

AGENDA DATE: November 14, 2006



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD.
VISALIA, CA. 93277
PHONE (559) 733-6291
FAX (559) 730-2653

Britt L. Fussel	Engineering
Deborah Kruse	Development Services
Jean P. Brou	Transportation
George Finney	Long Range Planning
Hal Cypert	Support Services
Roger Hunt	Administrative Services

HENRY HASH, DIRECTOR

AGENDA ITEM

ITEM NO. _____
District 3

SUBJECT:

Continued public hearing to consider an appeal by Raul and JoAnn Gamez of the Zoning Administrator's approval of Special Use Permit No. PSP 05-096(ZA).

REQUEST(S):

Adopt findings to deny the appeal by Raul and JoAnn Gamez and uphold the Zoning Administrator's decision to approve Special Use Permit No. PSP 05-096(ZA), subject to the conditions as set forth in ZA Decision No. 2785 or as modified by subsequent Decision.

SUMMARY:

Special Use Permit No. PSP 05-096(ZA) was requested by Calvary Worship Center, 1177 N. Ventura Street, Farmersville, CA 93223 to establish a church facility on 6.69 acres in the AE-20 (Exclusive Agricultural-20 acre minimum) Zone located on the east side of Lovers Lane (Road 140), approximately 550 feet south of Caldwell Avenue (Avenue 280), south of Visalia.

A public hearing was held before your Board on October 31, 2006. Public testimony in favor and in opposition to the project was received. The matter was continued to November 14, 2006 to prepare findings for denial of the appeal and uphold the Zoning Administrator's decision to approve PSP 05-096(ZA). The Board also referred the matter back to the Zoning Administrator to consider modifications to conditions raised by the City of Visalia.

FINANCING:

Not applicable

ALTERNATIVES:

Your Board can deny the appeal and thereby deny the special use permit.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

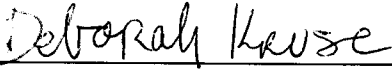
City of Visalia/Mike Olmos, RMA Engineering, HHSA Environmental Health Services

SIGNATURE REQUIREMENTS:

The County Administrative Officer/Clerk of the Board of Supervisors or authorized Deputy to attest to the Resolution.

ADMINISTRATIVE SIGN OFF:

RESOURCE MANAGEMENT AGENCY


Deborah Kruse, Assistant Director
Development Services Branch


Henry Hash, Director

Contact: Beverly Cates, Chief Planner, 733-6291 ext. 4223

cc: Raul and JoAnn Gamez, 27684 Road 140, Visalia, CA 93292
Calvary Worship Center, 1177 N. Ventura Street, Farmersville, CA 93223
Dennis Kemp, 3517 W. Victor Avenue, Visalia, CA 93277
City of Visalia, Mike Olmos

BEFORE THE BOARD OF SUPERVISORS

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF SPECIAL USE PERMIT)

RESOLUTION NO. ~

APPLICATION NO. PSP 05-096(ZA))

Resolution of the Board of Supervisors of the County of Tulare denying the appeal filed by Raul and JoAnn Gamez and upholding the Zoning Administrator's approval of Special Use Permit No. PSP 05-096(ZA), requested by Calvary Worship Center, 1177 N. Ventura Street, Farmersville, CA 93223 to establish a church facility on 6.69 acres in the AE-20 (Exclusive Agricultural-20 acre minimum) Zone located on the east side of Lovers Lane (Road 140), approximately 550 feet south of Caldwell Avenue (Avenue 280), south of Visalia.

WHEREAS, the Board of Supervisors has given notice of its intention to consider the appeal of a Special Use Permit as provided in Section 18 of said Ordinance No. 352 and as provided in Section 65905 of the Government Code of the State of California, and

WHEREAS, public hearings were held and opportunities for public testimony were provided at regular meetings of the Board of Supervisors on October 31, 2006 and November 14, 2006, and

WHEREAS, at the October 31st meeting of the Board of Supervisors, public testimony was received and recorded from Dennis Kemp, agent for the applicant in support of the proposal and JoAnn Gamez in opposition to the proposal, and

WHEREAS, the matter was continued to the November 14, 2006 Board meeting, to adopt findings for denial of the appeal.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Board of Supervisors hereby certifies that it has reviewed and considered the information contained in the Initial Study/Negative Declaration for the proposed project together with any comments received during the public review process and responses to those comments, in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 prior to taking action on the project.

B. This Board of Supervisors hereby adopts the following findings of fact as to the reasons for denial of the appeal and upholding the Zoning Administrator's approval of this application:

1. The applicants are requesting a Special Use Permit to establish a church facility on 6.69 acres in the AE-20 (Exclusive Agricultural-20 acre minimum) Zone. The applicants propose to a 350-seat sanctuary for a congregation that currently meets in Farmersville that is made up largely of Visalia residents.

2. The Tulare County Zoning Administrator held public hearings and opportunities for public testimony were provided at regular meetings of the Zoning Administrator on July 13, July 27 and August 3, 2006. The Zoning Administrator adopted Decision No. 2785 and approved Special Use Permit No. PSP 05-096(ZA) on September 5, 2006.
3. The subject site is zoned AE-20 and contains a walnut orchard. The surrounding properties are also zoned AE-20 and contain walnut orchards, single family residences and field crops.
4. The subject property is within the Urban Area and Urban Development Boundaries of Visalia. The Visalia Area Land Use Plan designates the site as "Professional Office". The City of Visalia had no objection to the project and requested that the ultimate right of way of 110 feet be secured. The current right of way across the frontage of the site is 110 feet.
5. The subject property is not within an Agricultural Preserve. The parcel is undersized (6.69 acres) for agricultural production. The site plan was designed to retain as many trees as possible and continue to be harvested to minimize the loss of agriculture and reduce the impact to the surrounding agricultural uses.
6. Mrs. Gamez expressed opposition to the project because the church will increase the traffic, which is already dangerous, conflict with agricultural spraying, introduce urban uses within the rural setting thus disrupting the existing lifestyle, and use water for non-agricultural use. Mrs. Hames, by written correspondence, was opposed to the project because it will remove land from productive agricultural use and conflict with farming practices on her adjacent property. The City of Visalia, by written correspondence received October 30, 2006, requested conditions of approval to transition the development to blend with future development within the City.
7. The agricultural spraying regulations will not be changed due to the operation of a church in proximity to the orchards. The applicant intends to maintain as many trees as possible and have them harvested in conjunction with adjacent orchards. However, in order to satisfy the opposition's concerns regarding possible impacts from agricultural spraying on his leased properties to the south, the applicants have agreed to increase the distance from the south side of the structure to the south property line to 130 feet. This allows the parking lot to be in alignment with the best location for the left turn pocket. The site plan, adopted as ZA Exhibit A, has been modified to reflect these changes.
8. The site is within the Urban Development Boundary of Visalia and within 550 feet of the Visalia City limits. Development is proposed within the City at this location within the near future as is evidenced by the City of Visalia's preparation of the Southeast Area Master Plan for the area west of Lovers Lane. Therefore, it was determined that approval of the project is not premature at this location at this

time and that loss of agricultural lands within the Urban Development Boundary is expected and inevitable. By encouraging development within urban areas, agricultural lands outside of Urban Area Boundaries are preserved.

9. Tulare County Resource Management Agency – Engineering Branch reviewed the existing lane configuration on Road 140 south of Avenue 280 and performed preliminary engineering and design for a southbound, one-way, left-turn pocket into the church site to improve circulation and safety. The improvements will be required and have been included as Condition No. 26.
10. To address the City of Visalia's request for consideration of additional conditions of approval, the matter is referred back to the Zoning Administrator with a recommendation that the facility be connected to City sewer when the sewer lines are extended to the site and that Condition No. 7 of ZA Decision No. 2785 be eliminated that allowed a provision for asphalt curbs if standard curb improvements were not feasible.
11. The Environmental Assessment Officer has approved a Negative Declaration for public review for the project, indicating that the project will not have any significant environmental impacts. The document was not substantially revised and no new mitigation measures were added to require recirculation. Modifications to conditions of approval, not required by CEQA, were proposed to clarify and refine the project in accordance with CEQA Guidelines, Section 15073.5(c).

C. This Board of Supervisors, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the use of building or land applied for PSP 05-096(ZA) would not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

AND, BE IT FURTHER RESOLVED as follows:

A. This Board hereby finds there is no substantial evidence that said Special Use Permit will have a significant effect on the environment and determines that the Negative Declaration for said Special Use Permit reflects the independent judgment of the County and 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 and therefore approves and adopts the Negative Declaration in accordance with the California Environmental Quality Act in review of this project.

B. This Board hereby denies the appeal filed by Raul and JoAnn Gamez and upholds the Zoning Administrator's approval of Special Use Permit Application No. PSP 05-096(ZA), subject to conditions as set forth in ZA Decision No. 2785 or as modified in a subsequent Decision.

The time within which judicial review of this decision must be sought is governed by the provisions of Code of Civil Procedure section 1094.6 and Public Resources Code section 21167.

The foregoing resolution was adopted upon motion of Supervisor _____, seconded by Supervisor _____, at a regular meeting of the Board of Supervisors on the 14th day of November, 2006, by the following roll call vote:

AYES:

NOES:

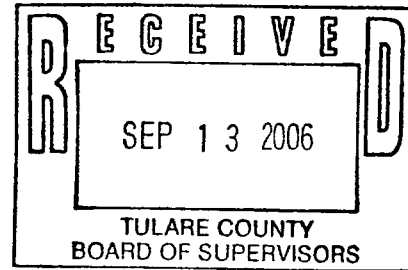
ABSTAIN:

ABSENT:

ATTEST: C. BRIAN HADDIX
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

Raul & Jo Ann Gamez
27684 Road 140
Visalia, CA 93292



September 11, 2006

Theresa Szymanis
Acting Zoning Administrator
5961 South Mooney Blvd.
Visalia, CA 93277

RE: PSP 05-096

Dear Ms. Szymanis:

Please accept this letter as a formal appeal against the granting of the special use permit for project PSP 05-096. We object to the granting of this permit for building on land that is zoned as AE-20 and feel that a Negative Declaration is not enough to satisfy the environmental impact that building a public use facility will have on this site. Of course we will seek legal counsel to speak to this issue.

In addition we find that the left hand turning across two lanes of opposing traffic is very dangerous in that area due to the close proximity of the intersection and the heavy fog that we have for several months in the winter. Also, cars slowing down to enter the left hand turn pocket will create a hazard for cars speeding through the intersection to make the light. Cal Trans has found the left hand turning to be hazardous on state route 63 (Mooney Blvd.) south of Caldwell and has set a precedent by prohibiting it only at light controlled intersections.

Sincerely,

A handwritten signature in cursive script that reads "Jo Ann Hames-Gamez".

Jo Ann Hames-Gamez

Cc: City Council of Visalia
Resource Management Agency – Engineering Branch

	<p>approximately 12,000 square feet on either side. It is expected these areas will be planted in lawn or other ground cover to control dust, weeds and erosion. These areas could be potentially used for assembly although there is no mention of this in the application.</p> <p>In summary, it appears the proposed parking design showing 112 spaces plus 3 ADA accessible spaces could be easily modified to meet the standard of 117 spaces for fixed seating for 350 people. Should attendance exceed 350 people on a regular basis, there appears to be sufficient area on the property to provide additional parking area.</p>
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WALL AND FENCE

Applicable Standard(s)	Project Conformity
The Planning Commission has normally not applied wall and fence requirements in predominantly agricultural areas except as appropriate for safety or screening of specific nearby land uses, especially residences.	No walls or fences are proposed. All surrounding properties are currently in agricultural production. However, both County and City land use plans designate the site and surrounding properties for professional office and/or public facility development except east of the site, where the land is designated residential. To provide for these potential future residential uses and growth of the church facility, it may be appropriate to require a solid wall or fence along the east edge of the property. This requirement could be applied as a condition of approval and deferred via a security agreement until such time as the land to the east is developed residentially or the remaining walnut trees on the east side of the property are removed.

LANDSCAPING

Applicable Standard(s)	Project Conformity
The Standards state that the "required areas of landscaping, as prescribed in this article or to be prescribed by the County Planning Commission, shall be in proportion to the need for such facilities as created by the particular type of land use and the proximity of the particular type of land use to other land uses." The Planning Commission has normally not applied landscaping requirements in predominantly agricultural	<p>Landscaping is proposed in and around the church and parking lot. Lighting is also shown in the parking area. This is appropriate especially considering the future compatibility of the development given the probable urbanization of the area.</p> <p>The standard is that 5% of the "net area upon which any commercial development is located shall be devoted to landscaping."</p>

areas except as appropriate for site beautification and screening of specific nearby land uses.	The site plan appears to show conformance with this area standard. However, a detailed landscaping plan will required to determine conformance with specific planting and location requirements. Such a plan can be made a condition of approval. It should be noted that the development will likely be subject to the County's Water Efficient Landscaping Ordinance (Chapter 31 of Part VII of the Ordinance Code) requiring a landscape documentation package. It may be appropriate to defer landscaping in areas not affected by the church development, even along the road frontage, as long as the walnut trees are maintained.
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SIGNS AND ADVERTISING DISPLAYS

Applicable Standard(s)	Project Conformity
Signage standards are applied in accordance with the visual character of the area. The subject site meets the definition of an "urban fringe area" in terms of signage standards. "Signs" may be freestanding, attached to a structure or painted on. The sign is presumably for identification of the church/congregation and so the applicable standard is "one or two signs with an aggregate area not exceeding 15% of the area of the front face of the building."	One freestanding sign 10 feet wide by 5 feet tall is proposed. Although the sign is shown on the site plan parallel to the street, it could be installed perpendicular to the street giving a gross sign area of 100 square feet (2 faces @ 50 sq. ft. each). This is less than 15% of the area of the front (west) face of the church which is about 132 feet long by 32 feet high (to the roof peak) or 4,224 square feet. ($15\% \times 4,224 = 633.6$ square feet). Therefore the sign conforms to this standard.

3. Other Facts:

Section 16 of Ordinance No. 352, as amended, the Tulare County Zoning Ordinance, authorizes the filing of special use permit applications for churches in the AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, CO, C-1, C-2, and C-3 Zones.

The Zoning Administrator is authorized to hold hearings and make decisions on applications for special use permits for churches except when an environmental impact report is required according to Board of Supervisors' Resolution No. 76-3034, effective 11/9/76 and as amended by Resolution No. 78-1902, effective 7/5/78.

Fire Protection: Provided by the Tulare County Fire Department Schedule A Fire Station located at Walnut Avenue and Lovers Lane in Visalia.

BEFORE THE ZONING ADMINISTRATOR

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF SPECIAL USE PERMIT)

DECISION NO. 2785

APPLICATION NO. PSP 05-096 (ZA))

Decision of the Zoning Administrator of the County of Tulare approving a Special Use Permit requested by Calvary Worship Center, 1177 N. Ventura Street, Farmersville, CA 93223 to establish a church facility on 6.69 acres in the AE-20 (Exclusive Agricultural-20 acre minimum) Zone located on the east side of Lovers Lane (Road 140), approximately 550 feet south of Caldwell Avenue (Avenue 280), south of Visalia.

The Zoning Administrator hereby determines the following findings were relevant in evaluating this application:

1. An application for a Special Use Permit has been filed pursuant to the regulations contained in Section 16 of Ordinance No. 352, the Zoning Ordinance.
2. Under Board of Supervisors' Resolution No. 83-459, as amended, and Section 16 of the Tulare County Zoning Ordinance, the Zoning Administrator is authorized to approve or deny requests for amendments to special use permits for churches.
3. Staff has given notice of the Zoning Administrator's intention to consider the granting of a Special Use Permit as provided in Section 16 of said Ordinance No. 352 and as provided in Section 65905 of the Government Code of the State of California.
4. Staff has performed necessary investigations, prepared a written report and recommended certain conditions of approval if this application is approved by the Zoning Administrator.
5. A public hearing was conducted on July 13, July 27 and August 3, 2006, in the Commission Meeting Room of the Resource Management Agency Offices in order to receive public testimony on the proposed application. Dennis Kemp, Haroll Wiley and Pastor Jim A. Wiley, on behalf of the applicant, and Thelma Venturella, an adjacent property owner, spoke in favor of the project. Raul Gamez, spoke in opposition to the proposal and a letter of opposition was received from Doris F. Hames.

6. The subject site is zoned AE-20 and contains a walnut orchard. The surrounding properties are also zoned AE-20 and contain walnut orchards, single family residences and field crops.
7. The subject property is within the Urban Area and Urban Development Boundaries of Visalia. The Visalia Area Land Use Plan designates the site as "Professional Office". The City of Visalia had no objection to the project and requested that the ultimate right of way of 110 feet be secured. The current right of way across the frontage of the site is 110 feet.
8. The subject property is not within an Agricultural Preserve.
9. Mr. Gamez expressed opposition to the project because the church will increase the traffic, which is already dangerous, conflict with agricultural spraying, introduce urban uses within the rural setting thus disrupting the existing lifestyle, and use water for non-agricultural use. Mrs. Hames was opposed to the project because it will remove land from productive agricultural use and conflict with farming practices on her adjacent property.
10. The agricultural spraying regulations will not be changed due to the operation of a church in proximity to the orchards. The applicant intends to maintain as many trees as possible and have them harvested in conjunction with adjacent orchards. However, in order to satisfy Mr. Gamez's concerns regarding possible impacts from agricultural spraying on his leased properties to the south, the applicants have agreed to increase the distance from the south side of the structure to the south property line to 130 feet. This allows the parking lot to be in alignment with the best location for the left turn pocket.
11. The site is within the Urban Development Boundary of Visalia and within 550 feet of the Visalia City limits. Development is proposed within the City at this location within the near future as is evidenced by the City of Visalia's preparation of the Southeast Area Master Plan for the area west of Lovers Lane. Therefore, it was determined that approval of the project is not premature at this location at this time and that loss of agricultural lands within the Urban Development Boundary is expected and inevitable. By encouraging development within urban areas, agricultural lands outside of Urban Area Boundaries are preserved.
12. Tulare County Resource Management Agency -- Engineering Branch reviewed the existing lane configuration on Road 140 south of Avenue 280 and performed preliminary engineering and design for a southbound, one-way, left-turn pocket into

the church site to improve circulation and safety. The improvements will be required and have been included as Condition No. 26.

13. A Negative Declaration 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 Zoning Administrator hereby finds there is no substantial evidence that the proposed Special Use Permit will have a significant effect on the environment and determines that the Negative Declaration for said use permit 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 and that the Zoning Administrator has reviewed and considered the information contained in the Negative Declaration for the proposed project together with any comments received during the public review process prior to taking action on the Special Use Permit.

The Zoning Administrator, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the use of building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

NOW, THEREFORE, BE IT DETERMINED AS FOLLOWS:

The Zoning Administrator of the County of Tulare hereby approves Special Use Permit No. PSP 05-096 (ZA), subject to the following conditions:

1. The proposed structures shall conform to the regulations of the AE-20 Zone. The proposed structures shall also conform to the Building Line Setbacks of the Ordinance Code of Tulare County, insofar as said regulations and setbacks are applicable to said structures.
2. Signs shall not exceed a total of 150 sq. ft.
3. A minimum of 112 parking spaces and an additional three ADA parking spaces shall be provided. All on-site parking areas and drive roads shall be surfaced for all weather conditions and maintained so that dust and mud do not create conditions detrimental to surrounding property and roadways.
4. A Grading and Drainage Plan shall be prepared by a licensed Civil Engineer or licensed Architect and shall be submitted to and approved by the Resource Management Agency – Engineering Branch prior to the issuance of any building

permits / the use permit on the subject site. The Plan shall include existing and proposed contours and detail the means of disposal of storm water runoff from the site in such a manner that all such runoff shall be collected and disposed of on-site. The Plan shall specify a means of disposal such that runoff is not diverted to adjacent property or road frontage.

5. A Letter of Certification shall be prepared by a licensed Civil Engineer or licensed Architect. The Engineer or Architect shall affix their stamp and seal to the Letter. The Letter shall serve as the means to notify the County that construction was completed according to the approved Grading and Drainage Plan / Erosion Control Plan. The Letter shall be submitted to the Tulare County RMA – Engineering Branch prior to the issuance of final occupancy permits.
6. Curb, gutter, sidewalk and paveout shall be constructed along the Road 140 frontage of the subject site. The paveout shall consist of asphalt over aggregate base and is necessary to properly tie the curb and gutter into the existing pavement. The curb, gutter, sidewalk and paveout shall be constructed in accordance with the Tulare County Improvement Standards. The design of the curb, gutter and paveout shall be submitted to the County for approval. The feasibility of the curb, gutter and paveout shall be evaluated during the design process. The County will make the final determination on the feasibility of the curb, gutter and paveout. If the curb, gutter and paveout are determined to not be feasible, then the County will prepare a long term deferred improvement agreement to be signed by the property owner.
7. If curb and gutter is not feasible, then an asphalt drive approach shall be constructed at each proposed and/or existing point of access to Road 140. The asphalt drive approaches shall be constructed in accordance with the Tulare County Improvement Standards.
8. The applicant or the applicant's contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right of way of a County maintained road.
9. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a County road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities as no relocation costs will be borne by the County. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a County road.

10. The address shall be posted along the road frontage using 6" numerals on a contrasting background.
11. Portable fire extinguishers shall be installed throughout the entire facility in compliance with the Uniform Fire Code and as designated by the Fire Warden.
12. A fire protection system shall be installed in compliance with the Tulare County Improvement Standards and as designated by the Fire Warden.
13. Provisions for fire and life safety shall be completed and inspected by the Fire Warden prior to use or occupancy of the facilities.
14. The applicant shall comply with the San Joaquin Valley Air Pollution Control District, Fugitive Dust Rules (Regulation VIII).
15. The following measures should be incorporated into the project to reduce the overall project's level of emission, to the extent possible:
 - a. Limit engine idling by construction equipment at the project site.
 - b. Require construction equipment used at the site to be equipped with catalysts/particulate traps to reduce particulate and NOx emissions.
 - c. Deciduous trees should be oriented to maximize passive solar cooling and heating.
 - d. Buildings should be oriented to maximize passive solar cooling and heating.
 - e. Electric, solar, or low nitrogen oxide (NOx) emitting gas-fired water heaters should be installed. Any gas-fired appliances should comply with California NOx Emission Rule #1121;
 - f. Energy efficient design including but not limited to: automated control system for heating/air conditioning and energy efficiency beyond Title 24 requirements, lighting controls and energy-efficient lighting in buildings, increased insulation beyond Title 24 requirements, and light colored roof materials to reflect heat.
16. If during the construction on the site, any archaeological resources are discovered, all construction shall cease and the Planning Director shall immediately be notified


of the discovery. Further development shall not continue until the Planning Director certifies that appropriate recovery measures, if deemed necessary, have been completed.

17. Landscaping shall be planted and permanently maintained along the Lovers Lane frontage, with plant material such as trees. A landscape plan shall be submitted for review and approval by the RMA Development Services Branch prior to issuance of building permits.
18. All landscaped area shall contain fertile, friable soils with adequate sub-surface drainage, contain provisions for convenient irrigation in the form of hose bibs and/or sprinkler systems, and be permanently maintained in a neat and viable condition.
19. No landscape materials shall be used that constitutes a threat to human safety, nor shall any landscape material be located in such a manner as to impair the vision of motorists or endanger the lives and safety of pedestrians.
20. New sewage disposal systems shall be designed by a Registered Civil Engineer, Registered Environmental Specialist or Registered Engineering Geologist. The specifications and engineering data for said system shall be submitted to the Tulare County Environmental Health Services Division for review and approval prior to issuance of building permits.
21. Provisions shall be made to assure that the septic tank and leach field are located outside of the vehicular driving paths. Location of all primary systems as well as the 100% replacement area shall be clearly shown on the site plan and shall not be paved over.
22. The facility will be regulated as a "Transient Non-Community Public Water System" by the Tulare County Environmental Health Services Division (TCEHSD) if 25 or more people are served 60 days per year. The applicant shall apply for a water system permit and submit all required documentation to the TCEHSD prior to operating the system.
23. Standardized conditions as set forth in Zoning Administrator Decision No. 2271 shall be applicable to this project (Attachment No. 1).
24. The property owner shall sign and record the Right to Farm Notice along with the Decision (Attachment No. 2).
25. The applicant shall utilize best practices for avoidance of disturbance of San Joaquin kit fox. If, during construction or grading activities on the site, any dens are

discovered, all construction or grading shall temporarily cease and the Planning Director shall immediately be notified of the discovery. Further development shall not continue until the Planning Director certifies that appropriate measures, if deemed necessary, have been completed.

26. A one-way, left turn pocket, with median improvements shall be installed for the southbound traffic on Road 140 entering the church site. The applicant shall submit a plan prepared by a Registered Civil Engineer detailing the layout and design of the left turn pocket to RMA-Engineering. RMA-Engineering shall review and approve the plan prior to issuance of any building permits on the church site. The left-turn pocket improvements shall be completed prior to final occupancy of the site.

TULARE COUNTY ZONING ADMINISTRATOR



Theresa Szymanski, Acting Zoning Administrator

Date Approved: 09.05.06

STANDARD CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT

(Reference Zoning Administrator Decision No. 2271)

1. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Zoning Administrator (ZA Exhibit "A") and with the Site Plan Development Standards pertaining to a use of this type adopted by the Planning Commission on February 20, 1970.
2. Regardless of Condition No. 1 above, and in accordance with Section 18 (Minor Modifications - Director's Approval) of the Zoning Ordinance, the Planning and Development Director is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his successors, as long as said modifications do not materially affect the determination of the Zoning Administrator. Such modifications shall be noted on the approved plans and shall be initialed by the Planning and Development Director.
3. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
4. The proposed facility shall be maintained and operated in accordance with all State and County health regulations.
5. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures.
6. The conditions set down herein which require construction of improvements shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises, and the traveling public, shall be protected. The Zoning Administrator may grant exceptions to this condition upon request by the applicant.
7. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Zoning Administrator, unless the applicant, or his/her successor, has actually commenced the use or variance authorized by the permit within said two year period. The Zoning Administrator may grant one or more extensions of said two year time, upon request by the applicant.
8. This Special Use Permit will not be effective until ten (10) days after the date upon which it is granted by the Zoning Administrator and until the applicant, at his own expense, has executed and filed with the County Recorder, a certified copy of the decision of the Zoning Administrator granting said permit with a duly authorized acceptance, in the form approved by the County Counsel, endorsed thereon.
9. All standard conditions and all special conditions of approval of this Special Use Permit must be complied with at all times in order to continue the use or uses allowed. Compliance with such conditions is subject to review at any time. Normally, an initial review of compliance shall be conducted by the Tulare County Zoning Administrator twelve (12) months after the granting of said permit; however, the Zoning Administrator may schedule the review sooner under certain circumstances. Additional reviews may be undertaken at the discretion of the Zoning Administrator.
10. This Special Use Permit shall automatically expire and become null and void two (2) years after the use for which it was granted is discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Zoning Administrator may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.

BP 05-096(z)



RECEIVED
TULARE COUNTY

JUN 21 2006

4010 So. Fowler Blvd.
Visalia, 93292.
June 19, 2006

RESOURCE
MANAGEMENT
AGENCY

3 Zoning Administrator,
Resource Management Agency,
Tulare County,
5961 So. Moody Blvd.,
Visalia, CA. 93277-9394.

Dear Sir:

My land adjoins the described property that has the described proposed DSP 05-096 (ZA) - (Cabrera Worship Center.) My land adjoins this property on the south. I have Walnut trees, which require spraying with sprays for blight, codling moth, & herbicide spray for weeds. I'm very much concerned about this notice, I received today, informing me of this plan.

Once before, a church planned to build near here, and all the neighbors fought against it. It did not materialize. This is beautiful

farm land. I beg you, as a
land owner, here since 1971, not
to turn this farm land into a church
owned property that would, most likely,
expand into other things. Why do
they need that many acres?

Sincerely Yours,

Norma J. Hames

P.S. The public hearing for this event
is listed as Thursday, July 13, 2006
at 9:00 A.M. I'm very much opposed to
this, and pray, that this letter will
be acknowledged, should I not be able
to attend.

Again,

Sincerely Yours,

Norma J. Hames

4010 So. Fowers Ln.,
Visalia, CA 93292

P.S.S. According to a report in the
Visalia Times Delta, you're striving to fill
in space within the city limits, before
expansion into farming land. Thank you
for your patience. Norma Hames.

Project: PSP 05-096(ZA)

Applicant: Calvary Worship Center

Agent: Dennis Kemp

Date Prepared: June 12, 2006

NEGATIVE DECLARATION

DESCRIPTION OF PROJECT:

Proposal, Zoning and Parcel Size:

A Special Use Permit to establish a church facility on approximately 3.5 acres of a 6.69-acre site in the AE-20 (Exclusive Agricultural-20 acre minimum) Zone.

Location:

On the east side of Lovers Lane (Road 140), approximately 550 feet south of Caldwell Avenue (Avenue 280), south of Visalia.

APN 127-010-32, Section 10, Township 19 South, Range 25 East MDB&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 ()

Letters (X)

Staff Report (X)

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 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) 733-6291, during normal business hours.

APPROVED
GEORGE E. FINNEY
ENVIRONMENTAL ASSESSMENT OFFICER

BY: Deborah Kruse

DATE APPROVED: 6/12/06

REVIEW PERIOD: 20 days

NEWSPAPER:

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

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
- Development Services Branch -
Environmental Assessment Initial Study

Special Use Permit No. PSP 05-096 (ZA)

I. GENERAL:

1. Applicant:

Calvary Worship Center
1177 N. Ventura Street
Farmersville CA 93223

2. Owner:

Same as above

3. Agent:

Dennis Kemp
3517 W. Victor Avenue
Visalia CA 93277

4. Proposal:

A Special Use Permit to allow the establishment of a new church facility in the AE-20 (Exclusive Agricultural-20 acre minimum) Zone, on approximately 3.5 acres, including building footprint, parking lot and landscaped areas, of a 6.69 acre property.

5. Location:

East side of Lovers Lane (Road 140), approximately 550 feet south of Caldwell Avenue (Avenue 280), south of Visalia; generally described as a portion of Section 10, Township 19 South, Range 25 East, MDB&M; APN(s): 127-010-32.

6. Applicants' Proposal:

The applicant proposes to establish a new church in two phases. The first phase would include construction of a 9,000 square foot building to be the sanctuary and also house classrooms, offices and restrooms. New driveways, parking and landscaped areas would also be installed. The second phase would consist of an 8,125 square foot addition on the east side of the building to expand the sanctuary and provide additional classrooms, offices and restrooms.

II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:

1. **Zoning and Land Use:**

Site: AE-20; walnut orchard, storage building.

North: AE-20; walnut orchard, single-family residence.

East: AE-20; walnut orchard.

South: AE-20; irrigation ditch, walnut orchard, single-family residence.

West: AE-20; Lovers Lane, field crops.

2. **Zoning and Other Ordinance Characteristics:**

Zoning Ordinance:

The AE-20 Zone (Section 9.6 of the Zoning Ordinance) allows agricultural uses such as field crops, orchards and wholesale nurseries. The raising of animals, either on pasture or concentrated pens, is allowed, however a Special Use Permit is required beyond a threshold number. Typically, 25 or more large animals such as cattle, horses or swine, on a property requires a use permit but see Section 9.6 for specific regulations. Dairies, feedlots and agriculturally-related industrial facilities are also allowed subject to a Special Use Permit. Limited residential uses, including mobilehomes, are allowed as are bed and breakfast homes with up to two guest rooms and small family day care homes. Churches, schools, campgrounds and other uses are allowed subject to a Special Use Permit.

Per Section 16(F), churches proposed in rural areas normally require review under the point evaluation checklist contained in the Rural Valley Lands Plan (RVLP) component of the General Plan. A Special Use Permit can only be approved if the subject site is determined to be “**suitable for nonagricultural zoning**”. However, this requirement does not apply to projects located inside of Urban Area Boundaries (UAB) or Urban Development Boundaries (UDB) adopted under the Urban Boundaries Element of the General Plan. The subject property is inside both the UAB and UDB adopted around the City of Visalia. Therefore this project is not subject to the RVLP checklist evaluation. However, the general findings for approval of a Special Use Permit as set forth in Section 16 must still be made as follows:

A Special Use Permit shall be granted only if it is found that the establishment, maintenance and operation of the use of building or

land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or to the general welfare of the County. Special Use Permits may be granted subject to such conditions as will ensure compliance with the aforementioned standards.

Height and Yard Requirements of the AE-20 Zone:

Height: Maximum Not to exceed 50 feet **except that** *water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or takeoff zones, or other restricted areas of an airport...*

Front Yards: 25 ft.

Rear Yards: 25 ft.

Side Yards: 10 ft.

Fences, Walls and Hedges:

Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

Building Line Setback Ordinance:

The building line setback requirement for Road 140 (Lovers Lane) as set forth in Section 7-19-1050 of the Ordinance Code, would apply to this project. Except as provided in Sections 7-19-1195 through 7-19-1250, all above and below ground structures must be constructed at least 55 feet from the centerline of the right of way of Lovers Lane. As shown on the site plan, all proposed improvements on the property meet this setback.

Water Efficient Landscaping Ordinance:

For project landscaping exceeding 2,500 square feet, a Landscape Documentation Package is required in conformance with Section 7-31-1035 of the Ordinance Code.

3. Circulation:

The only public road access to the property is from Lovers Lane (Road 140), which is classified an "arterial" under the County Select Road System and the Circulation Element. Existing right of way on Road 140 is 110 feet. Ultimate right of way on Road 140 is 110 feet according to the RMA Engineering Division. Curb, gutter and

sidewalk are required to be installed along the right of way when the property is developed unless deferred by the Engineering Division by means of a long-term agreement.

General Plan Elements:

Land Use Element: The County-adopted 1996 Visalia Area Land Use and Urban Boundaries Plan, GPA 92-007 (B)(C), (VAP) designates the subject property “Professional Office”. The VAP states that the Professional Office designation is applied to those County unincorporated areas shown as “Professional/Administrative Office” by the City of Visalia’s Land Use Element and within the County-adopted UDB for Visalia.

The proposed church appears to be consistent with this land use designation subject to approval of the special use permit. The subject site is designated Professional/Administrative Office in the City of Visalia’s General Plan Land Use Element. The “PA” (Professional/Administrative Office) Zone is one of several zoning districts contained in the City’s Zoning Ordinance which are considered potentially consistent with that same General Plan land use designation and it is the one which most closely fits the City’s General Plan description of that designation. The PA zone allows churches and other religious institutions subject to approval of a conditional use permit. A conditional use permit under City regulations is similar to a special use permit under County regulations.

Under County regulations, a church is allowed in the AE-20 Zone subject to approval of a special use permit. Further, the County zoning district which most closely fits the Professional Office land use designation is the “PO” Professional Office Zone (Section 8.1) which allows uses also allowed in the “R-3” Multi-Family Residential Zone. The R-3 Zone, in turn, allows churches subject to approval of a special use permit. Although the reasons for the subject property being zoned AE-20, rather than PO, have not been researched in depth as part of this Initial Study, it is possible that it was applied as a “holding” zone since the site is located inside the adopted UDB for Visalia. For most areas within the UDB, annexation to the City is foreseeable if not imminent. This makes it preferable, as a policy matter (see discussion under “Urban Boundaries Element” below), to limit large-scale development of the property until it is annexed by the City so that development occurs by City Standards. This can be accomplished by applying an exclusive agricultural district, like AE-20, while the area is under County jurisdiction.

Urban Boundaries Element: The VAP shows the subject site as inside both the UAB and UDB for Visalia. The general policy with regard to

development in the Urban Boundaries Element is that urban development shall only take place within incorporated cities with certain exceptions. One exception is that urban development may occur within an UDB adjacent to a city if the following criteria are met:

- A. The adjacent city will not consent to annex or annexation is not possible under the provisions of State law.
- B. The County finds that public service impacts of the development are within the service capabilities of the County and affected special districts.
- C. The use and density proposed are determined to be consistent with the adopted general plan of the County and compatible with the adopted general plan of the affected city.

Although there is no statement as to whether the City of Visalia could or would consent to annex, the site is not contiguous to the city limit, which currently lies north of Caldwell Avenue and west of Lovers Lane. However, it appears the other two criteria can be met.

Open Space Plan: The Open Space Plan contained in the 1974 Environmental Resource Management Element shows the area including the subject site for urban development.

Noise Element: The new church is shown on the proposed site plan to be located approximately 130 feet from the edge of pavement of Lovers Lane. This puts the building well outside of the 2010, 65 dBA noise-impacted corridor established by the 1988 Noise Element for Lovers Lane (Road 140) fronting the subject site which extends 90 feet from the centerline of the right of way.

Other Applicable Policies and Elements: N/A

Compatibility Finding: Based on the discussion of various applicable elements and policies above the proposed project appears to be consistent with the General Plan.

III. ENVIRONMENTAL SETTING:

1. **Topographical Features:**

The site is essentially flat. The slight slope faces westward and there is less than five feet of change in natural elevation between the east and west ends of the property. There are no rock outcrops or other surface geological features.

2. **Flooding Potential:**

The subject property is located within Zone B on Panel 650C of the Flood Insurance Rate Map for Tulare County (Federal Emergency Management Agency, 1998). Zone B is defined as the 500-year flood zone. Construction of buildings within Zone B requires no specific flood mitigation measures, however, it is recommended that all finished floor elevations be elevated at least one (1) foot above adjacent natural grade.

3. **Soils:**

Soil Type	Approx. Coverage	Capability Class (Prime?)	Sewage Disposal System limitations	Expansiveness (Clay Content, Shrink/Swell Potential)	Permeability
Grangeville sandy loam, drained, 0 to 2 percent slopes	30%	I, irrigated (prime)	Low	Low	Moderately rapid

(USDA/NRCS, Soil Survey of Tulare County, Western Part, 1998)

4. **Biotic Conditions:**

Vegetation Characteristics: Except for a 750 square foot storage building in the northeast corner, the subject property is entirely covered with an established walnut orchard.

Wildlife Habitats: As per the Environmental Resources Management Element (ERME), the site is located within the historic range of the blunt nosed leopard lizard and the San Joaquin kit fox which have been listed as endangered species by the U.S. Department of the Interior and by the California Department of Fish and Game. According to the Natural Diversity Data Base (CA DFG, 2005), the site is within the habitat range of the San Joaquin kit fox and within general occurrence radii for the western mastiff bat and the western pond turtle, both State species of special concern.

5. Water Table:

Based on California Department of Water Resources groundwater elevation maps and U. S. Geological Survey topographic map ground elevation information, depth to groundwater in Spring 1984, a recent high groundwater year, was 16 to 36 feet. In Spring 2004, the most recent data available, depth to groundwater was 76 to 96 feet.

6. Agricultural Preserves:

The subject site is not located within an Agricultural (Williamson Act) preserve.

7. Archaeological Conditions:

The ERME Recreation Plan does not show any historical and/or cultural sites on or near the subject property. There is no record that the site has been surveyed for archaeological resources. Due to extensive disturbance by agricultural activity, surface evidence of cultural resources is unlikely to remain.

IV. HISTORY AND PROJECT FACTS:

1. History:

No prior site-specific discretionary land use approvals are on record for the subject property. The site has been in agricultural use for many years.

2. Project Description:

The proposed Calvary Worship Center would be developed in two phases. Phase One consists of a single 9,000 square foot building with a 3,456 square foot sanctuary. The balance of the interior will contain classrooms, offices and restrooms. Phase Two is expected to be developed 2 to 5 years after Phase One and would consist of an 8,125 square foot addition to the building on the east side to expand the sanctuary and provide additional classroom and office space and restrooms. A regular school is not proposed. Classrooms would be for Sunday school type instruction and special meetings. Major periods of attendance will include Sunday morning and afternoon services and Wednesday evening classes. Maximum expected attendance at the facility is about 350 people.

Regular staff would include one full-time pastor, part-time maintenance person, part-time janitorial person and two part-time clerical persons. The greatest traffic would be generated for Sunday morning and afternoon services and Wednesday evening services and activities. These regular events are expected to generate about 99 automobile arrivals each according to the application.

A total of 112 parking spaces are shown in the roughly one acre paved parking area north of the sanctuary. Exact parking space dimensions are not given but are approximately 9.5 feet wide by 19 feet long, except for 3 accessible (ADA) spaces in front of the building. Landscaping is planned in and around the building and parking area. A septic tank and leach line area will be installed west of the building. A monolithic sign, 10 feet wide by five feet high is shown west of the building about 50 feet from the edge of the roadway. Site drainage will flow into a basin, about ¼ acre in area, in the northeast corner of the property. Walnut trees not in the area to be developed are shown on the site plan to remain.

The Tulare County Development Standards have been adopted by the Planning Commission and utilized by the Board of Supervisors as policy to guide the development of property in Tulare County in a manner consistent with contemporary trends and to provide safeguards for health, safety and general welfare. For a use not specified, the same standards shall be provided as are required for the most similar specified use, as determined by the Director of the Tulare County Resource Management Agency-Current Planning Division. The development standards which most closely apply to this type of use are as follows:

OFF-STREET PARKING

Applicable Standard(s)	Project Conformity
<p>Places of assembly with fixed seats: one (1) space per three (3) seats. The standard for general places of assembly without fixed seats is one space per 25 square feet of floor area used for assembly purposes.</p> <p>To account for the classroom capacity, the Standards provide for one space for each teacher and other staff plus one space for each 15 students of the contemplated maximum enrollment. (Public and parochial elementary and junior high schools.) However, this may not be the most similar use in this case since this will not be a full-day regular school but rather occasional religious classes on Sundays, weeknights, etc.</p> <p>Improvement standards for off-street parking include surfacing, border barricades, lighting and landscaping.</p>	<p>It appears that the church and classrooms will be used with a mixture of fixed and loose seating in varying combinations depending on the particular event. One approach to applying the parking standards would be to take the maximum anticipated attendance of 350 persons at one time and divide by the fixed seat standard of one space per three seats. The parking requirement would then be 117 spaces.</p> <p>An alternative approach is to look at area designated for assembly without fixed seating. The application states that there will be an estimated net 1,922 square feet for assembly. Dividing by the standard of one space per 25 square feet of assembly area without fixed seating gives a parking requirement of 77 spaces. However, this does not take into account other portions of the building that might be in use at the same time.</p> <p>It might also be noted that sizable open areas are depicted on the site plan on both the front (street-side) and back sides of the building;</p>

Police Protection: Provided by the Tulare County Sheriff's Department responding from the Visalia Headquarters.

Sewer and Water Service: Provided by on-site individual well and septic tank/leach line system.

4. Correspondence:

<u>Agencies Notified</u>	<u>Replies Received (date)</u>
T.C RMA Building Division	11/21/05
T.C. RMA Permits/Subdivisions Division	11/28/05
T.C. HHSA Environmental Health Services Division	12/13/05
T.C. Fire Warden	11/17/05
T.C. Agricultural Commissioner	
City of Visalia	
San Joaquin Valley Air Pollution Control District	12/13/05
CA Dept. of Fish and Game, District 4	
Tulare County Farm Bureau	

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

VI. **ENVIRONMENTAL DETERMINATION:** (see attached documents)

VII. **SUBSEQUENT ACTIONS:**

1. **Appeals:**

Any announced decision of the Zoning Administrator for approval or denial of an application is tentative until the date a written decision is signed by the Zoning Administrator. The written decision becomes final ten (10) calendar days after the date the decision is signed unless appealed in writing to the Board of Supervisors. The appeal letter should be sent to the Tulare County Board of Supervisors, 2800 West Burrel Avenue, Visalia, CA 93291-4582. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

2. **Fish and Game Fee:**

A State Department of Fish and Game Certificate of Fee Exemption has been approved for this project by the Environmental Assessment Officer, indicating the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code. As such, the Fish and Game Code requires the applicant pay to the Tulare County Clerk's office a \$45 document handling fee for the required filing of the Certificate of Fee

Exemption. The fee shall be paid at the time the Tulare County Resource Management Agency files the Notice of Determination. The Notice of Determination is required to be filed within five (5) days of project approval (after the 10 day appeal period has run) providing no appeal has been filed. If an appeal is filed within the 10 day appeal period, the Notice of Determination cannot be filed until the Board of Supervisors makes a decision on the appeal. The applicant shall pay the fee to the Tulare County Clerk's Office, Attention: Bonnie Garvin, Room 105, Tulare County Courthouse, Visalia, CA 93291-4593. Checks shall be made payable to: "County of Tulare". Applicants cannot avoid payment of the required \$45 Department of Fish and Game fee since a provision of AB 3158 declares that decisions on private projects are not "operative, vested, or final" until the fee is paid to the County Clerk. No building permits shall be issued until the fee is paid.

3. School Impact Fees:

The subject site is located within the Visalia Unified School District which has implemented developer's fees for all assessable space for new residences and expansions to existing residences; and for chargeable covered and enclosed space for new commercial and industrial development pursuant to Government Code Section 53080. These fees are required to be paid prior to the issuance of any permit for the construction of new commercial or industrial structures, and/or installation or construction of new or expanded residential structures. [Please contact the TCRMA-Permits Center or the applicable school district(s) for the most current school fee amounts.]

NOTICE: Pursuant to Government Code Section 66020(d)(1), this will serve to notify you that the 90-day approval period, in which you may protest to the school district the imposition of fees or other payment identified above, will begin to run from the date on which they are paid to the school district(s) or to another public entity authorized to collect them on the district(s) behalf, or on which the building or installation permit for this project is issued, whichever is earlier.

4. Compliance Reporting and Monitoring Schedule Fees:

A Compliance Reporting and Monitoring Schedule has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance. Fees, required to defray the expenses incidental to the compliance reporting and monitoring, will be required to be deposited into a Compliance Reporting and Monitoring Account prior to recording the Resolution. (See Exhibit No. 1)

5. **Right to Farm Notice:**

In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, and as a condition of approval of the special use permit, a Right to Farm Notice shall be recorded with the resolution approving the special use permit. (Attachment No. 2)

6. **Storm Water Permit:**

A General Construction Activity Storm Water Permit CAS000002 shall be required (prior to commencement of the construction) for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of more than five acres or which is less than five acres but is part of a larger common plan of development or sale. And, depending on the Standard Industrial Classification (SIC) Code of the final project, a General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities may be required. A Notice of Intent (NOI) shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the appropriate annual fee. Permits shall be required until the construction is completed.

VIII. **CREDITS:**

This Staff Report was prepared by:

Beverly Cates
Beverly Cates, Interim Division Manager
Project Review Division

6-13-06
Date

This Staff Report was reviewed by:

Deborah Kruse
Deborah Kruse, Assistant Director
Development Services Branch

6-13-06
Date

XIV. ATTACHMENTS:

Environmental Impacts Checklist/Discussion Form
Agency Correspondence received
Maps
Site Development Map or Plan

SPECIAL USE PERMIT NO. PSP 05-096(ZA)

Preliminary Conditions of Approval

NOTE: Listed below are suggested conditions of approval if PSP 05-096(ZA) is approved. The applicant should be aware that conditions may be added and/or deleted prior to or during the course of the public hearing on this proposal. In addition, these suggested conditions of approval may not be indicative of the Staff's recommendation on the merits of this project.

1. The proposed structures shall conform to the regulations of the AE-20 Zone. The proposed structures shall also conform to the Building Line Setbacks of the Ordinance Code of Tulare County, insofar as said regulations and setbacks are applicable to said structures.
2. Signs shall not exceed a total of 150 sq. ft.
3. A minimum of 112 parking spaces and an additional three ADA parking spaces shall be provided. All on-site parking areas and drive roads shall be surfaced for all weather conditions and maintained so that dust and mud do not create conditions detrimental to surrounding property and roadways.
4. A Grading and Drainage Plan shall be prepared by a licensed Civil Engineer or licensed Architect and shall be submitted to and approved by the Resource Management Agency – Engineering Branch prior to the issuance of any building permits / the use permit on the subject site. The Plan shall include existing and proposed contours and detail the means of disposal of storm water runoff from the site in such a manner that all such runoff shall be collected and disposed of on-site. The Plan shall specify a means of disposal such that runoff is not diverted to adjacent property or road frontage.
5. A Letter of Certification shall be prepared by a licensed Civil Engineer or licensed Architect. The Engineer or Architect shall affix their stamp and seal to the Letter. The Letter shall serve as the means to notify the County that construction was completed according to the approved Grading and Drainage Plan / Erosion Control Plan. The Letter shall be submitted to the Tulare County RMA – Engineering Branch prior to the issuance of final occupancy permits.
6. Curb, gutter, sidewalk and paveout shall be constructed along the Road 140 frontage of the subject site. The paveout shall consist of asphalt over aggregate base and is necessary to properly tie the curb and gutter into the existing pavement. The curb, gutter, sidewalk and paveout shall be constructed in accordance with the Tulare County Improvement Standards. The design of the curb, gutter and paveout shall be submitted to the County for approval. The feasibility of the curb, gutter and paveout shall be evaluated during the design process. The County will make the final determination on the feasibility of the curb, gutter and

paveout. If the curb, gutter and paveout are determined to not be feasible, then the County will prepare a long term deferred improvement agreement to be signed by the property owner.

7. If curb and gutter is not feasible, then an asphalt drive approach shall be constructed at each proposed and / or existing point of access to Road 140. The asphalt drive approaches shall be constructed in accordance with the Tulare County Improvement Standards.
8. The applicant or the applicant's contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right of way of a County maintained road.
9. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a County road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities as no relocation costs will be borne by the County. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a County road.
10. The address shall be posted along the road frontage using 6" numerals on a contrasting background.
11. Portable fire extinguishers shall be installed throughout the entire facility in compliance with the Uniform Fire Code and as designated by the Fire Warden.
12. A fire hydrant system shall be installed that will supply 1500 gpm fire flow for two hours at 25 psi in compliance with the Tulare County Improvement Standards and as designated by the Fire Warden.
13. Provisions for fire and life safety shall be completed and inspected by the Fire Warden prior to use or occupancy of the facilities.
14. The applicant shall comply with the San Joaquin Valley Air Pollution Control District, Fugitive Dust Rules (Regulation VIII). The operation may also be subject to Rule 4102 with regard to odor.
15. The following measures should be incorporated into the project to reduce the overall project's level of emission, to the extent possible:
 - a. Limit engine idling by construction equipment at the project site.
 - b. Require construction equipment used at the site to be equipped with catalysts/particulate traps to reduce particulate and NOx emissions.

- c. Deciduous trees should be oriented to maximize passive solar cooling and heating.
 - d. Buildings should be oriented to maximize passive solar cooling and heating.
 - e. Electric, solar, or low nitrogen oxide (NOx) emitting gas-fired water heaters should be installed. Any gas-fired appliances should comply with California NOx Emission Rule #1121;
 - f. Energy efficient design including but not limited to: automated control system for heating/air conditioning and energy efficiency beyond Title 24 requirements, lighting controls and energy-efficient lighting in buildings, increased insulation beyond Title 24 requirements, and light colored roof materials to reflect heat.
16. If during the construction on the site, any archaeological resources are discovered, all construction shall cease and the Planning Director shall immediately be notified of the discovery. Further development shall not continue until the Planning Director certifies that appropriate recovery measures, if deemed necessary, have been completed.
17. Landscaping shall be planted and permanently maintained along the Lovers Lane frontage, with plant material such as trees. A landscape plan shall be submitted for review and approval by the RMA Development Services Branch prior to issuance of building permits.
18. All landscaped area shall contain fertile, friable soils with adequate sub-surface drainage, contain provisions for convenient irrigation in the form of hose bibs and/or sprinkler systems, and be permanently maintained in a neat and viable condition.
19. No landscape materials shall be used that constitutes a threat to human safety, nor shall any landscape material be located in such a manner as to impair the vision of motorists or endanger the lives and safety of pedestrians.
20. New sewage disposal systems shall be designed by a Registered Civil Engineer, Registered Environmental Specialist or Registered Engineering Geologist. The specifications and engineering data for said system shall be submitted to the Tulare County Environmental Health Services Division for review and approval prior to issuance of building permits.
21. Provisions shall be made to assure that the septic tank and leach field are located outside of the vehicular driving paths. Location of all primary systems as well as the 100% replacement area shall be clearly shown on the site plan and shall not be paved over.

ATTACHMENT NO. 1

STANDARD CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT

(Reference Zoning Administrator Decision No. 2271)

1. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Zoning Administrator (ZA Exhibit "A") and with the Site Plan Development Standards pertaining to a use of this type adopted by the Planning Commission on February 20, 1970.
2. Regardless of Condition No. 1 above, and in accordance with Section 18 (Minor Modifications-Director's Approval) of the Zoning Ordinance, the Planning and Development Director is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his successors as long as said modifications do not materially affect the determination of the Zoning Administrator. Such modifications shall be noted on the approved plans and shall be initialed by the Planning and Development Director.
3. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
4. The proposed facility shall be maintained and operated in accordance with all State and County health regulations.
5. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures.
6. The conditions set down herein which require construction of improvements shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises, and the traveling public, shall be protected. The Zoning Administrator may grant exceptions to this condition upon request by the applicant.
7. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Zoning Administrator, unless the applicant, or his/her successor, has actually commenced the use or variance authorized by the permit within said two year period. The Zoning Administrator may grant one or more extensions of said two year time, upon request by the applicant.
8. This Special Use Permit will not be effective until ten (10) days after the date upon which it is granted by the Zoning Administrator and until the applicant, at his own expense, has executed and filed with the County Recorder, a certified copy of the decision of the Zoning Administrator granting said permit with a duly authorized acceptance, in the form approved by the County Counsel, endorsed thereon.
9. All standard conditions and all special conditions of approval of this Special Use Permit must be complied with at all times in order to continue the use or uses allowed. Compliance with such conditions is subject to review at any time. Normally, an initial review of compliance shall be conducted by the Tulare County Zoning Administrator twelve (12) months after the granting of said permit; however, the Zoning Administrator may schedule the review sooner under certain circumstances. Additional reviews may be undertaken at the discretion of the Zoning Administrator.
10. This Special Use Permit shall automatically expire and become null and void two (2) years after the use for which it was granted is discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Zoning Administrator may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.

ATTACHMENT NO. 2

RIGHT TO FARM NOTICE

RE: Use Permit No. PSP 05-096(ZA)
 or
 Parcel Map No. _____
 or
 Subdivision Map No. _____
 or
 Mining and Reclamation Plan No. _____

In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code; and as a condition of approval of the above-referenced use permit, parcel map, subdivision map or mining and reclamation plan, the undersigned hereby acknowledges that:

It is the declared policy of Tulare County to conserve, enhance and encourage agricultural operations within the County. Residents of property on or near agricultural land should be prepared to accept the inconveniences and discomfort associated with agricultural operations, including, but not necessarily limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Consistent with this policy, California Civil Code Section 3482.5 provides that no agricultural operation, as defined and limited by that section, conducted and maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

Dated: _____

(Signature)

(Print Name)

Dated: _____

(Signature)

(Print Name)

EXHIBIT NO. 1

COMPLIANCE REPORTING AND MONITORING
SCHEDULE AND FEE NOTICE NO. 2

CASE NO. PSP 05-096(ZA)

Section 22 of the Tulare County Zoning Ordinance mandates a program to monitor and ensure compliance with conditions imposed as part of approval of this project. It also mandates that fees be imposed to defray the expense incidental to any monitoring and compliance verification reviews required after the first scheduled inspection. The following is the adopted fee schedule:

First review generally scheduled 12 months from date of approval	\$65.00
Second and subsequent Compliance Monitoring Inspection	\$65.00
County Administration of Compliance Reporting and Monitoring Agreements for Phased, Major, or Complex Projects	Total negotiated cost of work as provided in contract + 10%

A Compliance Reporting and Monitoring Schedule was established and imposed as a condition of your use permit. **The first compliance review of your project is scheduled for 12 months from the date of approval.** If you are ready to begin the use prior to this first inspection, you must call (559) 733-6291 to schedule the first inspection.

Prior to recording the Resolution/Decision and Acceptance Form, a deposit of \$ 260⁰⁰ must be made to your Compliance Reporting and Monitoring Account. This deposit can be made at the Tulare County Resource Management Agency offices located at 5961 South Mooney Blvd., Visalia. The deposit is based on the estimated number of compliance inspections required to carry out the compliance reporting and monitoring schedule. Upon depleting the account to a level of 70% of the initial deposit, you will be notified of any additional fees that will be due. If the inspection fee has not been paid prior to the expiration date of the use permit, you will be required to pay the inspection fee at the time a request for an extension of time is made.

Upon completion of the project and/or termination of the compliance reporting and monitoring schedule, your deposit account will be reviewed and you will be notified of the amount of deposit remaining. You may request in writing a refund of any excess fees in the account. These fees are also subject to waiver or refund under Sections 130 and 135 of the Tulare County Ordinance Code.

If you have any questions regarding this notice, please contact the Code Compliance Coordinator, at (559) 733-6291, between 8:00 a.m. and 3:00 p.m., Monday through Thursday.

V. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

B. DETERMINATION:

On the basis of this initial evaluation:

- ☒ The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ 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 or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ A previous EIR or Negative Declaration may be utilized for this project - refer to Section E.

This Environmental Assessment Initial Study was prepared by:

Beverly Cates
Beverly Cates, Project Planner

6-13-06
Date

C. EVALUATION OF ENVIRONMENTAL IMPACTS:

The following checklist contains an extensive listing of the kind of environmental effects which result from development projects. Evaluation of the effects must take account of the whole action involved, including off-site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts, in addition to reasonably foreseeable phases or corollary actions. The system used to rate the magnitude of potential effects is described as follows:

A **"Potentially Significant Impact"** is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more **"Potentially Significant Impact"** entries when the determination is made, an EIR is required.

A **"Less Than Significant With Mitigation Incorporation"** applies where the incorporation of mitigation measures has reduced an effect from **"Potentially Significant Impact"** to a **"Less Than Significant Impact."**

A **"Less Than Significant Impact"** means that the environmental effect is present, but is minor in nature and/or not adverse, or is reduced to a level less than significant due to the application and enforcement of mandatory locally adopted standards.

"No Impact" indicates that the effect does not apply to the proposed project.

Using this rating system, evaluate the likelihood that the proposed project will have an effect in each of the environmental areas of concern listed below. At the end of each category, discuss the project-specific factors, locally adopted standards, and/or general plan elements that support your evaluation. A brief explanation is required for all answers except **"No Impact"** answers that are adequately supported by the information sources cited in the parentheses following each question. A **"No Impact"** answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one proposed (e.g., Zone C of the FEMA maps). 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). The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is **potentially significant**, **less than significant with mitigation**, or **less than significant**. "Potentially Significant" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more **"Potentially Significant Impact"** entries when the determination is made, an EIR is required.

“Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The mitigation measures must be described along with a brief explanation on how they reduce the effect to a less than significant level (mitigation measures from Section E., “Earlier Analyses,” may be cross-referenced).

Earlier analyses may be used where, pursuant to the tiering program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following.

- a) Earlier Analysis Used. Identify and state where they are available for review.
- b) Impacts Adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated.” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site- specific conditions for the project.

POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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D. ENVIRONMENTAL IMPACTS CHECKLIST

1. AESTHETICS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings which are open to public view? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Analysis: The proposed Worship Center will remove a portion on an existing walnut orchard and replace about 3.5 acres with a building about 132 feet on a side (Phases 1 and 2), 32 feet to the peak of the roof with a 49 foot high steeple. Associated improvements include a parking lot and ponding basin. Landscaping is proposed around the church and parking lot and walnut trees will remain in the balance of the property, about 3.2 acres. This will alter the view of the property for the few nearby residents and passers by on Lovers Lane. Existing vistas to the north and west are not particularly unusual or striking, but rather are typical of most vistas from within agricultural areas dominated by orchards. Glimpses to the east of the Sierra Nevada may be available to some residents depending on window orientation, and time spent "gazing" etc., and depending on daily weather and smog/haze cover. According to the Scenic Highways Element of the Tulare County General Plan, the subject site is not located adjacent to or near a designated or eligible Scenic Highway.

Development of the Worship Center will create new sources of diffused light from exterior building, security and parking lot lighting. However, sources of glare that would adversely affect neighbors or the driving public are prohibited through County-standard conditions of approval. Therefore, the effects on scenic vistas and from new sources of light and glare are considered to be less than significant.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, 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

POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- b) Conflict with existing zoning for agriculture use, or a Williamson Act contract?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Analysis: On-site soils consist generally of Grangeville sandy loam. (See discussion below under Part 6. Geology/Soils for further information.) The U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) considers this soil as Class I capability unit, irrigated, and as such it meets the definitions for "prime agricultural land" as set forth in Government Code Section 51201c. The subject property is currently planted in walnut trees. This site is not located within an Agricultural (Williamson Act) Preserve. The proposed use, a church, is consistent with the agricultural (AE-20) zoning on the property subject to approval of a special use permit. The proposed church use may, on occasion, conflict with agricultural operations on the property or surrounding properties. However, since both the church activities and agricultural operations that may create substantial dust or noise in proximity to church activities are intermittent and do not involve residential uses, such conflicts are expected to be minor.

3. AIR QUALITY

Where available, the significance criteria established by the San Joaquin Valley Unified Air Pollution Control Dist. may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- 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)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- d) Substantially alter air movement, moisture, or temperature, or cause any substantial change in climate?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- e) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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- f) Create objectionable odors affecting a substantial number of people?

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Analysis: Traffic to and from the proposed church will be from congregants, employees and other traffic associated with occasional activities, such as postal and UPS deliveries, and facility maintenance and repair vendors. Such trips are estimated in the 7th Edition of Trip Generation by the Institute of Transportation Engineers, to be 9.11 trips per day per 1,000 sq. ft. gross floor area (17,250 sq. ft. is proposed) or 157 total estimated vehicle trips per day. The project was considered based on air quality emission thresholds set forth in the San Joaquin Valley Unified Air Pollution Control District's "Guide for Assessing and Mitigating Air Quality Impacts" (2002), and, due to the small-scale of the proposed use, it qualifies under the Guide's 'Small Project Analysis Level' (SPAL). The SPAL threshold of significance for Institutional projects is 1,707 vehicle trips per day. The proposed project's estimated 157 vehicle trips per day is thus well under the air quality threshold of significance. The project is also below the SPAL threshold for "Places of Worship" in terms of square feet, which is 48,000.

This development, which proposes a 17,250 square foot building in two phases, exceeds the District's Indirect Source Review (ISR) threshold, 9,000 square feet for "educational facilities" (which includes churches) which became effective March 1, 2006. According to Air District staff, the project proponent should make application to the District under the ISR Program as soon as possible. District approval need not be obtained prior to County action on the use permit and CEQA determination, but approval is needed prior to commencing emission generating activities. This would not mean site preparation and construction, as these are covered under separate District regulations, but would mean the holding of services or other activities at the newly constructed church.

In addition, the Guide requires air quality analysis be made for other factors, such as toxic air contaminants, hazardous materials, asbestos, and odors. The proposed project involves standard construction methods for a church facility and thus will not be a source of any of the aforementioned factors, consistent with requirement of the California and County adopted Uniform Building Codes.

Dust will be generated from construction activities related to project roadways and dwellings, but will be temporary and short term. Such construction activities are subject to the SJVAPCD's Fugitive Dust (Regulation VIII) Rules. Long term generation of dust from the project is unlikely due to the fact that the proposed driveway approaches and parking areas will be surfaced with pavement, and will include concrete sidewalks. Areas where the walnut trees will be removed will be covered with the church, parking lot, landscaping, concrete walkways or patios. It is not expected that an increased amount of bare soil will be left exposed or unimproved.

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 Department of Fish and Game or U.S. Fish and Wildlife Service?

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- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies,

POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

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- 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?

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- 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?

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- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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- 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?

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Analysis: As per the Environmental Resources Management Element (ERME), the site is located within the historic range of the blunt nosed leopard lizard and the San Joaquin kit fox which have been listed as endangered species by the U.S. Department of the Interior and by the California Department of Fish and Game. According to the Natural Diversity Data Base (CA DFG, 2006), the site is within the habitat range of the San Joaquin kit fox and within general occurrence radii for the western mastiff bat and the western pond turtle, both State species of special concern. The site appears to have limited value for kit fox denning as it has been recently and extensively disturbed. For the same reason, the potential occurrence of suitable kit fox prey is minimal. The site does not lie within any data area identified by the National Wetlands Inventory, nor is it adjacent to or bisected by any identified waterways except for an irrigation canal along the south edge of the property, and therefore does not contain any riparian habitat. The site is bordered by intensive agricultural development and scattered residences on all sides. Urbanization is approaching the site as the City of Visalia grows. The Department of Fish and Game did not respond to the County Agency Consultation conducted pursuant to CEQA and the Guidelines implementing CEQA for this proposed project. There is no substantial evidence known to the County to indicate that the proposed subdivision will result in any significant impact to biological resources.

5. CULTURAL RESOURCES

Would the project:

- a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5?

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- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant

POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Disturb unique architectural features or the character of surrounding buildings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: There is only one minor building and no landmarks on the property. Additional ground disturbance to construct the proposed project will be minimal, primarily for the drainage basin. Excavation below grade for foundations and parking areas may extend as few as 10 ± inches. This upper strata of soil is already extensively disturbed so no cultural resources are likely to remain. In conformance with County General Plan policy regarding conservation of cultural resources, a condition of approval will be applied to this project providing that if any cultural materials, paleontological resources, or human burials are exposed or discovered during subsurface constructions, operations shall stop within 25 feet of the find and the Resource Management Agency and a qualified professional archeologist be contacted for evaluation and further recommendations. Excavation in the area shall not resume until authorized by the Planning Director. This impact is therefore considered to be less than significant.

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. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| v) Subsidence? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion, siltation, changes in topography, the loss of topsoil or unstable soil conditions from excavation, grading or fill? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is | | | | |

POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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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: Soil at the site is identified by the USDA NRCS "Soil Survey of Tulare County California, Western Part", (1998) as Grangeville sandy loam, with 0-2% slopes. The land is, therefore, essentially flat ground. This soil is well drained alluvial deposit formed from granite sources. These are characterized as stable soils capable of supporting conventional residential and commercial construction, particularly where subsoil is replaced with adequate base material for roadway construction. The soil is generally not susceptible to landslide, liquefaction, or subsidence or characterized by high-shrink swell tendencies as defined in Table 18-1-B of the Uniform Building Code (1997). According to the Seismic Safety Element of the Tulare County General Plan, the Visalia area in the "VI" Zone; an area of "low" seismic risk. The San Andreas Fault is the nearest active seismic area, located 60 miles to the west. The Element states that active faults do not exist in Tulare County and therefore the subject site is not located on or near a known earthquake fault. The septic system will be dispersed over a large enough area to accommodate a 100% set aside area for replacement leach lines in the event of failure and subject to review and approval by the Health Department. The soil is not susceptible to severe erosion from wind or water. Most of the top soil will be covered over with impervious surfacing (building, parking, and the like), landscaping or pasture. Storm water run-off that is not absorbed by local landscaping will be directed to a ponding basin in the northwest corner of the lot based on an engineered plan to be approved by the County and sized to meet local and state detention requirements in consideration of normal run-off and flood year events.

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

POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people to existing or potential hazards and health hazards other than those set forth above? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: The site is not located in the vicinity of any airport. The site is not located in an area designated by the California Department of Forestry as a "wildland" fire area. According to the State of California "Hazardous Waste and Substances Sites List" (2005), compiled pursuant to Government Code Section 65962.5, the subject site does not contain and is not proximate to a listed hazardous site. There is no substantial evidence that suggests any future occupant at the site will be engaged in routine transport, use, or disposal of hazardous materials at the site. The subject site is not located within ¼ mile of an existing school. The nearest school is Union Elementary School located about one mile to the east.

There is no substantial evidence that suggests any future occupant of the proposed church facility will be engaged in any activity that would result in the release of hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not generate or be subject to significant risks from hazardous materials either used on the property or nearby. There are no adopted emergency response plans or emergency evacuation plans specific to the Visalia planning area with which this project could interfere or impair. The site is located near or adjacent to lands utilized for agricultural purposes and which, thereby may employ the use of typical agricultural sprays for pesticide and herbicide control. Use of such materials is highly regulated and requires appropriate permits from governing local and state authorities to control location, manner and timing of application of such sprays. Tulare County is a "Right-to-Farm" county, which means that property

POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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owners converting their land to non-agricultural use in and near agriculturally zoned or operated lands must attest that they acknowledge this fact and accept the nuisance conditions which may be associated with such agricultural operations. Thus it is reasonable to assume, barring the existence of other substantial evidence to the contrary that the proposed project will not result in any significant impacts

8. HYDROLOGY AND WATER QUALITY

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge or the direction or rate of flow of ground-water such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade surface or groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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Analysis: According to the Federal Emergency Management Agency (FEMA) October 6, 1998 Flood Insurance Rate Map (FIRM) for Tulare County, Map Panel No. 065066-0650C, the site lies within a Zone B area of special concern for flood impacts. The site is considered to be within the FEMA FIRM Zone B, an area of moderate flooding, wherein no flood avoidance measures are required but a finished floor elevation of one foot above natural grade is recommended. The project is not located in an area or proposed to be constructed in a way that would impede or redirect significant flood flows or expose people or structures to significant damage or harm. The site will be engineered and graded so as to not alter significantly the existing drainage pattern of the site or area, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. These impacts are therefore considered to be less than significant.

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?

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Analysis: The project will not physically divide the community or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The project site lies within the Visalia Urban Development Boundary as adopted by both the County and the City. The land use designated for the site by this Plan is "Professional Office". The proposed project is for a new church, which is a use allowed in the implementing professional office zoning districts subject to use permit approval in both the County and City zoning ordinances. The project is therefore consistent with the land use plan for the site. The development of this facility 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.

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-

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POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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Analysis: According to the Environmental Resources Management Element of the Tulare County General Plan, the site does not contain special mineral or other natural resources referenced above. Further, such mineral or natural resources are not otherwise known to exist at the site, nor is the site delineated on any local general plan, specific plan or other land use plan as containing a locally important mineral resource that should be recovered before development of the site. Therefore, the proposed church will not preempt the extraction or mining of an important mineral or other natural resource.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: Some disturbance to ambient noise levels on neighboring parcels may occur due to noise from construction equipment and tools, but this disturbance will be temporary and short term. Following build-out, the project is expected to generate noise levels consistent with those typical to and acceptable within an agricultural area transitioning to urban land uses. There are no nearby uses that would be expected to expose church members to unacceptable or nuisance noise levels. Nuisance noise levels which may be generated by the other urban uses cannot be predicted, but if they occur, are subject to enforcement by the County through all reasonable means, including by not limited to the County or City Nuisance Ordinance. The property

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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immediately to the east is designated for future residential development. Some noise levels considered bothersome to church attendees may be generated by the operation of agricultural equipment on properties to the west and south, however, Tulare County is considered a "Right-to-Farm" county and as such, persons developing property adjacent to lands zoned and operated agriculturally are expected to acknowledge and accept noise, odor and other effects originating from the agricultural uses. The new church is shown on the proposed site plan to be located approximately 130 feet from the edge of pavement of Lovers Lane. This puts the building well outside of the 2010, 65 dBA noise-impacted corridor established by the 1988 Noise Element for Lovers Lane (Road 140) fronting the subject site which extends 90 feet from the centerline of the right of way.

12. POPULATION AND HOUSING

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cumulatively exceed official regional or local population projections? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially change the demographics in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the location, distribution, or density of the area's population? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted housing elements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: The area's population or existing housing will not be changed significantly due to locating the proposed church on the site within this transitioning agricultural area. Development of the proposed church will not interfere with the overall attainment of housing goals for the County and for the Visalia area specifically. The Visalia Area Plan and the County Housing Element provide goals and policies for providing adequate housing inventory and housing choices for the Visalia area. The proposed project will not interfere with those goals and policies.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Electrical power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Communication? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Other public or utility services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: Entities serving the site would include the Tulare County Fire Department, the Tulare County Sheriff Department, for law enforcement, AT&T for telephone service, Southern California Edison for electricity, and a private carrier for solid waste collection. The site lies within the Visalia Unified School District. The District indicates that the enrollment level at these schools is at capacity. The development of this church will not result in an increase in enrollment. Development impact fees that have been adopted by the District to help finance new school construction will be paid by this project at the commercial development rate.

The County Fire Department letter indicates that in order for adequate fire service to be available to the project, the applicant shall comply with the Tulare County Ordinance Code, Fire Flow and Fire Protection Standards and as specified in the County Improvement Standards. The proposed church will generate a slight increase in demand for the above listed services, but such services, barring formal indications to the County to the contrary, are presumed to be available to the project without significant impact.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The addition of this church will create on-site lawn areas that may be used for minor recreational use. The use may also result in

POTENTIAL, SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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a slight increase in use of area parks or the school playgrounds; however such increased use is not expected to result in substantial or accelerated deterioration of these facilities.

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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the County Circulation Element? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, hazards or barriers for vehicles, pedestrians, or bicyclists? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Substantially accelerate physical deterioration of public and/or private roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Analysis: According to the 7th Edition of Trip Generation by the Institute of Transportation Engineers, places of worship are estimated to generate 9.11 trips per day per 1,000 square feet gross floor area. At 17,250 square feet, this church would therefore be expected to generate approximately 157 trips per day. The County Resource Management Agency (RMA) Engineering Branch (Engineering) has required in its letter of November 28, 2005 that a "drive approach shall be constructed at each proposed and/or existing point of access to Road 140 on the subject site. The drive approach shall have a maximum width of 24 feet at the right of way line and shall be constructed in accordance with the Tulare County Improvement Standards. A wider drive approach may be constructed if geometric calculations justifying the wider drive approach are submitted to and approved" by the Engineering Branch. Two new driveways, each 25 feet wide are shown on the site plan. The two driveways are approximately 40 feet apart and are both shown to be used to enter and exit the site. Having the two driveways so close together may create a hazard through interfering turning movements. However, in review of the driveway improvement designs, a number of potential alterations could be made, based on the road/driveway geometrics. This could include combining

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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the driveways into a single driveway with three lanes, one for ingress and left hand and right hand turn lanes for egress.

Off-street parking area appears adequate for the proposed use, based on the discussion of conformity with the Planning Commission Development Standards, and there is additional room on the property for added parking if necessary.

Lovers Lane transitions from a four-lane undivided highway at the north end of the site frontage to a two-lane highway at the south end of the site frontage. According to TCAG traffic counts, the Average Annual Daily Traffic (AADT) on Lovers Lane north of Caldwell Avenue, which is about ¼ mile north of the project site, was 11,000 in 2001. South of the project site the AADT was recorded at 6,000 in 2002 (based on a count taken north of State Highway 137, about 5 miles south of the site). Most roads intersecting Lovers Lane (Road 140) between Caldwell and Highway 137 are minor. It is therefore reasonable to assume the AADT at the project site would be between 11,000 and 6,000. The middle point of these two figures is 8,500. Adding 20% to this figure to account for increases in overall traffic between 2001/2002 and 2006 gives an approximate AADT today of 10,200. Comparing this figure to the Level of Service Thresholds set forth in the table below which indicates that Level of Service (LOS) is currently Level B or C and that an additional 157 trips from the proposed church to the ADT will not affect the LOS substantially:

Table 5-3. Level of Service Threshold Volumes

Roadway Type	Total Average Daily Traffic (Both Directions) ADT				
	Level Of Service A	Level Of Service B	Level Of Service C	Level Of Service D	Level Of Service E
6-Lane Freeway	36,900	61,100	85,300	103,600	115,300
4-Lane Freeway	23,800	39,600	55,200	67,100	74,600
6-Lane Arterial	7,300	44,700	52,100	53,500	----
4-Lane Arterial	4,800	29,300	34,700	35,700	----
2-Lane Collector	----	4,200	13,800	16,400	16,900

Notes:

1. Based on Florida DOT Tables (2000 HCM)
2. All volumes are approximate and assume ideal roadway characteristics. Actual threshold volumes for each LOS listed above may vary depending on a number of factors including curvature and grade, intersection or interchange spacing, percentage of trucks and other heavy vehicles, lane widths, signal timing, on-street parking, amount of cross traffic and pedestrians, driveway spacing, etc.

ADT = Average Daily Traffic

Further, there is no evidence that this project's addition to existing traffic would be cumulatively significant. It is likely that most of the trips generated by this church would be transferred from places of worship elsewhere in the Visalia area. In addition, it has been determined that the proposed use is consistent with the land use designation considered in the City of Visalia's 2001 Circulation Element Update and so would not affect the future conditions traffic projections for that study. In addition, it should be noted that the anticipated peak use times for the church, Sunday morning and afternoon, Wednesday evening, do not coincide with the peak traffic times for Lovers Lane which are typically weekday morning and afternoon "rush hours".

Lovers Lane is straight and level in this location and sight distance does not appear impeded in any substantial way. The fact that the road is tapering from four lanes to two in front of the subject site may create special design issues for left turn movements. These issues will be examined as part of the

POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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encroachment permit process for installation of the driveways. There is no evidence in the record at this time that a substantial traffic hazard would be created by a design feature of the road or driveways.

16. UTILITIES AND SERVICE SYSTEMS

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have insufficient water supplies (including fire flow available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Violate federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: Domestic water supply will be from an existing on-site well. Based on the Environmental Health Division's letter of December 13, 2005, it appears the church facility will be regulated as a "Transient Non-Community Public Water System" subject to review and approval by the Health Department. Liquid waste will be handled by an on-site septic tank/leach line system also subject to review and approval by the Health Department. There is no evidence that the project would substantially interfere with extension or operation of utilities along the Lovers Lane right of way. The projects potential impacts on utilities and service systems are therefore considered to be less than significant.

17. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to substantially degrade the quality of the environment,

POTENTIAL SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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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?

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- 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 effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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Analysis: Based on the analyses above, findings of "No Impact" are appropriate for the Mandatory Findings of Significance for this project. No "potentially significant impacts" were identified, and no potential "less than significant impacts" were identified that cannot be reduced to a level less than significant by application and enforcement of State standards and/or County ordinances and/or standard conditions of approval.

CASE NO. PSP 05-096(2A)
CONSULTING AGENCY LIST

TULARE COUNTY AGENCIES

- ☒ R.M.A. - Building Division
- ☐ R.M.A. - Code Compliance Division
- ☐ R.M.A. - Countywide Division
- ☐ R.M.A. - Community Dev./Redevelopment Division
- ☒ R.M.A. - Permits/Subdivisions Division
- ☐ R.M.A. - Parks and Recreation Division
- ☐ R.M.A. - Building Services Division
- ☐ R.M.A. - General Services Division
- ☐ R.M.A. - Transportation/Utilities Division
- ☐ R.M.A. - Solid Waste Division
- ☒ H.H.S.A. - Environmental Health Services Division
- ☒ H.H.S.A. - HazMat Division
- ☒ Fire Warden (CA Dept. of Forestry) (2 copies)
- ☐ Sheriff's Department - Visalia Headquarters
 - ☐ Traver Substation
 - ☐ Orosi Substation
 - ☐ Pixley Substation
 - ☐ Porterville Substation
- ☒ Agricultural Commissioner
- ☐ Education Department
- ☐ Airport Land Use Commission
- ☐ Supervisor _____
- ☐ Assessor _____

LOCAL AGENCIES

- ☐ Levee Dist. No 1*
- ☐ Levee Dist. No 2*
- ☐ _____ Irrigation Dist*
- ☐ _____ Pub Utility Dist*
- ☐ _____ Comm. Service Dist*
- ☐ _____ Town Council*
- ☐ _____ Elem. School Dist*
- ☐ _____ High School Dist*
- ☒ City of Visalia *
- ☐ County of _____ *
- ☐ Tulare Lake Basin Water Storage Dist*
- ☐ _____ Advisory Council*
- ☐ _____ Fire District*
- ☐ _____ Mosquito Abatement*
- ☐ Kaweah Delta Water Cons. District*
- ☒ SJV Unified Air Pollution Control Dist *

FEDERAL AGENCIES

- ☐ Army Corps of Engineers
- ☐ Fish & Wildlife
- ☐ Bureau of Land Management
- ☐ Natural Resources Conservation Dist.
- ☐ Forest Service
- ☐ National Park Service

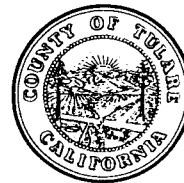
STATE AGENCIES

- ☒ Dept. of Fish & Game Dist 4
- ☐ _____, DFG Area Biologist
- ☐ Alcoholic Beverage Control
- ☐ Housing & Community Development
- ☐ Reclamation Board
- ☐ 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
- ☐ Native American Heritage Commission
- ☐ District Archaeologist (Bakersfield)
- ☐ TCAG (Tulare Co. Assoc. of Govts)
- ☐ LAFCo (Local Agency Formation Comm.)
- ☐ Pacific Bell (2 copies)
- ☐ GTE (General Telephone) (2 copies)
- ☐ P.G. & E. (2 copies)
- ☐ Edison International (2 copies)
- ☐ The Gas Company (2 copies)
- ☒ Tulare County Farm Bureau
- ☐ Archaeological Conservancy (Sacramento)

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

November 28, 2005

TO: Beverly Cates, Project Planner

FROM: Craig Anderson, Engineer III

CA

SUBJECT: Case No. PSP 05-096 (ZA)

APPLICANT: Calvary Worship Center

APN: 127-010-032

The subject Case No. PSP 05-096 (ZA) has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

Based on the information provided in the consultation notice package, a Negative Declaration / Environmental Impact Report is recommended to assess impacts to the County road system.

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 065066 dated October 6, 1998, Panel No. 650 C. The subject site is located within Zone B.

Construction of buildings within a FEMA Zone B requires no specific flood mitigation measures; however, we recommend that all finished flood levels be elevated one (1) foot above adjacent natural ground.

The subject site is located within the Visalia Urban Improvement Area or Urban Development Boundary whichever is applicable.

The subject site is not located within the boundaries of any Specific Plan.

Existing right of way on Road 140 is 110 feet. Ultimate right of way on Road 140 is 110 feet. Road 140 is a County maintained road. The existing pavement width on Road 140 is 64 feet.

The pavement type on Road 140 is AC. The 2004 Pavement Management System database is the source for the pavement width and pavement type.

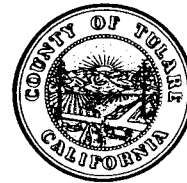
The following conditions are recommended for the subject case. These conditions are required to be completed before the issuance of the use permit, unless specified otherwise in the wording of the condition.

1. A drive approach shall be constructed at each proposed and / or existing point of access to Road 140 on the subject site. The drive approach shall have a maximum width of 24 feet at the right of way line and shall be constructed in accordance with the Tulare County Improvement Standards. A wider drive approach may be constructed if geometric calculations justifying the wider drive approach are submitted to and approved by the Tulare County RMA – Engineering Branch.
2. A Grading and Drainage Plan shall be prepared by a licensed Civil Engineer or licensed Architect and shall be submitted to and approved by the Resource Management Agency – Engineering Branch prior to the issuance of any building permits / the use permit on the subject site. The Plan shall include existing and proposed contours and detail the means of disposal of storm water runoff from the site in such a manner that all such runoff shall be collected and disposed of on-site. The Plan shall specify a means of disposal such that runoff is not diverted to adjacent property or road frontage.
3. A Letter of Certification shall be prepared by a licensed Civil Engineer or licensed Architect. The Engineer or Architect shall affix their stamp and seal to the Letter. The Letter shall serve as the means to notify the County that construction was completed according to the approved Grading and Drainage Plan / Erosion Control Plan. The Letter shall be submitted to the Tulare County RMA – Engineering Branch prior to the issuance of final occupancy permits.
4. Curb, gutter, sidewalk and paveout is required to be constructed along the Road 140 frontage(s) of the subject site. The paveout shall consist of asphalt over aggregate base and is necessary to properly tie the curb and gutter into the existing pavement. The curb, gutter, sidewalk and paveout shall be constructed in accordance with the Tulare County Improvement Standards. The design of the curb, gutter and paveout shall be submitted to the County for approval. The feasibility of the curb, gutter and paveout shall be evaluated during the design process. The County will make the final determination on the feasibility of the curb, gutter and paveout. If the curb, gutter and paveout are determined to not be feasible, then the County will prepare a long term deferred improvement agreement to be signed by the property owner.
5. If curb and gutter is not feasible, then an asphalt drive approach shall be constructed at each proposed and / or existing point of access to Road 140. The asphalt drive approaches shall be constructed in accordance with the Tulare County Improvement Standards.

6. All on site parking areas and driveways shall be surfaced for all-weather conditions and be continually maintained so that dust and mud do not create conditions detrimental to the surrounding roadways.
7. The applicant or the applicant's contractor shall obtain the necessary encroachment permits from the Tulare County Resource Management Agency before starting any construction within the right of way of a County maintained road. The applicant may contract the Resource Management Agency – Encroachment Permit Section at 733-6291 for information on the requirements for encroachment permits in order to avoid unexpected delays. Improvements that typically require encroachment permits are drive approaches, curb and gutter, sidewalk, paveout and utilities.
8. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvements required to be constructed within the right of way of a County road. The applicant shall make necessary arrangements with the serving public utility company for the cost of relocating such facilities as no relocation costs will be borne by the County. The relocation of such facilities shall be completed before any encroachment permits will be issued for the construction of any improvements within the right of way of a County road.

CA:ta

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

November 21, 2005

TO: BEVERLY CATES, PROJECT MANAGER

FROM: NEALY MILLER (BLDG. DIV.)

SUBJECT: CASE No. PSP 05-096(ZA)

BUILDING PERMITS WILL BE REQUIRED FOR ALL NEW BUILDINGS ON SITE, INCLUDING 3 PLOT PLANS, 2 SETS OF BUILDING PLANS, AND ALL ENGINEERING DATA.

DESIGN CRITERIA:

EXPOSURE: C

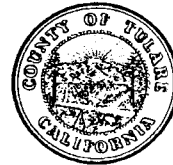
CLIMATE ZONE: 13

WIND SPEED: 70 M.P.H.

SEISMIC ZONE: 3

97 UBC, 97 UPC, 97 UMC, 96 NEC

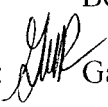
RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

November 17, 2005

TO: Beverly Cates, Project Planner

FROM:  Gary Rhoden, Deputy Fire Marshal

SUBJECT: Case No. PSP 05-096 (ZA) – Calvary Worship Center

The Fire Warden submits the following recommendations in response to this item.

1. Post address along Road 140 using 4-inch numerals on a contrasting background.
2. Provide surfaced year round access for emergency fire department response.
3. Provide unrestricted fire department access for emergency response.
4. Provide portable Fire Extinguishers Class 4A-60BC throughout in accordance with Fire Code and as designated by the Fire Warden.
5. Applicant to complete provisions for fire and life safety to be inspected by the Fire Warden prior to occupancy.
6. Provide Fire Flow in accordance with the Tulare County Improvement Standards.
7. All exits shall comply with Article 12 of the Uniform Fire code and Chapter 10 of the Uniform Building Code.
8. Provide a fire protection system in compliance with the Improvement Standards of Tulare County and as approved by the Fire Warden.

If you have any questions please call Gary Rhoden at extension 4105.

GR:ta

cc: Dave Dean
File



**Tulare County
Health & Human Services Agency**

C. Brian Haddix, CAO
Kristin Bennett, Interim HHSA Director

Community Services Branch ■ Ray Bullick, Assistant Director

December 13, 2005

BEVERLY CATES
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA, CA 93277

Re: PSP 05-096 – Calvary Worship Center

Dear Ms. Cates:

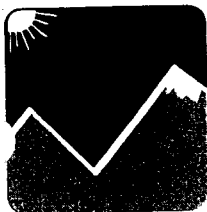
This office has reviewed the above referenced matter. Based upon our review, we offer the following conditions with this project:

1. New sewage disposal systems shall be designed by a Registered Civil Engineer, Registered Environmental Specialist or Registered Engineering Geologist. The specifications and engineering data for said system shall be submitted to the Tulare County Environmental Health Services Division (TCEHSD) for review and approval prior to issuance of a building permit.
2. Provisions shall be made to assure that the septic tank and leach field are located outside of the vehicular driving paths. Location of all primary systems as well as the 100 % replacement area shall be clearly shown on the site plan and shall not be paved over.
3. If this facility serves 25 or more people 60 days out of the year it will be regulated as a "Transient Non Community Public Water System" by the Tulare County Environmental Health Services Division (TCEHSD). Applicant shall apply for a water system permit and submit all required documentation to the TCEHSD prior to operating the system.

Sincerely,

Sabine T. Geaney

Sabine T. Geaney
Environmental Health Specialist
Environmental Health Services



San Joaquin Valley Air Pollution Control District

December 12, 2005

Reference No. C200501678

Beverly Cates
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

RECEIVED
TULARE COUNTY

DEC 13 2005

Subject: PSP 05-096 (ZA) APN: 127-01-032 Calvary Worship Center

RESOURCE
MANAGEMENT
AGENCY

Dear Ms. Cates,

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and we suggest that a Negative Declaration would be appropriate in addressing only air quality related issues. We believe this project's emissions can be mitigated to a less than significant level by acquiring District permits where necessary, complying with applicable District rules and regulation, and implementation of certain mitigation measures. However, we have not analyzed the cumulative impacts to water, cultural, biological, or other resources, as the air quality resource is our area of expertise. We also offer the following comments:

The entire San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM10 and PM2.5). This project would contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. Preliminary analysis indicates that this project alone would not generate significant air emissions. However, the increase in emissions from this project, and others like it, cumulatively reduce the air quality in the San Joaquin Valley. A concerted effort should be made to reduce project-related emissions as outlined below:

Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at Mr. Sherman Yount at (661) 326-6933. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

Rules and Regulations

Regulation VIII (Fugitive PM10 Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout, landfill operations, etc. The District's compliance assistance bulletin for construction sites can be found at: <http://www.valleyair.org/busind/comply/PM10/Reg%20VIII%20CAB.pdf>.

David L. Crow
Executive Director / Air Pollution Control Officer

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

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 • FAX (559) 230-6061

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
(661) 326-6900 • FAX (661) 326-6965

If a non-residential project is 5.0 or more acres in area or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Construction activities shall not begin until the District has approved the Dust Control Plan. A template of the District's Dust Control Plan is available at: <http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf>.

If a non-residential site is 1.0 to less than 5.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities as specified in Section 6.4.2 of Rule 8021. A template of the District's Construction Notification Form is available at: <http://www.valleyair.org/busind/comply/PM10/forms/Reg%20VIII%20Notification%20-%2011-17-2004.pdf>.

Rule 3135 (Dust Control Plan Fee) This rule requires the applicant to submit a fee in addition to a Dust Control Plan. The purpose of this fee is to recover the District's cost for reviewing these plans and conducting compliance inspections. More information on the fee is available at: <http://www.valleyair.org/rules/currentrules/Rule%203135%201005.pdf>.

Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4103 (Open Burning) This rule regulates the use of open burning and specifies the types of materials that may be open burned. Agricultural material shall not be burned when the land use is converting from agriculture to non-agricultural purposes (e.g., commercial, industrial, institutional, or residential uses). Section 5.1 of this rule prohibits the burning of trees and other vegetative (non-agricultural) material whenever the land is being developed for non-agricultural purposes. In the event that the project applicant burned or burns agricultural material, it would be in violation of Rule 4103 and be subject to District enforcement action.

The information provided indicates that an existing walnut orchard will be removed. The following conditions apply to the orchard removal:

- Open burning is prohibited at this project site, per Rule 4103.
- If shredding or chipping equipment is to be used for processing the orchard waste, the equipment shall be permitted by the District, or registered by the California Air Resources Board or the District as Portable Equipment.
- Visible emissions created from the shredding or chipping equipment shall not exceed 20 percent opacity or Ringlemann 1 and any standard specified on a Permit to Operate or Portable Equipment Registration Certificate.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Mitigation Measures


The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as County development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that land-use authority should consider:

- As many energy-conserving features as possible should be included in the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to): Increased energy efficiency (above California Title 24 Requirements, see <http://www.energy.ca.gov/title24/>); increased wall and ceiling insulation (beyond building code requirements); energy efficient windows (double pane and/or coated); radiant heat barrier (see <http://www.eere.energy.gov/consumerinfo/refbriefs/bc7.html>); install solar water-heating system(s); programmable thermostat(s) for all heating and cooling systems; high-albedo (reflecting) roofing material. (see <http://eetd.lbl.gov/coolroof/>); energy efficient lighting, appliances, heating and cooling systems see <http://www.energystar.gov/>; awnings or other shading mechanism for windows; porch/patio overhangs; ceiling fans; and low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edgers, etc.).
- Enhanced construction activity mitigation measures include:
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent
 - Limit area subject to excavation, grading, and other construction activity at any one time
 - Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use
 - Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
 - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District.
 - Implement activity management (e.g. rescheduling activities to reduce short-term impacts)
 - During the smog season (May through October), lengthen the construction period to minimize the number of vehicles and equipment operating at the same time.
 - Off road trucks should be equipped with on-road engines when possible.
 - Minimize obstruction of traffic on adjacent roadways.
- The County of Tulare should encourage the applicant or his/her contractor(s) to use California Air Resources Board (CARB) certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Liquid Propane Gas (LPG), electric motors, or other CARB certified off-road technologies. To find engines certified by the CARB, see their certification website <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. For more information on alternative fuel engines, please call Mr. Chris Acree, Senior Air Quality Specialist, at (559) 230-5829.
- The County of Tulare should encourage the applicant or his/her contractor(s) to use construction equipment that have engines that meet the current off-road engine emission standard as certified by the CARB, or be repowered with an engine that meets this standard. Tier I and Tier II engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by the CARB, see <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. For more information on heavy-duty engines, please contact Mr. Kevin McCaffrey, Air Quality Specialist, at (559) 230-5831.
- The County of Tulare should encourage the applicant or his/her contractor(s) to use diesel equipment with verified alternative diesel fuel blends, biodiesel, or Ultra Low Sulfur Diesel (ULSD). The CARB has verified specific alternative diesel fuel blends for NOx and PM emission reduction. Only fuels that have been verified by CARB should be used. Information on alternative diesel blends can also be found at CARB's website- <http://www.arb.ca.gov/fuels/diesel/altdiesel/altdiesel.htm>. Information on biodiesel can be found on the EPA's website <http://www.epa.gov/oms/models/biodsl.htm>.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further

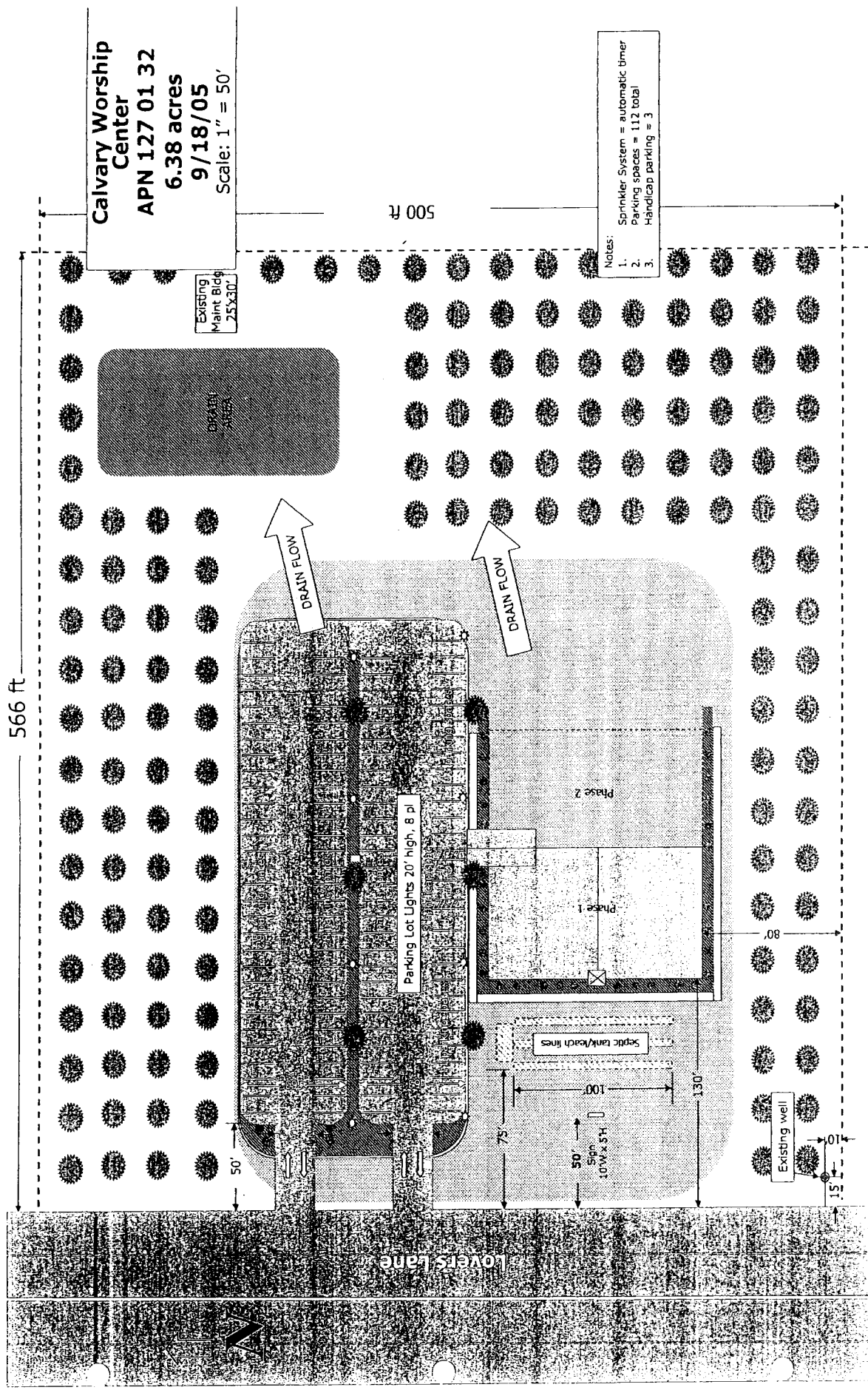
information, please call me at (559) 230-5800 or Mr. Hector R. Guerra, Senior Air Quality Planner, at (559) 230-5820 and provide the reference number at the top of this letter.

Sincerely,



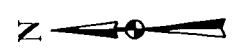
Hector R. Guerra
Senior Air Quality Planner

c: file



Calvary Worship Center
 APN 127 01 32
 6.38 acres
 9/18/05
 Scale: 1" = 50'

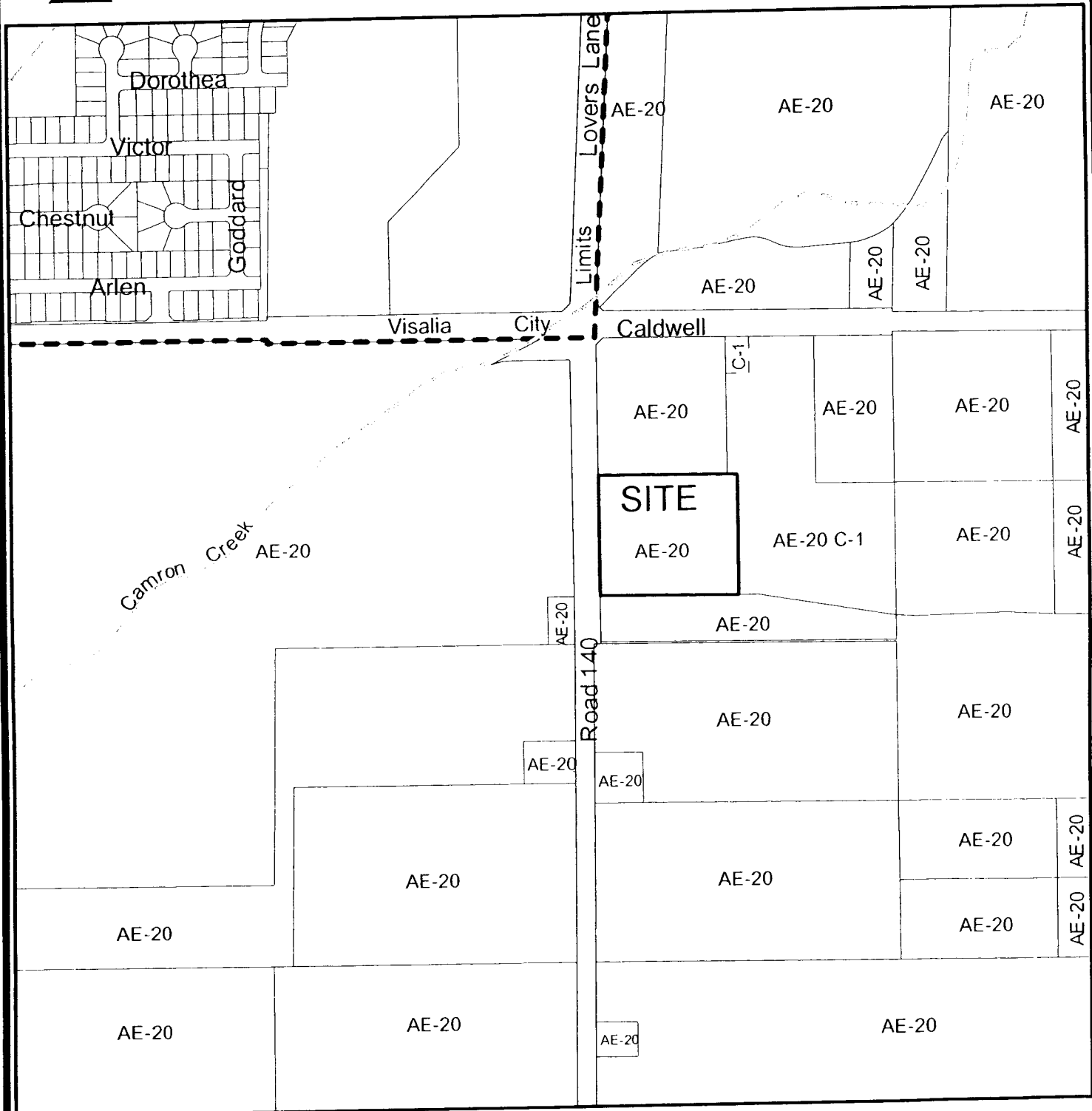
Site Plan for PSP 05-096(ZA) Z.A. Exhibit "A"



No Scale



Existing Zoning Map for PSP 05-096(ZA)



Owner: PHILLIPS JAMES E & HELEN
Address: 3225 E KAWEAH
City, State ZIP: VISALIA CA 93292
Applicant: CALVARY WORSHIP CENTER
Agent: DENNIS KEMP
Assessors Parcel # 127010032

300 0 300 600 900 Feet

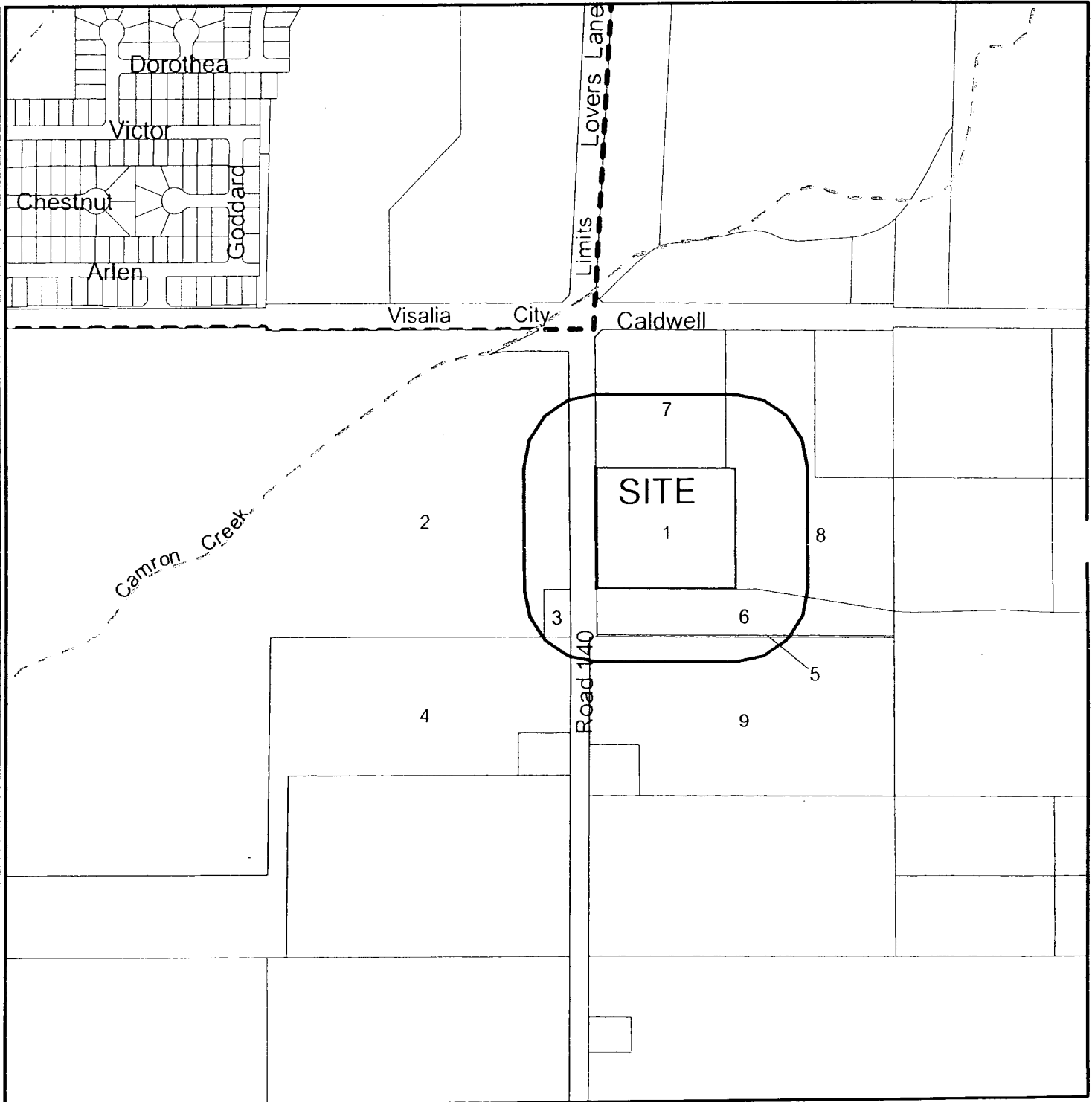


SITE

Project Site for PSP 05-096(ZA)

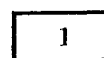


Location and Property Ownership Map for Hearing Notification for PSP 05-096(ZA)

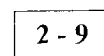


Owner: PHILLIPS JAMES E & HELEN
Address: 3225 E KAWEAH
City, State ZIP: VISALIA CA 93292
Applicant: CALVARY WORSHIP CENTER
Agent: DENNIS KEMP
Assessors Parcel # 127010032

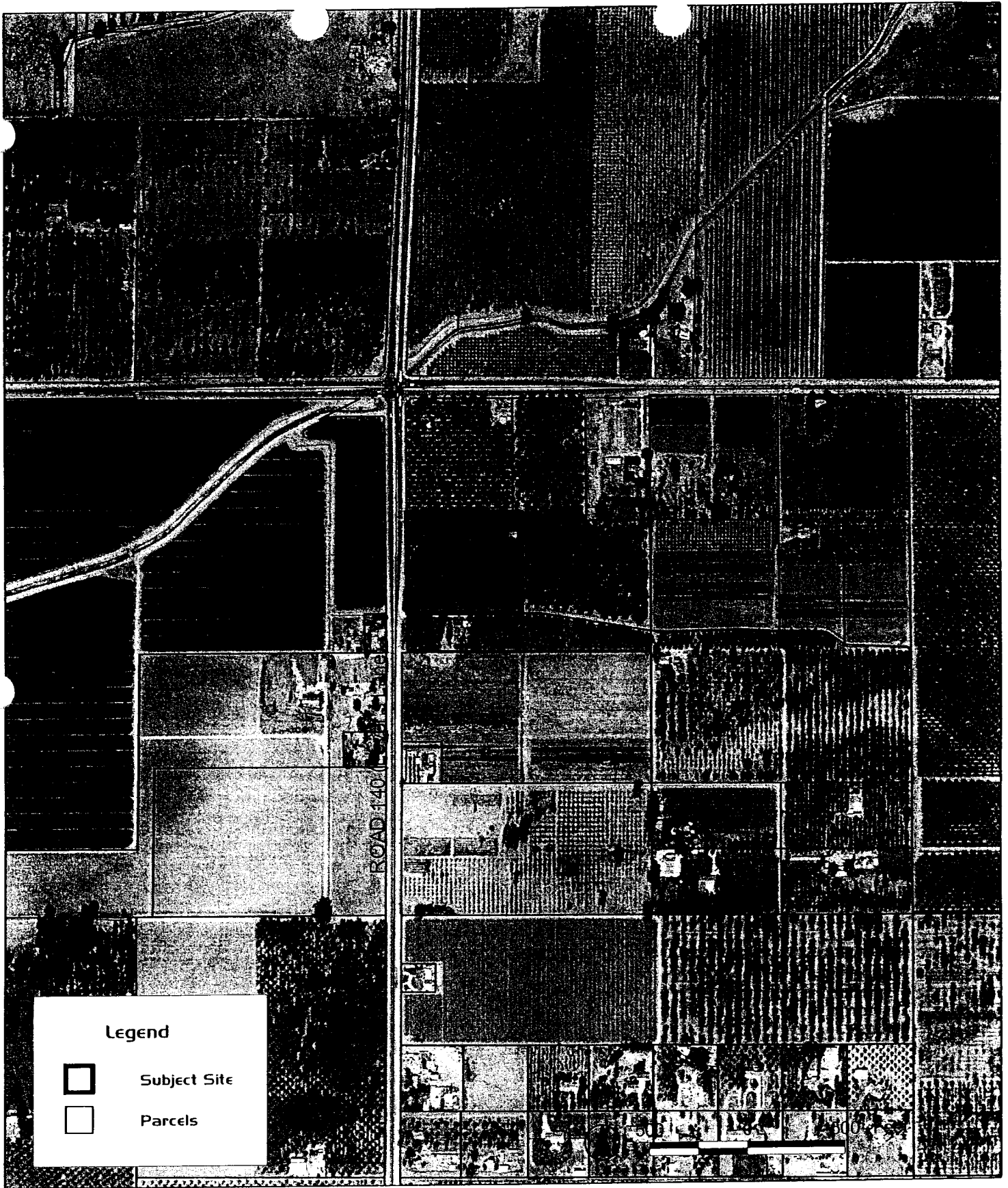
300 0 300 600 900 Feet



Project Site for PSP 05-096(ZA)



Properties within 300' of project site,
to receive written notification of proposal
(as required by State Law)



Project
Review
Division

Aerial
PSP 05-096



