _____, 2014, the Planning Commission duly opened and conducted the public hearing. During said hearing, evidence was submitted by County Staff, the applicant and the general public, and that said evidence was independently reviewed and considered by the Planning Commission.

3. The Planning Commission certifies and finds, based on substantial evidence that it has reviewed and considered the information contained in the Mitigated Negative Declaration prepared for Kennedy Meadows Restoration, LLC is adequate and in compliance with CEQA, the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15070 through Section 15075 and the County's procedures for implementing CEQA.

4. The Planning Commission further certifies and finds that prior to taking action on the project, it independently reviewed and considered the information contained in the Mitigated Negative Declaration and other relevant evidence presented thereto (including the Staff Report made a part hereof). The Planning Commission further certifies and finds that the Mitigated Negative Declaration prepared for Kennedy Meadows Restoration, LLC, Change of Zone No. PZ 10-002 is adequate, and has been prepared and completed in compliance with CEQA, the State CEQA Guidelines and the County's procedures for implementing CEQA.

5. Accordingly, the Planning Commission, after considering all of the evidence presented and based on substantial evidence, hereby adopts the Mitigated Negative Declaration for Change of Zone No. PZ 10-002 (applicants Kennedy Meadows Restoration, LLC) consistent with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the County's procedures for implementing CEQA.

6. The Planning Commission recommends approval to the Board of Supervisors of Change of Zone No. PZ 10-002 and adopts Resolution No. _____, establishing findings and conditions of approval and mitigation measures as discussed.

The foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting of the Planning Commission on _____ 2014 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

_____
Michael Washam, Secretary

EXHIBIT A

Project: PZ 10-002

Applicant: Kennedy Meadows Restoration, LLC

Agent: Roberts Engineering
Date Prepared: August 21, 2013

MITIGATED NEGATIVE DECLARATION

DESCRIPTION OF PROJECT:
Change of Zone on 68 acres from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO Commercial Recreation) and a Change of Zone on 329 acres from MR-1742 (Mountain residential-1,742,000 sq. ft. minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum) zone.

Proposal, Zoning and Parcel Size:
Adoption of a Mitigated Negative Declaration, Mitigation Monitoring Plan and a Change of Zone on 68.57 acres from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation), located approximately ¼ mile north of Goman Road on both sides of Kennedy Meadows Road, within the primary development area, and Change of Zone on 329 acres from MR-1742 (Mountain Residential- 1,742,000 sq. ft. minimum to MR-435 (Mountain Residential-435,000 sq. ft. minimum, is adjacent to the east of the primary development area of Kennedy Meadows.

Location:

Project (68.57 acres) is located to the east and west of Kennedy Meadows Road, within the primary development area, and the 329 acres is adjacent to the east of the primary development area of Kennedy Meadows.

APN: 310-050-019/020 and 021 and 310-050-012/013/014/015/016/017/018 and 019; Section 20, Township 22 S, Range 36 E, M.D.B. & M.

Project Facts:

Refer to Initial Environmental Study for a) project facts, plans and policies, b) discussion of environmental effects and mitigation measures and c) determination of significant effect.

Attachments:

Initial Environmental Study	(X)
Maps	(X)
Mitigation Measures	(X)
Staff Report	( )

DECLARATION OF NO SIGNIFICANT EFFECT:

This project will not have a significant effect on the environment for the following reasons:

(a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory.

(b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

This Mitigated Negative Declaration has been prepared by the Tulare County Resource Management Agency, in accordance with the CEQA 1970, as amended. A copy may be obtained from the Tulare County Resource Management Agency, 5961 South Mooney Blvd., Visalia, CA 93277-9394, telephone (559) 624-7000, during normal business hours.

APPROVED
HECTOR GUERRA
CHIEF ENVIRONMENTAL PLANNER

BY: _____

DATE APPROVED 8/21/13

REVIEW PERIOD 30 days

MICHAEL C. SPATA
ENVIRONMENTAL ASSESSMENT OFFICER

BY: _____

DATE APPROVED: 8/21/13

REVIEW PERIOD: 30 days

NEWSPAPER:
(X) Visalia Times-Delta
( ) Porterville Recorder
( ) Tulare Advance-Register

Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Mitigated Negative Declaration (State Clearinghouse No. 2013-081066) prepared for the project by the County of Tulare.

The California Environmental Quality Act (CEQA) Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment.[1] The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.

- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.

- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

Mitigation Monitoring Reporting Program							
Mitigation Measure		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
Air Quality							
3.1	Applicant is required to submit an Air Impact Assessment (AIA)	Prior to issuance of first	Applicant shall provide proof of	County of Tulare			

[1] Public Resource Code §21081.6

Mitigation Monitoring Reporting Program							
Mitigation Measure		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
	application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first grading/building permit	grading / building permit	AIA	Planning Department			
Biological Resources							
4.1	No development shall occur within 100 feet of the intermittent streambed that traverses the property	Immediate and continuous	Require the intermittent streambed to be located on site plan of building permits and final site plans, if applicable	County of Tulare Planning Department			
4.2	In order to avoid impacts to all nesting raptors and migratory birds, initial ground disturbance activities such as grading, scraping, material stockpiling, etc. will occur between September 1 and January 31. This will ensure that construction does not coincide with the nesting season (February 1 to August 31).	Issuance of Building Permit shall occur between September 1 and January 31	Verification by County of Tulare	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program

Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4.3	If ground disturbance must be initiated between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active migratory bird nests within 15 days of the onset of these activities.	Prior Issuance of Grading Permits Ongoing monitoring during subsurface excavation	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit, if applicable.	County of Tulare Planning Department			
4.4	Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged	Ongoing monitoring during subsurface excavation	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit, if	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
			applicable.				
Cultural Resources							
5.1	In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/ paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional archeologist/ongoing monitoring/submittal of Report of Findings, if applicable	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the County.						
5.2	Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional archeologist and Native American Representative /ongoing monitoring/submittal of Report of Findings, if applicable	Department of Planning and Building in consultation with archaeologist and Native American representative			

Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall						

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or						
	2. Where the following						

Mitigation Monitoring Reporting Program							
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant fails to make a						

Mitigation Monitoring Reporting Program							
Mitigation Measure		**Monitoring Timing/ Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
	recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.						
5.3	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/submittal of Report of Findings, if applicable	County of Tulare Planning and Public Works Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.						
Hydrology & Water Quality							
9.1	Applicant shall submit water information that would support water availability and water quality for the tentative map to the Tulare County Environmental Health Services Division (TCEHSD)	Prior to Issuance of Building Permits	Verification of receipt (letter or email) shall be provided to RMA prior to permit release	County of Tulare Planning and Public Works Department and			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
				TCEHSD			
Noise							
11.1	Electric generators shall be equipped with appropriate muffling devices and shall be housed or enclosed in a sound attenuating structure	Prior to occupancy	Inspection and compliance with mitigation by Building Department	County of Tulare Building Department			
Public and Utility Services							
13.1	Applicant shall be required to install water main and fire hydrant system	Prior to occupancy	Tulare County Fire Department will have final approval	Tulare County Fire Department and RMA			
13.2	Individual septic systems shall be required to be engineered and be able to demonstrate the soils can accommodate a septic system and d100% replacement area	Prior to occupancy	Tulare County Environmental Health will have final approval	Tulare County Environmental Health and RMA			
13.3	Applicant shall be required to pay appropriate fees related to solid waste services provided by the County	Prior to occupancy	Receipt from Tulare County Solid Waste will be provided as verification	Tulare County RMA			

EXHIBIT NO. C

Response to Comments on Draft MND

Mitigated Negative Declaration
Change of Zone Application No. PZ 10-002
(SCH# 2013081066)

Department of Fish and Wildlife:
Comment Letter from California Department of Fish and Wildlife, Central Region, September 23, 2013. Signed by Jeffrey R. Single, Ph.D., Regional Manager.

While the County of Tulare (County) Resource Management Agency acknowledges that the circulated MND inadvertently did not include the Biological Evaluation for this project, the Initial Study (IS) prepared for the Draft MND contained information derived from the Biological Evaluation, which was then incorporated into the IS/MND; specifically at IV BIOLOGICAL RESOURCES. The County circulated the Draft MND pursuant to California Environmental Quality Act (CEQA) Guidelines section 15073 Public Review of a Proposed Negative Declaration or Mitigated Negative Declaration. DFG commented that the IS/MND did not provide sufficient detail for the Department to provide substantive comments and expressed concern with potential Project impacts to special-status species known to occur in the Project area.

As noted earlier, the information contained in the Biological Evaluation was incorporated into the IS/MND and MMRP. The Biological Evaluation of Vegetation and Wildlife prepared by Paul Pruett and Associates addresses comments forwarded by DFG. Following, is a synopsis of the Department's comments and the County's response to those comments:

Potential Project Impacts:
Riparian Habitat and Wetlands:

DF&W identified a pronounced South Fork Kern River tributary which traverses a portion of the Project site. Potential impacts to riparian habitat and wetlands are a concern.

Although the IS/MND indicated that no riparian habitats existed on the site, the Biological Evaluation performed by Paul Pruett and Associates identified an ephemeral stream generally running SE/NW in the 80-acre portion of the project site. As discussed in the Biological Evaluation, impacts to any potential wildlife species federally listed as endangered, threatened, proposed endangered, or candidate are either absent or an impact would be less than significant by the project. Any potential wildlife species listed by the State of California as endangered, threatened, rare, fully protected, or of special concern are similarly absent or the project would result in an impact that would be less than significant. A mitigation measure has been added to the project that will create a 100-foot buffer around the intermittent streambed; thus, impacts to vegetation and wildlife would be less than significant.

Southern Mountain yellow-legged frog (Rana muscosa):

The Southern Mountain yellow-legged frog was not a fully protected species at the time the Biological Evaluation was conducted. As previously noted, a mitigation measure has been added to the project that will create a 100-foot buffer around the intermittent streambed that is located on the 80-acre parcel; thus, the Project will have a less than significant impact on the Southern Mountain yellow-legged frog.

Kern Canyon slender salamander (KCSS):

The Biological Evaluation (at page 2) concludes that there was no evidence of the presence of Kern slender salamander on the Project site. As previously noted, a mitigation measure has been incorporated into the project that will create a 100-foot buffer around the intermittent streambed that is located on the 80-acre parcel; thus, the Project will have a less than significant impact on the Kern Canyon slender salamander.

Great Gray Owl:

The Biological Evaluation concluded that there was no evidence of the presence of Great Gray Owl on the Project site. However, because the Project site may contain suitable habitat for GGO foraging, roosting and nesting, a mitigation measure has been incorporated into the project requiring initial ground disturbance to occur outside the nesting season (September 1 to January 1). If ground disturbance is unavoidable during the nesting season, a pre-construction survey shall be conducted within 15 days of the onset of these activities. Thus, the Project will have a less than significant impact on Great Gray Owl.

Pacific fisher:

The Biological Evaluation concluded that there was no evidence of the presence of Pacific fisher on the Project site. However, because the Project site may contain suitable habitat that would support the Pacific fisher, a mitigation measure has been incorporated into the project requiring initial ground disturbance to occur outside the nesting season (September 1 to January 1). If ground disturbance is unavoidable during the nesting season, a pre-construction survey shall be conducted within 15 days of the onset of these activities. Thus, the Project will have a less than significant impact on Pacific fisher.

Nesting Birds:

The Biological Evaluation concluded that there was no evidence of the presence of nesting birds on the Project site. However, because the Project site may contain suitable habitat that would support nesting birds, a mitigation measure has been incorporated into the project requiring initial ground disturbance to occur outside the nesting season (September 1 to January 1). If ground disturbance is unavoidable during the nesting season, a pre-construction survey shall be conducted within 15 days of the onset of these activities. In addition, a mitigation measure was

included in the Project that will require a construction-free buffer around all active nests. Thus, the Project will have a less than significant impact on nesting birds.

Department of Transportation:
Caltrans recommends that the County include a condition of approval that requires all subsequent proposed development be reviewed by Caltrans to determine potential impacts.

Caltrans acknowledges that the Project itself will not have an impact on the State Highway System. In addition, the C-O (Commercial Recreation) Zone requires approval of the site plan by the Planning Commission for all commercial development; and Caltrans will have an opportunity to review the development proposals at that time.

References:

Letter dated September 20, 2013, received from California Department of Fish and Wildlife, Central Region, Fresno, CA. Signed by Jeffrey R. Single, Ph.D., Regional Manager regarding Zone Change No. PZ 10-002 Project Mitigated Negative Declaration.

Letter received September 5, 2013 from Department of Transportation, District 6, Fresno, CA. Signed by David Deel, Associate Transportation Planner, regarding Zone Change No. PZ 10-002 Project Mitigated Negative Declaration.

Attachment 2

Planning Commission Resolution
for
Zone Change PZ 10-002
and
Draft Ordinance With Map

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE ZONE ORDINANCE, CHANGE OF ZONE NO. PZ 10-002 CHANGE FROM MR-217 TO CO AND CHANGE FROM MR-1742 TO MR-435	)))))	RESOLUTION NO. DRAFT

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve a petition submitted by Kennedy Meadows Restoration, LLC., 99073 Pinion Ridge Road, Inyokern, CA 93257, (Agent: Roberts Engineering, P.O. Box 908, Porterville, CA, 93258), to change the zoning on 68 acres from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation) and on 329 acres from MR-1742 (Mountain Residential-1,742,000 sq. ft. minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum), located on both sides of Kennedy Meadows Road, approximately ¼ mile north of Goman Road, in Kennedy Meadows.

WHEREAS, a petition has been filed pursuant to the regulations contained in Section 17 of Ordinance No. 352, the Zoning Ordinance, and

WHEREAS, the Planning Commission has given notice of the proposed Ordinance amendment as provided in Section 18 of said Ordinance No. 352 and Section 65854 of the Government Code of the State of California, and

WHEREAS, Staff has performed necessary investigations, prepared a written report (made a part hereof), and recommended approval of this proposed Ordinance amendment, and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on _____, 2014; and

WHEREAS, at the _____, 2014 meeting of the Planning Commission, public testimony was received and recorded in support of the proposal from _____. _____ spoke in opposition to the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the staff report for the proposed project together with any comments received during the public review process, in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines for the Implementation of the California Quality Act of 1970 prior to taking action on the change of zone.

B. This Planning Commission hereby adopts the following findings of fact were relevant in evaluating this application:

1. The applicant has requested a Zone Change to change the zoning on 78 acres from MR-217 (Mountain Residential-217,000 square foot minimum) to CO (Commercial Recreation) and on 329 acres from MR-1742 (Mountain Residential-1,742,000 square foot minimum to MR-435 (Mountain Residential-435,000 square foot minimum), located, approximately ¼ mile north of Gorman Road, on both sides of Kennedy Meadows Road, in Kennedy Meadows

2. The subject site is located within the Kennedy Meadows Plan, which designates the site as "Mountain Commercial Opportunity Area." The land-use designation for the five parcels that comprise the 78 acres along Kennedy Meadows Road is "Mountain Commercial Opportunity Area" (MCOA). This land use designation lies within 1,000 linear feet of Kennedy Meadows Road and is inside the Kennedy Meadows Primary Development Area (PDA). The land-use designation for the eight parcels that comprise the 329 acres west of Kennedy Meadows Road lie beyond 1,000 linear feet of Kennedy Meadows Road, are outside the MCOA, and are designated "Mountain Residential." All of the parcels are located along either side of Kennedy Meadows Road and are inside the Kennedy Meadows PDA.

3. The following General Plan Policies are relevant to the project: (a) PF-1.2 Location of Urban Development; (b) PF-1.6 Appropriate Land Uses by Location; (c) LU-3.4 Mountain, Rural, and Low-Density Residential; (d) LU-4.4 Travel-Oriented Tourist Commercial Uses; (e) ED-3.1 Diverse Economic Base; (f) ED-5.1 Development of a Recreation Industry; (g) ED-5.4 Recreational Accommodations; (h) Housing Policy 1.11; (i) ERM-1.1 Protection of Rare and Endangered Species; (j) ERM-1.4 Protect Riparian Areas.

4. The 78 acres that are currently zoned MR-217 are located adjacent to and along either side of Kennedy Meadows Road. The current zoning allows for single family residential divisions with a minimum lot area of 217,000 sq. ft. (5 acres). The proposed CO (Commercial Recreation) Zone would allow a minimum lot area of 12,500 sq. ft., with one single family residence per legal lot, along with retail and service commercial uses. There is a mix of zoning on surrounding parcels, including A-1 (Agricultural) and CO to the south and west, and MR-217 to the north and east. The CO (Commercial Recreation) Zone is intended primarily for the foothill and mountain areas and allows commercial uses which are oriented with recreational opportunities for the tourist or highway traveler as well as those that serve the needs of residents of foothill and mountain areas. All proposed commercial uses would require a Final Site Plan be approved by the Planning Commission prior to the issuance of building permits.

5. The 329 acres that are currently zoned MR-1742 (Mountain Residential – 40-acre minimum) are located on the west side of Kennedy Meadows Road. The current Zoning allows for one single family residence plus one additional residence for each 40 acres. The proposed MR- 435 (Mountain Residential – 10-acre minimum) Zone would allow a minimum lot area of 10-acres with one single family residence per legal lot and one additional residence for each 40 acres. The MR-435 (Mountain Residential – 10-acre minimum) zoning allows residences located in environmentally sensitive areas on 10 acre minimum parcels.

6. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared for the project and approved for public review by the Environmental Assessment Officer, indicating that the project will not have a significant effect on the environment. The Mitigated Negative Declaration was accepted as the appropriate environmental document and adopted for the Zone Change as being in compliance with the California Environmental Quality Act (CEQA) by the Planning Commission Resolution No. _____ on _____, 2014.

7. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees. New Development may be subject to County Development Impact Fees.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the proposed Ordinance amendment to be consistent with the purpose of Ordinance No. 352 and further finds the petition is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

1. This Planning Commission hereby recommends that the Board of Supervisors find there is no substantial evidence that said Change of Zone will have a significant effect on the environment and determines that the Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended.

2. This Commission hereby recommends that the Board of Supervisors approve Zone Change No. PZ 10-002 as petitioned.

The foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner_____, at a regular meeting of the Planning Commission on _____, 2014, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

EXHIBIT "C"

ORDINANCE NO. __

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, BEING AN ORDINANCE ESTABLISHING AND REGULATING LAND USES WITHIN CERTAIN ZONES IN THE COUNTY OF TULARE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of Section 21, Township 22 South, Range 36 East, Mount Diablo Base and Meridian, being a subdivision of Part 347 of the Official Zoning Map. The map showing the CO (Commercial Recreation) zoning approved for the 68 acres and the MR-435 for the 329 acres is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification from MR 217 to CO and MR 1742 to MR-435 as herein provided is briefly described as follows:

On the north side of Goman Road, Approximately ¼ mile north of Goman Road, on both sides of Kennedy Meadows Road, in Kennedy Meadows.

Section 3. This Ordinance shall take effect thirty (30) days from the date of the passage hereof, or if published more than 15 days after the date of passage, then 30 days after publication, whichever is later, and, shall be published once in the Visalia Times-Delta, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 2014, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

AYES:

NOES:

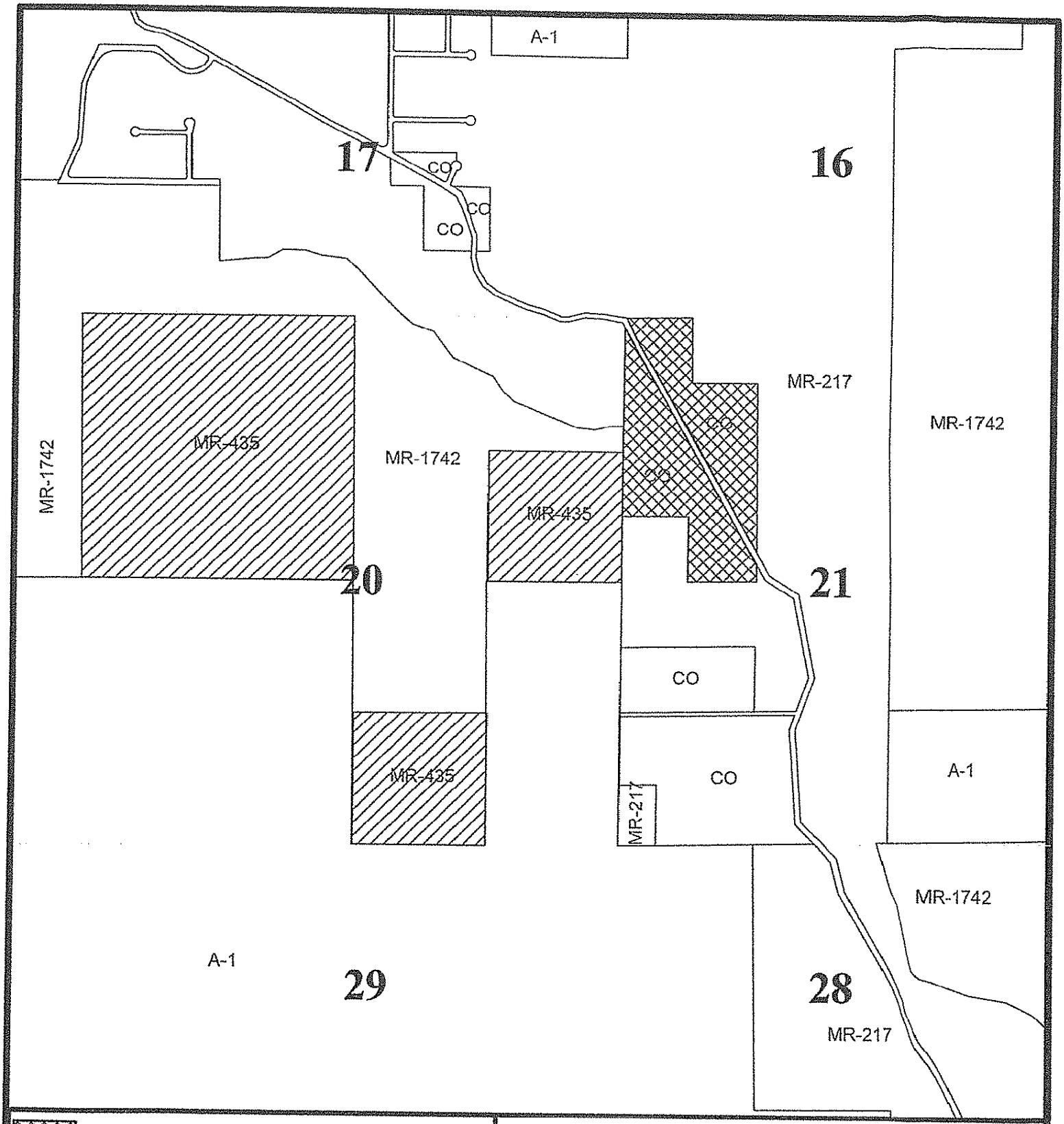
ABSENT:

_____

Chairman, Board of Supervisors

ATTEST: Jean M. Rousseau
County Administrative Officer/Clerk
Board of Supervisors

By: _____
Deputy



APN: 310-010-021
Zone Change from MR-217 to CO
(PZ 10-002)

APN: 310-050-012, 310-050-013, 310-050-014, 310-050-015, 310-050-017, 310-050-019
Zone Change from MR-1742 to MR-435
(PZ 10-002)

0 600 1,200 1,800 2,400 Feet

ORDINANCE NO. ____
AMENDING A PORTION OF PART 347
OF SEC. 20 & 21, T22S, R36E, M.D.B.& M.
OF

OFFICIAL ZONING MAP
COUNTY OF TULARE, CA.

TULARE COUNTY BOARD OF SUPERVISORS
ADOPTED: __/__/__

Attachment 3
Staff Research and Background Reports

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
- PLANNING BRANCH -
Staff Report/Environmental Assessment Initial Study
Change of Zone No. PZ 10-002

I. GENERAL:

1. **Applicant/Owner:**
   Kennedy Meadows Restoration, LLC
   Simon, Jacobs, & Simon, a California Partnership,
   Thomas Simon, Managing Member
   99073 Pinon Ridge Road
   Inyokern, CA 93527

2. **Agent:** Roberts Engineering
   P.O. Box 908
   Porterville, CA 93258

3. **Project Proposal:**

   - Change of Zone on Assessor's Parcel Numbers 310-010-19, 020 and 21 (78.57 acres) from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation)
   - Change of Zone on Assessor's Parcel Numbers 310-050-12 through 19 (329 acres) from MR-1742 (Mountain Residential-1,742,000 sq. ft. minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum)

4. **Location:** Kennedy Meadows Community; The 329 acres proposed for a higher density residential zone is adjacent to, but south of, the primary development area of Kennedy Meadows. The 78.57 acres proposed for commercial recreation is located to the east and west of Kennedy Meadows Road, within the primary development area.

   APN's: 310-010-19, 020 & 021, 310-050-12, 13, 14, 15, 16, 17, 18, & 19
   Section 30, Township 20 South, Range 36 East, MDB&M

5. **Applicant's Statement:**

"The proposed CO zoning will allow the development of approximately 78 acres for recreational commercial type uses; such as, grocery store, sporting goods store, motel, lodge, restaurant, supply store, storage facilities, and other businesses that will benefit the local residents, increase employment opportunities in the area, and increase sales tax and property tax revenues. The proposed MR-435 (10 acre) minimum parcel size will allow the development of approximately 329 acres with the increase in housing sites available for single family usage while maintaining a

rural living atmosphere about the community. The present MR-1742 (40-acre) minimum parcel size is more in line with agricultural uses and is not a viable single-family size parcel (too large to enjoy as a single family residential site and too small to be a viable agricultural site due to the location of the property). The 40-acre parcel size is too large to maintain under single ownership. The area is in a remote part of the County and is more suited to recreation and rural living uses.

II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:

1. Zoning and Land Use:

The subject site is presently zoned MR-217 (5 acres) and MR-1742 (40 acres) and is devoid of any development.

The existing Mountain Residential (MR) classification is intended primarily to accommodate single-family residential development of a rural character including residential accessory structures. Secondarily, this classification accommodates activities that are low intensive, open-space oriented recreation/commercial uses that compliment the remote setting of the area, and limited uses which are necessary for servicing the Kennedy Meadows area as set forth in the policies and implementation strategies contained in the Kennedy Meadows Plan. In addition, certain low intensive service commercial uses may be permitted in accordance with provisions of the Tulare County Home Occupation Ordinance.

The proposed Commercial Recreation (CO) classification is intended primarily for the foothill and mountain areas of Tulare County and allows commercial uses which are oriented to recreation-related activities, services, and other recreational characteristics of these areas. Uses requiring Site Plan Review are: multiple-family dwelling units, liquor store, café, restaurant, lodging facilities and other commercial uses commonly entitled in the C-1 (Neighborhood Commercial) Zone. The CO Zone requires Site Plan Review to ensure that new and/or expanding commercial uses are developed in accordance with provisions of the Kennedy Meadows Plan. The review process will ensure maximum protection of the environment and compatibility with adjacent uses.

Surrounding properties to the north, east and west are zoned either MR-217 or MR-1742. Property to the south of the subject parcels is zoned A-1 (Agriculture) and within the Bureau of Land Management area.

Access/Circulation: Assessor's Parcel Number (APN) 310-010-021 has direct access from Kennedy Meadows Road. APNs 310-010-017 & 018 have indirect access to Kennedy Meadows Road via an 18-foot wide private vehicular access easement (PVAE). APNs 310-050-12 – 19 have indirect access to Kennedy Meadows Road via PVAEs (50 ft. wide by 5,367.28 long running east/west and 50 ft. wide by 4,000 ft long running north/south); APNs 310-010-019 & 020 have

indirect access to Kennedy Meadows Road via a 50-ft. wide by 2,665 feet long PVAE running north and south). Additional private vehicular access easements would be developed as needed, in accordance with KMP and County development standards.

Kennedy Meadows Road is designated as a "Primary Public Road," with an existing and ultimate right-of-way of 60 feet and existing pavement width of 20 feet. Kennedy Meadows Road is a County maintained road.

Implementation Strategies have been adopted for use of private vehicular access easements for the Kennedy Meadows Plan area, which will be included as conditions of approval at the time of development review.

According to the Kennedy Meadows Plan, private access easements may be utilized to provide legal access to parcels anywhere in the planning area. In general, with the exception of surfacing, roadway design and improvements will comply with County design standards for a Class 1 Mountain Road which provides for a 24 ft. driving surface, a 50 ft. easement width and includes provisions for drainage and erosion control.

2. **General Plan Elements:**

Land Use Designation: Mountain Residential

The Kennedy Meadows Sub Area Mountain Plan is the principle County General Plan document applicable to the project. The Plan was adopted by the Board on October 28, 1986 by Resolution No. 86-1376 and amended by General Plan Amendment 92-03 on September 15, 1992 by Resolution No. 92-1012.

Assessor's Parcel Numbers (APNs) 017 – 021 are within the Primary Development Area created by GPA 92-03. The land use designation of the area within 1,000 feet of Kennedy Meadows Road is Mountain Commercial Opportunity Area (MCOA). The MCOA is intended to designate areas that are considered appropriate for mountain commercial developments. APN's 017, 019 and 021 (and a portion of APNs 018 and 020) are within 1,000 feet of the centerline of Kennedy Meadows Road and within the MCOA and could be rezoned to Commercial Recreation (CO) on a case-by-case basis. Therefore, the requested Zone Districts are consistent with the respective land use designation.

GPA 92-03 Policy 2 states that "Mountain Commercial" may be approved within the MCOA if the property under consideration exhibits all of the following criteria:

- The property has access to a publicly maintained road adequate to the development – Staff Comment: Of the 78 acres proposed to be changed to the CO Zone, only one parcel (APN 310-010-021 @ 57.97 acres) has direct

access to a publicly maintained road (Kennedy Meadows Road). The other four 5-acre parcels have indirect access to Kennedy Meadows Road via a private vehicular access easement.

- The property can be developed without creating conflicts of use within existing or adjacent parcels – Staff Comment: The project is located within the Mountain Commercial Opportunity Area and in close proximity to the Grumpy Bear Restaurant (Commercial Node).
- The property will fulfill a need for a demonstrated demand for additional commercial designed land – Staff Comment: The need for additional commercial designated land has not been demonstrated by the applicant; no proof or studies have been submitted that would meet this criterion.
- Water can be made available for domestic and fire fighting purposes based on water specifications provided by the Tulare County Health Department and the County Fire Warden – Staff Comment: Private, domestic wells are proposed for each parcel; water quantity does not appear to be an issue with existing development.

The remainder of the parcels are also designated Mountain Residential. According to GPA 92-03 Goal A, Policy 4, that portion of the subject property outside of and within one mile of the Planning Area could be suitable for parcels with a minimum lot size of 10 acres and a maximum of 40 acres, with approval of MR zoning on a case-by-case evaluation. One of the conditions of Policy 4 is that the site is not within the Monache deer migration corridor. The site is not within this particular corridor, which at the time of the Kennedy Meadows Plan drafting was located along Long Valley to the southwest and Sacatar Meadow to the east of the subject site. The 2005 California Department of Fish and Game Natural Diversity Data Base does not show this corridor.

Circulation: Implementation strategies have been adopted for use of private vehicular access easements for the Kennedy Meadows Plan area which will be implemented at building permit stage as follows:

- All private vehicular access easements (PVAE) shall be a minimum of 50 feet in width within the confines of the property, or no less than 120 feet under specific circumstances. PVAE's may exceed 1,000 feet in length due to the low intensive nature of the planned uses for the KMP area, provided the development is otherwise consistent with the provisions of the land use plan.
- Surfacing shall not be required where native materials provide for a stable and otherwise adequate road base and where provisions for drainage and erosion control are incorporated into the road design.
- PVAE's shall be improved to a minimum width of 24 feet within the 50 foot easement areas, and extending back to Kennedy Meadows Road. Where new development must utilize an existing, off-site travel-way to gain access to the subject development site, the improvement width for the off-

site portion of the easement may be reduced in accordance with Article 7 of the Tulare County Subdivision Ordinance, unless to do so would be contrary to the pubic hearth and safety.

- Provisions for permanent maintenance of new and existing private vehicular access easements shall be incorporated into the conditions of approval for all development projects.
- In improving a development project, the decision-making body shall determine if the physical characteristics of the site necessitate the preparation of a Storm Water Drainage and Erosion Control Plan for that project. If required, the plan shall be prepared by a registered Civil Engineer or other qualified individual and submitted to and approved by the Public Works Department prior to initiating construction on the site.

3. **The following General Plan Policies are relevant to the project:**

Planning Framework:

PF-1.2 Location of Urban Development: The proposal is consistent with this policy because the development would occur within a planned community area, i.e. Kennedy Meadows Primary Development Area.

PF-1.6 Appropriate Land Uses by Location: The proposal is consistent with this policy because the Kennedy Meadows Land Use Element was utilized in the consistency findings.

Land Use:

LU-3.4 Mountain, Rural, and Low-Density Residential: The proposal is consistent with this policy because the Mountain Framework Plan policies and requirements have been utilized in the consistency findings.

LU-4.4 Travel-Oriented Tourist Commercial Uses: The proposal is consistent with this policy because the change of zone would allow commercial uses in an area where the traffic pattern is oriented along a major highway.

Economic Development:

ED-3.1 Diverse Economic Base: The proposal is consistent with this policy because the change of zone would encourage the development of a diversified economic base, i.e. recreation services and commerce.

ED-5.1 Development of a Recreation Industry: The proposal is consistent with this policy because the project would provide an economic potential in a recreational area.

ED-5.4 Recreational Accommodations: The proposal is consistent with this policy because the project will support the development of visitor-serving attractions in an unincorporated area.

Housing:
Housing Policy 1.11: The proposal is consistent with this policy because the project will encourage the development of a broad range of housing types.

Environmental Resources Management:
ERM-1.1 Protection of Rare and Endangered Species: The proposal is consistent with this policy because a Mitigation Measure will require that "No development shall occur within the intermittent streambed that traverses the property" in order to assure protection of the Kern slender salamander.

ERM-1.4 Protect Riparian Areas: The proposal is consistent with this policy because a Mitigation Measure will assure development controls within the intermittent streambed.

4. **Planning Commission Policies and Precedents:**

The Planning Commission has generally recommended approval of requests for Changes of Zone when the requested changes are found to be compatible with established land uses in the surrounding area, not in conflict with the furtherance of overall county development strategies, plans, and policies, and where there is evidence of a need for the type of development proposed. The Planning Commission action for approval is advisory to the Board of Supervisors. The Board of Supervisors' action is final after holding a scheduled public hearing.

A Planning Commission action to deny a zone change is final unless the decision is appealed, in writing, to the clerk of the Board of Supervisors. The written request must be filed with the Clerk of the Board of Supervisors within five days after the recommendation of the Planning Commission is filed with the Board of Supervisors (within 10 days after the Planning Commission decision).

III. ENVIRONMENTAL SETTING:

1. **Topographical Setting:**

The Kennedy Meadows Planning Area is situated in the high Sierra Nevada Mountain Valley at an elevation of about 6,500-7,000 feet. The planning area is part of the Kern Plateau and is characterized by broad flat meadows surrounded by steep, rugged hillsides. Slopes on the subject parcels are estimated to be from 7.5% to 36%.

2. **Water Courses:** There is an intermittent water course through APN 310-010-21. There are no water courses identified on the remaining parcels.

3. **Flooding Potential:**

According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 065066 dated June 16, 2009, the subject site is located within Zone X. Construction of buildings within a FEMA Zone X requires no specific flood avoidance measures.

4. **Soils:**

Type	Description
Deadfoot-Scodie-Rock outcrop complex, 30-60% slopes	This soil is residuum weathered from granitoid, associated with mountain slopes. It is a somewhat excessively drained soil with a profile of very bouldery loamy course sand of about the top 10 inches, and very stoney loamy course sand beneath to about 23 inches.
Deerspring fine sandy loam, 0-5% slopes	This soil is a deep moderately drained soil typically found in drainages, flood plains, and valleys in high elevations (5,200 to 7,800 feet) of the southern sierra Nevada Mountains and formed in deep alluvium from mostly granitic parent material. The surface layer is about 24 inches thick and is dark/very dark grayish brown fine sandy loam and brown sandy loam. The subsoil is about 41 inches thick and is dark/very dark grayish brown fine sandy loam and grayish brown loam. Permeability is moderate with slow runoff.
Toll loamy course sand, 2-9% slopes	This soil is well drained soil from mixed parent material on alluvial fans with little slopes in elevations around 4,000 to 5,500 feet. The surface layer is about 12 inches thick and light brownish gray sand to brown coarse sand. Permeability is rapid with mostly dry soils except for late winter and spring. Drainage is excessive with slow runoff.
Sacatar-Wortley-Calpine complex, 5-30% slopes	This soil is a combination of shallow to very deep soils formed from granitic parent material on a combination of moderately steep slopes to drainages. The characteristics of the layers of this complex varies greatly, depending on percentages of representative soil types. Sacatar is a moderately deep and well drained soil. Wortley soils are shallow, well drained soils from granitic parent material. Calpine soils are well drained soils from granitic parent material.
Scodie-Canebrake-Deadfoot complex, 30-60% slopes	This soil is derived from residuum weathered from granitoid, associated with mountain slopes, generally between 5,900 and 7,800 feet elevation. The surface layer to about 10 inches is a gravelly loamy course sand, with weathered bedrock below to about 20 inches. This soils type is somewhat excessively drained with a low available water capacity.

5. **Archaeological Resources:** While the subject parcels are within an area which may contain historically and prehistorically significant artifacts, other archaeological

investigations in the area suggest the presence of only low density flaked stone scatter which are found throughout the area. Lithic scatter (obsidian flakes, etc.) is common, but is not considered a "unique" resource. However, at time of development submittal and review, an archaeological investigation will be required utilizing the site plan review process in order to determine specific impacts to archaeological resources, if any.

6. Biotic Conditions:

A Biota Report was prepared by Paul Pruett & Associates (dated 8/1/2010) indicating the following: The purpose of the biotic study was to determine potential impacts to plants or animals that are listed by state or federal agencies as endangered, area, threatened, or depleted and of special concern occurring on the project site, as well as to identify any critical habitat that may exist on the site.

Results of the Biotic Study are as follows:

Sensitive Plants – 27 sensitive plant species were listed in the CNDDB printout or are known to occur in the vicinity (refer to Biota Report for a complete list). "None of these plant species shows as occurring on the project site. None of these or any sensitive plant species was identified during the 2007 field surveys or follow-up 2010 visitation. One plant species, Astragalus ertterae, Walker Pass milk-vetch shows as occurring in Section 22, T22S, R36E, MDB&M. The listing is drawn from a 2000 observation about one mile from the project site and it is presumed extant."

"None of these sensitive plant species is listed by either the state or federal agencies. Ten (10) plants are listed as CNPS List 1B.2. Seven (07) plants are listed as CNPS List 1B.3. List 1B plants meet the definitions for state listing as included Section 2062 and Section 2067 of the California Department of Fish and Game Code and Section 1901, chapter 10 of the Native Plan Protection Act and must be fully considered in the preparation of environmental documents related to CEQA. It is important to note that, where impacts to CNPS List 1B species must be considered within environmental documents related to CESA, a Section 2081 permit for incidental take is not required for unlisted plant species. Potential direct or indirect impacts to these species are considered less than significant. Consequently, individual discussions for these plant species are not included in this report."

Sensitive Animals – 15 sensitive animal species were listed on the CNDDB report or were known to exist near the project site (refer to Biota Report for a complete list). "No evidence of these fifteen sensitive animal species was directly observed during the survey. Because the sensitive species query for the report includes the surrounding eight quadrangles, suitable habitat for some of these species does not occur in the project vicinity."

Eleven of these species have specific listing at the federal or state level or are a state species of concern. These species are:

- *Accipiter gentiles, northern goshawk,* has no federal listing. It is state listed as a species of concern. "During the survey periods, no *A. gentillis* were observed on site." The closest reported occurrence was in 1990, 9.3 miles away in Jackass Meadow. Northern goshawk may be transient on the project site. Potential for occurrence is very low.
- *Anniella pulchra pulchra,* a silvery legless lizard, has no state or federal listing. It is state listed as a species of concern. "No legless lizard was observed on the project site. Potential for occurrence is low."
- *Athene cunicularia,* the burrowing owl, has no federal listing. It is state listed as a species of concern. "No burrowing owls were observed during field reconnaissance. The site is considered within the range of the species, but the habitat type is generally not suitable. The potential for occurrence is low."
- *Gopherus agassizii,* the desert tortoise, is listed as threatened by both the state and the federal governments and historically existed throughout the western Mojave Desert. "The site is well outside the range of, and is not suitable habitat for, the desert tortoise. There is no potential for occurrence."
- *Martes pennanti (pacifica),* the Pacific fisher, is not federal nor state listed. "No *pacifica* were observed on site during survey periods. The closest reported occurrence of *M.p. (pacifica)* was 4.8 miles away in 2005 on the west bank of Fish Creek 0.6 miles northwest of Fish Creek Campground. Suitable habitat for the Pacific fisher exists in the vicinity of the project."
- *Microtus californicus vallicola,* Owen's Valley vole, has no federal listing but is listed as a state species of concern. "The only reported occurrence is a 1918 observation in Section 18, T23S, R38E, about 12 miles east of the project. The potential for occurrence is highly unlikely."
- *Oncorhynchus mykiss aquabonita,* Vocano Creek golden trout, has no federal listing but is listed in California as a Species of Special Concern. "*Oncorhynchus mykill aguabonita* were not observed furing the survey period and are not present on the site due to absence of any aquatic habitat."
- *Rhinichthys osculus* ssp.2, Owen's speckled dace, has no federal listing. It is state listed as a Class 1 species of concern, qualifying for state listing as threatened. "*Rhinichthys osculus* were not observed during the survey period and are not present on the site due to absence of any aquatic habitat."
- *Strix nebulosa,* great gray owl, has no federal listing but is listed in California as endangered. "No S. nebulosa were identified on site during the survey period. The closest reported occurrence of S. nebulosa was 7.7

miles away in 1996 at Jackass Creek east of Troy Meadow and north of Fish Creek Campground."

- *Toxostoma lecontei,* Le Conte's thrasher is not listed by the federal agency and has no state listing but is a CDFG Species of Concern. "The only recorded observation is a 1946 record near Inyokern. It is likely that the Le Conte's thrasher is sometimes transient in the vicinity of the project alignment."
- *Xeropermophilus mohavensis*, the Mohave ground squirrel is not listed by the federal agency but is listed as threatened by the state. "Mohave ground squirrel were observed and photographed by the author in April 2005, east of the project at the Freeman Gulch study site, southeast of Ridgecrest. The project is well outside the range and habitat requirements for the Mohave ground squirrel."

Wetlands: The Fish & Wildlife Service online National Wetlands Inventory was reviewed to provide information on wetlands and riparian habitat recognized as potentially occurring within the project vicinity. No wetlands or riparian areas were identified on the project site during field work or were listed by the FWS online mapper.

It is the conclusion of the authors of the Biota Report, Paul Pruett and Associates, that potential impacts to the biological resources of the project can be sufficiently mitigated to less than significant. "The final decision rests with the United States Fish and Wildlife Services, the California Department of Fish and Wildlife, the US Army Corps of Engineers, and the County of Tulare. The CO Zone will require site plan review prior to development on the commercially-zoned properties.

7. **Water Table:**

No precise records are available. Based on studies of the area as quoted in the KMP, "The fundamental reservoir for ground water at Kennedy Meadows is fractured crystalline bedrock. The fractures are of several types and there are two main fracture systems present that anyone attempting to quantify the availability of ground water must consider. These are: 1) a major northwest trending shear zone with its subsidiary and complementary fractures, and 2) the accurate and radial fractures of the Coso Geothermal System. The main shear zone varies from a few tens of feet to nearly a ¼ mile in width and where it has been drilled consists of open course brecciated un-weathered granitic rock. This massive ground water conduit extends from Little Lake, past Grumpy Bears, past the store, up Bitter Creek and on west to die out beyond the main Kern River. The principal arcuate fracture serves north up Long Valley just to the east...." According to a report prepared by Southern Sierra Drilling dated August 1, 2008, the Kennedy Meadows area "is located approximately eight miles west of the Sierra Nevada fault. The upraised granite batholiths on which Kennedy Meadows sits contains many fracture zones that can be contributed to activity within the fault. Rainfall and snow melt

continually recharge the vast network of joints and fissures." Well drilling in the area has been highly successful and water levels and well production have remained constant.

8. **Agricultural Preserves:**

The subject site is not within agricultural preserve.

IV. HISTORY AND PROJECT FACTS:

1. History:

The site was originally zoned to A-1 (Agricultural) in 1952, under the County-wide study.

GPA 86-02, the Kennedy Meadows Plan, was adopted by the Board of Supervisors on October 28, 1986, and established the general plan designations which exist for the site and most of the surrounding areas.

Ordinance 3010, adopted by the Board of Supervisors on September 15, 1992, established the zoning which currently exists on the subject sites and in the surrounding areas.

Assessor's Parcel Numbers 310-010-15 and 16 were created as Parcels 1 and 2 of PPM 94-044; approved by Site Plan Review Committee Resolution No. 95001 on January 13, 1995.

Assessor's Parcel Numbers 310-050-12 – 19 were created as Parcels 1-8 of PPM 96-019; approved by Site Plan Review Committee Resolution No. 97095 on September 26, 1997.

On January 15, 2008, the Board of Supervisors, by Resolution No. 2008-0041, allowed the project applicant to file an application for a change of zone.

2. Project Facts:

a. Description: An application has been received for a change of zoning designation on (1) 78± acres from MR-217 (Mountain Residential – 217,000 sq. ft. minimum [5 ac.]) to CO (Commercial Recreational) and (2) 320± acres from MR-1742 (Mountain Residential – 1,742,000 sq. ft. minimum [40-ac.]) to MR-435 (Mountain Residential – 435,000 sq. ft. minimum [10 ac.]).

b. Fire Protection: County of Tulare Fire Department – There is a sub-station in Kennedy Meadows located on the south side of Gowan Avenue, west of Kennedy Meadows Drive. Staffing consists of BLM/volunteers.

c. Police Protection: Provided by two Tulare County Sheriff Deputies who reside in Kernville, roughly 34 miles south of Johnsondale. Response time is between 30 minutes to 2 hours.

d. Sewer and Water Service: Individual septic systems and domestic wells are proposed.

f. Utilities: Electricity – no improvements exists; individual generators are utilized. Options may include solar installation or wind turbines.

g. Solid Waste: The County Landfill, located approximately 900 feet east of parcels 18 and 19, has been closed for many years; however, "transfer boxes" used for household garbage disposal are available for the area residents. The transfer boxes are located behind the Fire Station and are periodically hauled off by the County to another designated landfill, at no charge to the residents.

According to the Kennedy Meadows Plan, "Generally speaking, with increased development and related growth in population come increase demands and need for additional or increased levels of public services and utilities. Such increase in service demands can be, at least partially, offset by the additional property and sales taxes generated by the development. But, development in any given area may not be completely self supporting. It is especially difficult for an agency to provide needed services in a cost-effective and cost-efficient manner when the area to be serviced is remote and discontiguous from the primary service area."

Development by the plan may eventually necessitate increased public service levels for fire protection, police protection and road maintenance. It is very difficult to predict what the threshold will be that will necessitate increased service levels for these services.

3. **Agency Consultation/Response:**

Agency	Date Rec'd	Comments
RMA Engineering Division	05/03/2012	No conditions of approval
RMA Solid Waste Division	05/13/2010	Kennedy Meadows landfill closed
HHSA Environmental Health Division	05/07/2012	No conditions of approval
Tulare County Fire Department	05/10/2010	No conditions of approval
Tulare County Sheriff's Department		No response
RMA Environmental Coordinator		No response
Porterville/Springville Elementary Sch.		No response
Porterville High School Dist.		No response
SJV Unified Air Pollution Control Board	05/25/2012	Future development should be analyzed for potential environmental impacts
Bureau of Land Management		No response
State Department of Fish & Wildlife		No response
CHRIS	07/31/2013	Future field survey
Regional Water Quality Control Board		No response
District Archaeologist (Bakersfield)		No response

V. **ENVIRONMENTAL IMPACTS CHECKLIST/DISCUSSION FORM:** (See attached documents)

VI. **ENVIRONMENTAL DETERMINATION:**

An Environmental Assessment Initial Study identified potentially significant effects on the environment resulting in a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program being prepared, indicating that, although the project may have a significant effect on the environment, mitigation measures were incorporated into the project that would reduce any impact to a point where clearly no significant effect on the environment could occur and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

Information about the environmental determination was provided in a notice regarding the public hearing that was published in the Visalia Times Delta and mailed to surrounding property owners. The public notice provided a thirty day comment period for review.

VII. SUBSEQUENT ACTIONS:

1. Appeals:

Planning Commission action to approve a Change of Zone is advisory only, with final action to be taken by the Tulare County Board of Supervisors. Planning Commission action for denial of the change of zone is final unless appealed, in writing, to the Board of Supervisors, 2800 W. Burrel, Visalia, CA 93291-4582 within 10 calendar days from the date the action is taken. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

Attachment 4
Initial Study Checklist

Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration, LLC)

SCH Number: 2013081066

Document Type: MND - Mitigated Negative Declaration

Project Lead Agency: Tulare County

Project Description

The proposed project (PZ 10-002) consist of a Change of Zone on 68 acres from MR-217 (Mountain Residential 217,000 sf minimum) to CO (Commercial Recreation) and a Change of Zone on 329 acres from MR 1742 (Mountain Residential-1,742,000 sf minimum) to MR-435 (Mountain Residential - 435,000 sf minimum).

Contact Information

Primary Contact:
Hector Guerra
Tulare County Resource Management Agency
559 624 7121
5961 South Mooney Boulevard
Visalia, CA 93277-9394

Project Location

County: Tulare
City: Visalia
Region:
Cross Streets: ~ 1/2 mile north of Gorman Road and on both sides of Kennedy Meadows Road
Latitude/Longitude: 35° 59' 51.33" / 118° 6' 13.51" Map
Parcel No: 310-010-019/020 and 021 (68 acres) 310-050-012 thru 019
Township: 22S
Range: 36E
Section: 21
Base: MDB&M
Other Location Info:

Proximity To

Highways: No
Airports: No
Railways: No
Waterways: No
Schools: No
Land Use: Undeveloped/MR-217 / Kennedy Meadows Plan / MR-1742

Development Type

Local Action

Rezone

Project Issues

Aesthetic/Visual, Air Quality, Archaeologic-Historic, Biological Resources, Noise, Public Services, Recreation/Parks, Septic System, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Water Quality, Water Supply, Landuse

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Reviewing Agencies (Agencies in Bold Type submitted comment letters to the State Clearinghouse)

Resources Agency; **Department of Fish and Wildlife, Region 4**; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 6; Department of Housing and Community Development; CA Department of Public Health; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; Native American Heritage

Commission; Public Utilities Commission

Date Received: 8/22/2013 **Start of Review:** 8/22/2013 **End of Review:** 9/20/2013

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INITIAL STUDY CHECKLIST

1.	**Project title:**	Kennedy Meadows Restoration, LLC Change of Zone (PZ 10-002)
2.	**Lead agency:**	County of Tulare Resource Management Agency 5961 South Mooney Blvd Visalia, CA 93277
3.	**Contact person:**	Scott Cochran Planner III (559) 624-7080
4.	**Project location:**	The proposed Project site is located in the southeast portion of County of Tulare. The site is generally located approximately ½ mile north of Goman Road and on both sides of Kennedy Meadows Road; Section 21, Township 22 South, Range 36 East, M. D. B. & M. APN's 310-010-019/020/021 and 310-050-012/013/014/015/016/017/018 and 019
5.	**Latitude, Longitude:**	N 35° 59' 51.33", W 118° 06' 13.51"
6.	**General plan designation:**	Mountain Plan; Kennedy Meadows Sub-Area
7.	**Zoning:**	MR-217 (Mountain Residential-217,000 square foot minimum) and MR-1742 (Mountain Residential-1,742,000 square foot minimum)
8.	**Description of project:**	Rezoning of four (4) parcels from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation) and rezoning of eight (8) parcels from MR-1742 (Mountain Residential-1,742,000 square foot minimum) to MR-435 (Mountain Residential-435,000 square foot minimum)
9.	**Surrounding land uses and setting:**	Surrounding land is predominately residential with limited commercial. The project site is currently undeveloped.
10.	**Other public agencies whose approval is required:**	Central Valley Regional Water Quality Control Board San Joaquin Valley Unified Air Pollution Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

☒ Aesthetics	☐ Agriculture Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☒ Hazards & Hazardous Materials	☒ Hydrology/Water Quality
☒ Land Use/Planning	☐ Mineral Resources	☒ Noise
☐ Population/Housing	☒ Public Services	☒ Recreation
☒ Transportation/Traffic	☒ Utilities / Service Systems	☒ Mandatory Findings of significance

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Hector Guerra, Chief Environmental Planner — 8/21/13 Date

Michael C. Spata, Environmental Assessment Officer — 8/21/13 Date

INTRODUCTION

The Tulare County Resources Management Agency (County) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) to address the environmental effects of the proposed Kennedy Meadows Restoration, LLC, Change of Zone (PZ 10-002) Project. The Project will be Change of Zoning from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation) and a Change of Zone from MR-1742 (Mountain Residential-1,742,000 square foot minimum) to MR-435 (Mountain Residential-435,000 square foot minimum). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 et.seq. The Tulare County Resources Management Agency is the CEQA lead agency for this Project. The purpose of this environmental review is to assess potentially significant environmental impacts resulting from the division of the subject parcel. Mr. William Ferguson will mitigate any potentially significant impacts identified in the initial study to a level where no significant impacts would occur.

Kennedy Meadows Restoration, LLC. (Applicants) are proposing to change the zoning of four (4) parcels of land located approximately ½ mile north of Goman Road and on both sides of Kennedy Meadows Road; and a change of zoning for eight (8) parcels located ½ mile north of Goman Road and 800 feet west of Kennedy Meadows Road, in southeastern Tulare County.

DOCUMENT FORMAT

This IS/MND contains an Introduction, which provides an overview of the Project and the CEQA environmental documentation process. An Initial Study Checklist presents the CEQA checklist and environmental analysis for all impact areas, Mandatory Findings of Significance, and feasible Mitigation Measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level.A Mitigation Monitoring and Reporting Program provides the proposed mitigation measures, completion timeline, and person/agency responsible for implementation.

Environmental impacts are separated into the following categories:

Potentially Significant Impact. This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

Less Than Significant After Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

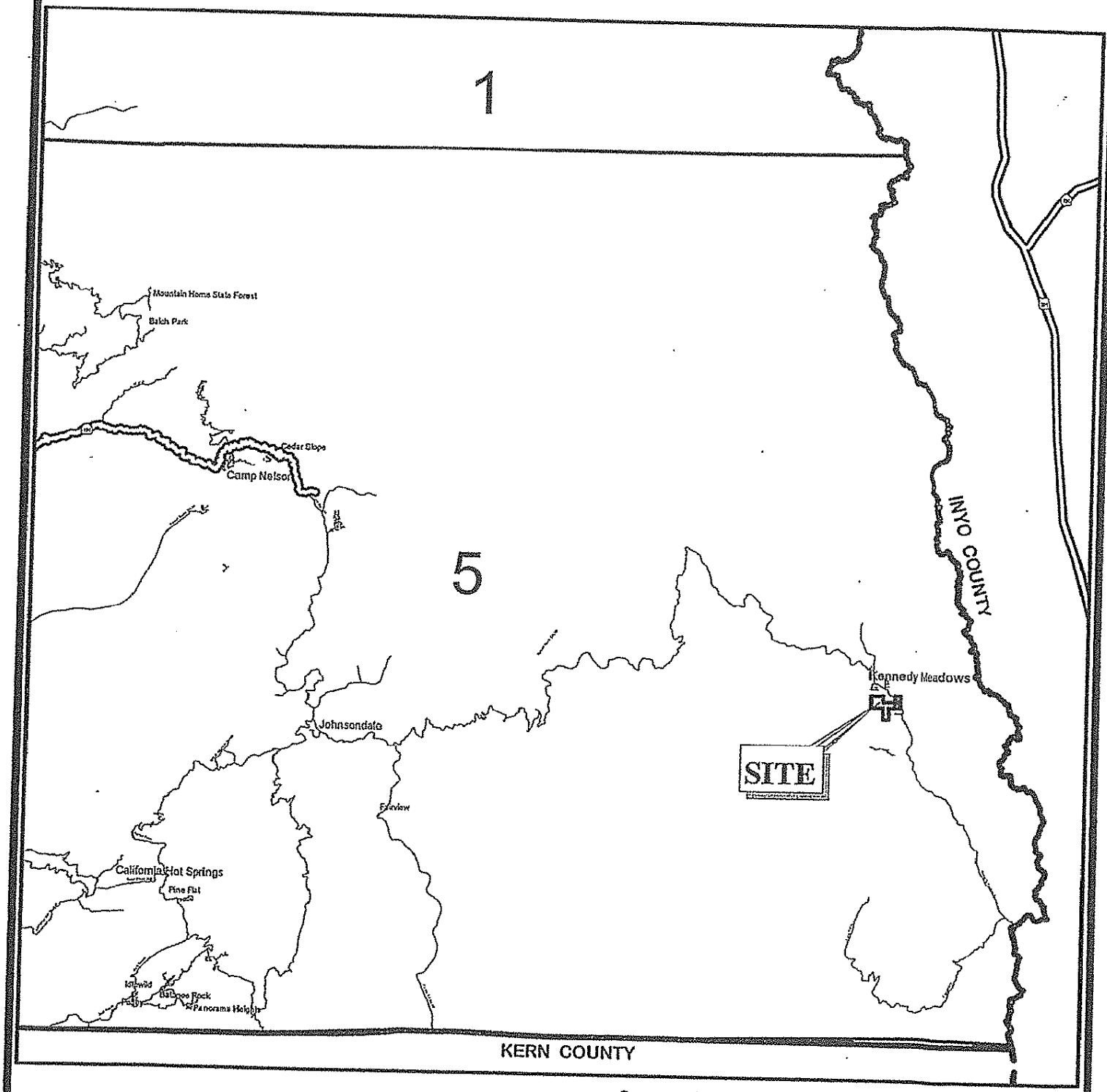
Less Than Significant Impact. This category is identified when the project would result in impacts below the threshold of significance, and no mitigation measures are required.

No Impact. This category applies when a project would not create an impact in the specific environmental issue area. "No Impact" answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)

County of Tulare

Geographic Information Systems

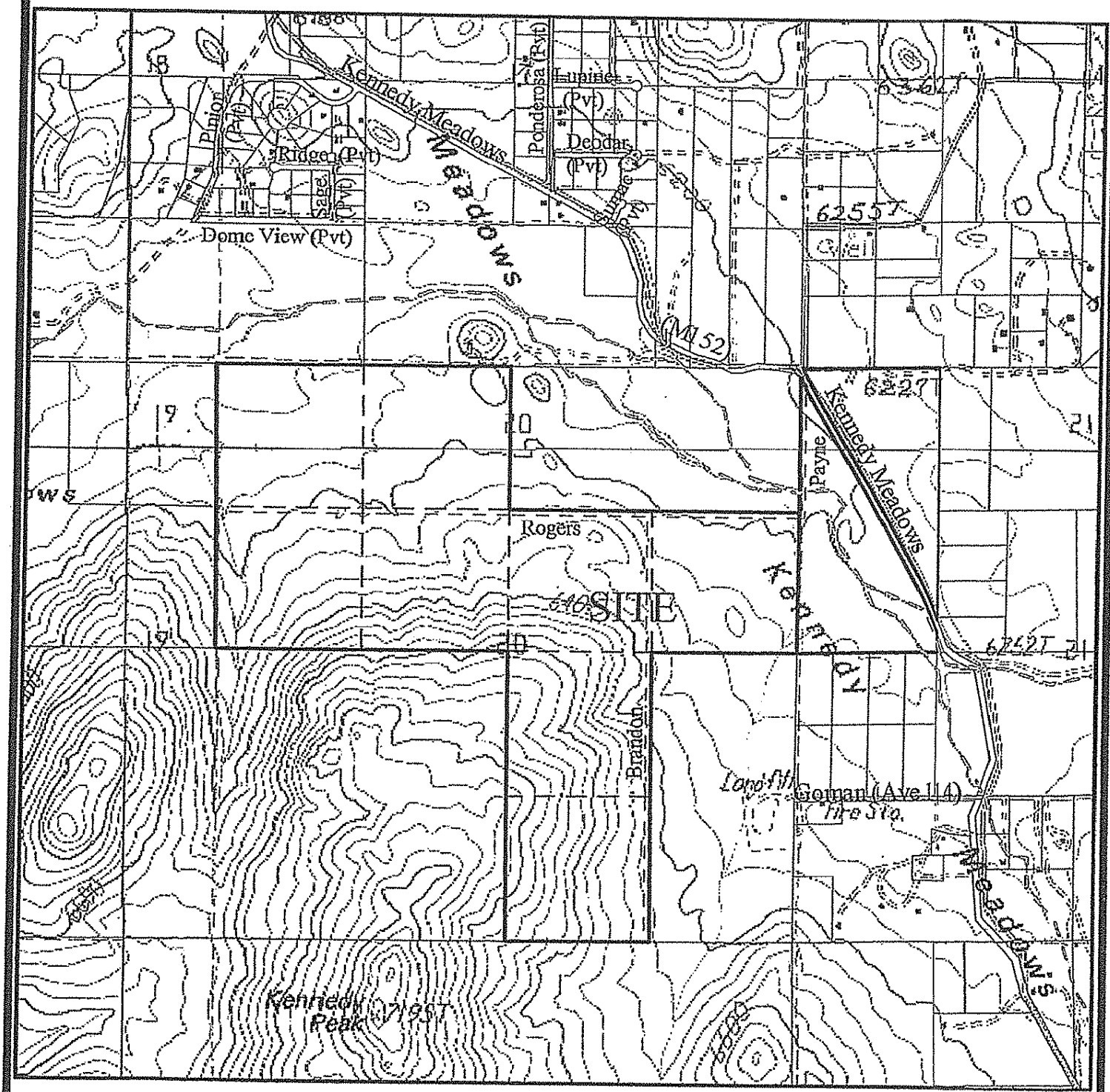
Vicinity Map for PZ 10-002



County of Tulare

Geographic Information Systems

U.S.G.S. Quadrangle for PZ 10-002



0.125 0 0.125 0.25 0.375 0.5 Miles

N

Owner: SIMON JACOBS & SIMON
Address: 99073 PINION RIDGE RD KM
City, State ZIP: INYOKERN CA 93527-3234
Applicant: Kennedy Meadows Restoration / Simon
Agent: Roberts Engineering
Supervisorial District # 5
Assessors Parcel # 310010015, 310010016, 310050010 (Will apply #)

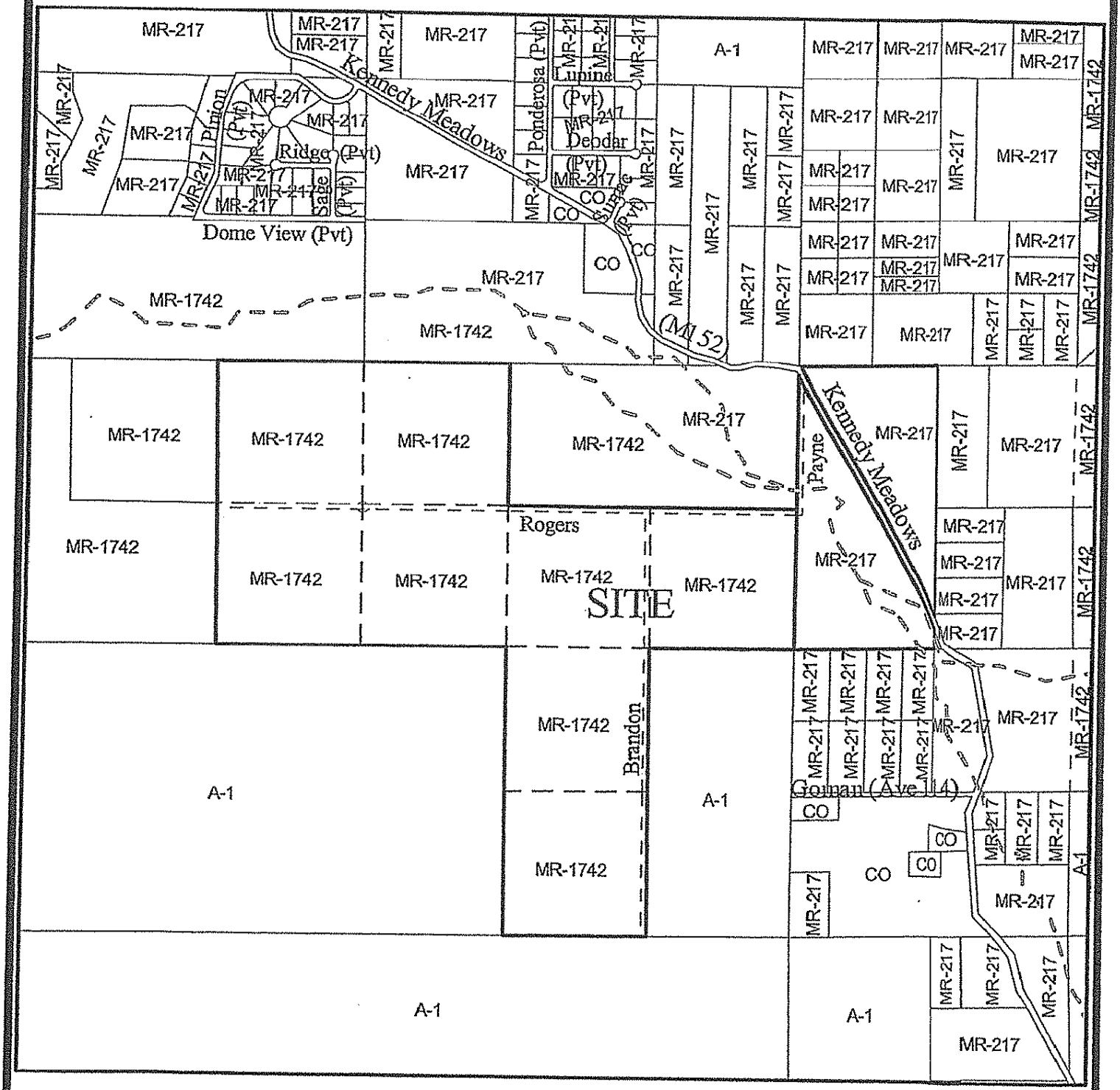
SITE — Project Site for PZ 10-002

Map Created: May 10, 2010 By: Design/Graphics o:\gis data\projects\pz\pz10-002.mxd

County of Tulare

Geographic Information Systems

Existing Zoning Map for PZ 10-002



0.125 0 0.125 0.25 0.375 0.5 Miles

N

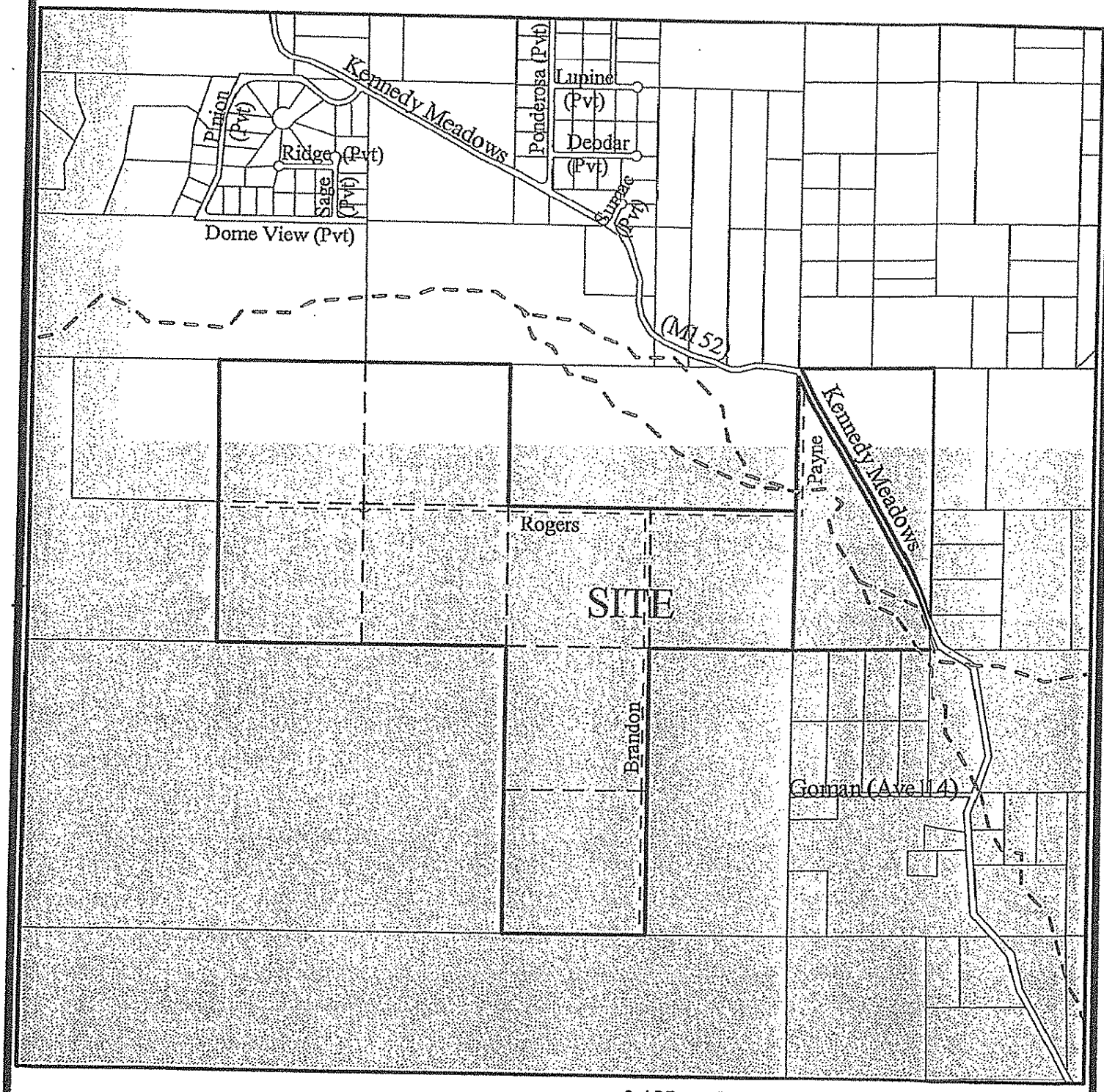
Owner: SIMON JACOBS & SIMON
Address: 99073 PINION RIDGE RD KM
City, State ZIP: INYOKERN CA 93527-3234
Applicant: Kennedy Meadows Restoration / Simon
Agent: Roberts Engineering
Supevisorial District # 5
Assessors Parcel # 310010015, 310010016, 310050010 (old apn #)

SITE Project Site for PZ 10-002

County of Tulare

Geographic Information Systems

Wetlands Map for PZ 10-002



National Wetlands Inventory
- Lacustrine
- Palustrine
- Riverine
- Uplands (No Wetlands)
- No Data

0.125 0 0.125 0.25 0.375 0.5 Miles

N

Source: U.S. Fish & Wildlife Service National Wetlands Inventory

Map Created: May 10, 2010 By: Design/Graphics ...g:\gis_data\ay_projects\bur\[bh3_g\pz10-002.mxd

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

D. ENVIRONMENTAL IMPACTS CHECKLIST

1. AESTHETICS

Would the project:

a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or county designated scenic highway or county designated scenic road?	☐	☐	☐	☒
c)	Substantially degrade the existing visual character or quality of the site and its surroundings which are open to public view?	☐	☐	☐	☒
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Analysis:

As the Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a) The rezoning will not adversely affect any scenic vista. The Project site is open space mixed with sagebrush and Ponderosa Pine with a variety of residential and commercial uses nearby. **No Impact** will occur in this regard.

b-c) According to the 2030 Tulare County General Plan, the subject site is not located adjacent to or near a designated eligible Scenic Highway. No scenic resources such as rock outcroppings, trees, or historic buildings will be disturbed by the proposed Project. The proposed Project includes the creation of commercial parcels on land that is currently sagebrush and Ponderosa Pine. **No Impact** will occur as this Project is not located along a designated scenic highway.

d) The proposed subdivision will generate a new source of light used by the future development; however this increase in lighting is similar to that experienced in the existing areas of Kennedy Meadows. Therefore, the proposed Project will not result in the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The impacts to this resource is **Less Than Significant.**

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
2. AGRICULTURAL RESOURCES				
In determining whether impacts to agricultural resources are significant, lead agencies may refer to the Rural Valley Lands Plan point evaluation system prepared by the County of Tulare as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or if the area is not designated on the Important Farmland Series Maps, would it convert prime agricultural land as defined in Section 51201(C) of the Govt. Code to non-agricultural use?	☐	☐	☒	☐
b) Conflict with existing zoning for agriculture use, or a Williamson Act contract?	☐	☐	☒	☐
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or otherwise adversely affect agricultural resources or operations?	☐	☐	☒	☐

Analysis:

As the Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

(a-c) The existing zoning of the site is MR-217 (Mountain Residential-217,000 sq. ft. minimum) and MR-1742 (Mountain Residential – 1,742,000 sq. ft. minimum). The Project site is not currently farmed. Other surrounding non-agricultural uses include scattered residences and limited commercial development. The proposed Project will not result in the Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or if the area is not designated on the Important Farmland Series Maps, it will not convert prime agricultural land as defined in Section 51201(C) of the Govt. Code to non-agricultural use; it will not conflict with existing zoning for agriculture use, or a Williamson Act contract; it will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources code 12220(g) or timberland (as defined in Public Resource Code section 4526); it will not result in the loss of forest land or conversion of forest land to non-forest use, nor will it involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. The subject site is not within Agricultural Preserve and subsequently has no Land Contract. Therefore, designating the Project site for commercial uses will result in a **Less Than Significant Impact** to agriculture.

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
3. AIR QUALITY				
Where available, the significance criteria established by the San Joaquin Valley Air Pollution Control District may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Substantially alter air movement, moisture, or temperature, or cause any substantial change in climate?	☐	☐	☒	☐
e) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
f) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Analysis:

The proposed Project is located in the San Joaquin Valley Air Basin (SJVAB), a continuous inter-mountain air basin. The Sierra Nevada Range forms the eastern boundary; the Coast Range forms the western boundary; and the Tehachapi Mountains form the southern boundary. These topographic features restrict air movement through and beyond the SJVAB. The SJVAB is comprised of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare Counties and the valley portion of Kern County; it is approximately 25,000 square miles in area. Tulare County lies within the southern portion of the SJVAB. The SJVAB is managed by the San Joaquin Valley Air Pollution Control District (SJVAPCD or Air District).

Both the federal government (through the United State Environmental Protection Agency (EPA)) and the State of California (through the California Air Resources Board (ARB)) have established health-based ambient air quality standards (AAQS) for six air pollutants, commonly referred to as "criteria pollutants." The six criteria pollutants are: carbon monoxide (CO), ozone (O3), sulfur dioxide (SO2), nitrogen dioxide (NO2), particulate matter (PM10 and PM2.5), and lead (Pb).

National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for each criteria pollutant to protect the public health and welfare. The federal and state standards were developed independently with differing purposes and methods,

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

although both processes are intended to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent.

The Federal Clean Air Act requires EPA to set NAAQS for the six criteria pollutants, noted above, that occur throughout the United States. Of the six pollutants, particle pollution and ground-level ozone are the most widespread health threats. EPA regulates the criteria pollutants by developing human health-based and/or environmentally-based criteria (science-based guidelines) for setting permissible levels. The set of limits based on human health is called primary standards. Another set of limits intended to prevent environmental and property damage is called secondary standards.

EPA is required to designate areas as meeting (attainment) or not meeting (nonattainment) the air pollutant standards. The Federal Clean Air Act (CAA) further classifies nonattainment areas based on the severity of the nonattainment problem, with marginal, moderate, serious, severe, and extreme nonattainment classifications for ozone. Nonattainment classifications for PM range from marginal to serious. The Federal CAA requires areas with air quality violating the NAAQS to prepare an air quality control plan referred to as the State Implementation Plan (SIP). The SIP contains the strategies and control measures that states will use to attain the NAAQS. The Federal CAA amendments of 1990 require states containing areas that violate the NAAQS to revise their SIP to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, rules, and regulations of Air Basins as reported by the agencies with jurisdiction over them. The EPA reviews SIPs to determine if they conform to the mandates of the Federal CAA amendments and will achieve air quality goals when implemented. If the EPA determines a SIP to be inadequate, it may prepare a Federal Implementation Plan (FIP) for the nonattainment area and impose additional control measures.

The SJVAB is designated non-attainment of state and federal health based air quality standards for ozone and respirable particulate matter (PM). The federal classification for the SJVAB is extreme non-attainment for the 8-hour ozone standard. To meet Federal Clean Air Act requirements, the District adopted the 2007 Ozone Plan on April 30, 2007. The ARB approved the Plan on June 14, 2007, while the EPA approved the Plan effective April 30, 2012. The Plan projects that the Valley will achieve the 8-hour ozone standard for all areas of the SJVAB no later than 2023. The PM10 standard was been achieved and the US EPA re-classified the Air District as in attainment on September 25, 2008. Even after achieving the PM10 standard, the Air District is currently a PM10 Maintenance Area and all rules and regulations are still in effect. The SJVAB is designated non-attainment for the new state and federal PM2.5 (particulate matter less than 2.5 micrometers in diameter) annual standard. The District's federal PM2.5 attainment plan was due April 5, 2008. Measures contained in the 2007 PM10 Maintenance Plan will also help reduce PM2.5 levels and will provide progress toward attainment until new measures are implemented for the PM2.5 Plan, if needed. The State does not have an attainment deadline for the ozone standards; however, it does require implementation of all feasible measures to achieve attainment at the earliest date possible. State PM10 and PM2.5 standards have no attainment planning requirements, but must demonstrate that all measures feasible for the area have been adopted.

As the Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction and subsequent uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a) Air quality plans or attainment plans are used to bring the applicable air basin into attainment with all state and federal ambient air quality standards designed to protect the health and safety of residents within that air basin. The proposed Project does not conflict with or obstruct implementation of any applicable air quality plan or rule. There will be **No Impact** to this resource.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

b) As noted in item a., the proposed Project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. There will be **No Impact** to this resource.

c) The net increase in criteria pollutant emissions from the proposed Project is negligible as the Project emissions individually are below the District's threshold of significance and compliance with Rule 9510 (Indirect Source Review) will ensure that cumulative growth does not result in an overall increase in emissions in the air basin and would not jeopardize attainment plan deadlines. Mitigation Measure 3.1 will require the applicant to submit an Air Impact Assessment application to the Air District no later than applying for final discretionary approval before issuance of the first building permit. Therefore, the cumulative net increase in criteria pollutants is **Less Than Significant**.

d) The proposed Project will not substantially alter air movement, moisture, or temperature, or cause any substantial change in climate. Therefore, impact to this resource is **Less Than Significant**.

e) The Project is near existing commercial and residential development to the north, south and east. To the west is open space (Bureau of Land Management). There are no sensitive receptors within the area. The primary access route to the site is Kennedy Meadows Road and Goman Road. Stationary sources of toxic emissions are regulated by the Air District and uses exceeding toxic risk thresholds are not allowed. During construction, controls on fugitive dust required by Air District Regulation VIII and the County's Mitigation Measures will reduce PM10 fugitive dust impacts to less than significant. Although particulate emissions from diesel powered construction equipment are considered a toxic air contaminant, construction-related emissions are temporary and short-term emissions that will not exceed District short term acute toxic risk thresholds. Therefore, the Project's impacts are **Less Than Significant**.

f) The Project is a rezoning of land which does not include any physical changes or construction-related impacts. Therefore, there will be no objectionable odors resulting from this Project, therefore, will be **No Impact**.

4. BIOLOGICAL RESOURCES

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct filling, hydrological interruption, or other means?	☐	☐	☐	☒

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Analysis:

The site currently consists of sagebrush and Ponderosa Pine. The surrounding areas contain residential and commercial uses. The California Natural Diversity Database (October 2010; California Department of Fish and Wildlife) listed no species of concern in the area. A Preliminary Biological Assessment of Vegetation and Wildlife was prepared by Paul Pruett and Associates (October 10, 2002). No riparian habitats exist on the site since no courses of water flow through the site. The site does not contain any wetlands. As the Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a) The California Department of Fish and Wildlife (CFW) was also consulted on the Project and provided no comments. Based on the Preliminary Biological Assessment, CNDDB Map and no comments from the California Department of Fish and Wildlife, it is anticipated that there will be **No Impact**.

b) There is an intermittent stream running through the property on the west side of Kennedy Meadows Road. Policy 22 of the Kennedy Meadows Plan discourages development in environmentally sensitive areas which could be maintained as open space, such as areas characterized by flood plains. Mitigation Measure 4.1 will prohibit development from occurring within 100 feet of the streambed on the Project property. Therefore, the proposed Project will have a **Less Than Significant** effect on riparian habitats or sensitive natural communities.

c) No wetlands are located on the subject site, therefore, **No Impact** will occur in this regard.

d) The site currently consists of sagebrush and Ponderosa Pine. The surrounding areas contain residential and commercial uses. The Project site is not suitable as a significant wildlife movement corridor as commercial and residential uses are within the immediate area. Mitigation Measure 4.2 will require ground disturbance activities to occur outside the nesting season (February 1 to August 31). MM 4.3 will require a pre-construction survey if ground disturbance activities occur during the nesting season (February 1 to August 31). MM 4.4 will require a construction free buffer around any active nests until fledged. There will be **No Impact** as a result of the Project.

e) The Project site is currently designated for residential land uses by the Kennedy Meadows Plan and proposed change of zoning would allow residential and recreational commercial uses. No local policies or ordinances protecting natural resources apply to the Project site. Therefore, **No Impact** will occur in this regard as a result of the Project.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

f) The site is not subject to a Habitat Conservation Plan. There will be **No Impact** as a result of the Project.

5. CULTURAL RESOURCES

Would the project:

a)	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☒	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value?	☐	☐	☐	☒
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐
e)	Disturb unique architectural features or the character of surrounding buildings?	☐	☐	☐	☒

Analysis:

As the Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a, b, and d) A cultural resources records search was conducted for Tulare County RMA by the California Historical Resources Information Center (CHRIS), Southern San Joaquin Valley Information Center (SSJVIC) located at California State University, Bakersfield. The CHRIS responded that because the Project is a Change of Zone only and no ground disturbance will take place, no further cultural resource investigation is needed at this time. However, this area of Tulare County is considered highly sensitive for cultural resources. As such, prior to future ground disturbance activities, a qualified professional archaeologist should conduct a field survey to determine if cultural resources are present. A survey (TUL-2179) was conducted within one-half mile of the proposed Project site. Results of the survey indicate that 65 obsidian flakes were identified; however, they were determined to have little significance and left in place as such "unmodified" flakes are common throughout the area (see Schiffman/Gold, 2002). These are the only known/recorded cultural resources within a one-half mile radius and it is not known if any exists on the proposed Project site. Mitigation Measure 5.1 will require professional archaeological monitoring during excavation if historical resources are discovered. No formal cemeteries or other places of human internment are known to exist on the proposed Project site; however, in accordance with State Health and Safety Code Section 7050.5 and Public Resource Code Section 5097.98, Mitigation Measure 5.2 reads, if human remains are unearthed during project construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition of such remains. If the remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 48 hours of the Coroner's determination. The NAHC will then identify the person(s) thought to be the most likely descendent of the deceased Native American, who will then assist in determining what course of action shall be taken in handling the remains. It is not anticipated that the proposed Project will not result in a substantial adverse change in

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

the significance of an historical or archaeological resource as defined in Section 15064.5 of the CEQA Guidelines. In the event historical or archaeological resources are discovered at the site when construction or new uses occur; the Mitigation Measures contained in the document will be implemented thereby reducing potential impacts to this resource to **Less Than Significant**.

c) The Project area is not adjacent or in close proximity to any unique paleontological resource. No fossils of plants, animals, and other organisms of any paleontological or cultural significance have been discovered at the Project site nor has the site been identified to be within an area where such discoveries are likely. Mitigation Measure 5.3 will require ongoing monitoring by a professional paleontologist during excavation if potentially significant paleontological resources are encountered. There will be No **Impact** to this resource.

e) The proposed Project will not disturb unique architectural features or the character of surrounding buildings. The site currently consists of sagebrush and Ponderosa Pine. The surrounding areas contain residential and commercial uses. As such, these uses do not do not have unique architectural features or characteristics that will be adversely impacted by the Project. There will be **No Impact** to this resource.

6. GEOLOGY/SOILS

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication No. 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
v) Subsidence?	☐	☐	☐	☒
b) Result in substantial soil erosion, siltation, changes in topography, the loss of topsoil or unstable soil conditions from excavation, grading or fill?	☐	☐	☐	☒

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Result in substantial soil degradation or contamination?	☐	☐	☐	☒

Analysis:

As the Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a) i-iii) According to the Seismic Safety Element of the Tulare County General Plan, the subject site is not located on or near a known earthquake fault. Ground shaking may occur when major faults distant from the Project site rupture, but the magnitude of the impact is expected to be low in this part of the San Joaquin Valley. The nearest fault is the Owens Valley Fault in Inyo County, approximately 50 miles northeast of the Project site. The San Andreas Fault is approximately 140 miles west of the Project area. The Owens Valley Faulty Group lies at the eastern base of the Sierra Nevada Range in Tulare and Inyo Counties. Compliance with state building codes when constructing the homes will minimize significant damage due to ground shaking from occurring. Building Codes, depending upon the particular earthquake zone in which they are located, address construction methods to further mitigate any impacts from seismic activity. This impact is **Less Than Significant.**

iv) The subject site is level; therefore, there is no potential for a landslide. There will be **No Impact** to this resource.

v) According to the Tulare County General Plan, the Kennedy Meadows Planning Area of Tulare County has not experienced subsidence. The nearest area with the possibility of subsidence lie in the foothills and mountainous areas of the San Joaquin Valley portion of the County. Therefore, no impact is anticipated. There will be **No Impact** to this resource.

b) Since the site is essentially flat, excavation, grading, and filling at the Project site will be minimal. No changes in topography are proposed with this Project; therefore, there will be **No Impact** to this resource.

c-d) The soils for the site are unclassified. On-site wastewater treatment systems will have to be designed by a registered professional. Therefore, there will be **No Impact** to this resource.

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

e) The Project will rely on individual septic systems. The applicant shall be required to have the individual septic systems engineered on a parcel by parcel basis. There will be **No Impact** to this resource.

f) No contaminants or other substances that may degrade the soil will be used, produced, or handled at the Project site. There will be **No Impact** to this resource

7. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment or risk explosion?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	☐	☐	☐	☒

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
i) Expose people to existing or potential hazards and health hazards other than those set forth above?	☐	☐	☐	☒

Analysis:

As the Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

(a-c) Hazardous substances such as petroleum products for construction equipment would be transported and used onsite during grading operations for the proposed Project. Future construction may require the use of minimal amounts of hazardous substances during construction such as fuel for generators, solvents, epoxies, and paints. Hazardous materials may be transported, stored, and used onsite for use in maintenance and cleaning of homes, however, minimal risk is associated with the chemicals typically stored in a household. The Project will result in **No Impact**.

d) According to the State of California Hazardous Waste Sites and Substances Sites List (http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm) December 20, 2006, the subject property does not contain and is not proximate to a listed hazardous site. In addition, the applicant has signed and filed a statement declaring that no hazardous materials are located at the Project site. The Project will result in **No Impact**.

(e-f) The Project site is not within the vicinity of the airport land use plan. Thus, the Project will result in **No Impact** to aviation or the surrounding community.

g) The Project (a subdivision of land) will be required to meet all emergency access requirements when it is developed, thus it would not impair the implementation of an adopted emergency response plan as it will not create an obstruction to surrounding roadways or other access routes used by emergency response units. There will be **No Impact** to this resource.

h) The Project site is vacant of any structures; however, it does contain sagebrush and Ponderosa Pine that may be subject to wildfires during the dry season. In the event the land is developed, Conditions of Approval will require new construction, new roadways, and driveways to comply with County Fire Safe Regulations. Based on Conditions of Approval, the risk of loss, injury or death involving wild land fires is reduce to a level of insignificance, thus the Project will result in **No Impact** to this resource.

i) No other hazards exist at the subject site. See the air quality discussion regarding the discussion of potential exposure of residents to hazardous or toxic air emissions. There will be **No Impact** to this resource.

8. HYDROLOGY AND WATER QUALITY

Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge or the direction or rate of flow of groundwater such that there would be a net deficit in aquifer volume or a				

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami or mudflow?	☐	☐	☐	☒

Analysis:

As the Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a) Although the proposed rezoning of land would not result in an impact, future development would increase impermeable surface area, and site runoff, potentially contributing typical roadway pollutants to existing drainage facilities. With the development of the individual on-site drainage and the implementation of County standards would render this potential impact to be **Less Than Significant**.

b) The proposed Project will result in a change of zoning to four, undeveloped parcels. When developed it would increase the demand for water on-site that could have substantial impacts to groundwater. A Ground Water Availability study was performed for a portion of the project site. The study indicates that

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

underground fractures zones exist, which are continuously recharged by rainfall and snowmelt. Mitigation Measure 9.1 will require the applicant to submit water information supporting water availability and water quality with the tentative map. The project will have **Less Than Significant Impact.**

c-f) The site is essentially flat; however, development on the proposed subdivision will add impervious surfaces to the Project site and increase the amount of storm-water runoff. A Mitigation Measure will limit non-pervious surfaces on the individual lots of the proposed Project which will reduce the impact to a level that is **Less Than Significant.**

g-h) As shown on Panel Number 0617C2175 of Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Rate Map, the subject site is located within Flood Zone X. Construction in Zone X requires no specific flood mitigation measures. Based on this information, **No Impact** is anticipated.

i) According to the Tulare County General Plan Background Report, Safety Section, "There are two major dams that would flood portions of Tulare County in the event of their failure. The Lake Success Dam is on the Tule River, holds 80,000 acre feet of water, and is at an elevation of 652 feet above sea level. The Terminus Dam is on the Kaweah River, holds 142,000 acre feet of water, and has an elevation of 750 feet." The Project is not within an area that would be inundated in the event of failure. The Project is not located in an area susceptible to seiche, tsunamis, or mudflows as it is not located near an ocean, lake, or river. Therefore, there will be **No Impact** to this resource.

9. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Analysis:

The Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a) The proposed zone change will be integrated into the community and will not physically divide the Kennedy Meadows Planning Area. Therefore, there will be **No Impact** to this resource.

b) The Tulare County Zoning Ordinance and General Plan and the Kennedy Meadows Plan are applicable to the proposed Project. The Project includes a Change of Zone to four parcels. The development of this zone change is subject to all applicable local, state or federal regulations whether expressly set forth herein as a condition of approval or not. Many of these regulations were adopted expressly for the purpose of minimizing or avoiding impacts to the environment or minimizing or avoiding conflicts with adjacent land uses. Therefore, there will be **No Impact** to this resource

The Project is consistent with the Kennedy Meadows Plan, the Tulare County General Plan and Tulare

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

County Zoning Ordinance. Therefore, there will be **No Impact** to this resource.

10. MINERAL AND OTHER NATURAL RESOURCES

Would the project:

a) Result in a loss of availability of a known mineral or other natural resource (timber, oil, gas, water, etc.) that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Analysis:

The Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

(a-b) According to the Environmental Resources Management Element of the Tulare County General Plan, the site is not known to contain any valuable minerals. Therefore, there will be **No impacts** to mineral resources.

11. NOISE

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Analysis:

The Project is a rezoning of land and will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a-d) Future commercial development is considered a noise sensitive land use. According to the 2030 Tulare County General Plan the subject site is not located within a noise impacted area. Short-term, temporary impacts would result from heavy equipment performing earthwork for grading, delivery of construction materials, and development of the Project site. Standard construction activities such as grading, excavation, site preparation, and construction on the Project site are anticipated to result in **Less Than Significant Impacts** to ground-borne vibrations or ground-borne noise levels.

Typically, gas or diesel generators have been utilized to provide electricity. With the potential of increased development in the area, the use of generators could result in increased noise levels. Mitigation Measure 11.1 will require that all generators be muffled and be required to be enclosed or housed in a sound attenuating device. This Mitigation Measure will reduce the impact to **Less Than Significant**.

e,f) The site is not within close proximity to an airport. Therefore, the Project will result in **No Impact** to this resource.

12. POPULATION AND HOUSING

Would the project:

a) Cumulatively exceed official regional or local population projections?	☐	☐	☒	☐
b) Substantially change the demographics in the area?	☐	☐	☒	☐
c) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
d) Substantially alter the location, distribution, or density of the area's population?	☐	☐	☒	☐
e) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
f) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
g) Conflict with adopted housing elements?	☐	☐	☒	☐

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

Analysis:

The Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a) The Project proposes a Zone Change to a higher density residential zoning and a commercial recreation zoning which will add to the population of Kennedy Meadows. According to the year 2010 Census, the area of proposed development is consistent with the existing Kennedy Meadows Plan. In addition, with the inclusion of conditions of approval, the impact of the increased population can be accommodated without causing a significant impact. Therefore, this impact is **Less Than Significant**

b) The demographic profile for the area will not change and will not impact the existing population. Therefore, this impact is **Less Than Significant**.

c) Increased growth in this area of Tulare County can be accommodated without causing significant impacts through compliance with the recommended conditions of approval for the Project. Therefore, this impact is **Less Than Significant.**

d) The Project is located adjacent to an area designated for commercial development, and is included in the Kennedy Meadows Plan. Changing the zoning in an area that is adjacent to an area already designated for commercial development will increase the density; however, this area will be developed at densities consistent with the rest of the community. Therefore, this impact is **Less Than Significant**.

e-f) The site is currently vacant. Therefore, the Project will result in **No Impact** to this resource.

g) The Project does not conflict with the Housing Element objectives as it improves the jobs/housing balance in Kennedy Meadows. This impact is **Less Than Significant.**

13. PUBLIC OR UTILITY SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government and public services facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☐	☒
e) Electrical power or natural gas?	☐	☐	☒	☐
f) Communication	☐	☐	☒	☐

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
g) Other public or utility services?	☐	☐	☐	☒

Analysis:

The Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a) The Project will rezone ten parcels (407 acres) in the area. This will result in an increase in the need for fire protection services. As development occurs, a condition of approval will require the developer to install a fire hydrant system in accordance with the Tulare County Subdivision Ordinance and Tulare County Fire Department requirements. Fire protection will be provided by the Tulare County Fire Department located in Kennedy Meadows and will be included in the general growth requirements for the County. Mitigation Measure 13.1 will require the applicant to install water main and fire hydrant system. Therefore, this impact is **Less Than Significant** with mitigation.

b) The increase in population will require additional police services in this area. Police protection will be provided by the Tulare County Sheriffs Department and will be included in the general growth in service needs for the County. This impact is **Less Than Significant.**

c) The Project could impact the Porterville Elementary School District may require the developer to pays fees for school-related facilities. This District has implemented developer fees that are expected to cover the costs of accommodating the development, which will reduce any potential impacts to **Less Than Significant.**

d) The proposal is not situated adjacent to or near any public park. Therefore, there will be **No Impact** to this resource.

e) Electricity and natural gas to the subject site will be provided by the individual property owner via gas/diesel generators, solar panels, or by wind turbines.. Therefore, this Project will result in a **Less Than Significant** impact on the need for additional power or natural gas facilities.

f) The Project site will be served by the Ducor phone line. This would result in a **Less Than Significant Impact** on the need for additional communications facilities.

g) The proposed Project is not anticipated to result in the need for any other public or utility services. Therefore, there will be **No Impact** to this resource.

14. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Analysis:

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

The Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

(a-b) There are no public parks in the immediate area. Therefore, there will be **No Impact** to this resource.

15. TRANSPORTATION / TRAFFIC

Would the project:

a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b)	Exceed, either individually or cumulatively, a level of service standard established by the County 0 Circulation Element?	☐	☐	☒	☐
c)	Result in a change in air, rail or water-borne traffic patterns, including either a significant increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, hazards or barriers for vehicles, pedestrians, or bicyclists?	☐	☐	☒	☐
e)	Result in inadequate emergency access?	☐	☐	☒	☐
f)	Result in inadequate parking capacity?	☐	☐	☐	☒
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐
h)	Substantially accelerate physical deterioration of public and/or private roads?	☐	☐	☒	☐

Analysis:

The Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

(a,b) Based on the Institute of Transportation Engineers, Trip Generation, 7th Edition, the average trip generation rate for commercial development will be determined during the Final Site Plan/Special Use Permit process.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

The County of Tulare will require the developer to fund the improvement of the roads serving the Project site in conformance with the Mountain Plan of the Kennedy Meadows area. Specific improvements are listed as conditions of approval for the Project, thereby reducing any potential impacts to surrounding roads to a **Less Than Significant Impact**.

c) No travel by air, rail, or water to the subject site is proposed in this Project. Therefore, **No Impact** will occur to this resource.

d-e) No hazardous design features are included in the Project. The subdivision and related road improvements will be designed in accordance with standard engineering practices and Tulare County standards. This will prevent new hazardous conditions from occurring as the area is developed. This impact is **Less Than Significant**.

f) Parking will meet Tulare County zoning ordinance requirements. **No Impact** will occur to this resource.

g) The streets serving the subdivision will be designed to allow the safe movement of all modes of transportation including cars, buses, bicycles and pedestrians consistent with County of Tulare development policies. This impact is **Less Than Significant**.

h) The additional vehicular traffic generated by the proposed Project may have a result in an impact on the condition of private or public roads. Tulare County requires that road improvements shall be constructed in accordance with the Mountain Plan of the Kennedy Meadows area as a condition of approval of the Project. With the addition of this condition, the impact will be **Less Than Significant**.

16. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies (including fire flow available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Analysis:

The Project is a rezoning of land, it will not involve any physical change to the environment. In the event construction or new uses occur on the site, Conditions of Approval and/or Mitigation Measures will reduce or eliminate potential impacts to this resource.

a,b) The Project will result in an increase in individual septic systems when new uses become active. Mitigation Measure 13.2 will require all individual septic systems will be required to be engineered to comply with specifications by the Tulare County Health and Human Services Agency. Therefore, the Project impact will be **Less Than Significant.**

c) The Project will require the construction of individual storm water drainage facilities as part of the development. As such, the Project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities. Therefore, the impact is will be **Less Than Significant.**

d) Water supplies will be provided by individual wells. As a Mitigation Measure, the applicant shall submit water information that would support water availability and water quality for each individual parcel. The impact will be **Less Than Significant.**

e) The Project will result in an increase in individual septic systems. As a Mitigation Measure, all individual septic systems will be required to be engineered to comply with specifications by the Tulare County Health and Human Services Agency. Therefore, the Project impact will be **Less Than Significant.**

f) The Tulare County Resource Management Agency currently operates the Kennedy Meadows Transfer Station. Mitigation Measure 13.3 will require the Project applicant to pay fees on a lot-by-lot basis to utilize the transfer station. The impact is considered to be **Less Than Significant.**

g) Solid waste must be disposed of following the requirements of the contracted waste hauler, which follows federal, state, and local statutes and regulations related to the collection of solid waste. As noted in item f., above, any solid waste resulting from the Project will be required to utilize the Kennedy Meadows Transfer Station to dispose of the solid waste stream typical of a commercial development. The Project will result in **No impact** to this resource.

17. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened plant or animal species, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have environmental impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the				

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Analysis:

a) As discussed in Item 4 Biological Resources, the proposed Project site currently consists of sagebrush and Ponderosa Pine. The California Natural Diversity Database (October 2010; California Department of Fish and Wildlife) listed no species of concern in the area. No riparian habitats exist on the site since no courses of water flow through the site. The site does not contain any wetlands. The California Department of Fish and Wildlife (CFW) was also consulted on the Project and provided no comments. An Archaeological Investigation for the properties was prepared by Robert A. Schiffman and Alan P. Gold (November 16, 2002). Based on the results of this investigation, it was recommended that archaeological clearance be given to the Kennedy Meadows Parcel Map project. A survey (TUL-2179) was conducted on the proposed Project site. Results of the survey indicate that 65 obsidian flakes were identified; however, they were determined to have little significance and left in place as such "unmodified" flakes are common throughout the area (see Schiffman/Gold, 2002). These are the only known/recorded cultural resources within a one-half mile radius of the proposed Project site. Also, there is no additional evidence or documentation of any archaeological or historical sites having been recorded within the proposed Project area. No formal cemeteries or other places of human internment are known to exist on the Project site. Therefore, the proposed Project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened plant or animal species, or eliminate important examples of the major periods of California history or prehistory. There will be **No Impact** to these resources.

b) The proposed Project is consistent with the Kennedy Meadows Plan, the Tulare County General Plan, and Tulare County Zoning Ordinance. It is not growth inducing therefore it will not impact resources such as air quality, noise, Greenhouse Gas Emissions, hazard or hazardous materials, hydrology and water quality, population and housing, pubic services, transportation/traffic, or utilities and service systems. State and/or County of Tulare Standards, Conditions of Approval, and/or Mitigation Measures will be incorporated into the Project that will effectively reduce potential impacts to levels of insignificance. Therefore, the proposed Project will not result in environmental impacts that are individually limited nor cumulatively considerable. There will be a **Less Than Significant Impact** to these resources.

c) As noted in item 17 b., the proposed Project is consistent with the Kennedy Meadows Plan, the Tulare County General Plan, and Tulare County Zoning Ordinance. The proposed Project will not result in environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. There will be adverse **No Impact** to human beings.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT

REFERENCES

1. Tulare County General Plan 2030 Update (August 2012).
2. Mountain Plan, Kennedy Meadows Sub Area, Component of the Land Use and Circulation Elements of the Tulare County General Plan, 1986.
3. Farmland Mapping and Monitoring Program of the California Resources Agency.
4. United States Environmental Protection Agency, http://www.epa.gov/air/urbanair/ .
5. San Joaquin Valley Unified Air Pollution Control District Draft 2012 Guidelines for Assessing and Mitigating Air Quality Impacts, April 2012. http://www.valleyair.org/Workshops/postings/2012/4-25-12GAMAQI/draft_GAMAQI_2012_April11.pdf
6. San Joaquin Valley Unified Air Pollution Control District, Guidelines for Assessing and Mitigating Air Quality Impacts, January 10, 2002.
7. San Joaquin Valley Unified Air Pollution Control District, Air Impact Assessment Rule 9510, via letter dated August 9, 2012.
8. 2012 California Natural Diversity Database (CNDDB), Tipton Quadrant, http://imaps.dfg.ca.gov/viewers/cnddb_quickviewer/app.asp
9. County of Tulare Environmental Resources Management Element of the Tulare County General Plan, 1972.
10. State of California Health and Safety Code Section 7050.5 and Public Resource Code Section 5097.98 http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=07001-08000&file=7050.5-7055 and http://www.nahc.ca.gov/cpr.html#5097.98
11. E-mail correspondence received from Joel Martens, Tulare County Health and Human Services Agency, Environmental Health Division, June 16, 2012.
12. Federal Emergency Management Agency, 2009 National Flood Insurance Rate Map, Map Number 06107C1925E, Panel Number 1925E, June 16, 2009. http://map1.msc.fema.gov/idms/IntraView.cgi?
13. State of California, Department of Conservation, Official Maps of Earthquake Fault Zones delineated by the California Geological Survey through December 2010 under the Alquist-Priolo Earthquake Fault Zoning Act. http://www.quake.ca.gov/gmaps/ap/ap_maps.htm
14. 1974 Five County Seismic Safety Element (FCSSE) for Fresno, Kings, Madera, Mariposa, and Tulare Counties. Tulare County Association of Governments.
15. Hart, E. W. Fault-Rupture Hazards Zones in California: Alquist-Priolo Special Studies Zones Act of 1972 with Index to Special Studies Zones Maps. California Division of Mines and Geology, 1985, Special Publication, Number 42.
16. United States Department of Agriculture, Natural Resources Conservation Service, Soils Map for Central Tulare County, 2009.
17. CA Department of Conservation, Division of Oil, Gas, and Geothermal Resources, Producing Wells and Production of Oil, Gas, and Water by County 2010. ftp://ftp.consrv.ca.gov/pub/oil/temp/NEWS/Producing_Wells_OilGasWater_10.pdf
18. CA Department of Conservation, Division of Oil, Gas, and Geothermal Resources Map, 2001, ftp://ftp.consrv.ca.gov/pub/oil/maps/Map_S-1.pdf
19. CA Department of Conservation Division of Oil, Gas, and Geothermal Resources, Office of Mine Reclamation Map, 2012. http://maps.conservation.ca.gov/mol/mol-app.html
20. U.S. Department of Transportation, Federal Transit Administration. Construction Noise Handbook, 2006

http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm and http://www.fhwa.dot.gov/environment/noise/construction_noise/special_report/hcn04.cfm#sou

21. U.S. Department of Transportation, Federal Transit Administration. Transit Noise and Vibration Impact Assessment, FTA-VA-90-1003-06; May, 2006. http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf
22. Archaeological Investigation for 40 Acre Parcel Map in Kennedy and Sacatar Meadows, Robert A. Schiffman and Alan P. Gold, November 16, 2002.
23. A Preliminary Biota Report, Paul Pruett and Associates, October 10, 2002

Attachment 5
Consultation List / Response, Correspondence

RESOURCE MANAGEMENT AGENCY

5961 South Mooney Blvd.
Visalia, CA. 93277
Phone (559) 624-7000
Fax (559) 730-2653

Michael C. Spata Planning Division
Britt Fussel Public Works
Roger Hunt Administrative/ Community Development

JAKE RAPER JR., AICP, DIRECTOR

April 13, 2012

PROJECT REVIEW - CONSULT ATION NOTICE

To: Interested Agencies (see next page)

From: Charlotte L. Brusuelas, Planner III

Subject: **Three Projects: 1) Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration/Simon); 2) Change of Zone No. PZ 11-001 (Thomas); 3) Tentative Subdivision No. TM 824 (Ferguson)**

The Tulare County Resource Management Agency, Planning Branch, has received three applications for land development permits within the Kennedy Meadows Area of the County. The first two proposals (PZ 10-002 and PZ 11-001) were previously sent out for consultation on 5/18/10 and 9/26/11 respectively. TM 824 is a new tentative map application. Because the three proposals are for the same area, Kennedy Meadows, located in the southeast portion of the County, we are requesting that all three projects be evaluated in regard to negative and/or positive impacts to the area. Kennedy Meadows is an area that is lacking in public services and therefore, the proposed development could, if approved, induce growth and cause a significant change for that area.

Please review these projects and provide any comments and/or recommendations, including conditions, you feel are appropriate. Also include any scientific or factual information that you think would be useful in our evaluation. The following information is also applicable for your consideration regarding these projects:

Please indicate in your response whether this department should prepare a Negative Declaration or Environmental Impact Report (EIR) based on cumulative effects of all three proposals (CEQA Guidelines 14 CCR 15130, 15355). In the event an EIR is prepared, I will be in further contact with you as to the scope and content of the environmental information pertinent to your agency's statutory responsibilities. Note that Public Resources Code Section 21080(c) requires substantial evidence in the record to show a significant effect on the environment. Any recommendation for preparation of an EIR requires submittal of such evidence with your comments. If there is no such evidence, a Negative Declaration may be prepared. Recommendations or suggestions for changes or mitigation measures requested by agencies having jurisdiction by law over natural resources affected by the project must be accompanied by a proposed reporting or monitoring program for those changes or measures in accordance with Public Resources Code Section 21081.6.

Please forward any comments and/or recommendations you may have in regard to these proposals to our office by **May 16, 2012**, so that they may be considered during the review process. **If you do not have any recommendations and/or comments, please respond with "no comment."**

Special Notice to Agencies: Notice of a public hearing for this project will be mailed at least ten (10) days prior to the hearing. If your agency will be significantly affected by this project with respect to your ability to provide essential facilities and/or services, and you wish to receive notice of the public hearing, please state this in your response.

Our office appreciates your time and assistance with this project review. Please direct all correspondence to the Project Planner and Case Numbers referenced above for these projects. Should you have any questions, you can reach me at 559/624-7107 or by email at cbrusuel@co.tulare.ca.us.

CASE NO.: PZ 10-002 (Kennedy Meadows Restoration/Simon), Change of Zone No. PZ 11-001 (Thomas) and Tentative Subdivision No. TM 824 (Ferguson)

CONSULTING AGENCY LIST

TULARE COUNTY AGENCIES

___ R.M.A. - Building Division
___ R.M.A. - Code Compliance Division
X R.M.A. - Countywide Division
___ R.M.A. - Community Dev./Redevelopment Division
X R.M.A. - Engineer/Flood/Traffic/Subdivision/Permits Div.
___ R.M.A. - Parks and Recreation Division
___ R.M.A. - Building Services Division
___ R.M.A. - General Services Division
X R.M.A. - Transportation/Utilities Division
X R.M.A. - Solid Waste Division, Attn: Patty Ackley
X H.H.S.A. - Environmental Health Services Division
___ H.H.S.A. - HazMat Division
X Tulare County Fire Department
___ Sheriff's Department: Visalia Headquarters
___ Traver Substation
___ Orosi Substation
___ Pixley Substation **
___ Porterville Substation
___ Agricultural Commissioner
___ Education Department
___ Airport Land Use Commission
___ Supervisor _____
___ Assessor
___ Chief Environmental Planner (Hector Guerra)

LOCAL AGENCIES

___ Levee Dist. No 1
___ Levee Dist. No 2
___ Consolidated Irrigation Dist
___ _____ Pub Utility Dist
___ _____ Comm. Service Dist
___ _____ Town Council
X Porterville Elem. School Dist
X Porterville High School Dist
___ City of _____
___ County of _____
___ Deer Creek Storm Water District
___ _____ Advisory Council
___ _____ Fire District
___ Kings River Conservation District
___ Delta Mosquito Abatement
___ Kaweah Delta Water Cons. District
X SJV Unified Air Pollution Control District

FEDERAL AGENCIES

___ Army Corps of Engineers
___ Fish & Wildlife
X Bureau of Land Management
X Natural Resources Conservation Dist.
___ US Forest Service
___ National Park Service
___ _____

STATE AGENCIES

X *Dept. of Fish & Game Dist 4
___ _____, DFG Area Biologist
___ Alcoholic Beverage Control
___ Housing & Community Development
___ Reclamation Board
X Regional Water Quality Control Board - Dist. 5
___ Caltrans Dist. 6
___ Dept. of Water Resources
___ Water Resources Control Board
___ Public Utilities Commission
___ Dept. of Conservation
___ State Clearinghouse (15 copies)
___ Office of Historic Preservation
___ Dept. of Food & Agriculture
___ State Department of Health
___ State Lands Commission
___ State Treasury Dept. - Office of Permits Assist.
___

OTHER AGENCIES

___ U.C. Cooperative Extension
___ Audubon Society - Condor Research
X Native American Heritage Commission
X District Archaeologist (Bakersfield)
___ TCAG (Tulare Co. Assoc. of Govts)
___ LAFCo (Local Agency Formation Comm.)
___ Pacific Bell
___ GTE (General Telephone)
___ P.G. & E.
___ Edison International
___ The Gas Company
___ Tulare County Farm Bureau
___ Archaeological Conservancy (Sacto)
___ Dept. of Social Services, Community Care Division
___ AT&T
___ FAA
___ San Joaquin Valley Railroad, 221 N. "F" Street Exeter, CA 93221
X **Kennedy Meadows Property Owners Association**
X **Kern Valley Resource Conservation District**

RESOURCE MANAGEMENT AGENCY

INTEROFFICE MEMORANDUM

May 3, 2012

TO: Charlotte Brusuelas, Project Planner

FROM: Craig Anderson, Engineer III CA

SUBJECT: Case No. PZ 10-002

OWNER: Kennedy Meadows Restoration, LLC
APN: 310-010-015, 016 and 310-050-012 through 019

The subject Case No. PZ 10-002 has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

According to Panel Number 2175 (panel not printed) of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, the subject site is located within Flood Zone X. Construction within Zone X requires no specific flood mitigation measures.

The subject site is not located within any Urban Improvement Area or Urban Development Boundary whichever is applicable.

The subject site is located within the boundaries of the Kennedy Meadows Specific Plan.

Existing right of way on Goman Road is 40 feet and on Kennedy Meadows Road is 60 feet. Ultimate right of way on Goman Road is 50 feet and on Kennedy Meadows Road is 60 feet. Goman Road and Kennedy Meadows Road are county maintained roads. The pavement type on Goman Road is gravel and on Kennedy Meadows Road is RMAS. The 2010 Pavement Management System database is the source for the pavement width and pavement type.

No conditions are recommended for the subject case. Conditions will be recommended at such time that specific development proposals be presented on the subject parcel(s).

CA

TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY
Cheryl L. Duerksen, Ph.D. • Agency Director

May 7, 2012

CHARLOTTE BRUSUELAS
RESOURCE MANAGEMENT AGENCY
5961 SOUTH MOONEY BLVD
VISALIA CA 93277

Re: PZ 10-002 – Kennedy Meadows Restoration

Dear Ms. Brusuelas:

This office has reviewed the above referenced matter. Based upon our review, we have no comments for this project at this time.

Sincerely,

Allison Shuklian
Environmental Health Specialist
Environmental Health Services Division

RESOURCE MANAGEMENT AGENCY

INTEROFFICE MEMORANDUM

May 9, 2012

TO: Charlotte Brusuelas, Project Planner

FROM: Al Miller, Tulare County Fire Inspector

SUBJECT: Case No. PZ 10-002; PZ 11-001; TM 824

The Fire Department has no recommendations in response to this item.

If you have any questions please call Al Miller at 624-7058.

AM:vq

Patty Ackley - Project Review: PZ 10-002 (Kennedy Meadows Restoration/Simon)

From: Patty Ackley
To: Charlotte Brusuelas
Date: 5/13/2010 8:56 AM
Subject: Project Review: PZ 10-002 (Kennedy Meadows Restoration/Simon)
CC: Britt Fussel; Jere Stafford

Charlotte,

The proposed project is within 900 feet of the Kennedy Meadows closed landfill. The landfill has been highlighted on the APN map which will be returned to you.

The proposed project is not in a County Zone of Benefit Water or Sewer system nor Terra Bella Sewer Maintenance District.

The Solid Waste Division has no additional comments.

Thank you and have a good day!

Tulare County
Resource Management Agency

Patty Ackley
Solid Waste Manager
Tulare County RMA
Solid Waste Division
5961 S Mooney Blvd
Visalia CA 93277
Direct Line: (559) 624-7190
Main Office: (559) 624-7000
Fax: (559) 740-4448
packley@co.tulare.ca.us
Web Site: www.tularecountyrecycles.com

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

April 25, 2012

Charlotte Brusuelas
County of Tulare
Planning Department
5961 South Mooney Blvd.
Visalia, CA 93277

Project: Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration/Simon); Change of Zone No. PZ 11-001 (Thomas); Tentative Subdivision No. TM 824 (Ferguson)
District CEQA Reference No: 20120228

Dear Ms. Brusuelas:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of zone changes and subdivision. The subdivision and zone changes will not have an impact on air quality. However, if approved, future development will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions. The District offers the following comments:

1. Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
2. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:

   - 50 dwelling units
   - 2,000 square feet of commercial space;
   - 25,000 square feet of light industrial space;
   - 100,000 square feet of heavy industrial space;
   - 20,000 square feet of medical office space;
   - 39,000 square feet of general office space; or
   - 9,000 square feet of educational space; or

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

3. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at http://www.valleyair.org/ISR/ISRHome.htm.

4. Individual development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

5. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

6. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

David Warner
Director of Permit Services

For Arnaud Marjollet
Permit Services Manager
DW:dm
Cc: File

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM

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Southern San Joaquin Valley
Information Center
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Mail Stop: 46 MEC
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Bakersfield, California 93311-1022
(661) 654-2289 FAX (661) 654-2415
E-mail: ssjvic@csub.edu

TO: Scott Cochran
Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

DATE: July 31, 2013

RE: Rezone No. PZ 10-002 (Kennedy Meadows Restoration, LLC)

Dear Mr. Cochran,

We have reviewed the documents for the above referenced project. As this is a zone change application only and no ground disturbance will take place, no further cultural resource investigation is needed at this time. However, this area of Tulare County is considered highly sensitive for cultural resources. As such, prior to future ground disturbance activities, a qualified, professional archaeologist should conduct a field survey to determine if cultural resources are present. A referral list is available at www.chrisinfo.org. If you have any questions or concerns, feel free to contact us.

Regards,

Celeste M. Thomson, MBA
Assistant Coordinator

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

September 20, 2013

Hector Guerra
County of Tulare Resource Management Agency
5961 South Mooney Boulevard
Visalia, California 93277

SUBJECT: INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS/MND) CHANGE OF ZONE NO. PZ 10-002 (KENNEDY MEADOWS RESTORATION, LLC) APN: 310-010-019/020 AND 021 (68 ACRES) 310-050-012/013/014/015/016/017/018 AND 019 (329 ACRES)

Dear Mr. Guerra:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) for the above Project. Approval of the Project would allow for a zone change of four parcels from MR-217 (Mountain Residential-217,000 square foot minimum) to CO (Commercial Recreation), and a zone change of eight parcels from MR-1742 (Mountain Residential-1,742,000 square foot minimum) to MR-435 (Mountain Residential-435,000 square foot minimum).

The Project is located approximately 0.5 miles north of Goman Road and on both sides of Kennedy Meadows Road; Section 21, Township 22 South, Range 36 East, Mount Diablo Base and Meridian, County of Tulare, CA; N35°59'51.33" and W118°06'13.51.0" The Project site and surrounding land is mostly residential with limited commercial, and is currently undeveloped land consisting of sagebrush and Ponderosa Pine.

The IS/MND does not provide sufficient detail for the Department to provide substantive comments. Therefore, in the event the zone change approval indemnifies the ability for the parcels to be developed without any further California Environmental Quality Act (CEQA) review into single family housing units, road construction to serve as ingress/egress for the parcels, more intensive commercial development, or any other land use which would require ground disturbance or construction, the Department is concerned with the potential Project impacts to special-status species known to occur in the Project area. The State threatened Kern Canyon slender salamander (*Batrachoseps simatus*), the State Candidate endangered Southern Mountain yellow-legged frog (*Rana muscosa*), the State endangered Great gray owl (*Strix nebulosa*), the State Candidate threatened Pacific fisher (*Martes pennant*), the State Species of Special Concern Volcano Creek golden trout (*Oncorhynchus mykiss aguabonita*), the

California Native Plant Society (CNPS) 1B listed Kern Plateau milk-vetch (*Astragalus lentiginosus var.kernensis*), and the Kern River daisy (*Erigeron multiceps*) could be present on or adjacent to the Project site.

In addition, the MND states that the Department "was also consulted on the Project and provided no comments." In response to the submission to the Department of a Preliminary Parcel Map (PPM 08-081), the Department submitted correspondence dated September 10, 2008 which addressed concerns regarding the potential impacts to biological resources from Project implementation (clearing, grading, utility, road construction, and land uses after build-out) and provided specific recommendations including but not limited to advising a CEQA document be prepared for the Project and resource specific measures to reduce impacts of the Project to less than significant. In 2008, the proposed project only consisted of a fraction of the land that is currently being proposed for the land use zoning changes; specifically, the parcel of land located both east and west of Kennedy Meadows Road (68 acres). While the total acreage of the project has increased since 2008, the Department still has the same concerns as discussed in the above referenced correspondence.

Further, the MND also states that "no riparian habitats exist on the site since no courses of water flow through the site," and that "the site does not contain any wetlands," but then later contradicts itself by stating that "there is an intermittent stream running through the property on the west side of Kennedy Meadows Road." Aerial imagery shows that the site encompasses a pronounced South Fork Kern River tributary which could be impacted during Project implementation and which is not discussed in the MND.

As referenced above, the Project site has appropriate habitat for nesting, denning and/or foraging opportunities for the above listed species. The Department acknowledges a Preliminary Biological Assessments of Vegetation and Wildlife was prepared by Paul Pruitt and Associates in 2002. Since the Biological Assessment was prepared, two species have listing candidacy under the California Endangered Species Act and the results of the assessment did not include surveys for these or any other State and federally listed species with the potential to occur within or adjacent to the Project site. Therefore, the Department recommends focused biological surveys be conducted by qualified biologists during the appropriate survey period(s) and prior to Project implementation to determine if species could be impacted by the proposed Project. Survey results can then be used to identify any mitigation, minimization, and avoidance measures that are to be included in the Final MND prepared for this Project and any potential permitting needs. Our comments follow.

Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 [commencing with Section 21000] of the Public Resources Code).

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001(c), 21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080. The Project has the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in Section 15380 of CEQA).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), it is recommended that they be fully considered in the environmental analysis for the Project. The State Species of Special concern Volcano Creek golden trout, CNPS 1B listed Kern Plateau milk-vetch, and Kern River daisy could all occur in the Project area. Appropriate avoidance and minimization measures for these species are recommended to be included in the Final MND prepared for this Project.

Bird Protection: The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Fish and Game Code sections that protect birds, their eggs, and nests include sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or

their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird). It is recommended that appropriate avoidance and minimization measures for raptors and other nesting birds in the Project area be included in the CEQA document prepared for this Project.

Stream Alteration Agreement (SAA): The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code sections 1600 *et seq.* Aerial images depict a tributary to the South Fork Kern River and other, smaller ephemeral drainages within the Project area. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank of a river or stream, or use material from a streambed, the Department requires submittal of a SAA notification. The department advises the Project proponent to consult with the Department before ground-breaking activities or submit a Stream Alteration Notification to determine if the surface water features and conveyance structures are within the Department's jurisdiction and an SAA is required for the proposed activities. The Department is required to comply with CEQA in the issuance or the renewal of an SAA. For additional information on notification requirements, please contact our staff in the Stream Alteration Program at (559) 243-4593.

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State", any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of a "Waters of the State" from storm water runoff into the South Fork Kern River via the tributary and other smaller drainages within the Project site. This could impact the fish and wildlife resources) by causing increased sediment input and/or other constituents of concern (pesticides, petroleum products, bacteria, heavy metals, etc.) associated with the construction and land use change into residential or commercial development. The CEQA document prepared for the Project should include a discussion of how water quality impacts to the water courses would be avoided. The Regional Water Quality Control Board also has jurisdiction regarding discharge and pollution to "Waters of the State" including storm water runoff into surface waters.

Potential Project Impacts and Recommendations

Riparian Habitat and Wetlands: Riparian habitat is of extreme importance to a wide variety of plant and wildlife species. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. An adequate buffer should be implemented to protect riparian vegetation, and associated wildlife, including State- and Federally listed species. The riparian vegetation along waterways should be protected with a minimum 250-foot no-disturbance buffer delineated from the high water mark of each surface water body, or from the outside

edge of the riparian vegetation whichever is greater. Depending upon what Project-related activities are proposed in these areas, larger buffers may be warranted to avoid impacts.

Southern Mountain yellow-legged frog (*Rana muscosa*): On February 2, 2012 the Southern Mountain yellow-legged frog (SMYF) was designated as a Candidate for listing as endangered under the California Endangered Species Act by the California Fish and Game commission (Commission). The Commission approved the listing, and adopted the regulation on December 12, 2012, and the effective date for the new regulation was on April 1, 2013. There can be no "take" of this species without authorization from the Department through the issuance of an Incidental Take Permit (ITP) pursuant to section 2081(b) of the Fish and Game Code.

The Department recommends that a qualified biologist determine if potential habitat for the SMYF occurs within the Project area. If potential SMYF habitat is observed within the Project area, the Department recommends these areas, along with the associated riparian area and other wetland areas, be surveyed by a qualified biologist, prior to the implementation of any ground disturbing activities. If SNYF are detected, the Department advises a 25-meter no disturbance buffer as measured from the outer high water mark of all suitable habitats and associate wet areas, be implemented. If complete avoidance through the implementation of the no disturbance buffer is not feasible, then consultation with the Department regarding acquisition of an ITP is warranted.

Kern Canyon slender salamander (KCSS): The State-listed threatened KCSS has the potential to be present on or adjacent to the Project site, and the Department has jurisdiction over this species under CESA. The Department believes this species could be potentially impacted if ground disturbance such as tree removal, grading, or other ground disturbing activities were to occur and the appropriate avoidance, minimization, and mitigation measures are not implemented. Prior to any ground-disturbing activities, the Department advises potential Project-related impacts to this species in and surrounding the Project footprint be evaluated by a qualified biologist. If KCSS are found on the Project site, consultation with the Department is advised to discuss appropriate measures to avoid/minimize impacts to the species.

Great Gray Owl: The Project area is capable of supporting great gray owl (GGO) within the Project area. The GGO population in California is extremely small and is isolated from other GGO populations putting the species in danger of extinction within the state. Meadows and meadow complexes within and adjacent to the Project area may be highly suitable GGO foraging, roosting and nesting habitat. Maintaining and enhancing these areas in a condition that can support the foraging and roosting needs of GGO breeding pairs and in a condition that provides potential future nesting sites for expanding local populations is an important component of statewide GGO conservation.

The Department recommends there be no ground disturbing activities or vegetation removal within 1,100 feet of meadows or meadow complexes totaling 10 acres or more until a complete two year GGO protocol survey has been completed using the methodology described by Beck and Winter (2000). These surveys, the parameters of which were designed to optimize detectability, should be conducted to reasonably determine if "take" of this endangered species will occur as a result of Project implementation. If GGOs are detected, the Department recommends implementing mitigation measures to protect the meadows and surrounding forest habitat by establishing buffers of at least 600 feet from the meadow edge around meadows or complexes of meadows totaling 10 acres or more in which no tree removal or ground disturbance will occur per Winter's (1982) recommendation. If activities occur within the 600 foot zone, the Department recommends that they are limited to those necessary to enhance and maintain GGO habitat per Beck and Craig's 1991 Habitat Suitability Index model.

In addition if ground-disturbing Project activities are to take place during the normal bird breeding season (February 1 through September 15), pre-construction surveys for active nests is also recommended to be conducted by a qualified biologist no more than 10 days prior to the start of construction. The Department recommends a minimum no-disturbance buffer of 0.5 miles around active GGO nests until the breeding season has ended or until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If the implementation of the recommended 0.5 mile no disturbance buffer is not feasible, it is advised the Department be consulted regarding this species and whether the acquisition of an ITP pursuant to Fish and Game Code Section 2081(b) is warranted to comply with CESA.

Pacific fisher: Pacific fisher is listed as a State Candidate threatened species. Zielinski et al. (1995) compiled the results of standardized local, regional, and an 84-station statewide survey, all of which were conducted between 1989 and 1994, throughout much of the historical range of the fisher, from Del Norte, Humboldt, and Siskiyou Counties in the north to northern Kern County at the southern extent of the range. Results from 510 survey sites, and several isolated instances where road-killed and trapped fishers confirmed fisher presence, indicate that fishers occupy less than half of the range they did in the early 1900s in California. In California, there appears to be two distinct populations of fisher. One population area is in northwestern California in portions of Del Norte, Siskiyou, Humboldt, Trinity, and Shasta Counties, and across into Oregon in Curry, Josephine, and Jackson Counties. The other is in the southern Sierra Nevada Mountains in portions of Mariposa, Madera, Fresno, Tulare, Kern, Mono, and Inyo Counties. The Southern Sierra Nevada is the southern-most limit of their range where they are found at elevations ranging from roughly 1,970 to 8,530 ft. (600 to 2,600 m) in the Sierra Nevada (Grinnell et al. 1937; Zielinski et al. 1997b). The Project site is located at an elevation greater than 6000 feet in habitat that would support the Pacific fisher.

The Department recommends an all of the trees/downed logs which cannot be completely avoided be surveyed by a qualified wildlife biologist in advance of ground disturbing or vegetation removal activities for evidence of use by the species for denning, resting, or foraging. If denning Pacific fisher are found within the Project area, it is advised consultation with the Department occur to discuss appropriate measures to avoid/minimize impacts to the species.

Nesting Birds: The trees, shrubs, and grasses within and in the vicinity of the Project site likely provide nesting habitat for songbirds and raptors. The Department encourages Project implementation to occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), Project applicant is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. Prior to work commencing; including staging, clearing, and grubbing, the Department recommends surveys for active nests be conducted by a qualified wildlife biologist no more than 10 days prior to the start of the of the Project commencing and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. The Department recommends that identified nests be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of the Project. If behavioral changes are observed, the work causing that change should cease and the Department consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, the Department also recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around the nests of unlisted raptors until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended the Department be notified in advance of implementation of a no disturbance buffer variance.

Federal Endangered Species Act (FESA): "Take" under FESA is more stringently defined than CESA; "take" under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with

essential behavioral patterns such as breeding, foraging, or resting. Consultation with the USFWS, in order to comply with FESA, is also advised well ahead of Project implementation.

More information on survey and monitoring protocols for sensitive species can be found at the Department's website (www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). If you have any questions on these issues, please contact Steve Hulbert, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 289, or by electronic mail at Steven.Hulbert@wildlife.ca.gov.

Sincerely,

Jeffrey R. Single, Ph.D.
Regional Manager

cc: United States Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

Literature Cited

Beck, T.W., and Craig, D.L. 1991. Habitat suitability index and management prescription for the great grey owl in California. U. S. Department of Agriculture, Forest Service.

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DEPARTMENT OF TRANSPORTATION
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Flex your power!
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August 30, 2013

2135-IGR/CEQA
6-TUL-190-56.33 +/-
6-INY-395-18.72 +/-
PZ 10-002
KENNEDY MEADOWS
SCH # 2013081066
REF: TRACT MAP # 824

Mr. Hector Guerra
Chief Project Planner
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Dear Mr. Guerra:

Thank you for the opportunity to review the Initial Study (IS) for the Mitigated Negative Declaration (MND) for PZ 10-002 proposing to rezone 68 acres from Mountain Residential (MR-217: 217,000 square foot minimum lot) to Commercial Recreation (CO) and rezone 329 acres from Mountain Residential (MR-1742: 1,742,000 sf. ft. minimum lot) to Mountain Residential (MR-435: 435,000 sf. ft. minimum lot). The project site is located in the Kennedy Meadows mountain community; more specifically approximately ½ mile north of the Kennedy Meadows Road / Gorman Road intersection and approximately 25 miles northwest of the State Route (SR) 395 / 9 Mile Canyon Road (aka Sherman Pass Road) intersection in Inyo County. Caltrans has the following comments:

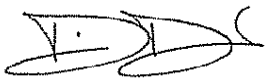
Although the proposed rezone itself does not impact the State Highway System (SHS), *development of the individual lots could have a significant impact.* As indicated in the Initial Study (IS), the proposed zoning of the subject site to Commercial Recreation (C-O) allows various commercial and residential uses oriented to the recreational character of the foothill and mountain areas.

However, it is difficult to determine the impacts of the proposed zoning to the SHS without knowing the specific use (type of development, square footage, hours of operations, etc.) for the proposed parcels.

Therefore, Caltrans recommends that the County *include as a condition of approval*, all subsequent proposed development(s), prior to being approved on the subject parcels, are required to be reviewed by Caltrans to determine impacts and necessary improvements to the State Highway System to mitigate those project-related impacts.

Please send a response to our comments and a copy of the resolution related to the proposed project. If you have any questions, please call me at (559) 488-7396.

Sincerely,



DAVID DEEL
Associate Transportation Planner
North Planning Branch

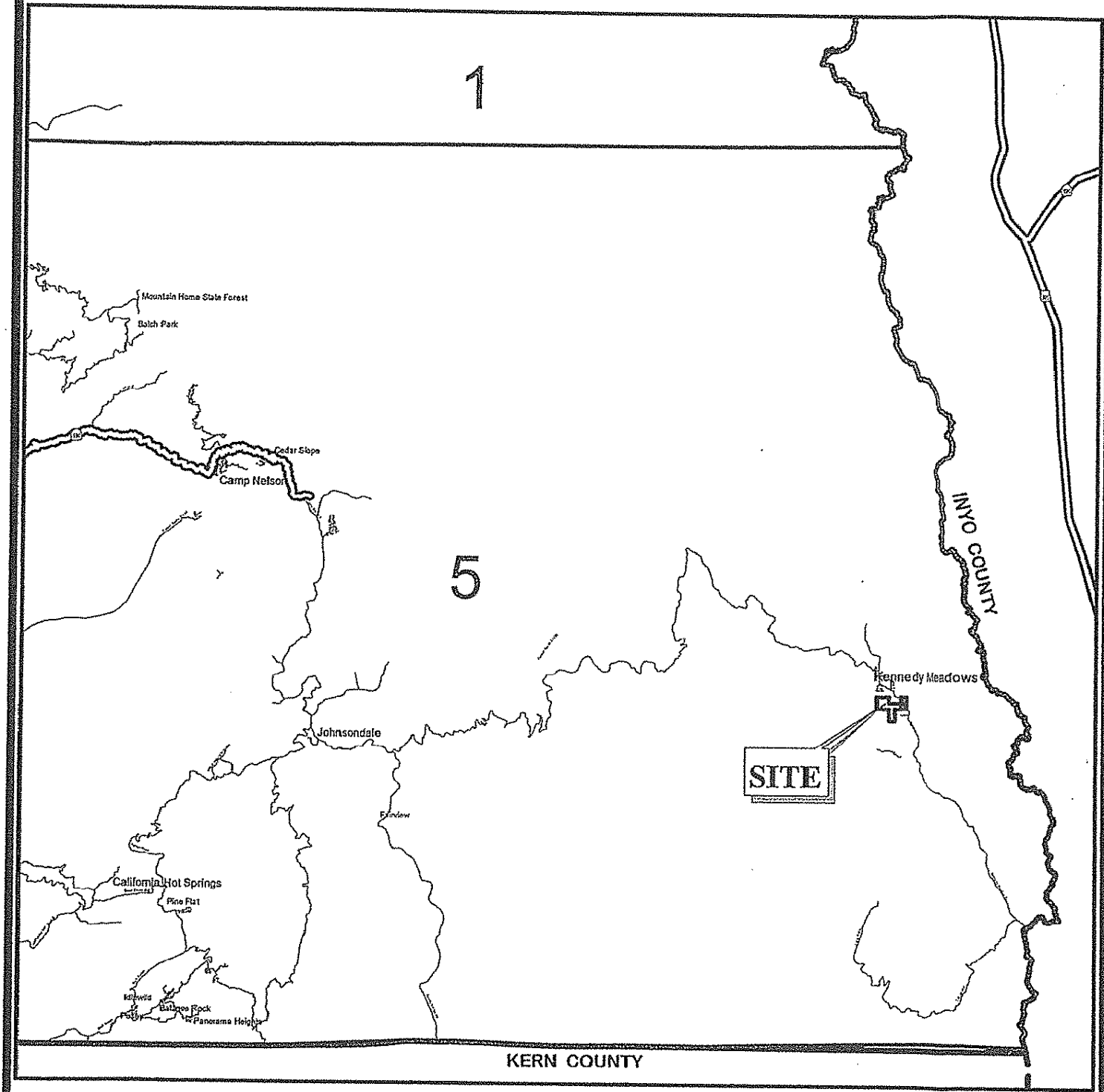
c: Caltrans District 9 Office, 500 S. Main St., Bishop, CA 93514-3423

Attachment 6
Maps and Graphics

ATTACHMENT NO. 5

County of Tulare
Geographic Information Systems

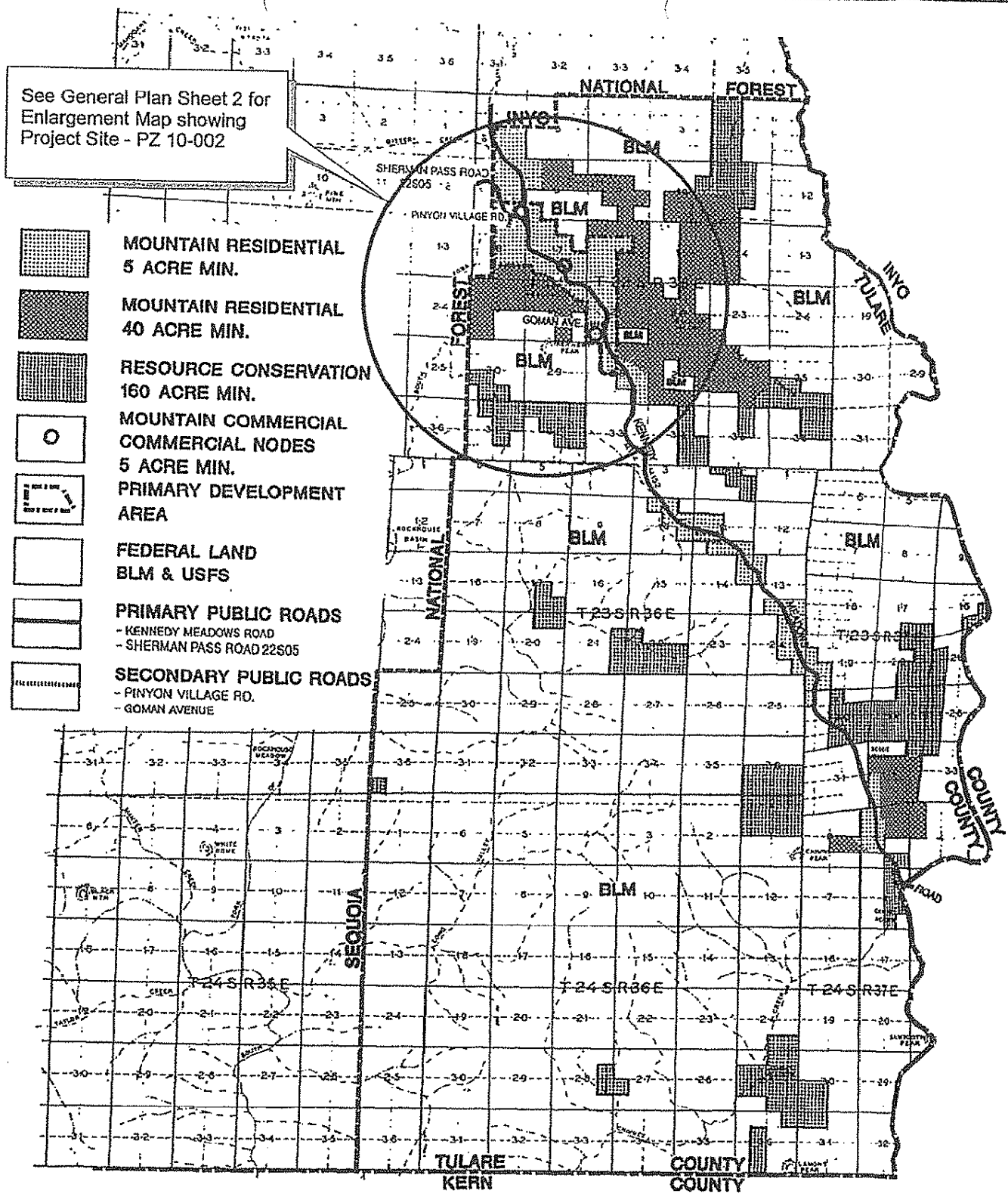
Vicinity Map for PZ 10-002



3 0 3 6 9 12 Miles

Supervisorial Districts
Site is in District 5

N



General Plan

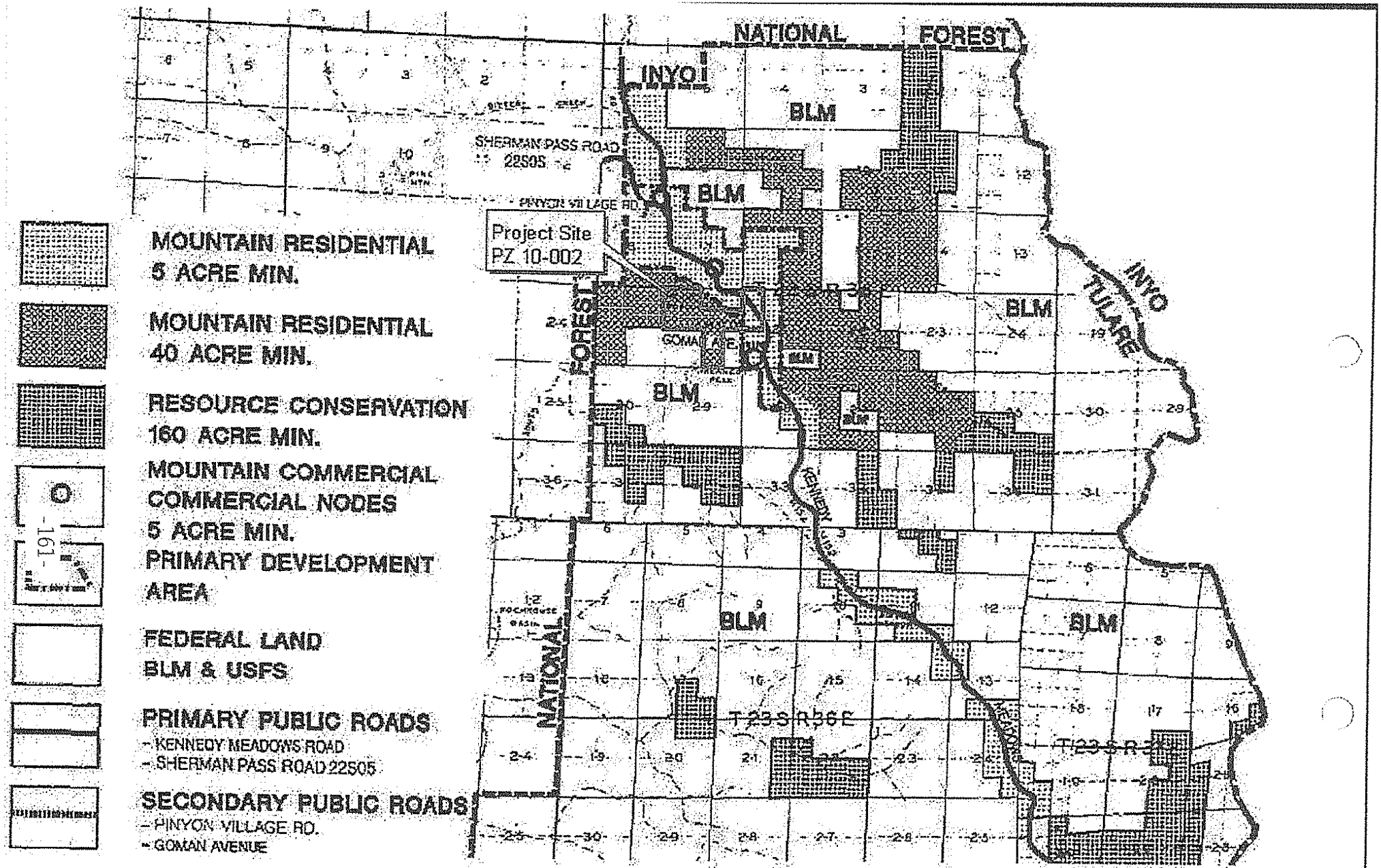
DATE	INITIAL	REVISION

APPROVED BY TULARE COUNTY PLANNING COMMISSION
RESOLUTION NO 6296
CERTIFIED [signature] DATE 9/24/86
ADOPTED BY TULARE COUNTY BOARD OF SUPERVISORS
RESOLUTION NO 86-1376
CERTIFIED [signature] DATE 10/28/86

TULARE COUNTY GENERAL PLAN
AMENDMENT 86-02
LAND USE AND CIRCULATION

MOUNTAIN PLAN
KENNEDY MEADOWS

for PZ 10-002
Sheet 1 of 2

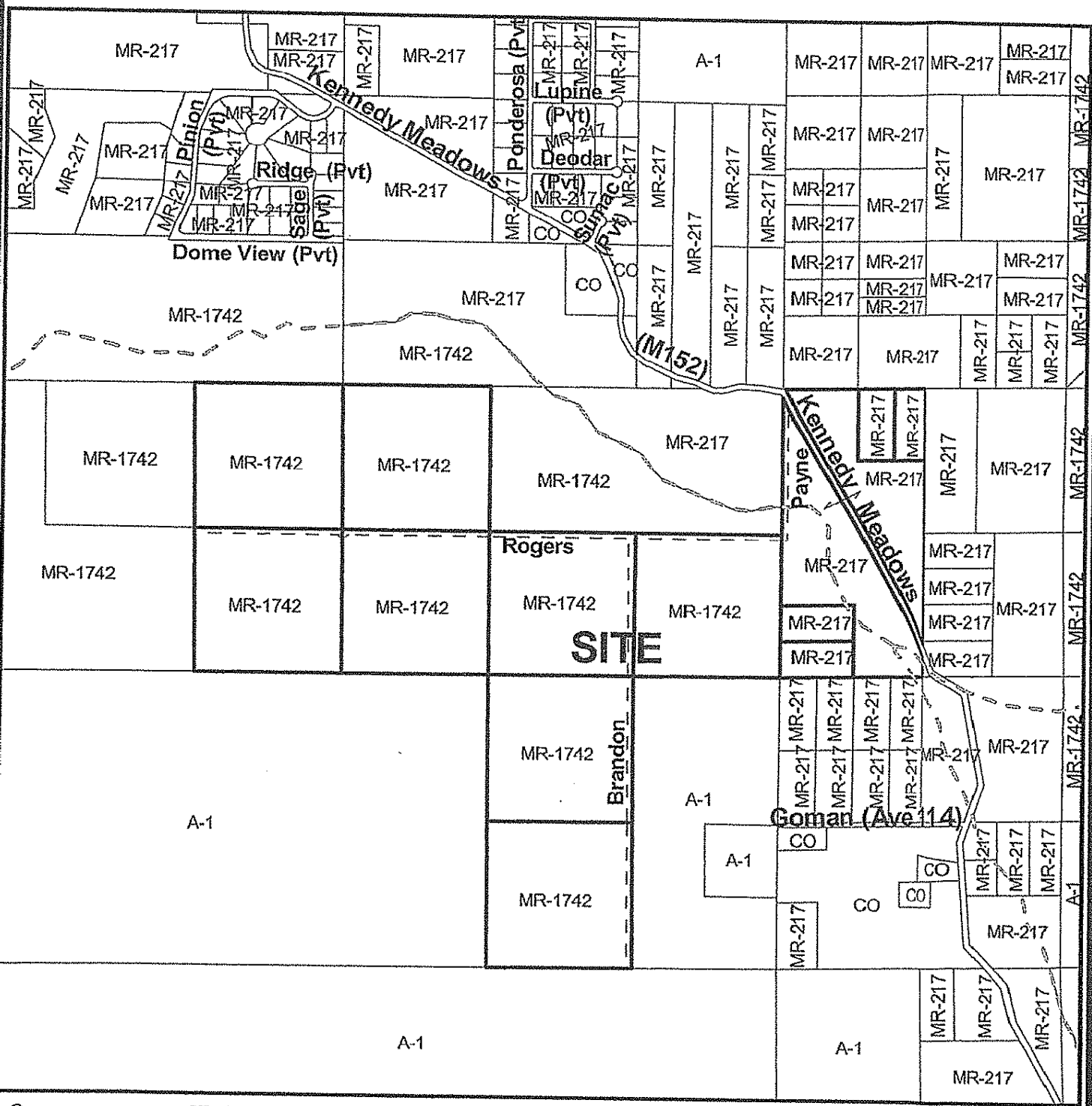


Enlargement Map

General Plan
Kennedy Meadows GPA 86-02
for
PZ 10-002
Sheet 2 of 2

Existing Zoning Map for PZ 10-002

TCiCT
Grow with us.



0.125 0 0.125 0.25 0.375 0.5 Miles

N

Owner: SIMON JACOBS & SIMON
Address: 99073 PINION RIDGE RD KM
City, State ZIP: INYOKERN CA 93527-3234
Applicant: Kennedy Meadows Restoration / Simon
Agent: Roberts Engineering
Supevisorial District # 5
Assessors Parcel # 310010017 thru 310010021 and 310050012 thru 310050019

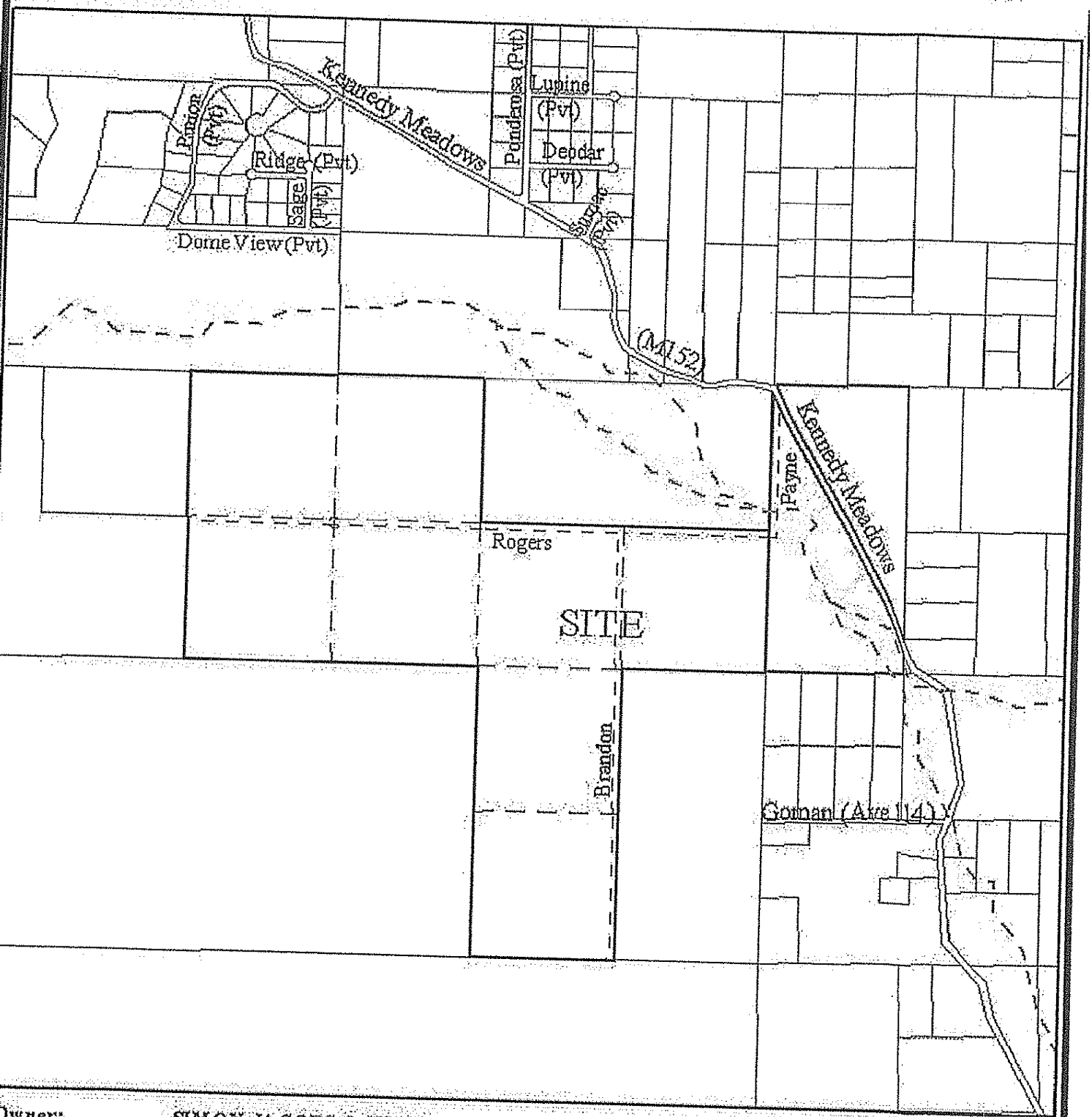
SITE Project Site for PZ 10-002

County of Tulare Geographic Information Systems

County of Tulare

Geographic Information Systems

Land Use Map for PZ 10-002



Owner: SIMON JACOBS & SIMON
Address: 99073 PINION RIDGE RD KM
City, State ZIP: INYOKERN CA 93527-3234
Supervisorial District #: 5
Assessors Parcel #: 310010015, 310010016, 310050010 (old apn #)

0.125 0 0.125 0.25 0.375 0.5 Miles

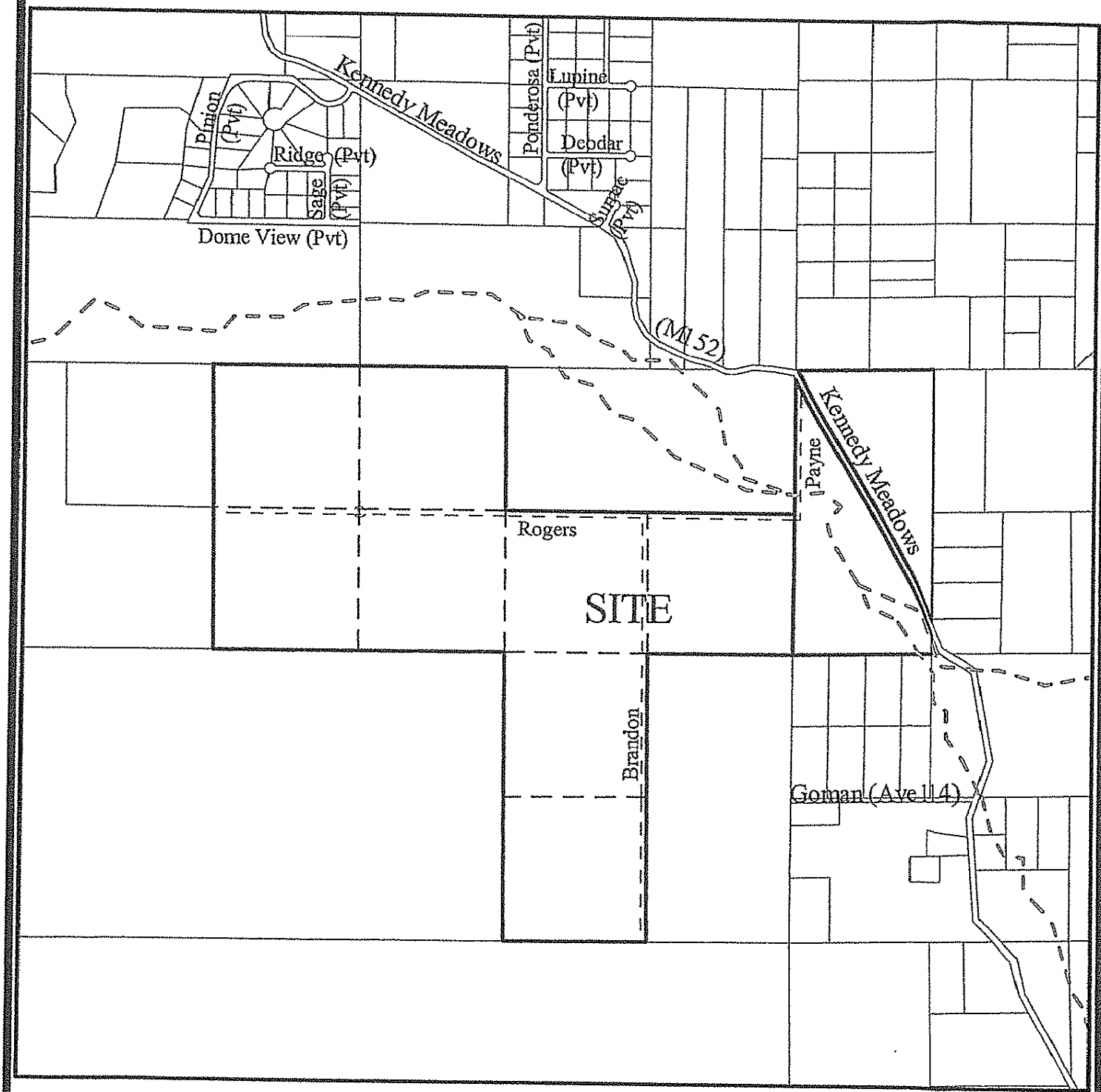
N

LAND USE
- OCCUPIED DWELLING
- VACANT DWELLING
- OCCUPIED MOBILE HOME
- VACANT MOBILE HOME
- TT TRAVEL TRAILER

County of Tulare

Geographic Information Systems

CNDDB Map for PZ 10-002



0.125 0 0.125 0.25 0.375 0.5 Miles

N

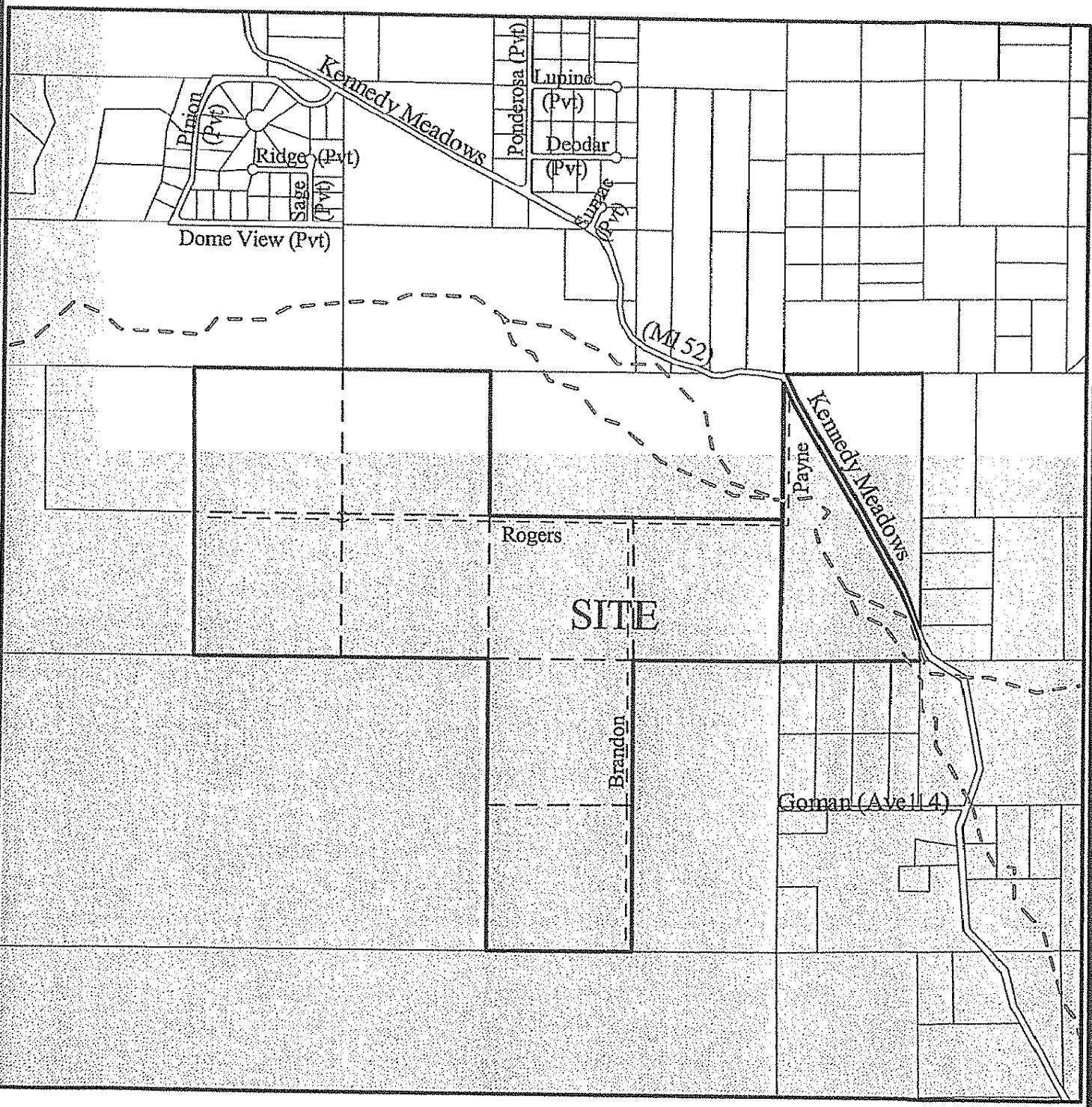
Endangered Species(CNDDB)
None in area shown

Source: July, 2007 California Natural Diversity Database- California Department of Fish & Game

County of Tulare

Geographic Information Systems

Wetlands Map for PZ 10-002



National Wetlands Inventory
- Lacustrine
- Palustrine
- Riverine
- Uplands (No Wetlands)
- No Data

0.125 0 0.125 0.25 0.375 0.5 Miles

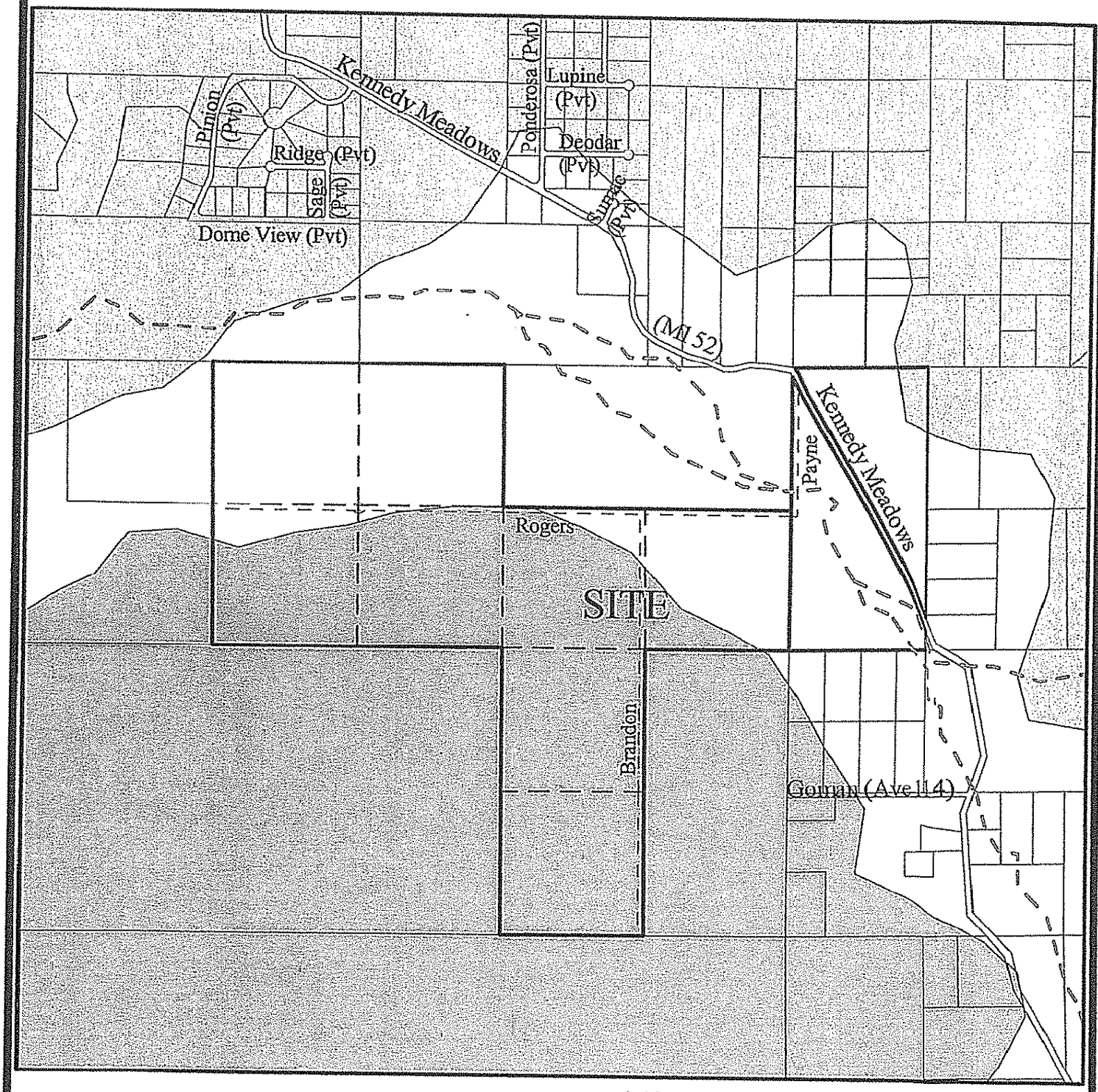
N

Source: U.S. Fish & Wildlife Service National Wetlands Inventory

County of Tulare

Geographic Information Systems

GAP Map for PZ 10-002



0.125 0 0.125 0.25 0.375 0.5 Miles

GAP Analysis
- Great_basin_sagebrush
- Ponderosa_pine
- Single_leaf_pinyon

N

Source: California Department of Fish & Game

Attachment 7

Comments in Favor/Opposition To the Project

Correspondence Received
In Favor of the Project

Arnold Riffel
98501 Sierra Meadows Rd
Kennedy Meadows
Inyokern, CA 93527-3234
559-850-7435

October 28, 2011

Charlotte Brusuelas
Tulare County Resource Management Agency
5961 South Mooney Ave
Visalia, CA 93277

RE: PZ 10-002 Rezoning Application

I'm writing in support of this proposal. Kennedy Meadows can use more growth. It's deserted in the winter, and most of the traffic other parts of the year is camping and tourism. There aren't enough people here yet to support basic services for property owners--even the General Store closes in the winter.

Having this land developed would also make Kennedy Meadows a safer place, with more people to keep an eye on things, and more land being cleared of thick brush for fire safety. The few problems we have up here don't come from residents--they are caused by visitors and vagrants.

I've had property up here since 1962, and today we have fewer business and services than we had 20 years ago. As a business person, it's my opinion that having more businesses would increase sales for existing businesses.

I really don't understand why everyone doesn't support this plan. Mr. Simon has already done an excellent job cleaning up the land in question, removing dead trees and making Kennedy Meadows look a lot better. I think he's proven that he'll do things in a way to make Kennedy Meadows a better place, and look much better. His own house blends in with the landscape, and all you can see of it from a distance is a gable or a chimney stack.

Sincerely,

Arnold Riffel

Arnold Riffel, Board Member, KMPOA

November 25, 2011

Charlotte Brusuelas
Tulare County Resource Management Agency
5961 South Mooney Ave
Visalia, CA 93277

RE: Kennedy Meadows Restoration Project/Simon

Dear Ms Brusuelas,

We are writing in regard to our neighbor Tom Simon's development project particularly that portion of the project that fronts Kennedy Meadows Road and is under review for a light business zone change. My husband and I have lived in Kennedy Meadows for over ten years. Our family has enjoyed the many recreational opportunities available in this region since the early sixities. As more and more people discover Kennedy Meadows, growth is inevitable. We have growing concerns for the direction development in this area may take. My husband and I have spoken with Tom Simon on a number of occasions regarding the Kennedy Meadows Restoration Project and have reviewed documents related to the proposal as well. The guidelines for development that are described in Tom Simon's proposal reflect our concerns for protecting our environment while recognizing the reality of future growth. Planning ahead by setting aside a small portion of land for possible future small business enterprises is a responsible way for our community to progress.
Over the years, conversations with our neighbors have often included the desirability of more services in our neighborhood. Many of us have at one time or another mentioned the possibility of opening a small business. The proposed zone change would allow for that opportunity in an organized manner.

Sincerely,

Arthur Long
Kathleen Long

Arthur and Kathleen Long
96834 Pine Mountain Dr
Kennedy Meadows
Inyokern, Ca 93527

November 28, 2011

Linda & Kent Whitham
100701 Red Ryder Rd.
Kennedy Meadows
Inyokern, CA 93527
559-850-5368

Ms. Charlotte Brusuelas
Resource Management Agency
5961 S Mooney Blvd
Visalia CA 93277
TEL (559) 624-7000

Re: PZ 10-002 Kennedy Meadows Restoration/Simon

Dear Ms. Brussels,

I would like to introduce myself; Linda Whitham and my husband Kent Whitham have lived in Kennedy Meadows as Full Time residents for the last 20 years. I had served on the Kennedy Meadows Property Owners & Associates (KMPO&A) board for 10 years and retired from the board several years ago. KMPO&A receives copies of some of the county's requests for review and comment. I also was involved in working on the update of the General Plan back in 1986. I tell you this, as a minority percentage of KMPO&A members actually live full time on the mountain. Of the 5 officers and 2 members on the board of directors, I believe only one is a full time resident. I have always believed that full time residents are more in tune with what is happening on our mountain. Comments you receive from KMPO&A and the board members do NOT represent the entire community.

I have known Tom Simon for the last 10 years and I believe he is interested in the best for the community and our mountain environment. I know that people on the mountain do not like change, as is the case for most communities, but his project would be a positive step for our community. It would have the opportunity to bring in more community interaction, as well as a much needed restaurant and store.

The CC&R's of Tom Simon's project would allow for the future residents to enjoy their homes in the beauty of the mountain.

I would like to see the RMA approve the PZ 10-002 Kennedy Meadows Restoration/Simon Project.

If you have any questions, feel free to contact me at (559) 850-5368 or email me at ladyhawk726@yahoo.com.

Respectfully,

Linda & Kent Whitham

From: Charlotte Brusuelas
To: Donna Lynton
Subject: Re: PZ10-002

Thank you for your response to this proposal. I will include your comments into the record for review by the decision making body.

>>> Donna Lynton <dlynton@aol.com> 11/30/2011 4:05 PM >>>

Charlotte Brusuelas --

We're sending you this email to "voice" our opinion on the proposed project (#PZ10-002) on Kennedy Meadows Road in Kennedy Meadows. We are fulltime residents in Kennedy Meadows and we do not have a problem with the Simons proposed project. We feel that in this great country of ours, when a person or persons buys property, they have certain rights to do with that property as they please; as long as its within the law!!

We feel that the Simon property should be theirs to build on it as they deem proper; as long as they follow the appropriate rules, regulations, and all procedures. We also feel that this could be a good thing for Kennedy Meadows, even though we don't want to see Kennedy Meadows grow TOO much. It could possibly bring employment up to our mountain during the building process, and it could provide jobs for people once the project is complete (i.e. a restaurant, etc.). If it goes well for them, it may also increase our property values -- which is definitely a GOOD THING!!

Thank you for your time.

Steve and Donna Lynton

From: "Dave Erickson" <derickson@cvimellesgriot.com>
To: "Charlotte Brusuelas" <CBrusuel@co.tulare.ca.us>
CC: <kmeadows@earthlink.net>, <bkimball@co.tulare.ca.us>, <derickson@hbastro...
Date: 11/28/2011 12:42 PM
Subject: Dave Erickson's retraction of Opposition to Tom Simons rezoning proposal 20111128
Attachments: KM CCRs.doc

Hi Charlotte,

A month ago I emailed to express my opposition to the change in zoning,

Change of Zone on Assessor*s Parcel Numbers 310-010-15 and 16 (78.57

acres) from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation) Change of Zone on Assessor*s Parcel Numbers 310-050-12 through 19

(329 acres) from MR-1742 (Mountain Residential-1,742,000 sq. ft.

minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum)

During the past month Tom Simon and I have been corresponding and meeting to discuss control of lighting, visibility and types of structures, and parcel uses in the Kennedy Meadows area and in particular all properties he is involved with. We have come to agreement regarding a set of KM CCR's , please see attached final draft version.

With this set of KMCCR's and our mutual agreement to their form and intent I would like to formally retract my opposition to his plan for subdivision.

Again I appreciate your effort to keep us informed, and will be glad to discuss further my retraction of opposition to the Tom Simon rezoning Project, and would like to discuss implementation of the spirit of these CCR's to the KM area...

Best regards,

Dave Erickson

VP Technology CVI Melles Griot

Property owner 98317 The Other Road Kennedy Meadows

Correspondence Received
In Opposition to the Project

From: Charlotte Brusuelas
To: rogerbegin@live.com
Date: 10/11/2011 9:30 AM
Subject: Change of Zone Proposal for Kennedy Meadows Area No. PZ 10-002
Attachments: pz10-002_buffer.jpg; pz10-002_zoning.jpg

Mr. Begin,

Thank you for your telephone call and your letter stating your concerns regarding PZ 11-001. As I explained on the phone, there is another proposal consisting of a much larger area than the one you spoke of in your letter. Please see the attached zoning map and location map which outlines the proposed sites.

The proposal is to change 78.57 acres (designated as Parcel 1 and 2 on the east and west side of Kennedy Meadows Road) from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation). The second part of the proposal is to change the zone on 329 acres from MR-1742 (Mountain Residential-1,742,000 sq. ft. minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum).

If you would like to be on the mailing list for the public hearing notices for this project, please forward your mailing address and I will make sure you are added to the mailing list. Also, if you would forward the contact name and phone number for Kennedy Meadows Property Owners Association, as well as their mailing address, I will make sure they are notified as well.

Any questions, please give me a call. My direct phone number is 559/624-7107 or you can email, which is normally faster.

From: Charlotte Brusuelas
To: Bernadette Tilger
Date: 10/14/2011 10:25 AM
Subject: Re: Change of Zone Application No. PZ 10-002 (Kennedy Meadows Restoration, LLC, Applicant)

You're welcome. Looking forward to hearing from you and your Board. I'll keep you up-to-date on any new information received.

>>> Bernadette Tilger <tilger@earthlink.net> 10/14/2011 10:23 AM >>>
I understand your position in this -- but wanted to thank you for being so conscientious. I'm glad someone is! I have strong objections to this proposal, as do a number of us on the Board – some haven't been convinced of the inherent problems. The parties involved have written their proposal in a most appealing way but just because something is presented in a pretty package doesn't mean it isn't fraught with serious flaws. Well, I won't go on about that!

Your information here is very helpful, indeed.

Thank you, very much!

Have a splendid weekend,
Bernadette

On Oct 14, 2011, at 9:55 AM, Charlotte Brusuelas wrote:

> Hi Bernadette.
> I was out of the office yesterday. First of all, you're welcome.
> I feel badly that you [and your Board] did not get the information
> sooner. But now that everyone is on board, we'll move forward.
>
> In regard to contesting the proposal, there are two ways to do so,
> one is in writing and the other is to appear at the public hearing
> and voice your concerns and/or issues. I definitely want to have
> all public opinion included in my staff report regarding this
> proposal whether it be in favor of or in opposition to the project.
>
> In regard to the response deadline, I can allow a few more days, but
> this project is getting pretty dated and we try to move applications
> along as soon as possible, no matter what the outcome will be.
>
> I do have many concerns regarding the project; however, it is
> staff's responsibility to just present the facts and the decision
> making body will determine approval or denial. All comments,
> whether submitted in writing, or made at the hearing are part of the
> public hearing process. It is important for the decision-making
> body to have all the facts.
>
> Zone changes are a two-step process; first to the Planning
> Commission (PC), who is advisory to the Board of Supervisors (BOS).
> The PC will either recommend approval to the BOS or if the PC denies
> the proposal, it is final unless appealed to the BOS.

>
> Hope this helps.
>
> Regards, Charlotte
>
>
>
>>>> Bernadette Tilger <tilger@earthlink.net> 10/13/2011 11:47 AM >>>
> Good Afternoon, Charlotte,
>
> I wanted to thank you again for bringing this matter to our
> attention. Believe me, it is spreading into our little mountain
> community like wildfire. If it weren't for you, we would not have
> known about it. I am eternally grateful to you.
>
> I have a quick question and wonder if you could help me out here (or
> point me in the right direction): What is the most effective way to
> contest this zone change? I, and others, are vehemently opposed to
> this proposal and all that it entails. Also, can the response
> deadline be extended?
>
> Best regards,
> Bernadette Tilger
>
>
>
>>>>
>>>> On Oct 11, 2011, at 5:02 PM, Charlotte Brusuelas wrote:
>>>>
>>>>> Bernadette, thank you for calling. I was glad to hear from you
>>>>> on
>>>>> behalf of the Board.
>>>>>
>>>>> Please see attached. I have attached only a couple of maps, but
>>>>> it
>>>>> will give you an idea of what is proposed and where. I will
>>>>> forward
>>>>> complete consultation packets tomorrow [to you and Mr. Ackermann].
>>>>>
>>>>> As I stated on the phone, in regard to PZ 11-001, I will extend
>>>>> the
>>>>> consultation response date on that project. That will give you
>>>>> and
>>>>> your
>>>>> Board the opportunity to review and respond to both projects.
>>>>>
>>>>> The proposal for PZ 10-002 consists of the following:
>>>>>
>>>>> * Change of Zone on Assessor*s Parcel Numbers 310-010-15 and 16
>>>>> (78.57 acres) from MR-217 (Mountain Residential-217,000 sq. ft.
>>>>> minimum)
>>>>> to CO (Commercial Recreation)
>>>>> * Change of Zone on Assessor*s Parcel Numbers 310-050-12
>>>>> through
>>>>> 19 (329 acres) from MR-1742 (Mountain Residential-1,742,000 sq.
>>>>> ft.

>>>>> minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum)
>>>>>
>>>>> LOCATION: Kennedy Meadows Community; The 329 acres proposed for a
>>>>> higher density residential zone is adjacent to, but south of, the
>>>>> primary development area of Kennedy Meadows. The 78.57 acre site
>>>>> is
>>>>> located to the east and west of Kennedy Meadows Road, within the
>>>>> primary
>>>>> development area. APN*s: 310-010-15 & 16, 310-050-12, 13, 14,
>>>>> 15,
>>>>> 16, 17, 18, & 19; Section 30, Township 20 South, Range 27 East,
>>>>> MDB&M
>>>>>
>>>>> If you have any questions, please let me know
>>>>>
>>>>>
>>>>> <pz10-002_zoning.jpg><pz10-002_vicinity.jpg>
>>>>
>>>>
>>>
>>>
>>
>>
>> <Scanned copy of Consultation.pdf>
>
>

From: Charlotte Brusuelas
To: bethbisping@iwvisp.com
Date: 10/17/2011 2:18 PM
Subject: Kennedy Meadows Project
Attachments: pz10-002_landuse.jpg; pz10-002_zoning.jpg

Ms. Bisping, please see the attached maps regarding another project proposal in Kennedy Meadows; PZ 10-002. Kennedy Meadows Restoration, LLC is the applicant.

The proposal consists of the following:

Project Proposal:

Change of Zone on Assessor's Parcel Numbers 310-010-15 and 16 (78.57 acres) from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation)
Change of Zone on Assessor's Parcel Numbers 310-050-12 through 19 (329 acres) from MR-1742 (Mountain Residential-1,742,000 sq. ft. minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum)

Location: Kennedy Meadows Community; The 329 acres proposed for a higher density residential zone is adjacent to, but south of, the primary development area of Kennedy Meadows. The 78.57 acre site is located to the east and west of Kennedy Meadows Road, within the primary development area.
APN's: 310-010-15 & 16, 310-050-12, 13, 14, 15, 16, 17, 18, & 19
Section 30, Township 20 South, Range 27 East, MDB&M

Should you have any questions, please email or give me a call. Thank you for your inquiry. Looking forward to any comments you may have.

From: "Beth Bisping" <bethbisping@iwvisp.com>
To: "Charlotte Brusuelas" <CBrusuel@co.tulare.ca.us>
Date: 10/19/2011 7:43 PM
Subject: Re: Kennedy Meadows Project

Hello Charlotte. Yes. Lorane Smith Bailey owns the 80 A. adjacent to ours that is closest to the county road. She is a cattle rancher. At certain times of the year she has her cattle on that 80 A. Lisa Rains and Craig Carr are heirs to the Carr homestead. I have contacted both and both are opposed to this project. Sorry I missed your call this morning. Beth Bisping
----- Original Message -----
From: "Charlotte Brusuelas" <CBrusuel@co.tulare.ca.us>
To: "Beth Bisping" <bethbisping@iwvisp.com>
Sent: Wednesday, October 19, 2011 7:52 AM
Subject: tRe: Kennedy Meadows Project

Ms. Bisping, One quick question. Does Ms.Smith and Ms. Rains own property in Kennedy Meadows area?

>>> "Beth Bisping" <bethbisping@iwvisp.com> 10/18/2011 9:24 AM >>>
Thank you, Charlotte. My address is P.O. Box 594, Inyokern, CA 93527. I have been able to contact two other adjacent property owners. Here are their mailing addresses. Lisa Rains (an heir to Ellen Carr's estate). Her address is 84724 Searles St., Trona, CA 93562. I also reached Lorane Smith Bailey. Her address is 24445 Hwy 178, Onyx, CA 93255. I'd like to learn more about how we should proceed in letting our objections to this project be known.
Beth Bisping
----- Original Message -----
From: "Charlotte Brusuelas" <CBrusuel@co.tulare.ca.us>
To: "Beth Bisping" <bethbisping@iwvisp.com>
Sent: Monday, October 17, 2011 3:40 PM
Subject: Re: Kennedy Meadows Project

Ms. Bisping. In regard to noticing, you would have received a public hearing notice if your property is within 300 ft. of either one of the projects being proposed. The public hearing will not be set for some time yet. The Kennedy Meadows Board should have been consulted. Apparently, they were consulted for one of the projects but not the larger one. The Board is fully aware of both projects now and will be responding.

If you would please forward your mailing address to me that would be helpful and when either project is set for hearing, I will make sure that you are on the mailing list to receive a copy of the notice. As I said, neither project will be noticed for public hearing for quite some time; we're just at the staff report stage.

>>> "Beth Bisping" <bethbisping@iwvisp.com> 10/17/2011 3:19 PM >>>
Hello Charlotte.
Thank you for sending me the maps. Yes, I am definitely opposed to the project proposed by Tom Simon to change from 40 A. parcels to 5 A. parcels. That would change the character of Kennedy Meadows. The property in the proposal is adjacent to my property. I am wondering why I wasn't informed

earlier about the proposed changes. Is that the responsibility of the homeowners' association, or is it the responsibility of the county? Please keep me in the loop and let me know of any meetings in this regard.

As for the proposed project adjacent to Goman Rd., I still don't quite understand about the additional 5 A. parcels that are owned my people other than the Thomases. Thank you for helping me to become informed.

Beth Bisping

----- Original Message -----
From: "Charlotte Brusuelas" <CBrusuel@co.tulare.ca.us>
To: <bethbisping@iwvisp.com>
Sent: Monday, October 17, 2011 2:18 PM
Subject: Kennedy Meadows Project

> Ms. Bisping, please see the attached maps regarding another project
> proposal in Kennedy Meadows; PZ 10-002. Kennedy Meadows Restoration,
> LLC is the applicant.
>
> The proposal consists of the following:
>
> Project Proposal:
>
>
> Change of Zone on Assessor*s Parcel Numbers 310-010-15 and 16 (78.57
> acres) from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO
> (Commercial Recreation)
> Change of Zone on Assessor*s Parcel Numbers 310-050-12 through 19
> (329 acres) from MR-1742 (Mountain Residential-1,742,000 sq. ft.
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>
> Location: Kennedy Meadows Community; The 329 acres proposed for a
> higher density residential zone is adjacent to, but south of, the
> primary development area of Kennedy Meadows. The 78.57
> acre site is located to the east and west of Kennedy Meadows Road,
> within the primary development area.
> APN*s: 310-010-15 & 16, 310-050-12, 13, 14, 15, 16, 17, 18, &
> 19
> Section 30, Township 20 South, Range 27 East, MDB&M
>
> Should you have any questions, please email or give me a call. Thank
> you for your inquiry. Looking forward to any comments you may have.
>

October 24, 2011

Ms Charlotte L Brusuelas - Planner
Tulare County Resource Management Agency
5961 South Monney Blvd
Visalia, Ca 93277

RE: Case No PZ 10-002 (Kennedy Meadows Restoration/Simon)

In response to your "Project Review – Consultation Notice" for the referenced case I support the County requiring the applicant to file a EIR (Environmental Impact Report) showing it's project's impact on the traffic from U.S. Highway 395 to Kennedy Meadows via Nine Mile Road.

The existing Nine Mile Road running through Inyo County to Tulare County is the main entrance into Kennedy Meadows and is insufficient in terms of width and condition to handle an increase in traffic this development would bring to the area.

An EIR, traffic study would address this issue and conclude that the existing Nine Mile Road would be severely impacted by allowing this development.

I would further suggest that if this development was approved its developer's, as a condition of approval widen and improve Nine Mile Road from U.S. Highway 395 to the project site.

I would also object to the developer's request for a modification in zoning from a 40-acre minimum (MR1742) to a 10-acre minimum. The increase in residential lots will have a significant impact on ground water usage, septic systems, and traffic. I suggest that an EIR be conducted to address these issues and a public hearing be made upon the EIR's completion.

Peter Tartaglino (Kennedy Meadows landowner)
3807 Sierra Hwy #6-4623
Acton, Ca 93510
661-510-5602

From: Charlotte Brusuelas
To: Dave Erickson
Subject: RE: Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration, LLC)

Good morning Mr. Erickson. Thank you for your comments regarding the change of zone request for Kennedy Meadows area. I am presently working on the staff report and environmental document and will be addressing the lighting issue as part of the analysis. In regard to the project, the proposal is in compliance with the Kennedy Meadows Plan, which is part of the County General Plan. That does not mean that the proposal will be approved. I will be sure to forward a public hearing notice to you and others [who are opposing the project], when the time comes. I do not have a tentative public hearing date yet.

>>> "Dave Erickson" <derickson@hbastro.com> 10/25/2011 1:22 AM >>>
Hi Charlotte,
I am opposed to the change in zoning Change of Zone on Assessor*s Parcel Numbers 310-010-15 and 16 (78.57
acres) from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation). This property includes my property (2) 5 acre parcels, I recently purchased from the parties requesting this change, where I am building an astronomical observatory. The Kennedy Meadows area is one of the few remaining dark sky sites in the continental United States suitable for deep sky long exposure astronomical study. This particular region of Kennedy Meadows appears to have ideal laminar air flow conditions needed for high resolution long exposure astronomy. This is the reason I selected the site to build an observatory. Preliminary sky quality and seeing data collected from the site supports the unique value this area offers to astronomical study of faint objects. Lighting deemed necessary by future Commercial use and protection of commercially zoned property will make this observatory and area useless for such study. I purchased this property with the present zoning, minimal lighting LZ-0 see attached model lighting ordinance, and an understanding that it would remain as such.

Regards,
Dave Erickson

-----Original Message-----
From: Charlotte Brusuelas [mailto:CBrusuel@co.tulare.ca.us]
Sent: Monday, October 24, 2011 3:02 PM
To: Dave Erickson
Cc: Ben Kimball
Subject: RE: Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration, LLC)

Good afternoon Mr. Erickson.

Thank you for your information regarding the "Model Lighting Ordinance." In order to implement particular lighting standards for the KM area, the KM Plan would have to be revised, at which time lighting standards could be incorporated, if approved by the Board of Supervisors. Although the

County is in the process of updating its General Plan, their are no short-term plans to revise or update the numerous community plans. That is not to say that a General Plan Amendment could not be processed.

General Plan Amendments require submittal of applications with the appropriate fees and may be submitted by the public. The process is a two-step process; first the General Plan Initiation (GIP) (Fee: $5,320 deposit plus $100/hr.), the second would be the General Plan Amendment (GPA) (Fee: $10,321 deposit plus $100/hr.). Additional fees for the GPA may include State Fish & Game Fees ($2,044.00), Notice of Determination Filing Fee ($58.00), and the Recording Fee (75.00).

If you have any questions or would like to discuss the process, please let me know.

>>> "Dave Erickson" <derickson@hbastro.com> 10/24/2011 1:19 PM >>>
Hi Charlotte,
Please find attached a Model Lighting Ordinance I'd like to work toward having KM be a LZ-0 or at worst an LZ-1. How can I help make this happen?

Best regards,
Dave

-----Original Message-----
From: Dave Erickson [mailto:derickson@cvimellesgriot.com]
Sent: Wednesday, October 19, 2011 9:31 AM
To: Charlotte Brusuelas
Cc: Dave Erickson
Subject: RE: Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration, LLC)

Hi Charlotte,
Thanks for the email notifications.

Regards,
Dave

-----Original Message-----
From: Charlotte Brusuelas [mailto:CBrusuel@co.tulare.ca.us]
Sent: Wednesday, October 19, 2011 10:11 AM
To: Dave Erickson
Subject: Change of Zone No. PZ 10-002 (Kennedy Meadows Restoration, LLC)

Mr. Erickson, per our telephone conversation today, please see the attached graphics.

Project Proposal:

Change of Zone on Assessor*s Parcel Numbers 310-010-15 and 16 (78.57

acres) from MR-217 (Mountain Residential-217,000 sq. ft. minimum) to CO (Commercial Recreation) Change of Zone on Assessor*s Parcel Numbers 310-050-12 through 19 (329 acres) from MR-1742 (Mountain Residential-1,742,000 sq. ft.
minimum) to MR-435 (Mountain Residential-435,000 sq. ft. minimum)

Location:
Kennedy Meadows Community; The 329 acres proposed for a higher density residential zone is adjacent to, but south of, the primary development area of Kennedy Meadows. The 78.57 acre site is located to the east and west of Kennedy Meadows Road, within the primary development area.
APN*s: 310-010-15 & 16, 310-050-12, 13, 14, 15, 16, 17, 18, & 19
Section 30, Township 20 South, Range 27 East, MDB&M

As I previously indicated, you will be notified of any public hearing on this proposal. Should you have any questions, please call or email.

From: Charlotte Brusuelas
To: Gill Cornell
Date: 10/25/2011 7:48 AM
Subject: Re: PZ 10-002 (Kennedy Meadows Restoration, LLC.) and PZ 11-001 (Thomas)

Good morning Mr. Cornell. Thank you for your comments regarding the two change of zone proposals for Kennedy Meadows area. Your email will become part of the record and be presented to the Planning Commission. There are two ways to oppose a project; one is to write a letter in which you would state your concerns (in as much detail as possible), and the second is to appear at the public hearing and state your concerns directly to the Planning Commission and/or Board. Should you wish to forward a letter, please send it to the attention of myself. The letter will be presented to the Planning Commission at the first public hearing.

In regards to the 40-acre parcels, an amendment to the Kennedy Meadows Plan was approved which would allow the 10-acre parcels. That does not mean the proposal will be approved. I am presently working on the staff report and the environmental document. There are several issues to be addressed, two of which are lighting and noise, as you mentioned.

I do not have a tentative public hearing date but I do have your name and address and I will make sure you are notified if and when the project is scheduled for public hearing. There are two steps to the process: 1) Planning Commission review, which would be in an advisory capacity to the Board of Supervisors; 2) Board of Supervisors will make the final decision. Both meetings are public hearings.

Should you have additional questions, please let me know.

>>> Gill Cornell <cornellgj@verizon.net> 10/24/2011 9:20 PM >>>
Charlotte, per our phone conversation both my wife Dorie are against any changes in the land allocation in the Kennedy Meadows area, namely the following 2 proposals:
PZ 10-002 (Kennedy Meadows Restoration, LLC.) and PZ 11-001 (Thomas).

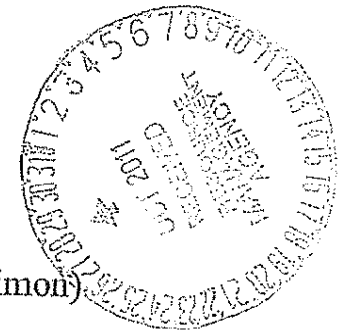
We feel the environmental impact would be great with any changes to the 40 acre lots downsized to 10 acre single family lots. The 40 acre allocation was set sometime around 20 years ago to protect the area from overcrowding, water usage, noise (generators which is an issue even with the limited # of folks up there now) as well as light impacts.
We are particular bothered by the commercial proposals for horse boarding, lodges, etc. The area is one of the last that is OFF the grid, fairly quiet, low impact etc. and many, if not all the Kennedy Meadow residents would like to keep it that way.

Please advise on any other action we need to do to get our opinion registered with the county.

Thanks again!

Gill & Dorie Cornell
760.608.1776 (cell)
559.850.8879 (KM home landline)

October 25, 2011



Visalia Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

RE: Case No. PZ 10-002 (Kennedy Meadows Restoration/Simon)

As a property owner directly across Kennedy Meadows Rd. from this location, I do NOT WANT THE ZONING CHANGED. Dividing 329 aces into 10 acre parcels would have a NEGATIVE ENVIRONMENTAL IMPACT.

As you may or may not know, this hillside is recovering from a forest fire. Tainting this natural hillside with trailers, motorcycles and generators will not only impact the delicate recovery of the ecosystem of the forest on that side of Kennedy Meadows Rd, but mine as well. Noise from traffic, generators and screaming motorcycles will violate the peacefulness of our non-commercial lifestyle. Animals such as deer, rabbits, bear, mountain lions and birds call this area home. Surely the owners, would be developers, were well aware of the zoning codes at time of purchase. Stepping into a small rural community with big bucks and forcing a lifestyle change on residents is not popular. The government has already ruined the fishing on the Kern River; please don't agree to this too.

Erosion of this hillside caused by the increase in motorized vehicles may cause mud slides or floods damaging the highway. Dust and dirt airborne from racing motorized vehicles such as motorcycles and quads will settle on scrubs and trees interfering with natural growth further impacting the forest and animal's food sources negatively.

I urge Tulare County and the Visalia Resource Management Agency NOT TO CHANGE THE ZONING without at the least doing an Environmental Impact Report.

Sincerely yours,
Bonnie Ackermann

Bonnie Ackermann
98831 Sierra Meadows Rd.
Kennedy Meadows, CA 93527

FAX: 559-770-2653

CASE NO. PZ11-001 (THOMAS)

ROGER K. BEGIN - PONDEROSA KENNEDY MEX.

MY PROTEST IS GENERATOR NOISE

WHEN YOU WANT TO BUILT OUR PROPERTY.

THANK YOU.

R K B.

10-7-11

FAX COVER PAGE

DATE: 10-26-2011 Page 1 of

TO: Visalia Resource Management
CHARLOTTE BRUSELAS

FAX NUMBER: 559-730-2653

FROM: Bonnie Ackermann
TELEPHONE NUMBER: 626-862-0148

MEMO: RE: CASE NO. PZ 10-002
KENNEDY MEADOWS RESTORATION/SIMON

Please make sure the following information is presented to the Board — Thank you,

30 OCTOBER 2011

Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Attn: Project Planner Case No. PZ 10-002
(Kennedy Meadows Restoration/Simon)

We oppose Project Case No. PZ 10-002 (Kennedy Meadows Restoration/Simon).

Kennedy Meadows is a small, isolated rural community in the Eastern Sierra Nevada with approximately 50 full-time residents and an additional 150 part-time property owners.

People who own property in Kennedy Meadows have come there to enjoy a special life style and have chosen the ruggedness without the majority of modern conveniences available in larger communities. Responses to every questionnaire of property owners have overwhelmingly wanted the status quo to remain without further development and additional people. The last questionnaire in 2010 had a 70% response in favor of "staying the same".

It is important that you listen to the wishes and desires of the local residents and property owners who do not want to end up like Big Bear or Arrowhead.

1. Who makes up the Kennedy Meadows Restoration, LLC? Where do they get their funding? Private backers? Government grant?

2. They want commercial uses such as grocery store, sporting goods store, motel, lodge, restaurant, supply store, storage facilities and other businesses that will benefit local residents, increase employment opportunities in the area and increase sales tax and property tax revenues.

   There are already three businesses in Kennedy Meadows—one is closed down and inoperative; one is barely hanging on; and one is thriving during summer months. None of the businesses can maintain a thriving business year-round. Local residents either support the existing businesses or go off the mountain. The community could not support another grocery store or sporting goods store.

   A motel, lodge or restaurant would perhaps attract visitors, which would cause more traffic and overuse of natural resources. All of the roads off the main Kennedy Meadows Road are "private" roads and not to be used by visitors for either sight seeing or unlawful use of off-road vehicles.

   Of the fifty local residents in Kennedy Meadows the majority are retired, not employable or desiring of employment. Therefore, residents don't really want or need employment opportunities.

If Tulare County wants more property tax revenues, we suggest the County do an aerial survey and send your code enforcement person over to do an in-depth survey of the numerous shops, barns, buildings, "temporary" trailers on large parcels, that are non-permitted and, therefore, not paying their share of property taxes.

3. We would take exception with the statement that a 40-acre minimum parcel size is not a viable single-family size parcel. The people in Kennedy Meadows enjoy their privacy and 40 acres is a very desirous size property.

What sort of mitigation would Tulare County receive from both the US Forest Service and the Bureau of Land Management for increased use of our roads and trash service?

During the winter, in snow season, Tulare County uses a local contractor to keep our main road passable—would this change, be increased?

Kennedy Meadows is serviced by a Volunteer Fire Department of whom the few members are mostly two to four hours away. There are perhaps one or two local Volunteer firemen—this presents a big problem in the event of any development.

How would Tulare County finance the developing needs incurred by this large development?

Currently there are extensive "for sale" signs around Kennedy Meadows, and only one has sold lately—at an extreme bargain price. How can there be a market for further development?

An additional 31 five-acre lots and 33 ten-acre lots would mean another 64 septic systems, wells, generators. One of the primary complaints from Kennedy Meadows people is "noise". An additional 64 generators, vehicles, off-road vehicles==lots and lots of disturbing noise.

Will Kennedy Meadows get more law enforcement? More medical emergency services? Schools? Commensurate with the population growth?

We oppose this project. It is not good for Kennedy Meadows, not wanted by Kennedy Meadows property owners, expensive for Tulare County and not in keeping with our rural life.

Please send us a notice of any public hearing on this zone request.

DENNIS SIZEMORE
100033 Long Canyon Trail
Kennedy Meadows 2 B 13
Inyokern, CA 93527

559-850-1300/760-37-4905

kdsizemore@gotsky.com

KAREN SIZEMORE

PAT O'CONNELL
ATTORNEY AT LAW
100 OCEANGATE #504
LONG BEACH, CA 90802

(562)590-3707
Fax:(562) 435-7671

Fax cover sheet:

Send to: Resource Mgmt
Fax number: (559) 730-2653
RE: PZ10-002

Number of Pages including cover sheet: ___

Comments: I face the 329 acre parcel. I do not want to see 32 or so, single family homes as my front view. This is a quiet community; Not a money making source for Mr. Simonich. This area is suited for "rural" Living.

Pat O'Connell

Fax Transmittal

November 1, 2011

To: Tulare County Resource Management Agency
Attention: Charlotte Brusuelas, Planner III
Fax (559) 730-2653

From: Susan Miller, Kennedy Meadows Property Owner
Email address: miller1303@sbcglobal.net

Re: Case No. PZ10-002 Kennedy Meadows Restoration/ Simon

Attached is a letter stating our concerns with the rezoning application of the above project.

This transmittal contains 6 pages including this cover sheet. Please advise us at the above e-mail address if you do not receive all pages or if any pages are unreadable. Thank you.

#3

October 30, 2011

Tulare County
Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

RE: Case No. PZ10-002 Kennedy Meadows Restoration / Simon

Dear Charlotte Brusuelas, Planner III and the Resource Management Agency,

As a concerned property owner of a Kennedy Meadows parcel that has been in our family since 1919 and is in the northwest end of the small valley impacted by the proposed development, we have reviewed the proposed zone change (PZ10-002) and have listed a number of concerns that we have with the proposal and the statements made by the applicant. We disagree that there is no significant effect on the environment and request that the applicant or the County prepare an Environmental Impact Report and address the items listed below:

Aesthetics

- The project would have a scenic affect on the surrounding vistas and neighboring properties by blocking the views of our pristine Dome Land Wilderness Area and the valley west of the project.

- The project starts in the main valley of Kennedy Meadows and goes into a smaller valley where there are only a few small scattered residences. This will destroy the existing property owners' views of the area and add to noise and light pollution.

- The light and glare off the windows of the proposed residential and commercial buildings will be detrimental to the existing dwellings in the area. There is currently one existing dwelling near the proposed project site that requires us to shade our home from the view of his building and surrounding vistas due to the sun reflecting off his windows at certain times of the day. With 33 proposed new residences and an undetermined number of new commercial buildings, we expect this to increase by 33 or more times.

- The addition of the lights from this proposal will also create significant impact on the neighboring property where none currently exists. When it is dark, it is dark - with very few lights in the area. For those of us who enjoy star gazing, the additional lights will make that almost impossible. We have members in the family that use our property specifically to view stars and track the planets. Where will they go?

- Since there is no electricity in the area, how will the new solar panels, wind turbines and gas generators affect the visual, noise and air quality?

Agriculture and Forestry Resources

- The applicant indicates that there is no significant impact on the loss of forest land. We disagree. This entire area was decimated by the Mantar Fire a few years ago and the trees were never re-planted. Will tree restoration be required by the applicant?

- Has the State Department of Conservation been notified to determine if this area is important to them as grazing land and will it require a 40 acre minimum parcel size under their FMMAP program? Free range cattle do currently travel across the proposed site.

- Will the owners of the surrounding properties that are currently zoned for agricultural use be prohibited from grazing cattle or livestock or pursuing other agricultural activities in the future due to this zone change and division of the properties into smaller lots? Often owners of small lots do not want activity on surrounding lots that is not consistent with their own. (for example-no livestock smells, crowing rooster, etc).

Air Quality

- The subject land use activities will add significant increases to air-pollution and loss of air quality that we and the State of California insist on.

- Fugitive dust and air pollution will be increased from the onsite grading activities and continue to increase with every vehicle that goes in and out of the subject property and across the new dirt roads that are created. This sediment will eventually go into the creek adjacent to this property and into the South fork of the Kern River.

- The air quality will be affected by the initial grading and construction activities of the project and will continue to degrade after the construction ceases. The sandy soil in the area and the decomposed granite proposed for the new residential roads will release more silica dust. The additional roads will add air pollution to the area due to the increased vehicle, motorcycle and ATV traffic. Additional traffic on existing roads will greatly increase as the owners of the new lots seek to access the Dome Land Wilderness area, which adjoins our property, and other recreational areas. Currently motorcycle and ATV use is restricted near our property due to the heavy amounts of dust.

- The additional traffic created by the new commercial use will increase noise and air pollution. Vehicles using the Nine Mile grade will add traffic to an already dangerous, twisting road that cannot support the traffic we already have. The road is not maintained as well as it should be and the one lane traffic created by trailers and other large vehicles is extremely dangerous due to the cliff that drops off the side of the road with its crumbling edges and the tight turns around the mountain.

- The Nine Mile Grade road travels through two counties. How will it be maintained for the increased traffic?

- The diesel fuel from the big trucks will have a significant impact on the air quality posing a health risk.

- Delivery vehicles parking and delivering supplies to the businesses will often idle for hours at a time and add to the noise and air pollution that we currently seldom see or hear.

Biological Resources

- The proposed project location is in a fragile High Desert environment which can easily be damaged. It can take years and even decades for this type of environment to recover. What measures will be in place to insure that any damage as a result of this development in the present and in the future will be repaired?

- The applicant indicates that there is a dry wash that travels through his property and that there is no environmental impact to the area. When in reality, that dry wash opens into a running stream and a meadow further down its course before it returns underground and makes its way to the South fork of the Kern River. This creek area is used by bear, coyotes, deer, mountain lions, bobcats, cottontail rabbits, jack rabbits, various lizards and snakes, as well as other wildlife. A variety of bird species including woodpeckers sparrows, meadow larks, swallows, red-wing blackbirds, blue jays, bull bats and hummingbirds migrate into the area as well. Eagles, hawks and owls hunt in the area. There were fish in the creek years ago, we do not know if they are there currently. Many of these animals travel through our property on their way to the creek and flocks of birds settle in our trees to be close to this watering hole. Will the Department of Fish and Game or other agencies address how the erosion, oil and other debris that flows into the creek from this project will affect these animals?

- The addition of this project and the new wells that will be added can affect the flow of water to the creek and the depth of the existing wells in the area. The water level seems to be decreasing over the years. When my father grew up in the area in the 1920's the creek ran throughout the year and the meadow was lush. He talks about watching his mother struggle to pull their cow out of the meadow which was a "bog". When I visited the area in the 1960-1970's the meadow was still marshy in areas and the creek still flowed noticeably. Currently the creek is sometimes no more than a trickle. There are still undeveloped lots in the area. Adding these to the commercial and 33 residential lots in this proposed development, there could be a significant decrease in water levels which might dry up the creek area and local wells. How will this be mitigated?

- With the high density of homes and people using this area, there will be more human interaction with the bear population. Does this mean that more of the bears will have to be killed to make the area safe for more people?

- Given the size of the project we estimate that large propane or fuel oil tanks will be required to supply the commercial facilities. What measures will be taken to prevent the fuel oil from spilling onto the ground and contaminating the water?

- Will a large propane tank farm be created and will additional fire protection have to be provided? Will the applicant be responsible for this additional cost?

Cultural Resources

- Are there measures in place that will be used to protect the area if artifacts from Native American and Early settlers are found during development and construction?

Geology and Soils

- The applicant indicates that he would like to defer the liquid waste and sewage disposal criteria of his report until the actual project is designed and building permits are issued. Unfortunately, we are concerned that a sewage disposal system of this magnitude can affect the existing wells, water and underground streams adjacent to this area. It is known that many of the wells in the area are less than three hundred feet deep and may be affected by this project. Our well for example is 245' deep and we would like to ask the County or applicant to address this issue before this project is approved. We are concerned about the placement, the depth and size of a sewage disposal system and where it will be placed on the property. Will there be a sewage treatment plant required, mounded and monitored septic systems, etc?

- Sediment and oil created from vehicles parked in the new commercial building parking lots will run across the property into the creek leading into the South fork of the Kern River and Dome Land Wilderness area polluting the water and killing the fish.

- The erosion and dust pollution created by the removal of vegetation and the added State Fire Safe Regulations and Defensible Space requirements mandated by the State will increase the flow of sediment into the creek, South fork of the Kern River and Dome Land Wilderness Area as evidenced by the additional erosion that has taken place from properties that have already met their defensible space requirements.

- The added vehicle traffic for the commercial uses and the traffic to the new single family homes will add to the erosion, sediment and oil pollution problems that we currently do not have.

Greenhouse Gas Emissions, Regulatory Framework and Public Services

- How will the carbon dioxide fumes from the 33 new gas generators and countless commercial buildings be mitigated to keep our air clean and to comply with the State's requirement for more clean air? We believe there will be a significant impact on our environment.

- We believe there will be a tremendous increase in greenhouse gas emissions from all the new gas heating appliances, wood stoves, delivery vehicles off loading their supplies, additional vehicle traffic to and from the site, additional use of the new and existing dirt roads, additional draw on our volunteer fire department, police department, and the need to extended county offices such as the Building and Planning Departments to perform their inspections and approve their uses.

- The addition of the lights from this proposal, as noted previously, will also create significant impact on the neighboring property where none currently exists.

- If this project is approved, will the increased population have an impact on public services? Will the county require additional fire protection, police protection, additional schools, parks and other public facilities? Will the applicant be responsible for paying all development fees to support these added services to this proposed subdivision and commercial development?

Hazards and Hazardous Materials

- Since the applicant did not discuss the hazards associated with the project, we would like the County to address what will happen if there are any leaks when refueling the propane tanks, or what happens when gas is spilled on the ground from the vehicle fueling station/ fuel island? What protections will be in place to prevent the oil and gas debris from entering our water supply system throughout the entire year that these businesses are occupied and in operation? Please note that snow removal can have a major impact on ground. water and air pollution.

In addition to the comments above, we are concerned that the applicant wants to postpone these issues rather than addressing them as a whole development. Some of the issues can not be addressed until it is known exactly what the commercial establishments will be. If hotels, motels or camp areas are included, the negative impact to the area will be compounded. We ask that the Resource Development Department consider this development as a "whole" rather than the "piece meal" approach requested by the applicant in order to address all of the negative impact that the entire built out development will impose on the small valley we live in.

We believe this project will have a significant impact on the quality of the environment, the water supply systems and the animal habitat. It will increase noise, air pollution, water pollution, visual pollution, traffic pollution, as well as erosion, and substantially reduce the animal habitat for fish, birds, bear; coyotes and other wildlife species. We do not believe there are any short term items that can be mitigated and that this zone change will only add to the degradation of the area.

Thank you for your consideration of the issues we have listed above. We request notification of any hearings or any determinations that are made regarding this proposed project as it greatly affects our property to the northwest of the proposed development.

Sincerely,

Susan A. Miller

Susan Miller
Ronald Fertig,
Lucille Fertig, and
Nancy Grunewald
Owners of parcel #310-070-012-000

Contact info:
Susan Miller
P.O. Box 9801
Truckee, CA 96162
e-mail: miller1303@sbcglobal.net

5

Joanne Benedetto
5813 Trapper trail
Anaheim Hills, CA 92807
(714) 998 8541

November 1, 2011

Resource Management Agency,
5961 South Mooney Blvd,
Visalia, Ca 93277
Tel. 559 624 7000
Fax. 559 730 2653

Subject: Case No. PZ 10-0002(Kennedy Meadows Restoration/Simon)

To whom it may concern,

I am writing in response to the project review-consultation notice that was sent out by Charlotte L Brusuelas on October 12, 2011. As a land owner (parcel NE-4 of NW4 21-22-36), I would like to inform the Tulare County Resource Management Agency that I am not in favor of rezoning the property listed. I would like to see the application for the Change of Zone denied. Please use this letter to show my vote as a "No" on the change of zone to commercial. Also my vote is "No" to zone the 329 acres into 10 acre lots for single family homes.

Sincerely,

Joanne Benedetto

From: Lisa Rains <lirains48@yahoo.com>
To: "CBrusuel@co.tulare.ca.us" <CBrusuel@co.tulare.ca.us>
Date: 11/02/2011 9:22 PM
Subject: Kennedy Meadows Project Kennedy Meadows Rest. 329 acres prop for Zone Change

Ms. Brusualas: This is the first email I am sending with regard to PZ 10-002. As you know I am totally opposed to the rezoning of this area. Especially the western-most 160 acres, as they are in immediate proximity to our property.
So far, there have been 6 generations in our family that make or have made use of our property. First as their home, and now as our favorite vacation spot. My mother was five years old when she moved there with her family in 1920. They moved there for her health, as she had asthma, and her parents were advised to get her to the mountain air or lose her. Her asthma cleared up completely almost immediately. I wonder if it would have worked with several families and their animals in the area kicking up dust...

I am concerned that many wells between the mountains and the creek would dry the creek up, or at least greatly lessen the underground flow. There is so little water now, in comparison to less drought stricken years The creek runs along three 40 acre parcels that belong to us. The water flows toward our property from east to west, and would directly affect ours. Several miles of the creek would be affected by zoning changes of the properties owned by Kennedy Meadows Restoration LLC aka Simon Jacobs & Simon. Is there a law or ruling about Wet Lands?

Do the applicants plan to make the Nine Mile Road more safe and drivable for all these families or would that problem go to Kern County, or even Tulare County?
Do they have a plan for medical emergencies? The more people in the area, the larger chance of multiple emergencies at the same time.

There are several Indian relics still to be found in that general area. On our property, there is an area which the locals call The Kitchen with mortar holes, etc. We have enough trouble keeping people out and away from hunting for arrowheads in that area. Does the seller plan to fence his property? What is to keep them from coming over into our property to hunt for Indian relics, as well as for game, or to wade in our creek? Is there a law or ruling about historical Indian areas?

There are many 10 acre parcels across Kennedy Meadows Road that are for sale and have been for some time. This area should be kept as pristine as it has been for centuries.
I am just getting started, but it is - a start.
Thank you for your time.

11/2/11

Michael & Cheryl Greslie
10336 Penrose Street
La Tuna Canyon, Ca 91352
818-294-2170
APN# for our property in Kennedy Meadows is 310-010-04

Tulare County Resource Management Agency
Visalia Resource Management Agency
Attn: Charlotte Brusuelas
Fax 559 730-2653

Re: Case No. PZ 10-002 (Kennedy Meadows Restoration/ Simon)

Dear Tulare County Resource Management Agency:

We oppose the above Land Development permit and Zone Change. And request that The Tulare County Resource Management Department DENY this case for the proposed Zoning of Commercial Recreation and Mountain Residential.

This proposed zone change is not consistent to the General Plan of 1986 Mountain Plan. The CO Zoning is definitely not conducive to the existing community, and will not benefit the existing residents and property owners at all. The businesses are not probable at all and would create a Ghost Town in no time. There is no need for the recreational area proposed as there is already plenty recreation available throughout Kennedy Meadows.
And, the proposed reduction to the MR1742 (40 acre) minimum parcels, is also not conducive to the existing community plan. These lots are in line with agricultural uses and also in line for the purpose of single family residents and these parcels should be preserved to maintain the rural lifestyles of the property owners that own property or live in Kennedy Meadows for this exact lifestyle. There are already many smaller lot sizes that can be purchased so there is no need to break down these MR1742 (40 acre) lots.

The Applicant is pretty vague in the answers given in application questions numbers 4-13., with no definite plans at this time.

The roads leading into & out of Kennedy Meadows are below standard and would not accommodate the approval of this zone change.

Sincerely,
Michael & Cheryl Greslie

From: rick lau <rlconcrete@gmail.com>
To: <cbrusuel@co.tulare.ca.us>
Date: 11/02/2011 4:35 PM
Subject: Fwd: Case # PZ 10-002 Attn.Charlotte Brusuelas

---------- Forwarded message ----------
From: rick lau <rlconcrete@gmail.com>
Date: Wed, Nov 2, 2011 at 4:23 PM
Subject: Case # PZ 10-002 Attn.Charlotte Brusuelas
To: cbrusuel@co.tulare.ga.us

As a property owner in Kennedy Meadows I strongly oppose this rezoning proposal. This is a unique area totally off the grid and that is what is so special and appealing, slow pace. There are plenty of existing smaller properties allready here. (2.5ac.-5ac. etc.) This proposal would change everything. There are business up here allready that barley get by, we need to support them not add competition. The Idea of all these new business is a joke. This applicant bought all this property at a fire sale and cant get rid of it, so they want to change all that is appealing about the area. If they wanted Big Bear or Mammoth they should of bought there.

Sincerely Rick Lau, APN: 310-010-04

To:	Charlotte Brusuelas	**From:**	Rich Breen: 818-848-7326
Fax:	15597302653	**Pages:**	3
Re:	Respone to Case No. PZ 10-0(	**Date:**	Nov 02, 2011

Urgent **For Review** **Please Comment** **Please Reply** **For Information**

• Comments:

Thank you for considering this!

Best,
Rich Breen

TO: Ms. Charlotte L. Brusuelas, Planner III

FROM: Rich Breen / Kennedy Meadows Property Owner

DATE: Tuesday, November 1, 2011

RE: Case No. PZ 10-002 (Kennedy Meadows Restoration/Simon)

1. A 78-acre recreational type facility (which may include a grocery store, sporting goods store, motel/lodge, restaurant and supply store) off Kennedy Meadows Road.

2. And a 329-acre parcel area prepared for single family, 10 acre parcel home sites also located off Kennedy Meadows Road

As a Kennedy Meadows property owner, I wish to express my opposition to the above proposed rezoning for the following reasons:

- The last thing this area needs is more commercial property, smaller parcel sizes, and another failed business – there are already several failed businesses on commercial properties lining the otherwise picturesque main road which goes through Kennedy Meadows – these properties are an eyesore, and ruin the appearance of the area to those who travel through and those who live there. There is no great clamoring for additional commercial property in the area; it's a very small off-the-grid community of a few dozen (50 maximum) full-timers, and weekend property owners. There is no need for more small residential parcels, as there is already a surplus of properties for sale up there (most of which have been on the market for years).

- The community simply cannot support more commercial ventures; there is currently only a small general store which is barely supported by the full-time residents, hikers, hunters, fisherman and weekend residents – as it is this business and the other small restaurant/bar are barely hanging on.

- More commercial property will only stress the existing infrastructure (a small volunteer fire department, and a dump site

tended by one county employee who also plows the main road and provides other maintenance services).

- The area is a dark-sky haven for star gazing, and most of the land owners there go there to get away from machines, noise, and traffic. More commercial property will bring in more noise, more night-time light, and more traffic.

I fear it's just not practical to bring a successful commercial venture of the type proposed to this area, and the notion of dividing the large parcels into smaller ones is simply an attempt by the owner of that property to unload something that he can't unload in it's current state.

Thank you for your consideration.

Sincerely,

Rich Breen

Property Owner; Kennedy Meadows

818-848-1823

To:	Charlotte Brusuelas	**From:**	Rich Breen: 818-848-7326
Fax:	15597302653	**Pages:**	7
Re:	Case No. PZ 10-002 (Kennedy /leadows Restoration/Si	**Date:**	Nov 02, 2011

Urgent **For Review** **Please Comment** **Please Reply** **For Information**

• Comments:

Charlotte - Thanks for your consideration!

Bernadette Tilger

TO: Ms. Charlotte L. Brusuelas, Planner III

FROM: Bernadette Tilger, Kennedy Meadows Property Owner , Board member of Kennedy Meadows Property Owners Association.

DATE: Tuesday, November 1, 2011

RE: Case No. PZ 10-002 (Kennedy Meadows Restoration/Simon)

I oppose to this proposed rezoning effort.

As a Kennedy Meadows property owner, I wish to express the many concerns I have regarding Case No. PZ 10-002 (Kennedy Meadows Restoration/Simon). This proposal calls for re-zoning the named parcels to commercial with said businesses being:

1. A 78-acre recreational type facility (which may include a grocery store, sporting goods store, motel/lodge, restaurant and supply store) off Kennedy Meadows Road.

2. And a 329-acre parcel area prepared for single family, 10 acre parcel home sites also located off Kennedy Meadows Road

My concerns are as follows:

1. Re-zoning the Simon/Jacobs parcels to one of commercial status:
    a. There are two businesses / commercial areas currently operating in Kennedy Meadows which house Grumpy Bear's and The General Store. Both are, for the most part, seasonal operations. Grumpy Bear's is struggling (no matter the season) and The General Store is, for the most part, closed during the colder months when only full-time residents and those who are "week-end" property owners visit the area;
    b. For many reasons, the community at large has expressed no interest in re-zoning private property into commercial property: Kennedy Meadows is a remote, off-the-grid community with very limited resources to support more

commercial venues. An overwhelming number of residents and property owners in Kennedy Meadows, Tulare County are not interested in developing this quiet, mountain community (This is based on a 2010 poll of 70% in favor of no further development and, likewise, have expressed a keen interest in keeping Kennedy Meadows as it currently exists.);

c. This is the very reason many in this community chose to purchase property in Kennedy Meadows: It is the quiet, close-to-nature, open-space environment we wish to uphold;
d. The residents and property owners of Kennedy Meadows also greatly appreciate the quiet, low-traffic, off-the-grid nature of this remote mountain community and wish to keep it in its present state. We are not interested in more commercial property. With approximately 50 full-time residents and a smattering of week-end/vacationing property owners this community does not need yet another grocery, sporting goods, supply store or a restaurant, lodge or motel. Everyone has their own lodging. If supplies are needed residents have always obtained their goods from the Ridgecrest/Inyokern business communities. And this has served all communities well.

2. A 78-acre recreational-type facility:
    a. There is no viable year-round recreational activity in Kennedy Meadows, Tulare County, CA;
    b. Kennedy Meadows hosts Pacific Crest Trail hikers, campers, fishing enthusiasts (although this activity has declined), and seasonal, and very limited, deer hunting (there are, actually, better places to hunt deer) for a few short months. The rest of the year, Kennedy Meadows, Tulare County, is a quiet mountain community and the residents and property owners prefer it remain thus;
    c. There is currently a commercial property – adjacent to the General Store -- which is listed as a lodge-type property. This property has been on the market for many years with no indication that it will be sold any time soon. There is

another abandoned business (known as Irelan's) that has also been on the market for years and is now an eyesore;

d. Simply stated, a 78-acre recreational-type facility would be a foolhardy venture. The residents of Kennedy Meadows would have no vested interest in having yet another failed recreational facility sitting empty and un-utilized; it will not bring employment to the community – employment which is not really needed in the first place;
e. Kennedy Meadows property owners wish to support existing businesses already established in this mountain community;
f. The Simon/Jacobs rezoning proposal claims that it will bring employment to the residents of Kennedy Meadows however, it is unclear who these unemployed individuals might be since most of the 50 full-time residents are retired, not interested in employment or are unemployable. These "employees" would be coming into the Kennedy Meadows community from surrounding areas and will not be Kennedy Meadows residents.
g. Most importantly, Kennedy Meadows, Tulare County, CA does not have the infrastructure needed to support the proposed 78-acre recreational type facility nor the 10-acre home site parcels – which would cover a 329-acre area. (Please refer to "infra-structure issues addressed below).

3. A 329-acre parcel area prepared for single family, 10 acre parcel home sites also located off Kennedy Meadows Road
   a. It is interesting that the Simon/Jacobs consultation package is named the "Kennedy Meadows Restoration Group" when the proposed plans for these sites clearly will not restore the area rather, it will serve to burden the sensitive mountain ecosystem through subdividing open space;
   b. This portion of the Simon/Jacobs proposal claims: "...The present MR1742 (40-acre) minimum parcel size is more in line with agricultural uses and is not a viable single family size parcel (too large to enjoy as a single family residential site and too small to be a viable agricultural site due to the location of the property). 40-acre parcel size is too large to maintain for wildlife [sic] prevention." Yet I put it to you

that most residents in Kennedy Meadows find 40 acres+ highly valued – no matter where on the mountain it is situated. I have many friends in Kennedy Meadows who wish they had 40 acres to call their own. With this in mind, their statement as to the functionality of 40 acres vs. 10 acres is presumptuous;

c. Simon/Jacob's efforts to whittle down their 40 acre parcels into 10 acre parcels is merely an attempt to sell off acreage they have been unable to sell (like so many other properties that have been on the market – for years – in Kennedy Meadows). Their intentions are *not* to "restore" Kennedy Meadows, rather, it is an attempt to recoup lost investments.

4. Infra-structure Issues:
   a. The limited resources Kennedy Meadows has at its disposal are: A volunteer fire department (comprised of Kennedy Meadows residents), an emergency rescue team (comprised of five, full-time residents – one of whom is a seasonal resident), a limited and, during the height of the camping and hiking season, very taxed waste disposal system. (All waste must be deposited in one of two dumpsters and then separately hauled down Nine Mile Canyon Road. We have one Kennedy Meadows resident who handles this oftentimes-monumental task.)
   b. One individual who plows Nine Mile Canyon Road and Kennedy Meadows Road is also a Kennedy Meadows resident
   c. Kennedy Meadows is a mountain community that is not easily reached. There is only one access road leading to Kennedy Meadows and that road is Nine Mile Canyon. Caution is needed when driving Nine Mile Canyon Road as the drop-off is very steep and, at one point along the Road, it is one-lane with blind curves. There are no guardrails along Nine Mile Canyon Road;
   d. The Kennedy Meadows community relies on solar, wind, and when absolutely necessary, generators to run our homes and the few businesses in this community. No one is

interested in bringing more noise and light-generating businesses to the community.

e. The community at large is not interested in adding more ambient light which a commercial / business would certainly require;

On this note, the *Los Angeles Times*, August 2008, issue featured an article on the top 10 stargazing locations in Southern California listing Kennedy Meadows, Tulare County, CA among the top. Hugo Martín, *Los Angeles Times* Staff Writer, states: "*Kennedy Meadows. ...It's a favorite among trout-hunting anglers but stargazers also rank it as one of the **best places in the country for getting an undiluted view of the night skies.** Although getting to this campground is quite a trek, visitors will be rewarded with a spectacular view visitors will be rewarded with a spectacular view. Directions: From U.S. 395, just north of the Inyo County line, take Ninemile [sic] Canyon Road west for about 25 miles and follow the signs to Kennedy Meadows. The campground has 38 sites, bathrooms and running water. Overnight fees: $5. A small general store operates on the road just outside the campground."

ii. To access this article, go to: http://www.latimes.com/travel/la-trw-meteor11-2008aug11,0,7082353.story

As property owners we chose this area above other developed mountain communities such as Arrowhead, Big Bear and Mammoth, because of its pristine, unobstructed mountain views. It is the "living close to nature" aspect of owning property in Kennedy Meadows that has brought us here. We do not want an influx of businesses and people stressing our limited resources and our delicate environment. Opening up Kennedy Meadows to more commercial ventures is an absurd proposition on all levels.

I believe we need to consider the proposal's broader implications. What does it mean for the existing community? Building a lodge will – IF it is successful -- place an unprecedented burden on the infrastructure of

our community: There will be a large influx of people. Can our small location handle the traffic? Will our roads holdup? Will our water hold out? With so many visitors coming and going, will we then require a police force to handle the revelers? We will surely need to beef up our emergency response team. Will these lodge guests trespass onto private property?

The Simon/Jacobs proposal speaks of fire hazards; Well, I couldn't think of anything more hazardous then bringing more people – some careless, some accident-prone – to a small mountain community such as Kennedy Meadows. Last, but certainly not least, we also need to be concerned about available water in Kennedy Meadows – accessible via private well only. How will the added burden of these commercial venues affect the water table? Wells have, and continue to, go dry.

Finally, along with all the valid reasons not to rezone this environmentally delicate community, opening it up to more commercial enterprises, our existing businesses would be doomed to fail. If we allow this rezoning -- especially given our current economic status – the people of Kennedy Meadows will be saddled with more abandoned, failed businesses littering our delicate mountain community. As it stands, we are already burdened with two abandoned, commercial sites that have been on the market for many years. No one, it seems, is interested in buying those businesses. On top of everything else, there are numerous homes already for sale in Kennedy Meadows – and these homes are NOT selling. How in the world could 329 acres cut up into 10-acre parcels with single-family dwellings stand a chance? The answer is simple: they don't.

Once open space is gone and sensitive ecosystems have been destroyed (and not "restored" as this proposal suggests it will do), we cannot *restore* them.

P.O. Box 594
Inyokern, CA 93527
November 3, 2011

Tulare County
Resource Management Agency
5961 South Moon Blvd.
Visalia, CA 93277

Attention: Charlotte Brusuelas, Planner III

Re: Case No. PZ 10-002
Kennedy Meadows Restoration/Simon

Dear Ms Brusuelas;

My property, Assessment No. 310-070-007-000, immediately adjoins the above property in Case PZ 10-0002. I oppose this plan for the following reasons:

1. Endangerment to current water resources. Our well (and presumably others) relies on water from a fault on the side of the mountain above the Simon property. The proposed commercial use in addition to the numerous 10 A. plots would tend to deplete the water supply for current residents.
2. Increase in noise. The generators required for commercial use would be operating night and day. This would greatly detract from the peace and quiet we have learned to love at Kennedy Meadows.
3. Increase in light. It is wonderful to have a view of the stars while relaxing on the mountain. The amount of light required for a commercial operation would ruin this tranquility.
4. Encroachment upon the Native American heritage. There are a number of grinding stones on the property and also a possible camp where arrow points were fashioned from obsidian. There are many chips remaining.

Please keep me informed. I plan to be present at the public hearing.

Sincerely,

Elizabeth Bisping

From: Elizabeth Bisping\
P.O. Box 594
Inyokern, CA 93527

To: Tulare County
Resource Management Agency
Attention: Charlotte Brusuelas
Fax. No. (559) 730-2653

Date: 11/3/11

Send To: Resource Management Agency

Attention: Charlotte L. Brusuelas, Project Planner for Case No. PZ 10-002

Office Location:

From: Tom Hill / Kennedy Meadows Property Owner

Office Location:

Phone Number:

Total Pages Including Cover: 4

Fax

Urgent ☐ Reply ASAP ☐ Please Comment ☐ Please Review ☐ For Your Information ☐

Comments:

Thanks for your consideration

November 3, 2011

Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Attn: Charlotte L. Brusuelas, Project Planner for Case No. PZ 10-002
(Kennedy Meadows Restoration/Simon)

From: Tom Hill, Kennedy Meadows Property Owner

I oppose Project Case No. PZ 10-002 (Kennedy Meadows Restoration Group/Simon).

My property in Kennedy Meadows has been in my family for two generations and it has always been my family's wish to keep this mountain community small. Living in this ecologically sensitive area has always given my family many years of happy memories. We would like it to remain so – this is precisely why my father purchased property here and not in developed mountain communities like Mammoth or Arrowhead.

In last year's KMPO&A poll I, along with a majority of Kennedy Meadows property owners, stated that we want Kennedy Meadows to remain UNDEVELOPED. I still feel that way – as do the overwhelming majority of residence in this community.

My other concerns are as follows:

- ✓ More traffic due to development. Kennedy Meadows has only once access road leading into our small community. This road cannot handle a heavier load of traffic as it is steep and, at times only one lane. Kennedy Meadows has only one major paved road and bringing in more cars and trucks would quickly damage this road.
- ✓ Noise pollution. More noise due to generators. Please do not destroy this quiet and serene community with added generators.
- ✓ Light pollution. Commercial establishments will naturally require more lights. There are a number of stargazers living here and this unwanted additional light will, undoubtedly spoil our breathtaking night sky.
- ✓ We have very limited resources and must rely on solar and wind-generated power. Why stress this sensitive area with more demands on our limited resources? It doesn't make sense; it's not logical. Building and maintaining a lodge/store/sub-division would cost an astronomical amount of money. This community is too small and low-key for such an undertaking. This is more suitable to areas such as Mammoth or Lake Isabella <u>not</u> Kennedy Meadows.
- ✓ Limited water. All residence must provide their own water by drilling their own well. My concern is with our water table and the heavy burden a lodge and housing development will bring to our limited water resource.

- ✓ Fire prevention. If Kennedy Meadows must deal with more people and traffic through these proposed developments, there will surely be a higher incidence of fire. This area is dependent on a small, volunteer fire department. If these commercial developments are allowed to go forward, who will man our fire department?
- ✓ Emergency response team. Our responders are also volunteers – and we only have a handful of them – we cannot conduct emergency operations due to an influx of people in this community. We are ill equipped to handle more than our fair share of emergencies. (And, given the remote ruggedness of Kennedy Meadows, the difficulty and time it would take for an emergency team to arrive from Ridgecrest is unreasonable; it doesn't work especially in a life threatening situation – and expecting our small team of emergency responders to handle such situations is unreasonable.)
- ✓ Police presence? Right now, Kennedy Meadows is a safe community, it stands to reason that with more people visiting and living here we will require a police department. Right now, we don't need one. On top of everything else, this community does not have the funding to support a police force.
- ✓ I find "The Kennedy Meadows Restoration Group"'s claim that 40-acre parcels is too large for a single family living offensive. Many people here enjoy the privacy and closer-to-nature privileges their 40-acre parcels afford them. All of us enjoy being surrounded by large, open areas where you can see for miles. Do not mar the beauty and openness of our community by bringing in more commercially developed areas. Even those who do not have 40-acre parcels, the open country aspect of our community is enjoyed by all who live here.
- ✓ "The Kennedy Meadows Restoration Group" claim that these developments will bring employment to our community is also incorrect. Most of the full time residence (a small number by most community standards) are retired or have no interest in employment. The remaining property owners are vacationers who come here to get away from the over-crowded and over-developed communities in which they live.
- ✓ "The Kennedy Meadows Restoration Group" will not be "restoring" anything! Rezoning for commercial use, whittling down 40-acre parcels to 10-acre parcels all with the intention of crowding in more homes along with building a store/lodge/restaurant is not "restoring" rather, it is destroying.
- ✓ This will increase the amount of trash/garbage to the community, and the current infrastructure (a small dump site serviced by one individual) cannot handle it.
- ✓ Finally, why add unneeded and unwanted competition to the already existing businesses already established in this community? One business is seasonal and the other is hanging on by a thread. We need to support the businesses already established in this community and not throw more competition their way. This competition would be doomed to fail anyway. Why take the risk? Our community doesn't need it and we certainly don't want it. (There are, actually, two commercial properties, which are no longer functioning. Both

have been on the market for years and one is right on Kennedy Meadows Road and it is an eyesore.)

- ✓ Kennedy Meadows does not need additional homes for sale when it already has a large number on the market – and these homes have <u>not</u> been selling having been on the market for <u>years!</u>

We want to keep our community as it is. We do not want further development nor do we want or need more commercial property. This is not Mammoth, Big Bear or Arrowhead. We wish to remain living in our close-to-nature, off-the-gird, unspoiled mountain community – IN ITS CURRENT STATE.

Thank you.

11-5-2011

4541 Carr Road
Inyokern, CA 93527
November 2, 2011

Ms Charlotte L Brusuelas, Planner III
Resource Management Agency
5961 South Mooney Blvd
Visalia, CA 93277

Re: Case No PZ10-002 (Kennedy Meadows "Restoration" / Simon)

Dear Ms Brusuelas,

I, and my immediate family, are heirs to property that my grandfather homesteaded by the sweat of his brow starting in 1920. There are few original homesteaders left in Kennedy Meadows. This area has been very dear to our family. I realize sentiment alone cannot stop what might (falsely!) be viewed as progress in this area. This proposal will destroy the area as it is. Importantly, we believe that it will prove more a burden than an asset to the area and to Tulare County.

There are also other residents in the area whose enjoyment of their homes would be adversely impacted by this proposal. There was, and remains to be good reason for the zoning of the area as it was written and as it exists, and it should not be changed.

This proposal is encroaching on a small valley that is quietly tucked away from the main valley and Kennedy Meadows Road. There is no room here for this proposal, without causing adverse environmental effects.

We strongly disagree that there would be "no significant effect on the environment." We feel that the applicant should be required to prepare an Environmental Impact Report to answer these items:

- There will greatly increased light and glare. This will be an end to the wonderful view of the sky at night. What price to pay to put an end to this enjoyment? It will never be the same.

- The area is peaceful and quiet now. The proposal would bring generators with various degrees of noise from multiple sources, more than 33, ultimately.

- There will be further loss of trees. The area was already impacted when the Manter fire destroyed many of the trees in our little valley.

- There will be much more smoke in this confined area from wood fires and gas or diesel cars and generators.

- We have a little creek that flows through our property and a little meadow. It could be defined as wetlands. This is not just a dry wash, there is water flowing much of the length of this creek bed. Sometimes it is underground, but much of it is very wet, with water running all of the time. The water from the creek ultimately flows to the South Fork of the Kern River. Many new residents will cause increased pollution and erosion that will impinge on our creek in our property.

- There would have to be new wells drilled and drawn from. This is a small valley; can we reasonably say that the supply of water is unlimited? And will this increased draft of water dry up our creek and meadow, which could potentially be declared wetlands?

- This many more people will again displace the many native animals that remain or have come to stay after the terrible wildfires. For instance, they would be bound to attract bears, wildcats and coyotes to their destruction, as they smell out and seek food from the increased garbage and refuse.

- Which brings to mind the need for increased garbage disposal that this proposal would necessitate. Other services as well. Fire protection, police protection, and many other county services.

- There were Native Americans in the area. While we strongly oppose this project, one thinks that a proposal this size could unearth antiquities that should remain where they are, or if unearthed then carefully studied. Too often, such are hushed up about, and scattered to any number of other places, forever unidentified. What planning here?

- The applicant, shrewdly perhaps, puts off the matter of liquid waste and sewage disposal till later, when building permits are issued and opposition is without avail. This proposal brings in far too many septic tanks for this small valley. Eventually the volume could necessitate an expensive, and continuously costly to maintain, sewage treatment facility. The environmental criteria for such grows more and more strict, placing more and more financial burden on the residents, and possibly the county.

-These newly proposed commercial buildings and then parking lots are too close to this small area with its waterway leading to the South Fork of the Kern River. There is inevitably pollution from oil or other contaminants, that might inevitably pollute our creek and then the River.

- These new residents will want the closest access to the nearby river. The private road through our property is not to be open to more vehicles and pedestrian traffic. It is not a through road, it is blocked off at the entrance to Forest Land and the South Fork. This road is definitely not open for further development; it goes straight through the approximate middle of our property and it is not and never has been a public road. It is not to be a public road.

- This proposal will NOT be good for this area and place more burden than benefit on the county. The county has interest in preserving native beauty and protecting the environment. There would be more light and noise, traffic, erosion, and loss of many species of wildlife from the area resulting from this proposal if allowed. This proposed zone change could not benefit the area or its residents. We plead to the Resource Development Agency, to consider all of these concerns. Please, keep the wise existing zoning regulation in place. These properties are best kept in their present zoned size and use.

Sincerely,

Craig Allen Carr

4541 Carr Road
Inyokern, CA 93527
November 2, 2011

Ms Charlotte L Brusuelas, Planner III
Resource Management Agency
5961 South Mooney Blvd
Visalia, CA 93277

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Sincerely,

Craig Allen Carr

Craig Allen Carr

Cynthia Moreno
14203 Manzano Road
Victorville, CA 92392
Email: cmoreno65@yahoo.com

November 3, 2011

Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

Attn: Charlotte L. Brusuelas, Planner III

Re: Case No. PZ 10-002 (Kennedy Meadows Restoration/Simon)

I have received word that there is a development of land being considered in Kennedy Meadows. I felt the need to write this letter as I oppose this development.

My family has owned the property attached to this "project" for 100 years. We pride ourselves in keeping the land "untouched" and as natural as possible. We don't want our beautiful view to become cluttered with houses and people. We go to Kennedy Meadows to escape from the cluttered outside world. We take our kids there to enjoy nature with no TV, cell phones, and no outside influences. We're on our 6th generation of loved ones tied to that land.

When reading the proposal for this project, you make it sound as if you are doing Kennedy Meadows a favor. Who are you kidding? Do we not have enough development in the State of California to prove that unimproved land is a precious thing? Are we not constantly fighting for better air, cleaner streets, and fighting against all the noise pollution? Why would you take a beautiful place like Kennedy Meadows and turn it into what we are fighting against and trying to escape from on a daily basis?

You state in your proposal that this project will bring jobs to the area. You want commercial zoning to bring in a possible grocery store, lodge, etc. This will bring jobs? What will happen to the General Store that has been there for so many, many years? What will happen to Grumpy Bears? Your developing this land is going to be a benefit to those existing places? You will not bring enough people to support both, so I think we all know what would happen to those other places. Again, you won't be doing them any favors.

You also stated that 40 acre parcels are too large to enjoy as single family residences. I hate to state the obvious, but you can fence off 10 acres of those 40 acres you own and leave the rest natural land. What will 10 acre parcels bring? More wells, more septic systems, solar panels, generators, more light pollution, more noise pollution. More people on the road to Kennedy Meadows. Do you also plan to make the road safe for all of those travelers? If you haven't driven it with the minor traffic we have now, you may want to. That alone may make you see that this area is meant for "rural" and "undeveloped" land, not for developing it into a resort.

We also need to look at the history of this land. That alone is worth preserving. There are Indian artifacts to take into consideration. Once the word of tools, arrowheads, beads, etc. have been discovered, my worry is that people will cross property lines and help themselves to what they find. Again, we take pride in keeping our land untouched and respected.

The proposal also states zoning for recreational use. I'm going to assume that since there are no ski slopes or lakes, we are talking about ATV's, or hunting? Two things we also find destructive to the natural quality of our mountain. Two things we don't allow on our property that is attached to your "development". Two things I also have a hard time seeing as doing any justice to Kennedy Meadows.

I don't mean to sound so angry in my letter, but the fact of the matter is, I am. I know you can't always "stop progress", but Kennedy Meadows is that one place dear to my heart that I intend to fight for. Our quiet little valley within Kennedy Meadows is ABSOLUTELY worth keeping "as is". When people ask me where I go camping I don't even give the name of the mountain. To me, the less it's known about, the safer it is. The more pristine, beautiful, natural, untouched, and serene it stays.

When this land was first sold, I was worried about having to see houses put on those 40 acre parcels. But houses put on 10 acre parcels AND commercial development? This is nothing but destruction at its finest.

Thank you,

Cynthia Moreno
4th Generation of the Fertig Homestead

Attachment 8

Water Availability Report

SOUTHERN SIERRA DRILLING

CAL LIC #517877 600 NINE MILE CANYON ROAD, INYOKERN, CA 93527 (760) 377-3259

DEE JASPAR ASSOCIATES, INC.
881 WEST MORTON AVE.
PORTERVILLE, CALIF. 93257

AUGUST 1, 2008

SUBJECT - GROUND WATER AVAILABILITY, TOM SIMON PROPERTY IN KENNEDY MEADOWS.

MR. JASPER,

TOM SIMON CONTACTED US TO ASSESS THE PROBABILITY OF GROUND WATER ON FOUR SPECIFIC 5 ACRE PARCELS THAT HE OWNS IN KENNEDY MEADOWS. WE CONDUCTED AN ON SITE SURVEY ON JULY 19, 2008. TOM GUIDED US TO ENSURE THAT WE WERE IN THE CORRECT LOCATIONS.

OUR QUALIFICATIONS FOR PERFORMING THE TASK OF DETERMINING GROUND WATER AVAILABILITY IS BASED ON 40 YEARS OF DRILLING EXPERIENCE. THE KNOWLEDGE IS OBTAINED FROM DRILLING AND OBSERVING ROCK FORMATIONS AND THEIR RELATIONSHIP TO FRACTURE ZONES THAT SERVE AS THE CONDUCTOR AND RESERVOIR FOR GROUND WATER IN AN OTHERWISE LOW PRODUCING (IMPERMEABLE) GRANITE FORMATION.

FOR THE PURPOSES OF GROUNDWATER, KENNEDY MEADOWS IS FORTUNATE. THE AREA IS LOCATED APPROXIMATELY 8 MILES WEST OF THE SIERRA NEVADA FAULT. THE UP RAISED GRANITE BATHOLITH ON WHICH KENNEDY MEADOWS SITS CONTAINS MANY FRACTURE ZONES THAT CAN BE CONTRIBUTED TO ACTIVITY WITHIN THE FAULT. RAIN FALL AND SNOW MELT CONTINUOUSLY RECHARGE THE VAST NETWORK OF JOINTS AND FISSURES.

WE HAVE DRILLED IN EXCESS OF 200 WATER WELLS ON THE KERN PLATEAU, MOST OF THEM IN THE KENNEDY MEADOWS AREA. BY OBSERVING GEOLOGIC FEATURES ON OR NEAR THE PARCEL REQUIRING A WATER WELL, WE HAVE BEEN ABLE TO MAINTAIN A SUCCESS RATE OF OVER 98%. (2 FAILURES, DRY HOLES, OUT OF 200 DRILLED) HOWEVER, IN BOTH CASES A SUCCESSFUL WELL WAS LOCATED AND DRILLED ON THE SAME 5 ACRE PARCEL. THIS ILLUSTRATES THE PERSISTENCE OF THE EXTENSIVE FRACTURING OF THE BED ROCK IN THIS REGION.

THERE IS NO EVIDENCE THAT THE FRACTURING OF THE BED ROCK ALLOWS THE GROUND WATER TO BE "DRAINED" AWAY. WE HAVE MONITORED THE WELLS FOR 20 YEARS (THROUGH 2 MAJOR DROUGHT CYCLES) AND WATER LEVELS AND WELL PRODUCTION HAVE REMAINED CONSTANT.

THE AVERAGE WATER WELL YIELD IN THE KENNEDY MEADOWS AREA IS 7 G.P.M. IN MOST CASES, WELL YIELD IS A DIRECT RESULT OF DEPTH DRILLED. ADDITIONAL FRACTURES YIELDING WATER TO THE BORE HOLE. THE AVERAGE WELL DEPTH IS 300 FEET.

Jay H. Friel

JAY H. FRIEL

SOUTHERN SIERRA DRILLING

CAL LIC #517877 600 NINE MILE CANYON ROAD, INYOKERN, CA 93527 (760) 377-3259

DEE JASPER ASSOCIATES, INC.
881 WEST MORTON AVE.
PORTERVILLE, CALIF. 93257

AUGUST 1, 2008

GROUND WATER AVAILABILITY. TOM SIMON PROPERTY IN KENNEDY MEADOWS.

1. PARCELS #3 AND #4 (A PART OF APN 310-010-016).

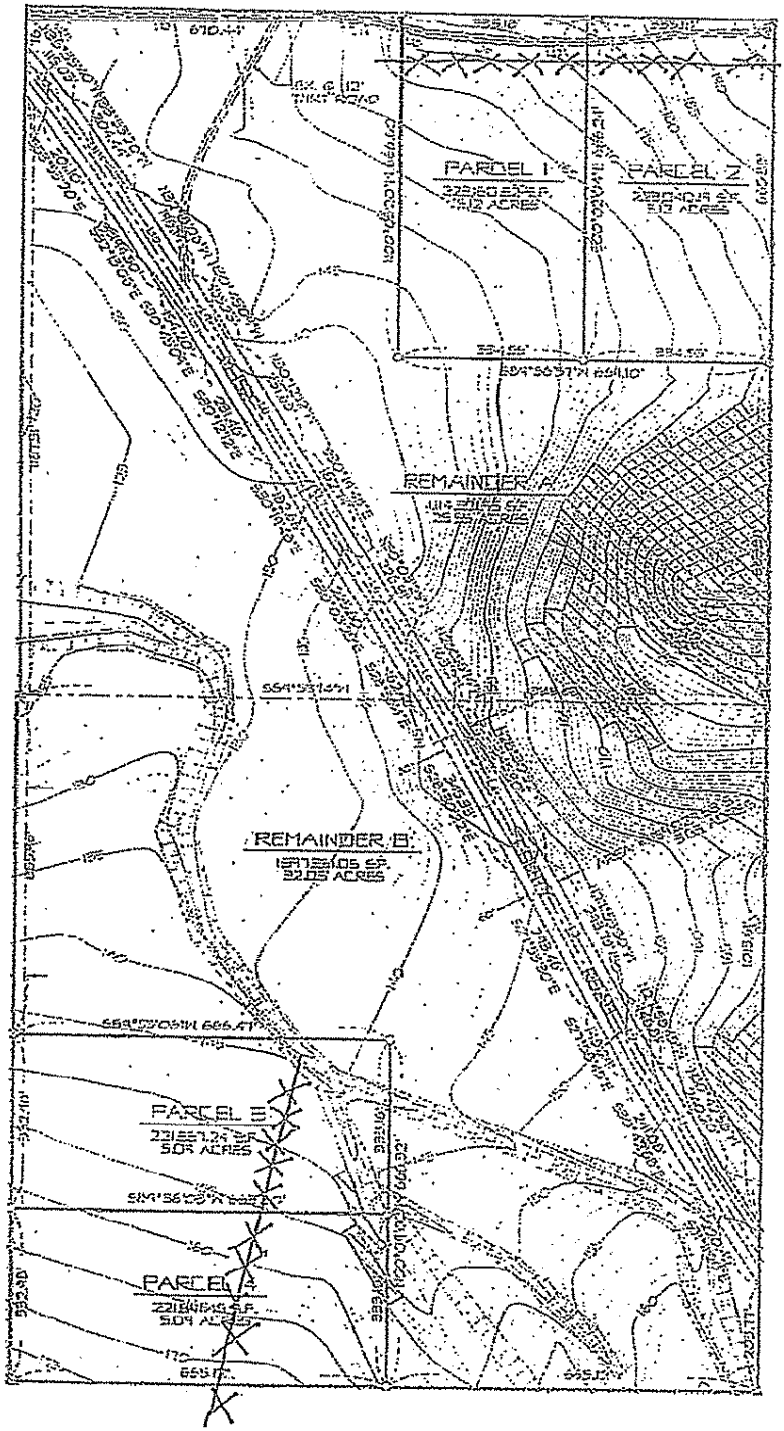
   BOTH CONTIGUOUS PARCELS SHARE A FRACTURE ZONE THAT IS EXPOSED BY A N.N.E. TRENDING EXTRUSION OF FELSITIC GRANITE THAT APPEARS MIDWAY ON THE SOUTHERN BOUNDARY OF PARCEL #4 AND CONTINUES UN-INTERRUPTED ACROSS #4, THENCE ACROSS PARCEL #3 EXITING INTO THE WASH. SEE ENCLOSED MAP. THIS FRACTURE ZONE WILL PRODUCE GROUND WATER.

2. PARCELS #1 AND #2 (A PART OF APN 310-010-015) ADJACENT TO "THE OTHER ROAD"

   BOTH CONTIGUOUS PARCELS SHARE A MASSIVE INTRUSION OF FRACTURED QUARTZ THAT HAS PROVEN TO BE ABOVE AVERAGE IN WATER PRODUCTION. THE QUARTZ FORMATION TRENDS EAST TO WEST PARALLEL TO AND BENEATH "THE OTHER ROAD" SEE ENCLOSED MAP. THIS FRACTURE ZONE WILL PRODUCE GROUND WATER.

Jay H. Friel

JAY H. FRIEL



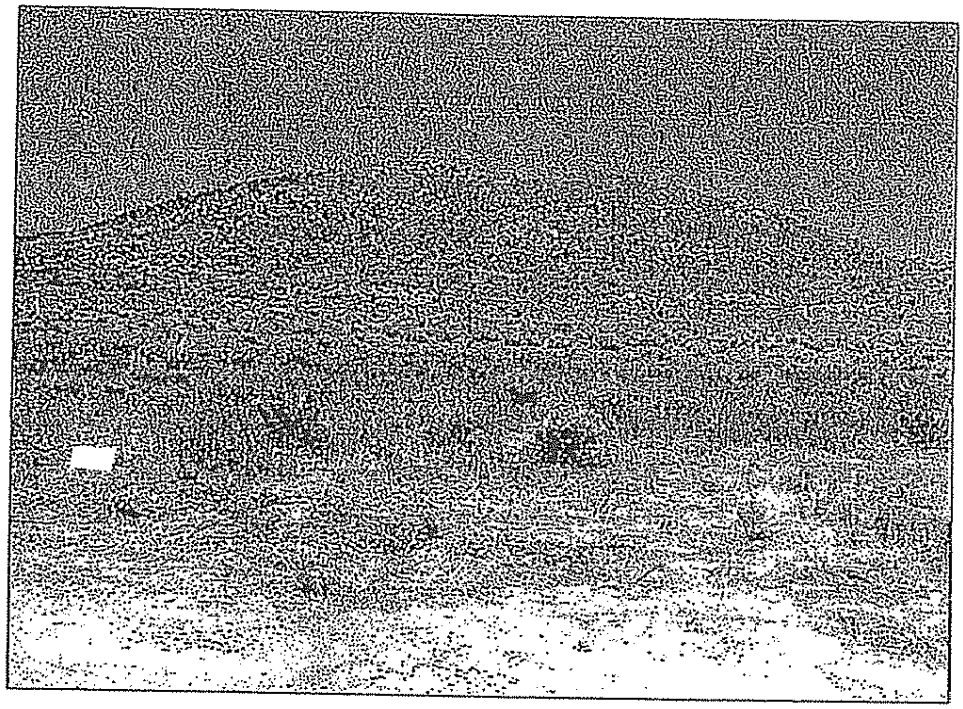
XX INDICATES FRACTURE ZONE

Jay

05/01/18

Attachment 9

Biota Report



BIOTA REPORT

400± ACRES
KENNEDY MEADOWS
COUNTY OF TULARE, CALIFORNIA

KENNEDY MEADOWS, LLC

PAUL PRUETT & ASSOCIATES

A BIOLOGICAL ASSESSMENT OF VEGETATION AND WILDLIFE

400± ACRES
KENNEDY MEADOWS
COUNTY OF TULARE, CALIFORNIA

by

PAUL PRUETT & ASSOCIATES

for

Kennedy Meadows, LLC
Kennedy Meadows, California
(559) 850-3689
(Contact: Mr. Thomas Simon)

01 August 2010

Paul E. Pruett, MS, CWB
9215 Cross Water Drive
Bakersfield, CA 93312
(661) 588-9063

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1. SUMMARY OF FINDINGS AND CONCLUSIONS:
400± ACRES, SECTIONS 20 and 21, T22S, R36E, MDB&M, COUNTY OF TULARE, CALIFORNIA.

The project consists of approximately four hundred (400) acres generally located in the community of Kennedy Meadows, County of Tulare, California. The project applicant proposes to subdivide the existing parcels into smaller acreage, single-family home sites. Eighty (80) acres of the project area is located in the NW 1/4 of Section 21, Township 22 South, Range 36 East (T22S, R36E) Mount Diablo Base and Meridian (MDB&M). The remaining three hundred twenty (320) acres is located immediately west in Section 20, T22S, R36E, MDB&M (Figures 1 and 2). Paul Pruett and Associates (PPA) originally surveyed the project site on five separate days between 24 March and 28 June 2007. A single day of fieldwork was conducted on 05 June 2010 to provide an update to the original report.

The plant communities of the project site include Big Sagebrush, element code 35210 and Piñon and Juniper Woodlands, element code 72000 (Holland, 1986). The project site is relatively undisturbed, mixed native/nonnative habitat. Dirt roadways exist on the project, generally along the current parcel edges. The 80-acre site is bisected NW/SE by Kennedy Meadows Road (County Road J14), a paved road and main arterial for the Kennedy Meadows area connecting east to US395 via Nine Mile Canyon Road, or west to the Kern River Valley via Sherman Pass Road.

A "blue-line" shows on the United States Geological Service (USGS) 7.5 min quadrangle for the project. The "blue-line" is an ephemeral stream generally running SE/NW in the 80-acre portion of the project site. No wetlands or riparian habitat were identified during field surveys. No wetlands or riparian habitat shows on the United States Fish and Wildlife Service (FWS) National Wetlands Inventory online mapper. The nearest critical habitat shown on the FWS Critical Habitat Portal, is about twenty (20) miles south of the project. The area is designated critical habitat for the southwestern willow flycatcher and is within the riparian habitat of the South Fork of the Kern River.

Forty-two (42) sensitive plant and animal species were listed by the California Department of Fish and Game (DFG) California Natural Diversity Database (CNDDB) RareFind 3, query for the USGS 7.5' Sacatar Canyon and eight surrounding quadrangles, information dated 01 May 2010. The United States Fish and Wildlife Service (FWS), online Endangered Species Database-TESS, lists additional sensitive species for the County of Tulare. The list is exhaustive and includes species well out of the known range, or included habitats, of the proposed project. Only those species from the FWS list believed to potentially occur in the vicinity of the project, based on habitat type and/or known range, are addressed in this report.

Twenty-seven (27) sensitive plant species were listed by the state and federal databases as occurring within the vicinity of the project alignment, or are known to occur by PPA staff. Those species are: *Allium shevockii*, Spanish Needle onion; *Allium tribracteatum*, three-bracted onion; *Arabis dispar*, pinyon rock-cress; *Astragalus lentiginosus* var. *kernensis*, Kern Plateau milk-vetch; *Calochortus striatus*, alkali mariposa lily; *Camissonia boothii* ssp. *boothii*, Booth's evening-primrose; *Canbya candida*, white pygmy-poppy; *Carex arcta*, northern clustered sedge; *Clarkia xantiana* ssp. *parviflora*, Kern Canyon clarkia; *Corylanthus eremicus* ssp. *kernensis*, Kern Plateau bird's beak; *Delphinium inopinum*, unexpected larkspur; *Eriogonum breedlovei* var. *shevockii*, The Needles buckwheat; *Erythronium tuolumnense*, Tuolumne fawn lily; *Galium angustifolium* ssp. *onycense*, Onyx Peak bedstraw; *Iris hartwegii* ssp. *columbiana*, Tuolumne iris; *Lewisia disepala*, Yosemite lewisia; *Lomatium stebbinsii*, Stebbins' lomatium; *Mentzelia*

1

tridentata, creamy blazing star; *Mimulus pulchellus*, yellow-lip pansy monkeyflower; *Nemacladus twisselmannii*, Twisselmann's nemacladus; *Orthotrichum shevockii*, Shevock's bristle moss; *Orthotrichum spjutii*, Spjut's bristle moss; *Peltigera hydrothyria*, aquatic felt lichen; *Phacelia nashiana*, Charlotte's phacelia; *Phacelia novenmillensis*, Nine Mile Canyon phacelia; *Sidalcea multifida*, cut-leaf checkerbloom; and *Trifolium dedeckerae*, Dedecker's clover.

None of these sensitive plant species is listed by either the state or federal agencies as threatened or endangered. Ten (10) plants are listed as California Native Plant Society (CNPS) List 1B.2 plants. Five (05) plants are listed as California Native Plant Society (CNPS) List 1B.3 plants. List 1B plants meet the definitions for state listing as included in Section 2062 and Section 2067 of the California Department of Fish and Game Code and section 1901, chapter 10 of the Native Plant Protection Act. List 1B plants must be fully considered in the preparation of environmental documents related to The California Environmental Quality Act (CEQA).

It is important to note that, where impacts to CNPS List 1B species must be considered within environmental documents related to California Endangered Species Act (CESA), a section 2081 permit for incidental take is not required for unlisted plant species. The nature of the proposed project would require no "take" authorization from either agency for the plant species potentially occurring on the project. No evidence of these 27, or any other sensitive plant species, was observed during the fieldwork conducted for this report.

Forty-two (42) vascular plant species were directly observed during the field surveys conducted on the project area during the 2007 survey season and follow-up 2010 visitation.

Fifteen (15) sensitive animal species were listed on the agency reports or were known to exist near the project site. Those species are: *Accipiter gentiles*, northern goshawk; *Anniella pulchra pulchra*, silvery legless lizard; *Athene cunicularia*, burrowing owl; *Batrachoseps robustus*, Kern slender salamander; *Gopherus agassizii*, desert tortoise; *Lasionycteris noctivagans*, silver-haired bat; *Martes americana sierrae*, Sierra marten; *Martes pennanti (pacifica) DPS*, Pacific fisher; *Microtus californicus vallicola*, Owen's Valley vole; *Oncorhynchus mykiss agubonita*, Vocano Creek golden trout; *Pyrgulopsis wongi*, Wong's whipsnail; *Rhinichthys osculus* ssp. 2, Owen's speckled dace; *Strix nebulosa*, great gray owl; *Toxostoma lecontei*, Le Conte's thrasher; and *Xerospermophilus mohavensis*, Mohave ground squirrel.

No evidence of these fifteen sensitive animal species was observed during the survey. The sensitive species query conducted for this report includes the surrounding eight quadrangles. Habitat types within the sensitive species query very from high desert on the east slope of the Sierra Nevada Mountains, to montane communities of the southern central Sierras. Consequently, not all of the species listed here would be expected to occur on the project given the specific habitat of the site and vicinity.

Fourteen (14) vertebrate species were observed on the project site. Three (03) mammals, eight (08) birds, and three (03) reptiles were identified. No amphibians were identified on the project site. A complete listing of vertebrate animals is found in Table 3. Additional animal species would undoubtedly be identified during subsequent surveys. A wide variety of avian species, not identified in this report, undoubtedly occur in the vicinity of the project at times and possibly include sensitive species either directly listed or otherwise protected by the Migratory Bird Treaty Act or other raptor laws.

It is the conclusion of the authors that potential impacts to the biological resources of the project can be sufficiently mitigated to less than significant. The final decisions rest with the United States Fish and Wildlife Service, the California Department of Fish and Game, the US Army Corps of Engineers, and the County of Tulare.

2. PROJECT AREA:
400± ACRES, SECTIONS 20 and 21, T22S, R36E, MDB&M, COUNTY OF TULARE, CALIFORNIA.

2.1 Legal Description: The proposed project is approximately four hundred (400) acres located in Sections 20 and 21, T22S, R36E, MDB&M. The project site is in southeastern Tulare County, in the vicinity of the community of Kennedy Meadows, California.

2.2 Physical Description: The project is located near the community of Kennedy Meadows, in the southern central Sierra Nevada Mountains. The site ranges in elevation from about 2070m in the south half of the project, to about 1870m in the northwest quarter half. The project area is within the Upper Sonoran Life Zone. This area is characterized by hot, dry summers with daytime temperatures often above 35 degrees Celsius. Winters are cool and wet with precipitation averaging between about eight and fifteen inches per year, occurring mostly between January and March (Munz and Keck, 1973).

2.3 Land Use: The historic use of the site is not definitive, though evidence of invasive grasses, trails, scat, and fences suggest this site may have been used from time to time for some form of livestock grazing as well as recreational use.

2.4 Vegetation: The site is characterized by two major habitat types in which trees are the dominant feature of one type, while a combination of shrub/sub-shrub and herbaceous growth dominates the other. The habitats include Piñon and Juniper woodlands, element code 72000, and Big Sagebrush, element code 35210 (Holland, 1986).

The FWS online National Wetlands Inventory was reviewed to provide information on wetlands and riparian habitat recognized as potentially occurring within the project vicinity. No wetlands or riparian areas were identified on the project site during fieldwork or were listed by the FWS online mapper.

2.5 Soils: The United States Department of Agriculture (USDA) Web Soil Survey lists the soils of the project as: Deadfoot-Scodie-Rock outcrop complex, 30 to 60 percent slopes Deerspring fine sandy loam, 0 to 5 percent slopes (6.8 percent); Toll loamy coarse sand, 2 to 9 percent slopes (15.2 percent); and Sacatar-Wortley-Calpine complex, 5 to 30 percent slopes (49.4 percent); and Scodie-Canebrake-Deadfoot complex, 30 to 60 percent slopes (28.1 percent).

Deadfoot-Scodie-Rock outcrop complex is residuum weathered from granitoid, associated with mountain slopes. It is a somewhat excessively drained soil with a profile of very bouldery loamy coarse sand of about the top 10 inches, and very stony loamy coarse sand beneath to about 23 inches.

Deerspring fine sandy loam is a deep moderately drained soil typically found in drainages, flood plains, and valleys in high elevations (5,200 to 7,800 feet) of the southern Sierra Nevada Mountains and formed in deep alluvium from mostly granitic parent material. The surface layer is about 24 inches thick and is dark/very dark grayish brown fine sandy loam and brown sandy

loam. The subsoil is about 41 inches thick and is dark/very dark grayish brown fine sandy loam and grayish brown loam. Permeability is moderate with slow runoff.

Toll loamy coarse sand is a deep, well drained soil from mixed parent material on alluvial fans with little slopes in elevations around 4,000 to 5,500 feet. The surface layer is about 12 inches thick and light brownish gray sand to brown loamy sand. Subsurface layers are about 48 inches thick and pale brown loamy sand to pale brown coarse sand. Permeability is rapid with mostly dry soils except for late winter and spring. Drainage is excessive with slow runoff.

Sacatar-Wortley-Calpine complex is a combination of shallow to very deep soils formed from granitic parent material on a combination of moderately steep slopes to drainages. The characteristics of the layers of this complex varies greatly, depending on percentages of representative soil types.

Sacatar is moderately deep and well drained soil in elevations ranging from 3,800 to 7,500 feet. Sacatar soils exhibit surface layers approximately 10 inches thick and ranging from grayish brown loamy coarse sand to brown coarse loamy sand. Subsurface layers are approximately 30 inches thick and ranging from yellowish brown coarse sandy loam to partly decomposed granodiorite bedrock. Sacatar soils are rapidly permeable, with seasonally varying moisture, and moderate runoff.

Scodie-Canebrake-Deadfoot complex is derived from residuum weathered from granitoid, associated with mountain slopes, generally between 5,900 and 7,800 feet elevation. The surface layer to about 10 inches is a gravelly loamy coarse sand, with weathered bedrock below to about 20 inches. This soil type is somewhat excessively drained with a low available water capacity.

Wortley soils are shallow, well drained soils from granitic parent material on moderate to steep slopes in elevations from 5,200 to 8,000 feet. Wortley soils are approximately 8 inches thick at the surface layer with brown coarse sandy loam. Wortley subsurface layers are varying in depth according to parent material. Permeability is somewhat rapid with highly variable moisture characteristics and medium runoff.

Calpine soils are well drained soils from granitic parent material in alluvial fans at elevations ranging from 3,000 to 6,000 feet in moderate slopes. Calpine soils exhibit surface thickness around 21 inches with dark grayish brown coarse sandy loam. Intermediate subsurface layers are about 25 inches thick and range from brown and dark grayish brown coarse sandy loam to yellowish brown to yellow coarse sandy loam and prismatic structured. Deeper subsurface layers are approximately 35 inches thick and range from light to dark yellowish brown loamy fine sand and light yellowish to dark reddish to reddish yellow stratified coarse sand. Calpine soils exhibit quick permeability with highly variable moisture regimes, though likely more aridic, and low runoff.

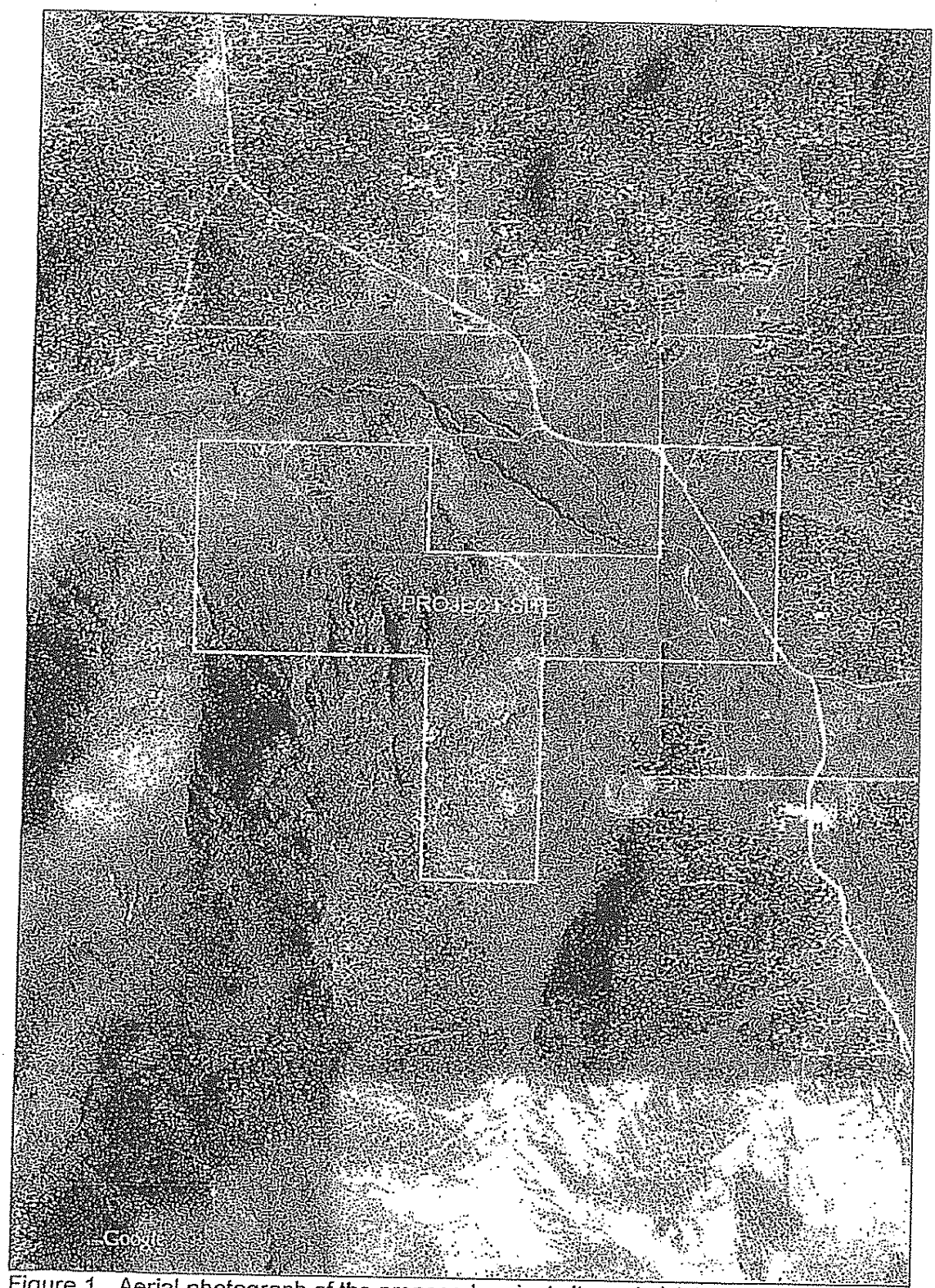

Figure 1. Aerial photograph of the proposed project site and vicinity.

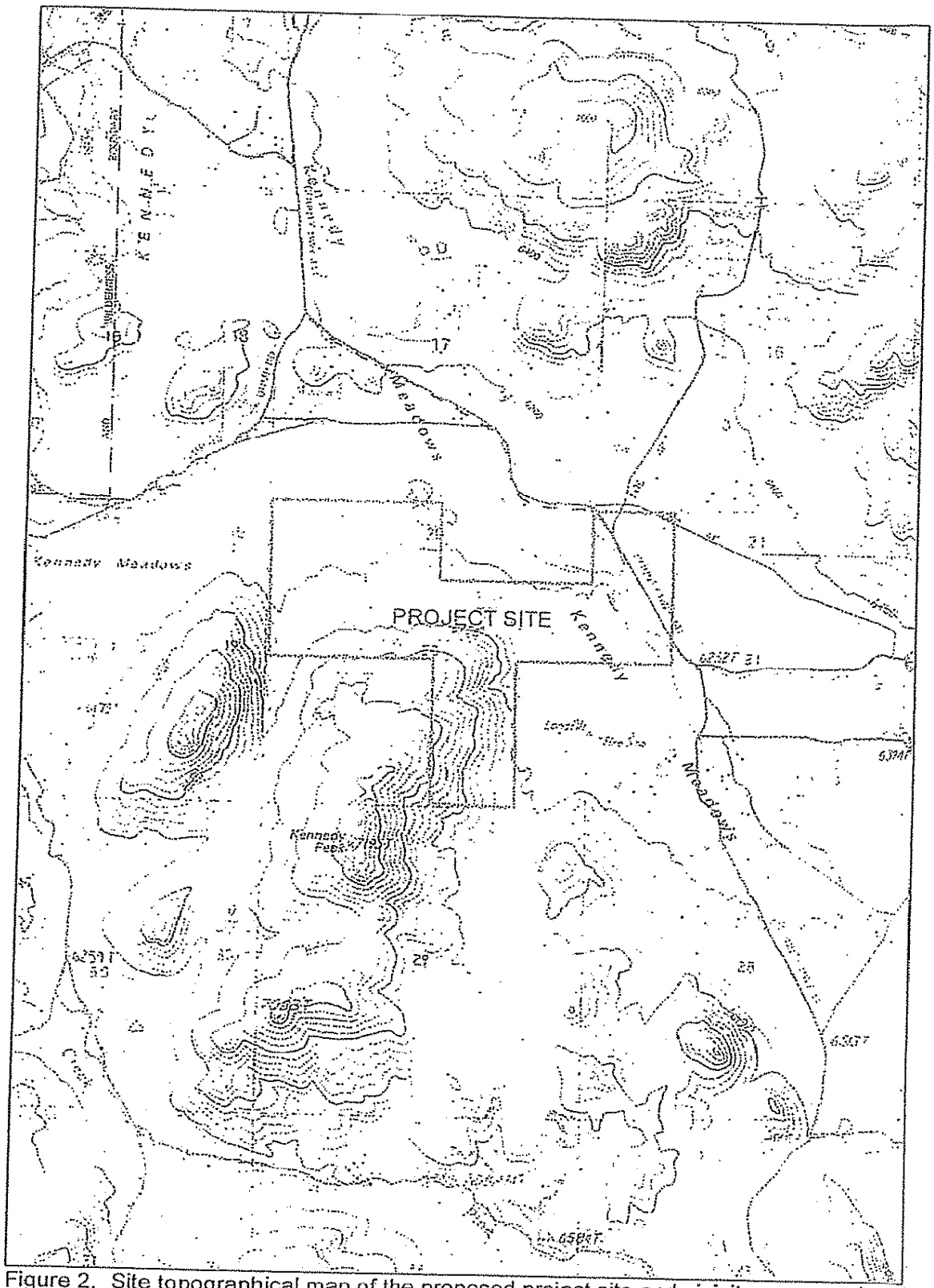

Figure 2. Site topographical map of the proposed project site and vicinity.

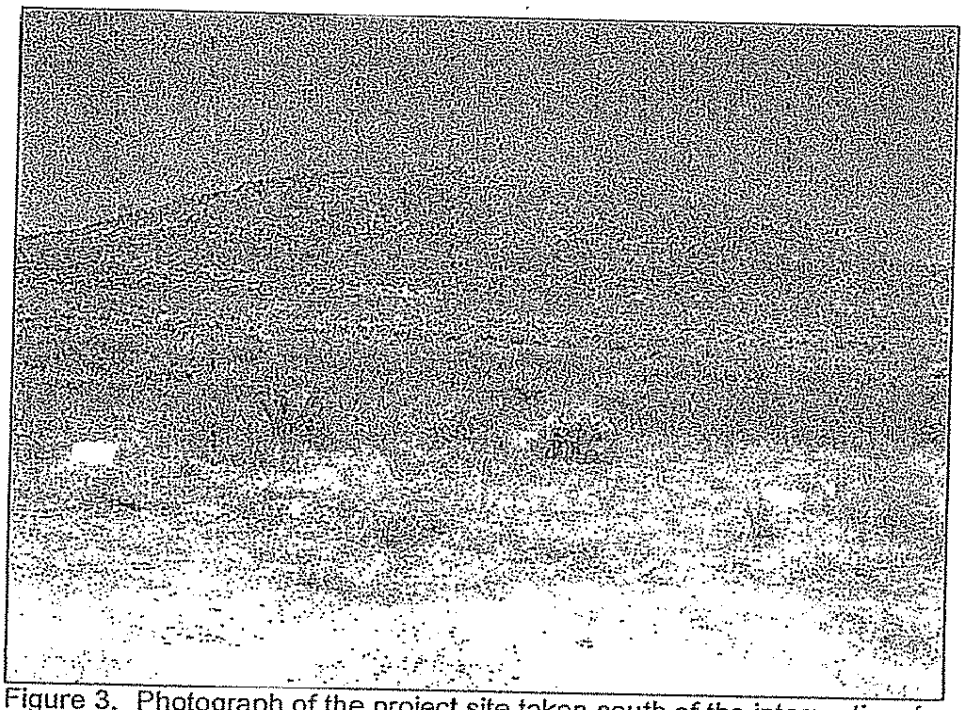

Figure 3. Photograph of the project site taken south of the intersection of Kennedy Meadows Road and The Other Road, facing west/southwest (05Jun10).

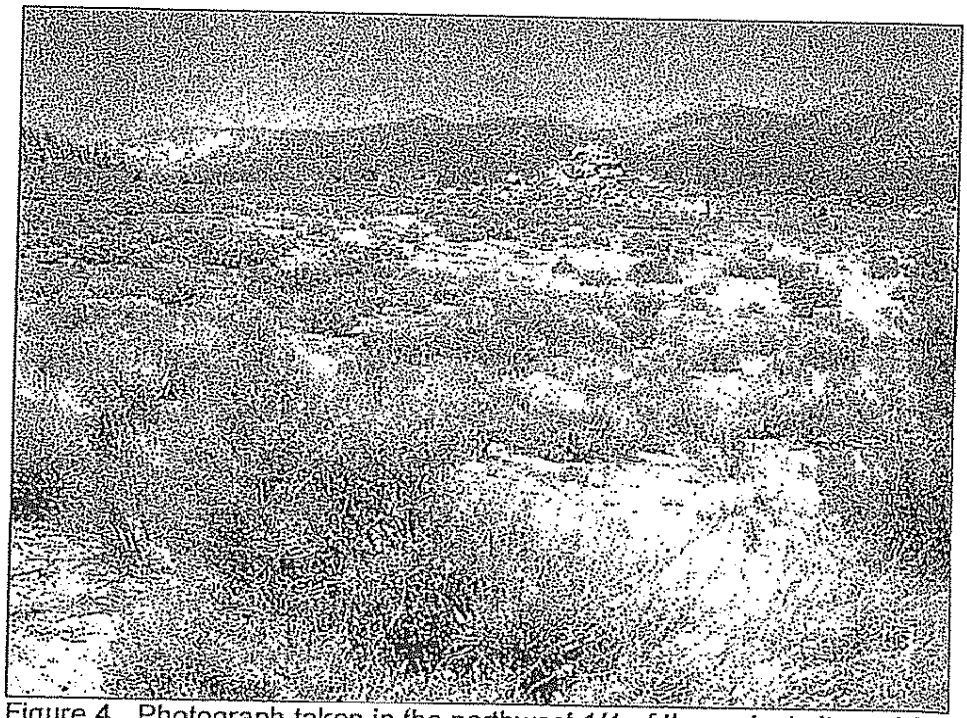

Figure 4. Photograph taken in the northwest 1/4 of the project site and facing west (05Jun10).

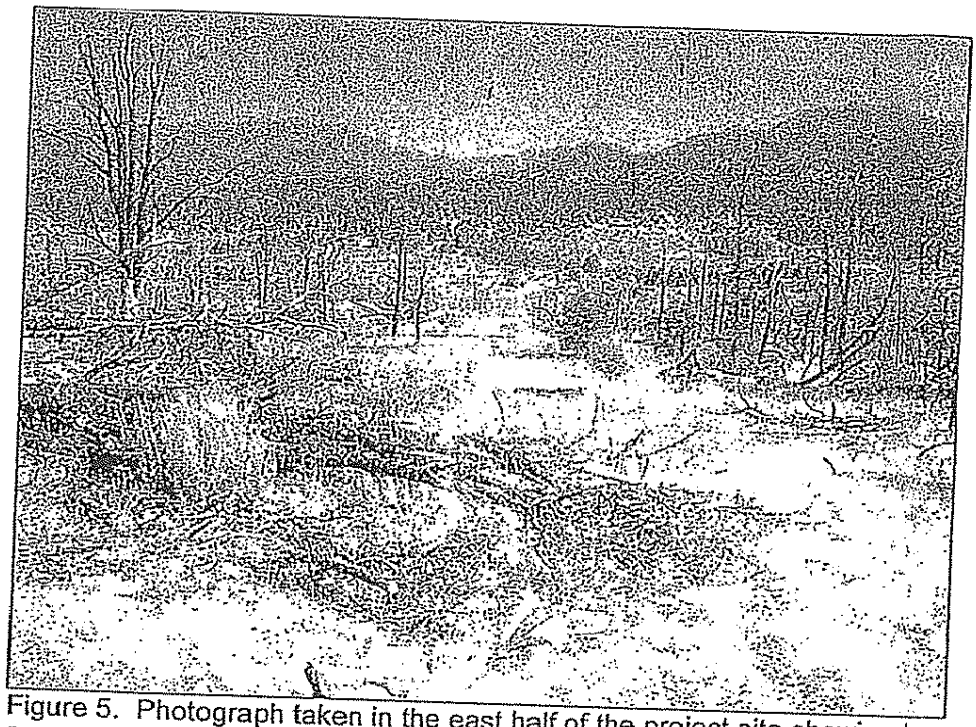

Figure 5. Photograph taken in the east half of the project site showing damage from the 2000 Manter Fire (28Jun07).

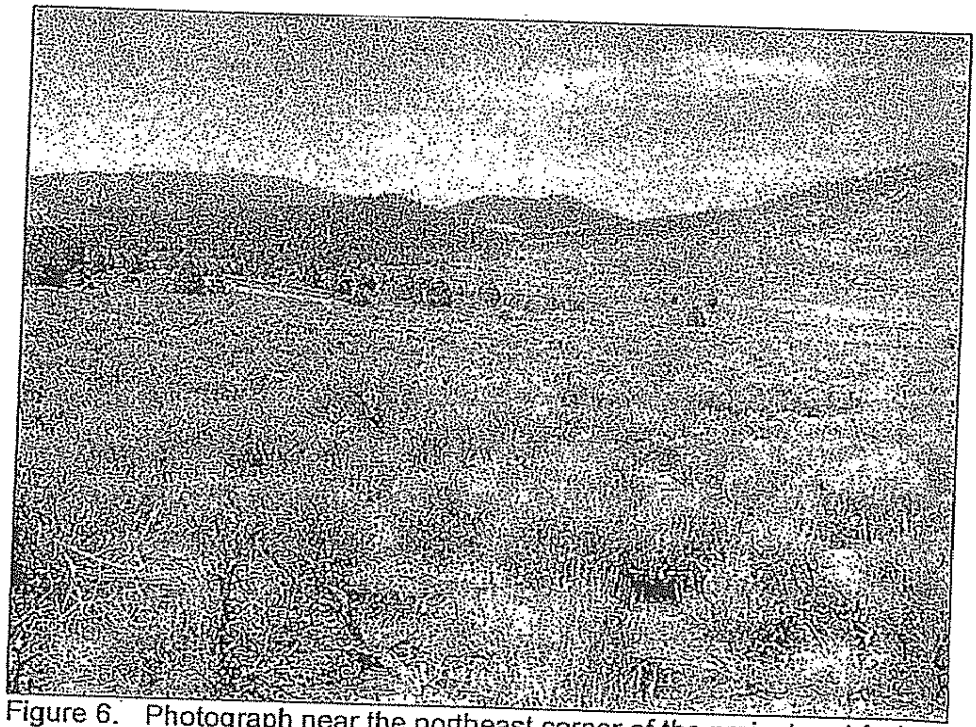

Figure 6. Photograph near the northeast corner of the project and facing southwest. Kennedy Meadows Road shows in the extreme left background of the photograph (28Apr07).

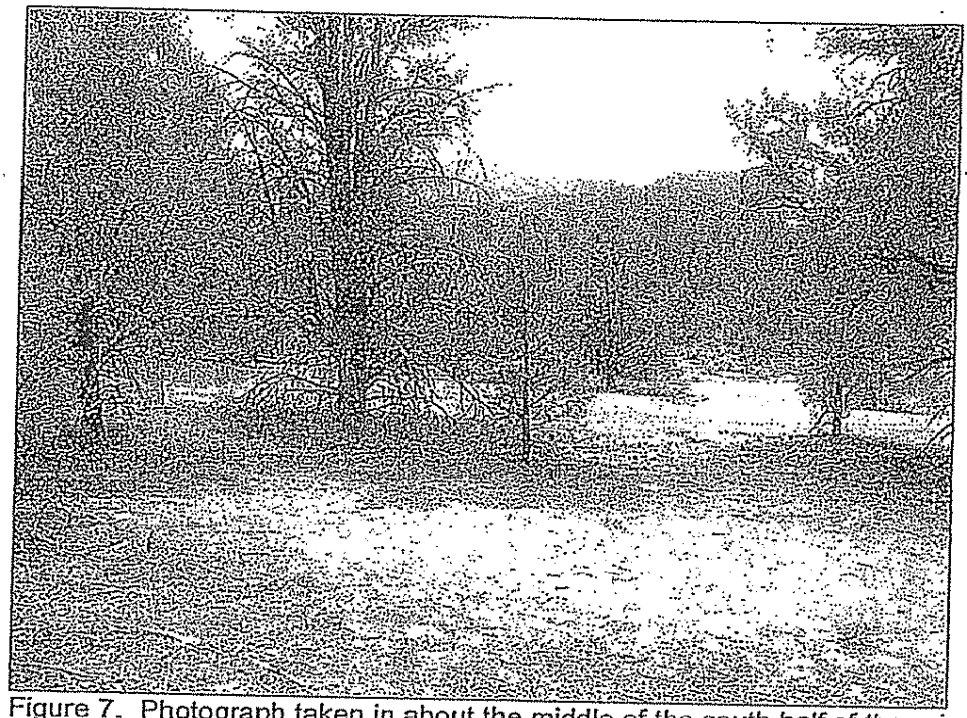

Figure 7. Photograph taken in about the middle of the south half of the project (28Apr07).

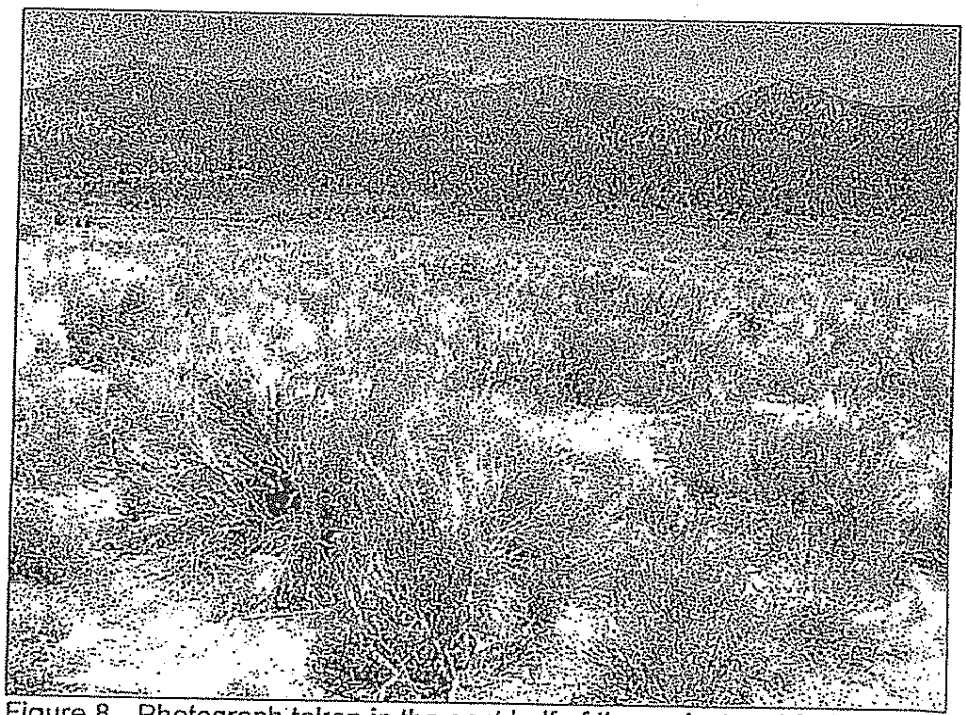

Figure 8. Photograph taken in the east half of the project and facing east (05Jun10).

3. BIOTIC INVENTORY METHODS

3.1 Purpose: The primary purpose of this biotic inventory was to determine potential impacts to plants or animals that are listed by state or federal agencies as endangered, rare, threatened, or depleted and of special concern occurring on the project site. Another purpose of the survey was to identify any critical habitat that may exist on the site. The term sensitive will be used hereafter throughout this report to mean any species considered by state or federal agencies to be endangered, rare, threatened, or depleted and of special concern.

3.2 Studies Required to Satisfy Endangered Species Law and Assist in CEQA Analysis: This study is a biological assessment of the status of forty-two (42) federally or state listed, proposed, or sensitive plant and animal species listed in Table 1. The study also sought to determine if any sensitive species not known to the CNDDB is presently using or exists within the project alignment and if any critical habitat exists on the project area.

3.3 Literature Review: Scientific literature, the CNDDB, and the FWS, on-line Endangered Species Database for the County of Tulare were consulted to determine which sensitive species occur in this habitat and near this project site. Forty-two (42) sensitive species were identified as potentially occurring in the vicinity of the project. Selected species are individually discussed in Section 5 of this report and are listed in Table 1.

3.4 Consultations: No special consultations were conducted in the preparation of this report.

3.5 Survey Methods: PPA used three field methods to survey the plant community: habitat search, random search, and line transects. The entire site was surveyed by qualified biologists on 24 March, 13 and 28 April, 23 May, and 28 June 2007. An additional survey day was conducted on 05 June 2010 to update the original fieldwork conducted during the spring 2007 study. Appendix A is the list of the project participants. Field notes were used to record habitat features and animal activities during the survey periods. Indirect evidence including tracks, burrows, calls, feathers, scat samples, nesting materials and plant growth were used to establish which species regularly use the project site. A photographic record was made of specific on-site features and wildlife.

3.6 Factors Limiting or Influencing Results: Zone of influence surveys beyond the project boundaries were not conducted. Species specific, focused surveys were not conducted. No small mammal trapping was conducted. It is opinion of the author that focused surveys would not substantively change the recommended mitigation measures provided in Section 6 of this report.

TABLE 1: SENSITIVE SPECIES OCCURRING IN THE VICINITY OF THE PROPOSED PROJECT. The following are lists of sensitive plants and animals potentially occurring in the vicinity of the project site. The lists are from the CNDDB reports for the Sacatar Canyon and eight surrounding quadrangles, information dated 01 May 2010, U.S. Fish and Wildlife Service, Online Sensitive Species List for the County of Kern, scientific literature and personal knowledge of PPA staff members.

SENSITIVE PLANT SPECIES

Scientific Name	Common Name	Fed/Ca Listing
Allium shevockii	Spanish Needle onion	None/None CNPS: 1B.3
Allium tribracteatum	three-bracted onion	None/None CNPS: 1B.2
Arabis dispar	pinyon rock-cress	None/None CNPS: 2.3
Astragalus lentiginosus var. *kernensis*	Kern Plateau milk-vetch	None/None CNPS: 1B.2
Calochortus striatus	alkali mariposa lily	None/None CNPS: 1B.2
Camissonia boothii ssp. *boothii*	Booth's evening-primrose	None/None CNPS: 2.3
Canbya candida	white pygmy-poppy	None/None CNPS: 4.2
Carex arcta	northern clustered sedge	None/None CNPS: 2.2
Clarkia xantiana ssp. *parviflora*	Kern Canyon clarkia	None/None CNPS: 4.2
Cordylanthus eremicus ssp. kernensis	Kern Plateau bird's-beak	None/None CNPS: 1B.3
Delphinium inopinum	unexpected larkspur	None/None CNPS: 4.3
Eriogonum breedlovei var. *shevockii*	The Needles buckwheat	None/None CNPS: 4.3
Erythronium tuolumnense	Tuolumne fawn lily	None/None CNPS: 1B.2
Galium angustifolium ssp. *onycense*	Onyx Peak bedstraw	None/None CNPS: 1B.3
Iris hartwegii ssp. *columbiana*	Tuolumne iris	None/None CNPS: 1B.2
Lewisia disepala	Yosemite lewisia	None/None CNPS: 1B.2
Lomatium stebbinsii	Stebbins' lomatium	None/None CNPS: 1B.1
Mentzelia tridentate	creamy blazing star	None/None CNPS: 1B.3
Mimulus pulchellus	yellow-lip pansy monkeyflower	None/None CNPS: 1B.2
Nemacladus twisselmannii	Twisselmann's nemacladus	None/None CNPS: 1B.2
Orthotrichum shevockii	Shevock's bristle moss	None/None CNPS: 1B.3
Orthotrichum spjutii	Spjut's bristle moss	None/None CNPS: 1B.3
Peltigera hydrothyria	aquatic felt lichen	None/None

		CNPS: None
Phacelia nashiana	Charlotte's phacelia	None/None CNPS: 1B.2
Phacelia novenmillensis	Nine Mile Canyon phacelia	None/None CNPS: 1B.2
Sidalcea multifida	cut-leaf checkerbloom	None/None CNPS: 2.3
Trifolium dedeckerae	Dedecker's clover	None/None CNPS: 1B.3

SENSITIVE MAMMAL SPECIES

Scientific Name	Common Name	Fed/Ca Listing
Lasionycteris noctivagans	silver-haired bat	None/None
Martes americana sierrae	Sierra marten	None/None
Martes pennanti (pacifica) DPS	Pacific fisher	Candidate/SSC
Microtus californicus vallicola	Owens Valley vole	None/SSC
Xerospermophilus mohavensis	Mohave ground squirrel	None/ST

SENSITIVE BIRD SPECIES

Scientific Name	Common Name	Fed/Ca Listing
Accipiter gentilis	northern goshawk	None/SSC
Athene cunicularia	burrowing owl	None/SSC
Strix nebulosa	great gray owl	None/SE
Toxostoma lecontei	Le Conte's thrasher	None/SSC

SENSITIVE REPTILE SPECIES

Scientific Name	Common Name	Fed/Ca Listing
Anniella pulchra pulchra	silvery legless lizard	None/SSC
Gopherus agassizii	desert tortoise	FT/ST

SENSITIVE AMPHIBIAN SPECIES

Scientific Name	Common Name	Fed/Ca Listing
Batrachoseps robustus	Kern slender salamander	None/None

SENSITIVE FISH SPECIES

Scientific Name	Common Name	Fed/Ca Listing
Oncorhynchus mykiss agubonita	Volcano Creek golden trout	None/SSC
Rhinichthys osculus ssp. 2	Owen's speckled dace	None/SSC

SENSITIVE INVERTABRATE SPECIES

Scientific Name	Common Name	Fed/Ca Listing
Pyrgulopsis wongi	Wong's whipsnail	None/None

LISTING CODES: Federal Endangered (FE), Federal Threatened (FT), Federal Candidate (FC), State Endangered (SE), State Threatened (ST), State Species of Concern (SSC), California Native Plant Society (CNPS) 1B.1: Plants that are rare, threatened, or endangered in California and elsewhere, seriously threatened in California; CNPS 1B.2: Plants that are rare, threatened, or endangered in California and elsewhere, fairly threatened in California; CNPS 1B.3: Plants that are rare, threatened, or endangered in California and elsewhere, not very threatened in California; CNPS 2.1: Plants that are rare, threatened, or endangered in California but more common elsewhere, seriously threatened in California; CNPS 2.2: Plants that are rare, threatened, or endangered in California but more common elsewhere, not very threatened in California; CNPS 4.2 Limited distribution, fairly threatened in California.

4. BIOTIC SURVEY RESULTS:

4.1 Vegetation: The project is within the Upper Sonoran Life Zone of the Sierra Nevada Mountains. These areas are characterized by hot, dry summers with daytime temperatures often above 35 degrees Celsius. Winters are cool and wet with precipitation averaging between about eight and fifteen inches per year, occurring mostly between January and March (Munz and Keck, 1973). The plant community of the project vicinity is includes two major habitat types in which trees are the dominant feature of one type, while a combination of shrub/sub-shrub and herbaceous growth dominates the other. The habitats include Piñon and Juniper woodlands, element code 72000, and Big Sagebrush, element code 35210 (Holland, 1986).

Twenty-seven (27) sensitive plant species were listed by the CNDDB, FWS, or were known by PPA staff to occur in the vicinity of the area.

Table 3 includes forty-two (42) plant species either directly observed or known by PPA to exist in the immediate vicinity of the project alignment through previous surveys.

4.2 Animals: Fifteen (15) sensitive animal species were listed by the CNDDB, FWS, or were known by PPA staff to occur in the vicinity of the area. No evidence of any of these fifteen sensitive animal species was observed during the survey.

A total of fourteen (14) vertebrate species were observed on the project site. Three (03) mammals, eight (08) birds, and three (03) reptiles were identified. No amphibians were specifically observed on the project site. Additional vertebrate species, especially avian species, undoubtedly occur in the vicinity of, or are transient on, the project.

4.3 Raptor Sites: Trees suitable for raptor nesting exist on the project site.

4.4 Habitat Modification: The project site is lightly disturbed native habitat. The site was impacted by the 2000 Manter Fire. Removal of trees killed by the fire has been initiated since the original 2007 fieldwork.

TABLE 2. VASCULAR PLANTS:
400± ACRES, SECTIONS 20 and 21, T22S, R33E, MDB&M, COUNTY OF TULARE, CALIFORNIA.

Scientific Name	Common Name
Artemisia tridentate	Great basin sage
Artemisia douglassiana	Mugwort
Brassica nigra	Black mustard
Bromus diandrus	Rip gut brome
Bromus tectorum	Cheatgrass
Ceonothus cuneatus	Buckbrush
Chaenactis frmontii	Fremont pincushion
Chrysothamnus nauseosus	Rubber rabbit brush
Chrysothamnus teretifolius	Green rabbit brush
Distichlis spicata	Saltgrass
Elymus elymoides	Bottlebrush squirrel tail
Elymus glaucus	Blue wild rye
Elymus trachycaulus	Slender wheatgrass
Ephedra viridis	Mountain joint fir
Eriastrum densifolium	Giant woolstar
Eriastrum diffusum	Miniture woolstar
Eriogonum angulosum	Angle-stemmed buckwheat
Eriogomun baileyi	Bailey's buckwheat
Eriogonum fasciculatum var. polifolium	California buckwheat
Fremontodendron californicum	Flannelbush
Gilia cana	Banded gilia
Juncos balticus	Baltic rush
Juniperus occidentalis var. australis	Mountain juniper
Lupinus albifrons	Silver bush lupine
Lupinus brewerii	Brewer's lupine
Malva parvaflora	Cheeseweed
Mentzelia albicaulis	White-stemmed (small-flowered) blazing star
Nassella pulchra	Purple needlegrass
Opunita erinacea	Mojave pricklypear
Pinus jeffreyi	Jeffrey pine
Pinus monophylla	Pinyon pine
Poa secunda	Pine bluegrass
Purshia tridentate	Bitterbrush
Salix laevigata	Red willow
Salsola kali	Russian thistle
Mimulus guttatus	Monkey flower
Scrophularia California	Bee plant
Sphaerlcea ambigua	Desert mallow
Sysimbrium altisissum	Tumble mustard
Sysimbrium irio	London rocket
Tetradymia canescens	Gray horsebrush
Tetradymia spinosa	Shortspine horsebrush

TABLE 3. VERTEBRATE ANIMALS:
400± ACRES, SECTIONS 20 and 21, T22S, R33E, MDB&M, COUNTY OF TULARE, CALIFORNIA.

MAMMALS

Scientific Name	Common Name	Evidence
Lepus californicus	Black-tailed jack	Sighted
Spermophilus beecheyi	California ground squirrel	Sighted
Sylvilagus audubonii	Cottontail	Sighted

BIRDS

Scientific Name	Common Name	Evidence
Aphelocoma californica	Western scrub-jay	Sighted
Buteo jamaicensis	Red-tailed hawk	Sighted
Cathartes aura	Turkey vulture	Sighted
Corvus corax	Common raven	Sighted
Eromophila alpestris actia	California horned-lark	Sighted
Sialia mexicana	Western bluebird	Sighted
Tyrannus verticalis	Western kingbird	Sighted
Zonotrichia leucophrys	White-crowned sparrow	Sighted

REPTILES

Scientific Name	Common Name	Evidence
Phrynosoma coronatum	Horned lizard	Sighted
Sceloporus occidentalis	Western fence lizard	Sighted
Uta stanburiana	Side-blotched lizard	Sighted

AMPHIBIANS

Scientific Name	Common Name	Evidence
None sighted		

5. DISCUSSION OF SENSITIVE SPECIES:

5.1 Sensitive Plants: Twenty-seven (27) sensitive plant species were listed in the CNDDB printout or are known to occur in the vicinity. Those species are: *Astragalus ertterae*, Walker Pass milk-vetch; *Canbya candida*, white pygmy-poppy; *Carex vupinoidea*, brown fox sedge; *Carlquista muirii*, Muir's tarplant; *Clarkia xantiana* ssp. *parviflora*, Kern Canyon clarkia; *Deinandra mohavensis*, Mojave tarplant; *Delphinium purpusii*, rose-flowered larkspur; *Ericameria gilmanii*, Gilman's goldenbush; *Erigeron aequifolius*, Hall's daisy; *Eriogonum breedlovei* var. *shevockii*, The Needles buckwheat; *Galium angustifolium* ssp. *onycense*, Onyx Peak bedstraw; *Lewisia, disepala*, Yosemite lewisia; *Lomatium shevockii*, Owen's Peak lomatium, *Mimulus pictus*, calico monkeyflower; *Mardonella beneolens*, sweet-smelling mardonella; *Oreonana vestita*, woolly mountain-parsley; *Orthotrichum shevockii*, Shevock's bristle moss; *Orthotrichum spjutii*, Spjut's bristle moss; *Phacelia nashiana*, Charlotte's phacelia; *Phacelia novenmillensis*, Nine Mile Canyon phacelia; and *Saltugilia latimeri*, Latimer's woodland gilia.

None of these plant species shows as occurring on the project site. None of these or any sensitive plant species was identified during the 2007 field surveys or follow-up 2010 visitation. One plant species, *Astragalus ertterae*, Walker Pass milk-vetch shows as occurring in Section 22, T22S, R36E, MDB&M. The listing is drawn from a 2000 observation about one mile from the project site and it is presumed extant.

None of these sensitive plant species is listed by either the state or federal agencies. Ten (10) plants are listed as CNPS List 1B.2. Seven (07) plants are listed as CNPS List 1B.3. List 1B plants meet the definitions for state listing as included Section 2062 and Section 2067 of the California Department of Fish and Game Code and section 1901, chapter 10 of the Native Plant Protection Act and must be fully considered in the preparation of environmental documents related to CEQA. It is important to note that, where impacts to CNPS List 1B species must be considered within environmental documents related to CESA, a section 2081 permit for incidental take is not required for unlisted plant species. Potential direct or indirect impacts to these species are considered less than significant. Consequently, individual discussions for these plant species are not included in this report.

5.2 Sensitive Animals: Fifteen (15) sensitive animal species were listed on the CNDDB report or were known to exist near the project site. Those species are: *Accipiter gentiles*, northern goshawk; *Anniella pulchra pulchra*, silvery legless lizard; *Athene cunicularia*, burrowing owl; *Batrachoseps robustus*, Kern slender salamander; *Gopherus agassizii*, desert tortoise; *Lasionycteris noctivagans*, silver-haired bat; *Martes americana sierrae*, Sierra marten; *Martes pennanti (pacifica) DPS*, Pacific fisher; *Microtus californicus vallicola*, Owen's Valley vole; *Oncorhynchus mykiss agubonita*, Vocano Creek golden trout; *Pyrgulopsis wongi*, Wong's whipsnail; *Rhinichthys osculus* ssp. 2, Owen's speckled dace; *Strix nebulosa*, great gray owl; *Toxostoma lecontei*, Le Conte's thrasher; and *Xerospermophilus mohavensis*, Mohave ground squirrel.

No evidence of these fifteen sensitive animal species was directly observed during the survey. Because the sensitive species query for the report includes the surrounding eight quadrangles, suitable habitat for some of these species does not occur in the project vicinity.

Eleven (11) of these species have specific listing at the federal or state level or are a state species of concern. Those species are: *Accipiter gentiles*, northern goshawk; *Anniella pulchra pulchra*, silvery legless lizard; *Athene cunicularia*, burrowing owl; *Gopherus agassizii*, desert tortoise; *Martes pennanti (pacifica) DPS*, Pacific fisher; *Microtus californicus vallicola*, Owen's Valley vole; *Oncorhynchus mykiss agubonita*, Vocano Creek golden trout; *Rhinichthys osculus* ssp. 2, Owen's speckled dace; *Strix nebulosa*, great gray owl; *Toxostoma lecontei*, Le Conte's thrasher; and *Xerospermophilus mohavensis*, Mohave ground squirrel.

5.2.1 *Accipiter gentilis*, northern goshawk, has no federal listing. It is state listed as a species of concern. Northern goshawks are members of the family *Accipitridae*, which includes other hawk and eagle related birds. This species is distributed throughout the coniferous and deciduous forests of Eurasia and North America though, in California, they are an uncommon bird with infrequent sightings in the southern Sierra Nevada Mountains and coastal ranges. This is the largest bird in the genus *Accipiter*, with males growing around 1,100g, 55cm long, and a wingspan of 104cm. Females can grow somewhat larger than males, around as much as 1,360g, 61cm long, and a 115cm wingspan. Habitat includes mature trees in forests with benches where perching and hunting occurs as these birds glide in somewhat open areas within

the canopy. Adult coloration can vary from grey to blue and sometimes very dark, red eyes with a white eye stripe-brow, a darkish streak to the rear of each eye, and a light grey-blue underside. Juveniles are normally brown-tan-white banded with a somewhat irregular mottling on the upper undersides of the wings and underside of the body. Juveniles also possess a white eye stripe, through eyes are generally yellow. While the immediate current population densities and ranges of the species, are somewhat unresolved, it is generally thought that this species is probably contracted and could suffer significantly from unmitigated widespread habitat losses.

During survey periods, no *A. gentilis* were observed on site. The closest reported occurrence of *A. gentilis* was in 1990, 9.3 miles away in Jackass Meadow. Northern goshawk may be transient on the project site. Potential for occurrence is very low.

5.2.2 *Anniella pulchra pulchra*, silvery legless lizard, has no state or federal listing. It is state listed as a species of concern. This lizard is 4 3/8 to 7 inches, is generally silvery, gray, or beige above, and has a dark middorsal line. The underside is characteristically yellow and fine lengthwise lines exist between the scale rows. This lizard requires loose soil for burrowing, typically in washes, sand dunes of beaches, and loose soil near the bases of slopes, near temporary or permanent streams.

No legless lizard was observed on the project site. Potential for occurrence is low.

5.2.3 *Athene cunicularia*, the burrowing owl, has no federal listing. It is state listed as a species of concern. It is protected by the Migratory Bird Treaty Act and other raptor laws. The burrowing owl is a small owl that makes its home in abandoned ground squirrel holes, fox and coyote dens and artificial coversites. It is a small brown owl of the open country and is found throughout the United States and south to Argentina. It has long legs. The body is barred and spotted with a white chin stripe, a round head, and a stubby tail.

No burrowing owls were observed during field reconnaissance. The site is considered within the range of the species, but the habitat type is generally not suitable. The potential for occurrence is low.

5.2.4 *Gopherus agassizii*, the desert tortoise, is listed as threatened by both the state and federal governments and historically existed throughout the western Mojave Desert. Its habitat has been greatly reduced in recent years by urbanization, predation, agriculture, disease, and human contact. The decline was also probably exacerbated by drought conditions.

Although the desert tortoise is most often found in Creosote Bush habitat, it may be found almost anywhere in the Mojave Desert. It is frequently found in desert oases, along riverbanks, in washes, in dunes, and occasionally on rocky slopes. The Desert Tortoise Natural Area is about six miles southeast of the project site.

It is easily recognizable by the high domed shell with prominent growth lines on the shields of both carapace and plastron. The carapace is usually dark brown and the plastron yellow without a hinge. The forelimbs close the shell opening when drawn in and are covered with large scales. The male has longer gular shields than the female and chin glands which produce a lump on either side of the lower jaw.

Burrows are usually half-moon shaped, short, and are often found at the base of creosote bushes. They may be found in the open, however, and often are in the banks of washes. Long, deep burrows are considered dens and may be as much as 30 feet long and may be used

year after year by the same animal (Ross Hardy, personal communication). Shorter tunnels are used for temporary shelter. The dens are used for both estivation and hibernation (Stebbins, 1985).

Tortoise "sign" includes old shells, burrows, scat, tracks, cover sites, drinking sites, and courtship rings. Old shells are easily recognizable and may be age dated by techniques developed by Berry et al. Scat varies according to size of the tortoise but may be as large as 28 to 30 mm in diameter and often resembles the composition of horse droppings. Tracks are distinctive in soft dirt or firm sand but are easily overlooked and difficult to find in hard dirt or rocky surfaces. Cover sites provide temporary resting places and may be shallow depressions within Creosote Bushes or downed Joshua trees.

Drinking sites are distinctive depressions scraped in the soil to collect rainwater or runoff. They may remain recognizable for some time after a rain. Courtship rings are more difficult to identify. They appear as scuffed circular areas with a high spot in the center and are left from mating or attempted mating activities. Woodrat, Neotoma sp., middens may also be helpful in indicating Desert Tortoise presence since they often contain shells, shell fragments, etc.

The site is well outside of the range of, and is not suitable habitat for, the desert tortoise. There is no potential for occurrence.

5.2.5 *Martes pennanti* (*pacifica*), the Pacific fisher, is not federal nor state listed, although; it should be noted that proposed listings have been submitted which may affect the future status of the fisher species, and likely most related subspecies. The Pacific fisher is a subspecies of fishers occurring throughout the mountains and forests of the upper portions of North America. Fishers are the largest members of genus Martes and can grow up to 6kg for males and females up to 2.5kg and be as long as 120cm. They are largish, weasel-like mammals with a somewhat bushy tail. In California, the ranges of fishers are restricted to the northwest coastal region and the central-southern portions of the Sierra Nevada Mountains. Much like the closely related marten, fishers are opportunistic feeders with omnivorous tendencies, though preference is likely for small herbivores.

No *M.p.* (*pacifica*) were observed on site during survey periods. The closest reported occurrence of *M.p.* (*pacifica*) was 4.8 miles away in 2005 on the west bank of Fish Creek 0.6 miles northwest of Fish Creek Campground.

Suitable habitat for the Pacific fisher exists in the vicinity of the project.

5.2.6 *Microtus californicus vallicola*, Owen's Valley vole, has no federal listing but is listed as a state species of concern. This rodent is a short-tailed subspecies of *M. californicus*, California vole, making it's home in groundwater dependent meadows restricted to the Owens Valley area.

The only reported occurrence is a 1918 observation in Section 18, T23S, R38E, about 12 miles east of the project. The potential for occurrence is highly unlikely.

5.2.7 *Oncorhynchus mykiss aguabonita*, Volcano Creek golden trout, has no federal listing but is listed in California as a Species of Special Concern. Volcano Creek golden trout, is a subspecies of the rainbow trout, both of which belong to the family *Salmonidae*, which includes salmon and trout. Unlike members of the species growing in larger bodies of water, Volcano Creek golden trout in the southern Sierra Nevada Mountains are typically restricted to small creeks and drainages. The growth rates of individuals in these areas reflect the restrictions of

habitat, prey abundance, and seasonal growth periods, which can be brief at high elevations where snow can persist through much of the year. Sizes can be around 4cm in the first year up to about 20cm SL in late stages of growth, which can be up to 9 years. This species is quite colorful with red-orange stripes, red-orange coloration on the ventral and head surface with dark green dorsal coloration. The fins can vary in coloration with the dorsal and anal mostly light yellow or white tipped, and other fins orange colored. Spots are common with smaller above the lateral line and larger on the dorsal and caudal fins. Populations of this species are mostly at risk from hybridization as well as habitat loss due to cattle operations adjacent to aquatic habitat.

Oncorhynchus mykiss aguabonita were not observed during the survey period and are not present on the site due to absence of any aquatic habitat. The closest reported occurrence of O.m. aguabonita was 7.9 miles away in 1994 at the Fish and Trout Creek Drainages.

5.2.8 *Rhinichthys osculus* ssp. 2, Owen's speckled dace, has no federal listing. It is state listed as a Class 1 species of concern, qualifying for state listing as threatened. The Owen's speckled dace is a subspecies found only in a few sites within the Owens River drainage. Originally identified in 1898, it was rediscovered in 2002.

Rhinichthys osculus were not observed during the survey period and are not present on the site due to absence of any aquatic habitat.

5.2.9 *Strix nebulosa*, great gray owl, has no federal listing but is listed in California as endangered. Great gray owls are members of the highly diverse family of owls, Strigidae. The species is broadly distributed throughout forests in continents of the northern hemisphere. In California the range is from the southern portions of the Sierra Nevada mountains through the state and north into Oregon. Members of this species exhibit the broadest wingspan (152cm) and longest bodies (30cm) of all owls in North America, though are smaller in mass compared to the next two largest owl species. This species has dense plumage, a round face, and coloration can be gray to gray-brown with various shades of gray streaking. The dorsal side is lighter colored than the ventral and tail feathers extend beyond the wings. Nests are large, around 76cm, and generally are laid about 90m above ground in conifers. Most great gray owls are found in open areas within their range, which are likely used for hunting. Deforestation of old-growth forests and degradation of meadows at higher elevations from cattle operations likely create impacts to the habitat of the species.

No S. nebulosa were identified on site during the survey period. The closest reported occurrence of S. nebulosa was 7.7 miles away in 1996 at Jackass Creek east of Troy Meadow and north of Fish Creek Campground.

5.2.10 *Toxostoma lecontei*, Le Conte's thrasher, *Toxostoma lecontei*, Le Conte's thrasher, is not listed by the federal agency and has no state listing but is a CDFG, Species of Concern. Le Conte's thrasher is a pale thrasher of the desert with a darker tail, dark eye, and the typical sickle-shaped bill. Le Conte's thrasher is more slender in body and lighter in color than the Crissal thrasher and has dark rather than yellow eyes. The usual habitat for this bird is desert flats with sparse bushes, often saltbush.

The only recorded observation is a 1946 record near Inyokern. It is likely that the Le Conte's thrasher is sometimes transient in the vicinity of the project alignment.

5.2.11 *Xeropermophilus mohavensis*, the Mohave ground squirrel (MGS), is a cinnamon-gray burrowing rodent that feeds during daylight hours. It is not listed by the federal agency and is listed as threatened by the state. This relatively uncommon squirrel of the western Mojave Desert may spend as much as seven or eight months of the year in estivation or hibernation below the ground. The squirrel is typically 220 mm long with a short tail of 60-70 mm. The fur lacks stripes and is cinnamon colored with a whitish surface on the tail.

The site is on the extreme west border of the range of the MGS. Plants often associated with the squirrel are: *Larrea divericata*,sthe creosote bush; *Yucca brevifolia*, the Joshua tree; and *Atriplex confertifolia*, the Shadscale. Habitat modification is a significant threat to the limited population of this squirrel. Piecemeal loss of habitat from development in this part of the western Mojave Desert is the most serious threat through agriculture and urbanization.

Mohave ground squirrel were observed and photographed by the author in April 2005, east of the project at the Freeman Gulch study site, southeast of Ridgecrest. The project is well outside of the range and habitat requirements for the Mohave ground squirrel.

6. PROJECT POTENTIAL IMPACTS AND MITIGATION MEASURES:

Mitigation measures are used when it is impossible or unfeasible to avoid adverse impact to the biological resources. Mitigation measures should reduce, offset, or compensate for adverse impacts. It is important to note that, where impacts to CNPS List 1B species must be considered within environmental documents related to CESA, a section 2081 permit for incidental take is not required for unlisted plant species.

The authors believe that the following measures will avoid, or reduce to less than significant, adverse impact to the biological resources found on the project site. These recommendations are not binding but represent the best biological judgment of the authors. The final decisions on avoidance and mitigation measures rest with the permitting and reviewing agencies: County of Tulare, California Department of Fish and Game, United States Fish and Wildlife Service, and the United States Army Corps of Engineers.

The basis of criteria for determining the level of significance impacting the biological resources of the proposed project are found in Appendix G of CEQA Guidelines.

6.1 Substantially adversely impact, either directly or through habitat modification, any sensitive species as recognized by the California Department of Fish and Game or the United States Fish and Wildlife Service. Because relatively undisturbed native habitat exists within the project boundaries development of this project could result in the loss of some relatively undisturbed native habitat. Because evidence of sensitive species exists for the project site, indirect impacts to undisturbed habitat could occur. Because the proposed project is the subdivision of large parcels into smaller, single-family home sites, significant impacts to the biological resources of the project are not expected.

Mitigation Measures.

6.1.1 ~~Informal~~ Consultation with the County of Tulare, the California Department of Fish and Game, and the United States Fish and Wildlife Service for concurrence on acceptable, sensitive species protection and avoidance measures, and/or offsets from the identified "blue-line" ephemeral stream, pursuant to CESA requirements to avoid, minimize, and fully mitigate (CDFG, code section 2081) for incidental take of sensitive species and/or associated habitat.

6.2 Substantially adversely impact riparian or wetlands habitat, or other sensitive natural communities as recognized by the California Department of Fish and Game, the United States Fish and Wildlife Service, or local or regional policies. A "blue-line" drainage was identified on the project. Disturbance within this area is not expected as a part of the proposed project.

Mitigation Measures.

6.2.1 The applicant is recommended to seek concurrence from the California Department of Fish and Game and/or the United States Army Corps of Engineers for acceptable set-backs from the edges of identified drainage, on the project site.

6.3 Substantially interfere with the movement of migratory wildlife species or impede the use of wildlife nursery sites. Interference with the movement of migratory wildlife species or impede the use of wildlife nursery sites is not expected considering the nature of the project.

Mitigation Measures.

No specific mitigation measures are recommended.

6.4 Conflict with any local policies protecting biological resources. No conflict with local ordinances or regulatory polices protecting biological resources is known to the author.

Mitigation Measures.

No specific mitigation measures are recommended.

6.5 Conflict with the provisions of any adopted, or otherwise approved, local, regional, or state conservation plans. No conflict with local ordinances or regulatory polices protecting biological resources is known to the author.

Mitigation Measures.

No specific mitigation measures are recommended.

6.6 Cumulative Impacts. Cumulative impacts are not expected.

Mitigation Measures.

No specific mitigation measures are recommended.

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APPENDIX A. PARTICIPANTS:
400± ACRES, SECTIONS 20 and 21, T22S, R33E, MDB&M, COUNTY OF TULARE, CALIFORNIA.

BIOLOGIST	EDUCATION	PROJECT RESPONSIBILITY
Bill Chapman	BS, Gen Sci Adams State College M.Ed., University of La Verne	Field Biologist
Gregory J. Cluff	BS, Botany, UNLV MS, Crop Sci, UN Reno PhD, NM St Uni. Agronomy	Field Biologist Plant Taxonomy
Joe McFaddin	BS, Biology, CSU Bakersfield MS, Biology CSU Bakersfield	Field Biologist
Paul E. Pruett	BA, UC Berkeley MS, NC State LLB, LaSalle University CWB, TWS	Project Manager Field Biologist
Steven P. Pruett	BS, CSU Bakersfield M.Ed., University of La Verne	Field Biologist

Attachment 10

Notice of Determination

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Rm113
Sacramento, CA 95814

Lead Agency: Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Applicant(s): Kennedy Meadows Restoration, LLC
99073 Pinon Ridge Road
Inyokern, CA 93257
(559) 850-4400

Subject: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Change of Zone No. PZ 10-002

State Clearinghouse Number: 2013- 081066

Contact Person: Hector Guerra **Telephone Number:** 559-624-7000

Project Location: Approximately ¼ mile north of Goman Road, on both sides of Kennedy Meadows Road, in Kennedy Meadows. (APNs 310-010-017, 018, 019, 020, 021 (78 acres) and APNs 310-050-012, 013, 014, 015, 016, 017, 018, & 019 (329 acres); Section 22, Township 22 S, Range 36 E, MDB&M)

Project Description/Case File No: Change of Zone on 78 acres from MR-217 (Mountain Residential - 217,000 sq. ft. minimum) to CO (Commercial Recreation) and on 329 acres from MR-1,742 (Mountain Residential – 1,742,000 sq. ft. minimum) to MR-435 (Mountain Residential – 435,000 sq. ft. minimum)

This is to advise that the TULARE COUNTY BOARD OF SUPERVISORS has approved the above-described project and has made the following determinations regarding the above-described project:

1. The project ( ) will (X) will not have a significant adverse impact on the environment.
2. ( ) A Final Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   (X) A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
   The environmental document and record of project approval may be examined at:
   5961 S Mooney Blvd., Visalia CA 93277
3. Mitigation Measures (X) were ( ) were not made a condition of approval of the project.
4. A Statement of Overriding Considerations ( ) was (X) was not adopted for the project.

By: _____ 9/4/14
Hector Guerra
Chief Environmental Planner

By: _____ 9/4/14
Michael C. Spata
Environmental Assessment Officer
Associate Director - RMA

(X) Dept of Fish & Wildlife Fees Req'd
( ) E.I.R.
( ) MND
( ) N.D.

Filed with the Tulare County Clerk on _____, 2014
cc: California. Dept. of Fish & Wildlife, 1416 Ninth St., 12th Floor, Sacramento, CA 95814
Note: Authority cited: Section 21083, Public Resource Code; Reference: Sections 21108, 21152 and 21167, Public Resource Code.

Attachment 11

Public Notice Information

NOTICE OF INTEN TO ADOPT A **MITIGATED NEGA E DECLARATION**
NOTICE OF PUBLIC HEARING AND AVAILABILITY
OF ENVIRONMENTAL DOCUMENTS

NOTICE IS HEREBY GIVEN of Tulare County's intent to adopt a **Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program** for the approval of **PZ 10-002.** The **Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program** has been approved for public review by the Tulare County Environmental Assessment Officer. Copies are available for review and comment at the Resource Management Agency, Permit Center, 5961 South Mooney Blvd., Visalia, California 93277-9394. Comments and recommendations on the adequacy of the environmental document may be filed at the aforementioned address during the public review period established for each project.

PROJECT: PZ 10-002 Zone Change No. PZ 10-002

APPLICANT/AGENT: Kennedy Meadows Restoration, LLC/Roberts Engineering

LOCATION: on property located on both sides of Kennedy Meadows Road, approximately ¼ mile north of Goman Road, in Kennedy Meadows..

PROJECT DESCRIPTION: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Zone Change No. PZ 10-002 for a change of zone on: (1) 78 acres from MR-217 (Mountain Residential – 5-acre minimum) to C-O (Commercial Recreation), and (2) 329 acres from MR-1742 (Mountain Residential – 40-acre minimum) to MR-435 (Mountain Residential – 10-acre minimum) Zone.

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

REVIEW PERIOD: 30 days until Monday, December 8, 2014 at 5:00 p.m.

PUBLIC HEARING: Planning Commission on Wednesday, December 10, 2014, at 9:00 a.m.

All meetings are held at the Board of Chambers, 2800 West Burrel Avenue, Visalia, California 93291

PLANNING COMMISSION meetings start at 9:00 a.m.

All interested parties are invited to attend and be heard. For further information regarding this project, please call Dana Mettlen, (559) 624-7000 or for Environmental questions please call Hector Guerra, Chief Environmental Planner at 624-7121.

If you challenge the decision on any of the foregoing matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Tulare County Resource Management Agency, Planning Branch within the review period described herein.

In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 624-7000 48-hours in advance of the meeting.

MICHAEL C. SPATA, ENVIRONMENTAL ASSESSMENT OFFICER

TO BE PUBLISHED ONCE ONLY ON:

SEND BILL AND TEAR SHEET TO:
TUL CO RESOURCE MGMT.
5961 SOUTH MOONEY BLVD.
VISALIA, CA 93277-9394

SEND TO: Visalia Times Delta