

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF VESTING MAP FOR)

RESOLUTION NO. 8217

TENTATIVE TRACT NO. TM 791)

Resolution of the Planning Commission of the County of Tulare recommending that the Board of Supervisors approve Vesting Tentative Map for Tract No. TM 791 with exceptions submitted by Tom C. & Carolyn Moshier, 40090 Road 32, Kingsbrug, California 93631 (Agent: Lane Engineers, Inc.), to divide 9.58 acres into 24 single-family residential lots, to include a ponding basin lot, and a Lot A, in the R-A-12.5 (Rural Residential-12,500 sq. ft. minimum) Zone, located on the northeast corner of State Route 201 and Road 32, east of the City of Kingsburg.

WHEREAS, a vesting tentative subdivision map was filed pursuant to the regulations contained in Sections 7-01-1000 to 7-01-2850 of the Ordinance Code of the County of Tulare pertaining to the subdivision of land, and

WHEREAS, staff has conducted such investigations and surveys of fact bearing upon the proposed subdivision to assure action consistent with the purposes of Sections 7-01-1000 to 7-01-2850 of the Ordinance Code of Tulare County and the State Subdivision Map Act, and

WHEREAS, staff recommended approval of this Vesting Tentative Subdivision subject to conditions, and prepared a written report, and

WHEREAS, public hearings were held and public testimony was received and recorded at regular meetings of the Planning Commission on April 25, 2007, and

WHEREAS at that meeting of the Planning Commission, public testimony was received and recorded from Mike Lane of Lane Engineers, Inc. and Tom Moshier (applicant) in support of the proposal, and from Timothy and Carol Thiel, adjacent property owners to the east, in opposition to the proposal based on height and location of the block wall next to their property to the east.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission has determined that the previous EIR, prepared for the Kings River Plan adequately addresses any potential environmental impacts associated with the project and fully complies with the requirements of the California Environmental Quality Act.

B. This Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this Tentative Subdivision proposal:

1. The applicant is requesting a division of a 9.58-acre parcel into 24 lots and a Lot A, located at the northeast corner of State Route 201 and Road 32, east of the City of

Kingsburg, generally described as a portion of Section 20, Township 16 South, Range 23 East, MDB&M; and also identified as APNs 028-380-03 (8.43 ac.) and 04 (1.15 ac.).

2. The applicant is requesting approval of a Vesting Tentative Subdivision Map creating 25 lots with private streets and related Exceptions Requests to Subdivision Ordinance requirements which prohibit double-frontage lots and lengths of private cul-de-sac easements. (Note: Pursuant to the State Map Act Section 664574.2 and 66498.1, approval of a vesting tentative map confers a "vested right" to develop in substantial compliance with the ordinances, policies and standards in effect when the application was determined complete on November 8, 2006).
3. The applicant is requesting approval of both the Building Line Setback Ordinance requirements prohibiting certain structures within required setbacks from public roadways and to the Zoning Ordinance requirements limiting heights of fences or walls and locations of fence or wall structures within side yards.
 - Approval of the Building Line Setback Ordinance will allow the concrete block wall surrounding the subdivision to be located on (or just inside and immediately adjacent to) the property line (coterminous to edge of right-of-way) instead of the required five feet from edge of right-of-way for corner lots and 25 feet from the edge of right-of-way for all other lots.
 - Approval of the Zone Variance will allow the proposed seven-foot concrete block wall to exceed the height limit (six feet) by one foot.

The proposal meets the mandatory findings for approval of the building Line Setback and Zone Variance.

4. The R-A-12.5 Zone was applied to the site in December of 1982, to implement the adopted Kings River Plan. The R-A-12.5 Zone allows for single-family residences and accessory structures at a density of approximately four units per acre, consistent with and implementing the applicable General Plan. All of the proposed 25 lots meet the Zoning Ordinance minimum lot area requirement of the R-A-12.5 Zone, which is 12,500 square feet.
5. The applicant requested Exceptions to Sections 7-01-1320 and Section 7-01-1280 of the Subdivision Ordinance regarding double frontage lots and length of cul-de-sac easements, respectively.
 - Lots 2 – 11 facing State Route 201 are designed as double frontage lots; however, access to or from State Route 201 will be prohibited.
 - The private vehicular access easement ending in a cul-de-sac in the northern portion of the site exceeds the PVAE maximum length of 660 feet in non-mountainous areas for parcels under 10 acres.

6. The applicable land use and circulation element is the 1982 Kings River Plan (KRP), which shows the site to be within a "Residential" (maximum four units per acre) designation. The development includes 23 residential units on 9.58 gross acres, giving an overall density of 2.4 units per gross acre which is under the specified maximum of four units per gross acre, and which conforms to the land use designation and density threshold of the KRP.
7. The site is also located within the "Rural Residential/Recreation Opportunity Area," an area centered along the Kings River and varies from approximately $\frac{3}{4}$ of a mile to 1 mile in width. This area includes the adjacent Kings River Golf Course. The proposed golf-cart path connection is in furtherance of the recreational opportunity objectives.
8. According to the Urban Boundaries Element, the site is located outside of any adopted Urban Boundary.
9. The subject site lies partially within the year 2010 60 and 65 dB Ldn noise-impact contours for State Route 201, as identified in the 1988 Noise Element.
10. An existing irrigation ditch owned and operated by Alta Irrigation District currently lies within an existing 20-foot wide easement in favor of the district within and along the north edge of the subject site. The ditch is preferred by Alta Irrigation District to be piped. The applicant proposes to pipe in accordance with Alta Irrigation District requirements and specifications.
11. Sewer and water service is proposed to be provided by individual septic tank/leach line systems and a new community water system.
12. A new well on "Out Lot A" is proposed to provide domestic/fire flow water to all of the lots via a distribution line installed in the cul-de-sac with a lateral line to each lot. A fire hydrant system is to be installed throughout the subdivision.
13. Lot 18 will contain a storm drainage basin and will collect and contain on-site storm-water run-off from the developed site. Streets, to be improved with curb and gutter, will convey storm-water to the ponding basin.
14. The Environmental Assessment Officer has determined that the previous EIR, prepared for the KRP adequately addresses any potential environmental impacts associated with the project and fully complies with the requirements of the California Environmental Quality Act.

C. This Planning Commission further determined that the proposed subdivision project, together with the provisions for its design and improvements is consistent with the Tulare County General Plan, as amended, and

D. This Planning Commission, after considering all evidence presented, found that recommendation of approval of said tentative subdivision map will promote the orderly

growth of the County and will assure the health, safety and welfare of the people of the County.

AND, BE IT FURTHER RESOLVED as follows:

A) This Commission hereby recommends that the Board of Supervisors determines that the previous Environmental Impact Report, prepared for the Kings River Plan, adequately addresses any potential environmental impacts associated with the project and fully complies with the requirements of the California Environmental Quality Act.

B) This Commission hereby recommends that the Board of Supervisors approve Vesting Tentative Subdivision Tract No. TM 791 together with the exceptions, subject to the following conditions:

Engineering/Traffic/Flood

1. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvement Standards, unless and except as standards are modified herein.
2. All utility easements shall be shown on the final map.
3. All water, sewer, gas, electric, telephone, cable television, storm drain, and related infrastructure to be extended along any road in the subdivision, or adjacent to the subdivision, shall be constructed prior to surfacing of roads.
4. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall also make necessary arrangements with the public utility company affected for the cost of relocating such facilities, as no relocation costs will be borne by the County.
5. The subdivider shall be responsible for the cost of materials and installation for street name and traffic signs at locations recommended by the County Engineer. Installation of street names and traffic signs will be done by the Resource Management Agency (RMA) and the cost for such subsequently reimbursed by the subdivider.
6. A registered civil engineer shall prepare improvement plans. The improvement plans shall address all aspects of constructing the public improvements and shall identify existing topography, lot grading and proposed contours for the development, road improvement details, drop inlets, top of curb elevations, storm drain lines and storm drainage system details, sewer and water system details, street light locations, street sign locations, utility relocations, and any other details relevant to constructing the public improvements. All water lines, sewer lines and storm drain lines and related infrastructure shall be located within

public road rights of way. Hydraulic calculations shall be submitted with the improvement plans justifying the drainage system design. The storm drainage system shall be designed based on a 10-year, 10-day storm frequency. The improvement plans shall be submitted to and approved by the Tulare County RMA before initiation of construction.

7. Road improvements for this subdivision are required to consist of a 56 and 60-foot rights-of-way constructed to a 36 and 40-foot curb-to-curb pattern in conformance with Class 1 and Class 2 County road improvement standard respectively. The subdivision frontages along Road 32 shall be improved to Class 2 road standards to adequately provide access to this subdivision. Sidewalk is required along the Road 32 frontage and within the subdivision in accordance with Section 7-01-1240 of the Subdivision Ordinance to provide for pedestrian access within the subdivision and to community facilities.
8. The subdivision frontage along Road 32 shall be improved with barrier, curbs, gutters, and sidewalk as required by Section 7-01-1235 of the Ordinance Code. Curb and gutter grades shall be designed to the best extent to coincide with the elevations of the existing pavement on Road 32. The existing pavement along Road 32 shall be cleanly saw cut and new pavement installed to match into the new curbs and gutters. The County may require sections of the existing pavement on Road 32 to be reconstructed and the subdivider shall be responsible for the associated costs of construction. Top of curb grades within the proposed subdivision shall be designed to prevent water from standing no more than 9 inches above the top of curb during primary drainage system failure. All runoff collected by the curb and gutter shall be directed to the drainage basin.
9. The subdivider shall submit an application and pay the required fee to the Tulare County RMA for the formation of an assessment district for the permanent, long-term maintenance of the storm drainage system. The process to form an assessment district takes approximately five months and must be completed before the recordation of the final map. The formation process will begin at the time the application and fee are received. The subdivider may submit proof to Tulare County RMA of an alternative means of providing for permanent, long-term maintenance of the storm drainage system, such as a homeowners association. This alternative means will need to be approved by Tulare County RMA and the process completed before the recordation of the final map.
10. The subdivider or his contractor shall obtain all necessary encroachment permits from Tulare County RMA and the California Department of Transportation (Caltrans) before performing any work within the County or State road rights-of-way.
11. The subdivider shall submit an application and pay the required fee to the Tulare County RMA for the formation of an assessment district for the maintenance of the public streets and roadways within the boundary of the subdivision. Formation of the assessment district must be completed before the recordation

of the final map. The formation process will begin at the time the application and fee are received. The subdivider may also submit proof to the Tulare County RMA of another means of providing for permanent, long-term maintenance of the public streets and roadways such as a homeowners association. This other means will need to be approved by the Tulare County RMA and the process completed before the recordation of the final map.

Environmental Health Division

12. New sewage disposal systems shall consist of a septic tank of adequate size and a minimum of 200 square feet of leach line per bedroom. The design shall be per Uniform Building Code and shall be reviewed and approved prior to the approval of building permits.
13. Domestic water service will be supplied by an off-site well. Applicant shall supply proof of ownership of said well and either the well log for this well or the township, range and section of the well, as well as the assessor's parcel number of the well. Information shall be submitted to the Tulare County Environmental Health Services Division for review and approval.
14. Applicant shall submit a recent water test for Nitrates and Gross Alpha (radiological) to the Tulare County Environmental Health Services Division prior to approval of this subdivision.
15. This water system will be regulated as a "Community Public Water System" by the Tulare County Environmental Health Services Division. The applicant shall apply for a water system permit and submit all required documentation to this agency.
16. Any out of service wells, fuel storage or sewage disposal tanks shall be properly abandoned per Tulare County permit requirements.

Fire Department

17. The applicant shall install a fire hydrant system in compliance with the Tulare County Improvement Standards prior to the recording of the final map. New fire hydrants shall be installed at locations and to the specifications of the Tulare County Fire Chief. Copies of the improvement plans shall be submitted to the Fire Department (2 copies) and the Tulare County Resource Management Agency-Engineering Division (2 copies) for review and approval prior to construction.
18. Blue raised reflective markers shall be located in the street to identify fire hydrant locations to the specifications of the Tulare County Fire Chief.
19. Installation of street lights shall coincide with the locations of fire hydrants, wherever possible.

20. The water supply system shall be designed with adequate capacity for fire flows, as required by the Improvement Standards.

Planning

21. Appropriate signage and cross walk striping shall be installed at the Road 32/golf cart path intersection.
22. A Home Owners Association shall be formed for the subdivision and shall be responsible for maintenance of all common areas including, but not limited to, landscaping inside and outside the block wall along Road 32 and State Route 201, signage, the community well system, the ponding basin, the entrance gate, the golf cart path, and the private streets
23. In accordance with Section 7905(a) of the Tulare County Ordinance Code, the contents of the attached Right to Farm Notice shall be placed in a prominent location on the final map for acknowledgment by the subdivider; or, the notice itself shall be signed by the subdivider and recorded on a separate map sheet to accompany the final map.

The foregoing resolution was adopted upon motion of Commissioner Millies, seconded by Commissioner Whitlatch, at a regular meeting of the Planning Commission on the 25th day of April, 2007, by the following roll call vote:

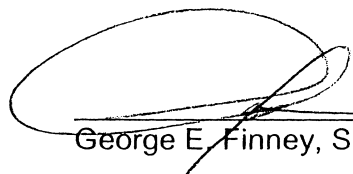
AYES: Millies, Whitlatch, Gong, Elliott, Kirkpatrick, Pitigliano

NOES: None

ABSTAIN: None

ABSENT: Dias

TULARE COUNTY PLANNING COMMISSION



George E. Finney, Secretary

RECOMMENDED MODIFICATIONS AND ADDITIONS
TO CONDITIONS OF APPROVAL
FOR
VESTING TENTATIVE MAP NO. TM 791

REVISED CONDITIONS OF APPROVAL:

Condition No. 9 requiring the formation of an assessment district for maintenance of the storm drainage system shall be removed. A Homeowners Association will be formed to fulfill the requirement for permanent, long-term maintenance of the storm drainage system. (See Condition No. 22 regarding formation of a Homeowners Association)

Condition No. 11 requiring the formation of an assessment district for maintenance of the public streets and roadways within the boundary of the subdivision shall be removed. The internal streets are proposed to be private and a Homeowners Association will be formed to fulfill the requirement for permanent, long-term maintenance of the private streets within the subdivision. (See Condition No. 22 regarding formation of a Homeowners Association)

Condition No. 21 shall be modified to read:

21. Appropriate signage and cross walk striping shall be installed at the Road 32/golf cart path intersection. *The signage and cross walk striping shall only be placed in accordance with the requirements of the California Vehicle Code, Section 21115, and any other applicable state law.*

Condition No. 22 shall be modified to read:

22. A Home Owners Association shall be formed for the subdivision and shall be responsible for maintenance of all common areas including, but not limited to, landscaping inside and outside the block wall along Road 32 and State Route 201, signage, the community well system, the ponding basin, the entrance gate, the golf-cart path, and the private streets. *Landscape maintenance along State Route 201 shall be in accordance with Caltrans requirements and development standards.*

ADDITIONAL CONDITIONS OF APPROVAL:

24. *The applicant shall pay any future impact fees associated with this vesting subdivision map that may be enacted by the Board of Supervisors prior to subdivision build-out and/or building permit issuance.*

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
- Planning Branch -
Environmental Assessment Initial Study

Vesting Tentative Subdivision Map Case No. TM 791 (with Exceptions)
Setback Variance Case No. PSV 07-001

I. GENERAL:

1. Applicant:

Tom C. & Carolyn Moshier
40090 Road 32
Kingsburg, CA 93631

2. Owner: (Same as above)

3. Agent:

Lane Engineers, Inc.
979 N. Blackstone Street
Tulare, CA 93274

4. Requested Action:

A Vesting Tentative Subdivision Map to divide approximately 9.58 acres into 25 lots in the R-A-12.5 (Rural Residential – 12,500 square foot minimum lot area) Zone. Also required are approvals of Exceptions to Section 7-01-1320 and Section 7-01-1295 of the Subdivision Ordinance regarding double frontage lots and length of cul-de-sac easements, respectively.

The applicant also requests a Setback Variance PSV 07-001, a combination Variance request to the Building Line Setback Ordinance (County Ordinance Code Section 7-19-1000 et seq.) to allow the location of the solid concrete block perimeter wall at, rather than setback from, the edge of right-of-way and to the Zoning Ordinance Section 15.C.2.n to allow the perimeter block wall to exceed the required 6-foot maximum by one foot.

5. Location:

The site is located at the northeast corner of Avenue 400 (State Highway [SR] 201) and Road 32, east of the City Kingsburg and the Kings River; generally described as a portion of Section 20, Township 16 South, Range 23 East, MDB&M; and also identified as APNs: 028-380-03 (8.43 ac.) and -04 (1.15 ac.).

6. Applicants' Proposal:

The applicant is proposing approval of the following:

- a.) Vesting Tentative Subdivision Map creating 25 lots with private streets and related Exception Requests to Subdivision Ordinance requirements which prohibit double-frontage lots and lengths of private cul-de-sac easements. (Note: Pursuant to the State Map Act Section 664574.2 and 66498.1, approval of a vesting tentative map confers a “vested right” to develop in substantial compliance with the ordinances, policies and standards in effect when the application was determined complete on November 8, 2006); and
- b.) Variances to both the Building Line Setback Ordinance requirements prohibiting certain structures within required setbacks from public roadways and to the Zoning Ordinance requirements limiting heights of fences or walls and locations of fence or wall structures within side yards.

II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:

1. Site and Surrounding Zoning and Land Uses:

Site: R-A-12.5 (Rural Residential – 12,500 sq. ft. minimum parcel size) Zone; orchard along the westerly 1/3 (to be removed), remainder is vacant open field

North: AE-20 (Exclusive Agricultural – 20 acre minimum parcel size) Zone; irrigation canal, rural residential, pasture, orchard/cultivated

East: AE-20 Zone; rural residential, pasture, orchard/cultivated

South: AE-20; rural residential, pasture, orchard/cultivated

West: PD-R-A-12.5 (Planned Development-Rural Residential – 12,500 sq. ft. minimum parcel size) Zone; Kings River Country Club and Golf Course and Kings River with F-1 (Primary Flood) Zone

2. Zoning and Other Ordinance Characteristics:

Zoning Ordinance:

The R-A-12.5 Zone was applied to the site in December of 1982 to implement the adopted Kings River Plan. The R-A-12.5 Zone allows for single-family residences and accessory structures at a density of approximately 4 units per acre consistent with and implementing the applicable General Plan. (See further discussion below under No. 4 regarding the General Plan.) This zone allows other uses associated with rural residential life-styles such as the keeping of small numbers of

livestock/farm animals. For example, lots of the size proposed here could have 32 head of poultry and one large animal such as a horse, cow or pig (ref. Section 4 of the Zoning Ordinance). Bed and Breakfast homes with up to two guest rooms and Small Family Day Care homes (up to 6 individuals) are examples of other rural residential uses allowed. (The reader should refer to the County Zoning Ordinance for a full and complete list of uses allowed out-right with ministerial building permits only, by Site Plan Review, or by Planned Development or Special Use Permit discretionary permits, in the site and surrounding zoning districts). Further, Lots 19-23 contain sufficient area to provide 12,500 sq. ft. of net buildable area outside the on-site 10-foot wide Alta Irrigation Dist. easement.

All of the proposed 25 lots meet the *Zoning Ordinance* minimum lot area requirement of the R-A-12.5 Zone, which is 12,500 square feet. However, see the discussion under *Subdivision Ordinance* below for further requirements regarding sizing of ponding lots.

Height and Yard Requirements: *(Note also separate Building Line Setbacks of the Streets and Highways provisions of the County Ordinance Code discussed below.)*

Height: Maximum 2-1/2 stories, not to exceed 35 feet.

Front Yards: 25 feet

Rear Yards: 25 feet

Side Yards:

- For Interior Lots: 5 feet For Corner Lots: same as for Interior Lots. No distinction for side yards with street frontage.
- For Reversed Corner Lots: Street-side yard: Not less than 50% of front yard required for lots in the rear of such reversed corner lot. There are no Reversed Corner Lots proposed with this subdivision, except for possibly the well lot and the ponding basin lot 1, however, these lots are proposed for well/pump and ponding purposes, and so the yard requirements for structures do not apply.
- Side yards may also be less with an approved variance.

The following provisions with regard to yard requirements, contained in Section 15 (General Provisions), are also applicable:

- Fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps, not more than 3-1/2 feet in height, may be located in any front, side or rear yard.
- A fence or wall not more than six feet in height, or a hedge maintained so as not to exceed six feet in height may be located along the side or rear lot lines, provided such fence, wall or hedge does not extend into the required front yard nor into the side yard required along the side street on a corner lot, which in this case shall also include that portion of the rear yard abutting the

intersecting street wherein accessory buildings are prohibited, and provided further, that the provision shall not be so interpreted as to prohibit the erection of a fence enclosing an elementary or high school site if such fence does not project beyond the front line of the building.

- Trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard.

The applicant proposes a 7-foot high concrete masonry unit wall around the perimeter of the site. This exceeds the 6-foot height limit of such structures by 1-foot and said wall may also be located within the side yards of Lots 1, 2, 13, 24, and 23, and within the rear yards of Lots 2-13, and Lots 19-24. These circumstances will require the approval of a Variance to the Zoning Ordinance. Such application has been combined with the requested Variance to the Building Line Setback ordinance. (See below for further discussion in PSV 07-001.)

Building Line Setback Ordinance:

The Building Line Setback Ordinance (BLSO) is set forth in Part VII, Chapter 19, Article 1 of the Tulare County Ordinance Code and establishes the requirements for setbacks from county roadways, primarily to prevent traffic safety hazards. These building line setback requirements are separate and distinct requirements from “yard” areas required by the Zoning Ordinance discussed above. The BLSO Section 7-19-1010 states that building line setbacks are established along both sides of every highway in the County which has been dedicated to the public use. This means that the setback requirements do not apply to the property frontages along the proposed private cul-de-sacs within the interior of the subdivision.

Section 7-19-1010 requires, except as provided in Sections 7-19-1015 through 7-19-1175, that the building line setback shall be located parallel to, and 50 feet from, the established centerline of the right-of way of each highway. However, Section 7-19-1185 supersedes the requirements referred to above, because it sets forth requirements modifying 7-19-1010 with respect to setbacks for numbered subdivisions, which the subject TM 791 is. Therefore, the following building line setbacks apply to Road 32 and Avenue 400 (SR 201) frontages:

- (a) Septic tank, leach lines and seepage pits: no less than ten feet from the edge of right-of-way.
- (b) Residence and any garage or carport attached thereto or part of, on a corner lot: no less than 15 feet from the edge of the right-of-way which has the longest frontage on the lot (and with certain other specified exceptions).
- (c) Residence and any garage or carport attached thereto or part of, on a corner lot: no less than 25 feet from the edge of the right-of-way which

- has the shortest frontage on the lot, (and with certain other specified exceptions).
- (d) Residence and any garage or carport attached thereto or part of, on other than a corner lot: no less than 25 feet from the edge of the right-of-way (and with certain other specified exceptions).
 - (e) Fences or walls on a corner lot: no less than five feet from the edge of the right-of-way of the longest frontage of the lot (with specified exceptions.) Residential landscaping and fences that are less than 3 feet high or more than 50% visually open are not subject to the building line setback on interior as well as corner lots.
 - (f) Fences or walls on other than a corner lot: no less than 25 feet from the edge of the right-of-way (and with certain other specified exceptions).

Because the proposed perimeter wall is proposed to be located on (or just inside and immediately adjacent to) the property line (coterminous to edge of right of way) instead of the required 5 ft. from edge of right of way for corner lots and 25 ft. from edge of right-of-way for all other lots, a request for a variance to provision (e) & (f) above has been requested by Setback Variance application, PSV 07-001.

Subdivision Ordinance:

The subdivision ordinance is contained in Section Part VII, Chapter 1. "Subdivisions of Land", of the Tulare County Ordinance Code. This section of the County Ordinance Code sets forth the requirements for filing and processing of, among other things, Tentative Subdivision Maps, as defined by the State Map Act (Govt. Code Section 66410 et seq.)

Sections 7-01-1000 et seq. of the subdivision ordinance requires that road rights-of-way and easements, whether public or private, are excluded when determining the net acreage of a lot. All lot areas and the overall subdivision design must conform to the applicable zoning regulations. All lot sizes shown on the map meet the "net acreage" and minimum lot size requirements of the subdivision ordinance and the zoning ordinance. All lot designs meet the lot shape requirements of the Subdivision Ordinance

Section 7-01-1295 provides that "Private streets and alleys shall be improved to the same standards as public streets in accordance with the County Improvement Standards referenced in Section 7-01-2025" and are required to be built prior to recording of the final map. The streets internal to the subdivision are proposed to be private rather than public, cul-de-sacs and built in conformance with County Improvement Standards for cul-de-sacs, but only insofar as the required improved travel way is concerned. That is to say, that Plate No. A-20 of the Improvement Standards requires for cul-de-sacs a 40-foot right-of-way, with 36 feet of paving between rolled curb and gutter, and 10 behind the curb on both sides of the street, presumably to accommodate sidewalks. In this subdivision design, because streets

are private, sidewalks are not proposed; therefore the overall right-of-way is proposed to be 40 feet containing the same 36-foot wide improved travel way as required by the County Improvement Standards. A 10 foot wide easement is proposed behind the right-of-way for public utility purposes

Section 7-01-1300 requires that the subdivider shall establish a mechanism to provide for the future maintenance and repair of private streets. In this instance, the applicant proposes the formation of a Home Owners Association to be responsible for the maintenance of the "Out Lot A" which includes the private streets, the well and pump site and the emergency access and golf-cart path.

The County is requiring barrier curb and gutter with sidewalks along the subdivision frontages of Road 32 and Avenue 400 (SR201). The subdivision ordinance allows that certain improvements, such as curbs, gutters and sidewalks, may be deferred, if found that doing so will promote logical and efficient development and subject to establishment of a security agreement between the developer and the County. There is no proposal at this time to defer the improvements. The applicant is currently proposing barrier curb and gutter and sidewalk along the Road 32 frontage, but has elected to defer to Caltrans for improvement requirements along their SR 201 (Avenue 400) frontage.

There is no public storm drainage system in the area to serve the proposed development. An internal drainage system for the subdivision is therefore proposed including a ponding basin within Lot 18 in the north-northwest corner of the property. The applicant proposes to form a Home Owners Association for the purposes of funding operation and maintenance of the drainage basin on a long-term basis.

Section 7-01-1380 sets forth the requirements for ponding lots as follows:

Section 7-01-1380(b): *The subdivision lot or lots provided [for ponding] shall have an area equal to or greater than the average area of all the lots in the subdivision.* The average area of the 23 residential lots is approximately 14,429 square feet. The proposed drainage pond/well lot has an area of 18,762 square feet; meeting and exceeding the required size.

Section 7-01-1385 requires that subdivisions served by a community water system shall provide a fire hydrant system installed after review and approval of improvement plans by the Fire Department. An on-site mutual water company, together with the required fire hydrant system is proposed to be created to serve the subdivision, operated and maintained by a Home Owners Association.

There are no public or community sanitary sewer or water system services in the immediate area. It is proposed that sewage disposal for the residential lots in the development will be handled with individual septic tank/leach line systems on each

lot. An on-site community water system is proposed to serve the subdivision. An approximately 30-ft. x 30-ft. well and pump site situated at the north east corner of Lot 3, within "Out Lot A" will provide the required domestic and fire flow for the subdivision.

Section 7-01-1415 provides that no tentative subdivision map shall be approved unless there is assurance of provision of an adequate and safe supply of water to all lots in the subdivision. Typically, compliance with Section 7-01-1415 would be demonstrated through an Engineer's recommendation, based on a Preliminary and/or Final Geo-hydro Report. Item 3 in the Preliminary Map Conference Letter dated November 8, 2005, required that a Geo-hydro Report be incorporated into the tentative subdivision map application. As required by the Preliminary Design Conference Report, the applicant has submitted to the County a Geological Hydrological Report dated October 16, 2006, and prepared by J. Michael Lane, of Lane Engineers, Inc., a licensed Registered Civil Engineer RCE #17604) which contains evaluations regarding a variety of the site's suitable/limiting characteristics for construction; but overall concludes the soil and ground water conditions that exist on site will provide for adequate waste water disposal and an adequate water supply for domestic and fire flow use. A well Driller's Report for a new well site on the subject property is on file with the County Resources Management Agency.

Section 7-01-1395 requires that septic tanks or sewer lines be setback 25 feet from "the edge of a ditch" and leaching fields be 50 feet from "the edge of the ditch". The provision does not address circumstances where a ditch is "piped"; and so it is presumed that setback is required where the ditch is an open ditch. In this instance the Alta Irrigation Ditch along the northerly edge of the property is proposed to be piped. The piping will provide better protection of water quality and public health than if the ditch remained open. To minimize health risks associated with water contamination through a cracked pipe the setback requirements could still be applied.

"Out Lot A" will contain the proposed well and pump site for the community/mutual water company facilities. The water system would be regulated by the Tulare County Environmental Health Division as a "Community Public Water System". The subdivider is required to establish the system and submit all required documentation to the Environmental Health Division prior to recording of the final map. A domestic well exists on the "Not-A-Part" parcel at the northwest corner of the site and will continue to serve the existing house there.

Section 7-01-1350 requires a minimum lot area of 12,500 for lots with individual sewage disposal systems and connected to a community water system. Section 7-01-1395 requires that a letter be submitted by the County Health Department certifying that field investigation and the tests and reports submitted by the subdivider show that ground slopes and conditions will allow satisfactory sewage disposal by this method, with the lot arrangement and the sizes as set forth on the subdivision map.

A letter from the Tulare County Health & Human Services Agency, Environmental Health Department dated February 27, 2007 indicates that a Preliminary Geo-Hydro report was submitted to and reviewed and approved by that department.

The subdivision ordinance does not have an express requirement for street lighting and none are proposed. Should the applicant decide to provide street lights, they are to be placed to coincide with the location of fire hydrants.

Resolution No. 93-1375 adopted by the County Board of Supervisors, requires subdividers to establish a maintenance district, homeowners association or other means to assure the long term funding for and maintenance of drainage facilities to serve the development. As noted earlier, the applicant proposes to form a Home Owners Association who will be responsible for operation and long term maintenance of all the proposed commonly held improvements, including not only the required drainage facilities serving the development but also the streets and associated rolled curbs and gutters, street lighting and fire hydrant system, the gated/key pad entry/security improvements and device, water facilities and improvements, the subdivision wall/fencing surrounding the site, and the emergency access and golf cart path.

Section 7-01-1430 requires that the location of utility easements be shown on the tentative map. New 10-foot wide public utility easements are proposed adjacent to and just outside of the proposed private street rights-of-way within the subdivision. The 20-foot easement in favor of the Alta Irrigation District traversing the north edge of the property has been shown, as has a 10-foot wide easement in favor of the Not-A-Part parcel (APN: 028-380-002) in the northwest corner of the site, and an easement of unspecified width for pipeline purposes along the north edge of the property (Rec. in Bk. 2735, Pg. 495, File No. 28713, O.R.).

3. Circulation/Traffic:

Road 32 fronting the west side of the subdivision functions as a local rural collector and will provide the only direct access to the site. Road 32 has improved surfaces along the property frontage ranging from 19-22 feet in width. Road 32 connects the subject site to Avenue 400 (State Route 201) the nearest major arterial. Avenue 400 (SR 201) connects the site to Highway 99 which is about 4-5 miles to the west/southwest at its closest point to the subject site.

Road improvements for Road 32 frontage are required to consist of a 60-foot right-of-way constructed to a 40-foot curb-to-curb pattern in conformance with a Class 2 county road improvement standard. This means 20 feet of improved road width east of the centerline of the right-of-way and, if necessary, some resurfacing west of the centerline to smooth the pavement transition. The improvement requirements also require barrier-type curb and gutter and sidewalks in the Class 2 standard.

Avenue 400 (SR 201) fronts the southerly property line of the subdivision. Avenue 400 is designated as a “State Route” in the Circulation component of the Kings River Plan. Improvement widths along the subdivision frontage are not reported by Caltrans. In its letter dated October 27, 2005, Caltrans references the *preliminary* subdivision design showing a new public road connection onto the SR 201 frontage.

However, the TM 791 as submitted has been redesigned from the preliminary proposal and that access feature has been removed; access to the subdivision from Avenue 400 is no longer proposed, and in fact, access to the site will be restricted along the property’s entire frontage of SR 201 (necessitating the double frontage lots discussed already). Caltrans also indicates that improvements such as intersection widening, left-turn channelization may be needed for SR 201 at Road 32 in the future. It is presumed that stipulations to address if ultimately required by Caltrans will be set forth in their encroachment permit since subdivision work and/or construction will involve working within the State right-of-way. The County is recommending barrier curb and gutter and sidewalks along the Avenue 400 frontage of the subject site. Such improvements, if agreed to by Caltrans will need to be incorporated into the Caltrans Encroachment permit for any such construction within the State right-of-way.

Caltrans estimates that the proposed residential development would generate approximately 24 trips during the P.M. peak travel period, and that 19 trips (80%) would impact the intersection of SR 201 (Ave. 400) and Road 32, resulting in minimal impact to State facilities.

4. General Plan Elements:

Land Use/Circulation Elements: The applicable component of the County General Plan with regard to land use and circulation for the subject site is the adopted 1982 Kings River Plan (KRP), as amended. The KRP shows the site to lie within a “Residential (Maximum 4 Units per Acre)” land use designation. The proposed development would include 23 residential units on 9.58 gross acres, giving an overall density of 2.4 units per gross acre which is under the specified maximum of 4 units per gross acre and conforming to the land use designation and density threshold of the KRP.

This site is also located within the “Rural Residential/Recreation Opportunity Area”, an area centered along the King River and varying from approximately 3/4 of a mile to 1 mile in width, as shown in the KRP. This area includes the adjacent Kings River Golf Course. The proposed golf-cart path connection is in furtherance of the recreational opportunity objectives. At this location, the site is approximately the width of Road 32 away from the edge of the golf course and about 835 feet from the center of the Kings River.

The Circulation component of the KRP designates Avenue 400 as “State Route” (it is State Route 201). Road 32 is not provided a designation, but functions as a local rural collector street and will provide the only access to the subdivision.

The KRP also has the following policies that are pertinent to this proposal:

Goal IV (Circulation), Policy 2: *Non-agricultural development projects shall not be approved unless adequate access for emergency vehicles can be provided.*

Comment: While the subdivision only provides one formal ingress-egress for the site through the gated entry onto Road 32, the subdivision design does propose a 12-foot wide improved emergency access path extending northerly from the northern most cul-de-sac along the easterly and northerly edge of the ponding lot, Lot 18 and out to Road 32. The map also displays an 8-foot wide easement to complete the full 12-foot wide path off-site in favor of the subdivision. The sub-divider / owner of the subdivision site is also the owner of the Not-A-Part parcel adjacent to the site, across which these easements traverse, enabling him to facilitate grant of this easement for emergency use proposes in favor of the subdivision. The preliminary design conference action required nothing further with respect to access for the subdivision or for emergency fire purposes.

Goal V (Water and Sewer Facilities), Policy 1 and 2:

1.) *No discretionary project in the KRP area shall be approved until the decision making body finds that: (a) The proposed method of wastewater treatment and disposal is safe, reliable, and will not degrade ground or surface water quality, (b) a sanitary water supply exists for domestic purposes and (c) county fire flow standards are met.*

Comment: One of the implementation measures listed under Policy #1 is to “require geological-hydrological reports to be submitted for all projects in conformance with the requirements of the Subdivision Ordinance.” A Preliminary Geological Hydrological Report dated October 16, 2006, submitted by the applicant in compliance with the Preliminary Design Conference requirements, provides sufficient factual basis for the decision-making body to make the required findings. The essential conclusion of the report, prepared by J. Michael Lane, Registered Civil Engineer, (License No. RCE #17604), is that “The soil and ground water conditions that exist on site will provide for adequate waste water disposal and an adequate water supply”. A copy of the complete report is on file at the Tulare County Resource Management Agency, Development Services Branch.

Goal V, Policy 2: *The density of new residential development shall not exceed the ability of the site's soils to absorb sewage effluent without ground or surface water contamination. This policy may require a lower density standard than otherwise permitted by the zoning or land use plan designation of the site.*

Comment: The Preliminary Geological Hydrological Report provides sufficient factual basis for the required Health Department recommendation and for the decision-making body to make the required findings. A Final Geological Hydrological Report may still be required.

Goal V, Policy 3: *New wastewater systems in the KRP area shall meet the standards of the Regional Water Quality Control Board and the Tulare County Health Department.*

Comment: Conditions of approval will require that wastewater treatment systems for individual lots receive all required approvals by the Environmental Health division of the County Health and Human Services Agency, and the Regional Board, if required. However, the County must still make independent findings as to the environmental soundness of the proposal (see Policy 1 above) at the tentative map stage. For this, a Geological Hydrological Report or other relevant information found to be sufficient by the Resource Management Agency is required. As noted elsewhere, a Preliminary Geological Hydrological report has been prepared and submitted to the County, and concluded, in relevant part, that the soils on site are suitable for adequate waste water disposal.

Goal V, Policy 4: *Alternative methods of sewage disposal, such as the use of common leach fields, shall be encouraged providing the systems meet the performance standards of the Water Quality Control Board and the Tulare County Health Department.*

Comment: Alternative methods of sewage disposal have not been proposed or discussed, since the Preliminary Geological Hydrological Report deems them unnecessary given the adequacy of on-site soils for conventional septic tank/leach line wastewater disposal systems.

Goal XI (Vector Abatement), Policy 1: *Appropriate vector abatement requirements shall be considered in conjunction with any discretionary project which has the potential to create a vector source or hinder vector abatement.*

Comment: The subject site is located within the boundaries of the Delta Vector Control District. The recommendations of the District with regard to

the ponding basin and certain domestic activities can be incorporated into the project, as appropriate, as conditions of approval. The County will provide a copy of this report to the DVCD as part of the public review process of this CEQA document.

Goal XII (Archaeology), Policy 1: *During the project review phase of a discretionary project, initial consultation requests shall be referred to the Area Archaeological Site Survey Office if the project site is within one mile of the Kings River, or the project site is on vacant ground or range land that has not been graded or has not been otherwise used in a way that has altered the landscape from its natural configuration. This policy shall not apply to projects when it is readily apparent that the project will not have any measurable impact on archaeological resources.*

Comment: The subject site is within one mile of the Kings River, and as such the County has consulted with the Southern San Joaquin Valley Archaeological Information Center at CSU Bakersfield, however, no response was received. Barring any substantial information which might allow a different conclusion, past historical intensive agricultural activity and related ground disturbances at the site have decreased the likelihood that any surface evidence of archaeological resources remain. However, in furtherance of this policy and consistent with past subdivision project approvals in this area, a condition of approval can be applied as follows:

If, during construction or grading activities on the site, any resources of an historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resource Management Agency Director or his designee shall immediately be notified of the discovery. Further development shall not continue until the Director or his designee certifies that appropriate recovery measures, if deemed necessary, have been completed. This note shall be placed in a prominent location on the final map.

Goal XII, Policy 2: *If during the project review phase it is discovered that an archaeological site will be disrupted by a proposed project, appropriate conditions of project approval shall be adopted that require archaeological survey, studies and/or protection measures.*

Comment: This can be made a condition of tentative map approval as discussed under Policy 1 above.

Goal XIII (Use of Prior EIR for Residential Projects in KRP), Policy 1: *It is intended that the KRP constitute a "Community Plan" within the meaning*

and intent of Section 21083.3 of the Public Resources Code of the State of California. [This PRC section provides that for residential development projects which are found to be consistent with an adopted Community Plan and for which an Environmental Impact Report (EIR) was prepared and certified as adequate with respect to that Community Plan, further environmental analysis of that proposed residential development shall be limited only to those environmental effects which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR, or which substantial new information shows will be more significant than described in the prior environmental impact report.]

Comment: A determination on whether the subject project is exempt from further environmental review will be made on the basis of the attached Initial Study which examines the extent to which the potential environmental effects of the present project are covered adequately by the prior KRP EIR.

Urban Boundaries Element: The subject site is located outside of any adopted urban boundary.

Open Space Plan: The subject site is in an area designated for “Extensive Agriculture” in the Plan for Open Space contained in the 1972 Environmental Resources Management Element (ERME). However, this designation does not conflict with, and is essentially superseded by, the land use designation of “Residential” in the more recent KRP.

Noise Element: The subject site lies partially within the year 2010 60 and 65 dB Ldn (24-hour day-night average) noise-impact contours for State Route 201 (Avenue 400) identified in the 1988 Noise Element. The contours are based upon the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model which takes into account energy emission levels for automobiles, medium trucks (2 axels) and heavy trucks (3 axels or greater) with consideration given to vehicle volume, speed, roadway configurations distance to receiver and the acoustical characteristics of the site. The Noise Element specifies that the year 2010 worst case 60 dB (decibel) Ldn Contour of State Route 201 extends approximately 137 feet from the centerline of the roadway, which impacts Lots 2-12. The Ldn notation indicates the 60 decibel value is a prediction based upon hourly values for free-flowing traffic conditions distributed over a 24-hour day with no geographical, topographical or man-made attenuating conditions. The 60dB Ldn level is considered by the Element to be “normally acceptable” for residential-low density single-family, duplex, or mobile homes living environments. Consequently, Policy 3.3.1 and 3.3.2 establishes acceptable noise limits for residential developments at 45 dB Ldn for residential interiors with doors and windows closed and no more than 65 dB Ldn for exterior yard areas within the noise impact contours.

(Please reference attached initial study for further discussion). The subdivision design proposes the construction of a 7-foot high concrete masonry unit wall around the perimeter of the site, primarily for security purposes. The wall will also provide a significant degree of noise attenuation as well, and would be an important design feature for the acoustical expert to factor in to the acoustical analysis or modeling to determine noise-reduction need to meet the Element's required levels 45 dB Ldn interior and 60 dB Ldn exterior performance standards.

Other Applicable Policies and Elements: A comprehensive, countywide, General Plan update study is currently underway. This update is looking at the appropriate future character and location of urbanization, agriculture and open space on a county-wide scale. Once the General Plan update is considered and acted upon by the Planning Commission and Board of Supervisors, the new policy directions, whatever they may be, will be further implemented through updates, conforming with the overall General Plan policies, to area and community plans, such as the KRP. An overall update to the KRP is not likely to occur for several years. Since the vicinity of the subject property is already partially converted to rural residential uses in conformance with the present land use plan, it is unlikely that future land use policies will suddenly or radically change the character or type of development allowed in the area.

Compatibility Finding: Based upon review of applicable elements and components and the discussion of policies and designations above, the proposed project can be found to be consistent with the General Plan.

5. Planning Commission Policies and Precedents:

The Planning Commission has approved previous subdivisions in the area under the same KRP land use designation and R-A-12.5 zoning as the present proposal. The most recent example is Tract Map TM 778, for 10 lots on 4.67 acres, approximately 1 to 1-1/2 miles southwest. The Tentative Map 778 was approved on August 15, 2006 by the County Board of Supervisors (Resolution # 2006-0643, and is still considered "active" although the final map has not been recorded).

III. ENVIRONMENTAL SETTING:

1. Topographical Features:

The site is relatively flat, however, the westerly 1/3 of the site, where the remnants of an old orchard remain, ranges approximately 4-7 feet lower than the easterly vacant portion of the site. The orchard is to be removed, and the grade of this area will be raised to conform to the grade of the remainder of the site. The natural grade,

based on rough grade notations on the map is a slight west facing slope with a change in elevation dropping roughly up to 7 feet or so between the northeast corner and central west edge of the property. There is one open ditch along the northerly edge of the site (to be piped in compliance with requirements of the Alta Irrigation Dist.); but no other waterways, rock outcrops or other natural features on the property.

2. **Flooding Potential:**

According to Panel 260B, Map Number 065066, dated September 29, 1986, of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for Tulare County, the westerly 1/3 of the site, (where the site is naturally depressed) is located within Zone A9, subject to 100 year flood, A Flood Elevation Certificate and associated flood hazard avoidance measures will be required on all proposed buildings within the Zone A area, demonstrating that the finished floors of said structures have been raised sufficiently to avoid flood hazards. The remainder of the site lies within Zone B, defined as between the 100- and 500-year flood zones. Construction of buildings within Zone B requires no specific flood avoidance measures; however, it is recommended by the Engineering Branch of RMA in its letter of October 27, 2005, that all finished floor elevations be elevated at least one foot above adjacent natural grade. The site is located outside the State Reclamation Board's Designated Floodway adopted for the Kings River.

3. **Soils:**

Soil Type	Agricultural Capability Class (Prime?)	Sewage Disposal System limitations	Expansiveness (Clay Content & Shrink/Swell Potential) Corrosivity	Permeability
Nord fine sandy loam, 0-2% slopes (130)	Class-1, Irrigated; subclass, 4c, non Irrigated (prime farmland)	None	Low shrink-swell, High steel corrosivity	Moderate. Well drained. Flooding very rare in years of abnormally high precipitation.

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

Note: These soil characteristics do not quite agree with those contained in the KRP, which is based on an older soil survey.

According to the Preliminary Geological Hydrological report prepared by J. Michael Lane, RCE, of Lane Engineers, Inc., "...subsurface soils encountered during soil sampling consist of silty sand and sand with some sandy silt. The upper surface soil is very loose silty sand extending to depths ranging from 2-9 feet below grad, underlain by sand and sandy silt to a depth of 15 feet below grade, the maximum depth explored". (This is a generalized description of the soil profile; the reader is

advised to consult the Logs of Borings for soil conditions at specific locations or depths, as contained within the Preliminary Geological Hydrological Report on file at the Resource Management Agency, 5961 S. Mooney Blvd., Visalia, CA).

4. **Biotic Conditions:**

The easterly 2/3 of the site has been vacant or in pasture for some time. The westerly 1/3 of the site contains an old orchard that is to be removed. Other than the owner's residence in the northwest corner that is not a part of the subdivision, the site is otherwise undeveloped. Other scattered rural residential buildings and related accessory structures surround the site to the north, east and south. The Kings River Golf Course is adjacent to the west, across Road 32 from the site. The nearest waterways are an Alta Irrigation ditch along the northerly edge of the site and the Kings River, approximately 835 feet to the west.

Vegetation Characteristics: As noted, the only trees on the property are those within the old orchard within the easterly 2/3 of the site and a few other non-native trees scattered throughout the site and along the SR 201 right-of-way and along the ditch. The rest of the property is vacant or contains scant non-native ruderal vegetation. The site visit showed no indication of riparian vegetation or potential wetlands.

Wildlife Habitats: According to the California Natural Diversity Database (DFG, Nov. 2006, Bio-geographic Data Branch), there are no recorded occurrences of species of concern on or adjacent to the subject site. The nearest CNDDDB recordings are a "non-specific" occurrence for the San Joaquin adobe sunburst approximately 7 miles east (1927, and presumed currently extirpated), a "specific" occurrence for the Valley elderberry longhorn beetle at a single isolated elderberry bush approximately 6 miles to the northeast in the Kings River's west bank, a single "specific" occurrence of pallid bat approximately 2 miles north (at a roost in a Kings River culvert under-crossing at Ave. 416), and a single "specific" occurrence for the burrowing owl, approximately 5 miles east at fallow ground inside the City of Dinuba.

Conclusion: Given the site location and history of the site and the surrounding areas, it is not likely that any natural habitat or species remain on site or in the area.

5. **Water Table:**

According to the Preliminary Geological Hydrological Report, October, 2006, no groundwater was encountered above the 15 feet depth of the any bore, except in boring numbers 2 and 3, located roughly along the Road 32 frontage near lots 1 and

2, where water was encountered at 10 and 11 feet deep respectively. It is important to remember that this area of the site lies approximately 6 feet lower than the east end of the site. Consequently, with the fill required by the Flood Elevation Certificate, ample separation from surface grade to groundwater will be equivalent here as elsewhere on the site. The California Department of Water Resources data shows historical depth to groundwater in the vicinity of the subject site in the range of 40 feet below surface grade (1995 maps). See also Section IV. 3. Other Facts, under Depth to Groundwater discussion below, where additional site specific information is discussed.

5. Agricultural Preserves:

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

6. Archaeological Conditions:

There is no evidence of buildings or landmarks of historical or cultural importance on the property. The subject site has been subject to intense agricultural activity and other extensive surface disturbance. Due to the site's low lying elevation and proximity to the Kings River, the site was likely subject to frequent annual flooding prior to the construction of the Sierra Nevada foothill and mountain dam system built to control flooding on the Valley floor, making the site an unlikely location for habitation.

IV. HISTORY AND PROJECT FACTS:

1. History:

The area was zoned R-A-12.5 in December, 1982 as part of an area-wide rezoning study to implement the KRP. No previous discretionary permit applications have been considered on the property.

Preliminary Site Plan No. PRE 05-030 was approved by the Site Plan Review Committee on November 4, 2005, by Resolution No. 05-0136.

2. Project Description:

The applicant proposes to divide the 9.58 gross-acre parcel into 25 lots as follows:

- 23 lots ranging in size from 12,580 sq. ft. (Lot 7) to 20,998 sq. ft. (Lot 24) for individual ownership, rural residential purposes; average residential lot size being about 14, 429 sq. ft.
- One lot of 18,762 sq. ft. (Lot 18) for a community storm drain basin, to be owned in common and maintained by Home Owners Association; and

- One “Out Lot A” of 59,231 sq. ft, for purposes of private roads, a well and pump (approximately 30 ft. x 30 ft.) for community mutual water company, and 12-ft. wide emergency access and golf cart path, to be owned in common and maintained by a Home Owners Association.

Access to all of the residential lots is proposed to be from Road 32 via two new paved, private, cul-de-sac roads (generally 56-feet in width, except at the entry, where the cul-de-sac roadway will widen to a maximum additional 20 feet—total of 76 feet—to incorporate an island accommodating a security gate key-pad operating device). Access to the subdivision along the SR 201 (Avenue 400) frontage is to be restricted. A paved 12-foot wide emergency access and golf cart path is proposed to extend as part of the “Out Lot A” north from the northerly cul-de-sac around the east and north edge of the storm drain basin Lot 18, and then proceed westerly within a 12-foot wide easement along the north side of an adjacent ‘Not-a-Part’ parcel (APN 028-380-002) owned by the project proponent to Road 32. This path is proposed to connect, via County-standard drive approach on the east side of Road 32 to a 7-ft. wide golf cart path which currently meanders within the Kings River Golf Course west of Road 32. This “Out Lot A”, will also contain the well and pump for domestic and fire flow water service for the subdivision to be located generally at the northeast corner of Lot 3. “Out Lot A” is proposed to be owned in common by the subdivision residents, with long term maintenance by a Home Owners Association.

Exception Requests have been filed for two provisions of the Subdivision Ordinance:

- 1.) Section 7-01-1320 prohibits generally double frontage lots. The configuration of the site, together with the proponent’s and Caltrans’ preference to restrict access from the subdivision lots onto SR 201 necessitates Lots 2-11 being “double-frontage” lots; that is, fronting on the internal cul-de-sac as well as backing onto SR 201. An Exception Request to this subdivision ordinance requirement has been submitted, although Section 7-01-1320 of the County Subdivision Ordinance recognizes that such exception are necessary to prevent residential development from fronting on highways or freeways.
- 2.) Section 7-01-1295 requires that all roadways, whether public or private, be built to adopted County Road Improvement Standards. Improvement Standards specify that non-mountainous cul-de-sacs shall not exceed 660 feet in length. An Exception Request to this requirement has been submitted to allow the northerly cul-de-sac private easement to extend 750 feet from Road 32 back to the center of the bulb turn-around.

An existing irrigation ditch owned and operated by Alta Irrigation District currently lies within an existing 20-foot wide easement in favor of the district within and along the north edge of the subject site. The ditch is preferred by Alta Irrigation

Dist. to be piped. The applicant proposes to pipe in accordance with Alta Irrigation Dist. requirements and specifications. The 20-foot easement will remain in place; however, the neighbor to the north has agreed to provide a reciprocal 10-foot wide easement to Alta Irrigation Dist. along the south edge of his property. Consequently, only the northerly 10-feet of the existing 20-foot easement on the subject site will be needed for the pipeline and access to the ditch company for maintenance purposes. In order to comply with Zoning requirements and the District's preference that the easement not be encumbered by any development within the backyards of the northerly tier of lots, Lots 19-23 will each contain at least the minimum 12,500 sq. ft. of buildable area excluding the 10-foot easement area. The proposed perimeter block wall is to be situated adjacent to and south of the on-site 10-foot wide easement, assuring no backyard encumbrances.

A seven-foot high concrete masonry unit wall is proposed for the perimeter of the site. The wall is proposed to be situated immediately adjacent to and inside the property line/edge of right-of-way of the site. The wall location necessitates the filing of a request for a Setback Variance (PSV 07-001) to the Building Line Setback Ordinance to allow the wall structure to lie within the required 5 feet from edge of right-of-way for corner lots on Road 32 and within the required 25-feet from centerline setback for all other lots on Avenue 400 (SR 201). Said variance application is also a combination Zoning Variance application to consider allowing the height of the wall to exceed the 6-foot maximum fence height by 1-foot. (See discussion below under *Zoning Ordinance* for additional information on fencing requirements.)

The private cul-de-sacs are proposed to be 40-foot rights-of-way improved to 36-feet in width with rural standard rolled curb and gutter with no sidewalks. Long term maintenance of the roadways is to be assured via the establishment of a Home Owners Association.

A new well on "Out Lot A" is proposed to provide domestic/fire flow water to all of the lots via a distribution line installed in the cul-de-sac with a lateral line to each lot. A fire hydrant system is to be installed throughout the subdivision. Lot 18 is proposed to contain a storm drain basin constructed with side slopes of 2:1 (run to rise) in order to collect and contain on-site stormwater run-off from the developed site. Streets, to be improved with curb and gutter, will convey stormwater to the ponding basin.

Information regarding intentions to landscape the drainage basin itself or provide landscaping within Lot 18 has not been provided. Recommended conditions from the November 4, 2005 Design Conference does not require landscaping of any kind within Lot 18 or anywhere else within the subdivision. It is presumed owners will landscape their individual lots. The applicant/developer will install all utilities to each lot, including water, gas, electric, telephone, cable television, storm drain and

related infrastructure prior to surfacing of street. A homeowners association is proposed to be created prior to recordation of the final map to provide for the long-term maintenance and repair of these subdivision improvements. Street lights are not required or proposed.

3. **Other Facts:**

Setback Variance: The applicant is requesting approval of a combination setback variance and zoning variance. The Setback Variance is to allow placement of a concrete masonry unit wall along the perimeter of the site at the edge of right-of-way for State Route 201 (Avenue 400) and Road 32. (See further discussion of this requirement above in Part II. 2). The block wall is proposed to be situated essentially immediately adjacent to but just inside the property line which is coterminous to the edge of both the State Route 201 and Road 32 County rights-of-way. This will place the wall within the required 25-feet from edge of right-of-way setback of State Route 201 and Road 32.

Section 7-19-1215, et seq. (formerly Section 7509) of the County Ordinance Code, the Building Line Setback Ordinance, as amended, states that a variance under the provisions of Article 1 of said ordinance may be granted if said granting is in harmony with the general purpose and intent, and so that the spirit of the ordinance shall be observed, public safety and welfare served and substantial justice done. In order to meet this variance criterion, Section 7-19-1215 requires the following finding shall be made:

MANDATORY FINDING:

Practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Article would result through the strict and literal interpretation and enforcement of this Article with respect to the proposed improvements.

Factors that support this finding are as follows:

Typically, the required setback distances would be needed where roadways are fully improved within their rights-of-way, including curb, gutter and sidewalk and parkway/landscape strip and where roadway vehicular, bicycle, and/or pedestrian traffic and on-street parking volumes warrant the additional safety benefit that might be gained from the full setbacks providing maximum sight visibility from driveways and street intersections. Considering the project's rural location and very low density development surrounding it, the fact that no driveways will intersect either roadway frontage, the relatively low vehicle and very low pedestrian volumes in the area, and the improbability of subdivision visitors parking on-street outside the subdivision suggests sight visibility/safety issues are not of critical concern at this site, and strict or literal interpretation or enforcement

of the required setback for the wall may be an unnecessary burden with no gain of compensating significant benefit.

Zoning Variance: The applicant is also requesting a variance to allow the 7-foot high perimeter block wall to exceed the 6-foot maximum height limit for fences and walls required by Section 15.C.2.n. of the Zoning Ordinance. As such, Section 16. III. C. states as follows:

MANDATORY FINDINGS:

C. Before any variance may be granted, it shall be shown:

- 1. That there are special circumstances applicable to the property involved including size, shape, topography, location or surroundings, so that the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*
- 2. That the granting of the variance will be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.*
- 3. That the variance will not authorize a use or activity which is not expressly authorized by the zone regulations governing the parcel of property.*
- 4. That the granting of the variance is consistent with the General Plan.*

In addition, if the variance pertains to a building or structure located within the building line setbacks established pursuant to Sections 7-19-1000 et seq. of the Ordinance Code of Tulare County, the findings required in Section 7-19-1215 of the Ordinance Code shall also be made before any variance may be granted.

Factors that support this finding are as follows:

The variation to the maximum wall height requested is minor; the amount of deviation is 12 inches (1-foot) from the required 6-feet to 7-feet. It is fairly commonplace, by current trends, for perimeter walls to subdivisions, particularly in urban areas, but in rural areas as well, to be higher than 6-feet as they offer slightly improved security, which in this case is desired due to the nature of the subdivision being controlled by gated access. Further with this site's location adjacent to a state highway, SR 201, the higher wall will help maximize achievement of sound attenuation required by the County Noise Element without burdening individual home owners along the roadway with extraordinary and costly modifications to their homes to achieve the performance level decibel

reductions of the Noise Element. The conditions of approval would limit the variance to the extra foot and no more, for which there is precedent elsewhere in the County, and thus would not be a grant of special privilege for this property. The grant of the requested variance will not authorize a use or activity which is not already expressly allowed R-A zone district and thereby, the requested variance is not inconsistent with the governing KRP or other applicable elements of the County General Plan.

Fire Protection: The subject property is within the five-minute response range of the Tulare County Fire Department located at 3811 Avenue 400 (State Route 201), east of Road 36.

Police Protection: Provided by the Tulare County Sheriff's Department. The nearest substation is in Cutler.

Sewer and Water Service: Provided by individual septic tank/leach line systems and a new community water system. (See further relevant discussion below under Depth to Groundwater regarding need for special septic/leach field design considerations).

Drainage: Stormwater is not allowed to be discharged to the State right-of-way. Since the proposed development project involves one acre or more of ground disturbance, the applicant is advised to contact the Central Valley Regional Water Quality Control Board office in Fresno (559-445-5116) to determine whether a Notice of Construction will be required. Further, the applicant is required to adhere to Caltrans construction stormwater requirements if there is proposed work within the State right-of-way. Additional information on Caltrans stormwater management requirement may be found on the Internet at www.dot.ca.gov/hq/env/stormwater/index.htm.

Depth to Groundwater: According to on-site soils investigations conducted on June 8, 2006 and the resulting Soils Investigation Report dated August 8, 2006 both prepared by See's Consulting & Testing, seven soil borings were made at various locations around the site determined from features shown on the Site Plan provided for See's use. (A complete copy of the Soils Investigation Report is contained in the project file in the County RMA, Planning Branch. This staff report provides below only a summary interpretation of that report and should not be relied on in place of the report in its entirety).

All seven borings were terminated at 15 feet below surface grade. Sub-surface soils encountered consisted generally of silty sand and sand with some sandy silt. Percolation rates were fairly rapid, ranging between 50 minutes per inch to 9 minutes per inch (avg. of 22.8 minutes per inch). Further the Soils Investigation Report states that groundwater was encountered at depths of 10-11 feet below grade in two borings—B-1 and B-2—located generally within the roughly westerly 1/3 of

the site reported to be approximately 2-3 feet lower in surface grade from the remainder of the site where the other five borings were conducted. This relatively high groundwater occurrence coupled with the fast percolation characteristics of the soils has the potential to effect designs of individual septic tank/leach field systems for lots in this area, particularly since groundwater levels are dynamic and may actually be higher at any given time due to variations in the level of the Kings River nearby to the west, precipitation, area run-off, land use, irrigation and other factors.

In addition, due to the lower elevation of the westerly 1/3 of the site, this area is also subject to flooding as noted above in Section III.2 Flooding Potential. According to Panel 260B, Map No.065066 of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) this westerly area lies within a Zone A9, which as noted in Section III.2. above, will require finished floor elevations to be raised at least one foot above the adjacent natural grade and Flood Elevation Certificate issued to verify this flood effect remediation. It is presumed therefore, that this area will be raised between 4-7 feet or more above its current grade to correspond to the relative elevation of the remainder of the site and the required finished floor elevation required by the Flood Elevation Certificate. Care will be needed in importing suitable soils to facilitate appropriate design of leach field systems to maintain 10-feet of required separation between the high groundwater and bottom of leach field trench, and to assure acceptable percolation rates. Engineer-designed septic tank/leach field systems will need to be submitted to the Health and Human Services Dept. Environmental Health Branch for review and approval prior to issuance of building permits. Subsequent percolation tests may be required following completion of fill and compaction tests. The Soils Investigation Report should also be referred to by all building contractors as it also contains conclusions and recommendations regarding Preparation of Building Areas, Compaction, Material for Fill, Fill Placement, Site and Building Drainage, and Utility Trench Backfill.

4. Correspondence:

<u>Agencies Notified</u>	<u>Replies Received (date)</u>
Co. RMA Engineering/Flood/Traffic	10/27/05 (with PRE)
Co. RMA, Long Range Planning-Countywide	12/6/06
Co. HHSA Environmental Health Services	11/29/06, 2/27/07
Co. Fire Dept. /CDF	11/2/05 (with PRE), 1/31/07
Kingsburg (Kings River) Elem. School Dist.	none
Delta Vector Control District	02/28/07
Cal-State, Bakersfield Archaeological Info. Center	none
PG & E	none
SBC	none
San Joaquin Valley APCD	12/4/06 & 10/12/05 (with PRE)

CA Dept. of Fish and Game	none
CA Regional Water Quality Control Board	none
CA Dept. of Transportation, Dist. 6	11/8//06 & 10/27/05(with PRE)

V. **ENVIRONMENTAL IMPACTS CHECKLIST/DISCUSSION FORM:** (See attached completed Environmental Impact Checklist form)

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

Consultant is only required to complete "Consultant Recommendation" section in checklist. County staff will make final determination.

The previous EIR adequately addresses the impacts associated with the project and fully complies with the requirement of CEQA; therefore, no additions to the EIR need be prepared. The mitigation measures listed in the KRP EIR as adopted under Planning Commission Resolution No. 5864 are incorporated herein by reference.

VII. **SUBSEQUENT ACTIONS:**

1. **Appeals:**

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

2. **Storm Water Permit:**

A General Construction Activity Storm Water Permit CAS000002 shall be required (prior to commencement of 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 isles 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.

3. Taxes:

The resolution of the Board of Supervisors approving the final subdivision map cannot be recorded for any property for which property taxes and special assessments are due and payable and/or are delinquent. In such cases, the taxes or special assessments must be paid before the map or resolution can be recorded. In addition, please be advised that the Tulare County Subdivision Ordinance, pursuant to the State Map Act, prohibits the recording of the map or resolution until the applicant files with the County Tax Collector a security deposit for the payment of property taxes or special assessments which are not yet due and payable.

4. School Impact Fees:

The subject site is located within the Kings River Elementary School District and the Kingsburg Union High School District which have 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.

5. Right to Farm Notice

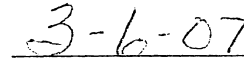
In accordance with Section 7905(a) of the Tulare County Ordinance Code, and as a condition of approval of the subdivision map, a Right to Farm Notice shall be placed on the face of the final map, or a separate sheet shall be signed by the vested owners of the property and shall be returned to be recorded with the resolution approving a waiver of final map (*see Attachment No. 1*).

CREDITS:

This Staff Report prepared by:

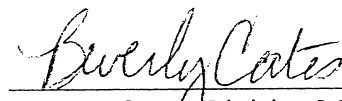


Mary Beatie, Senior Planner
TPG Consulting

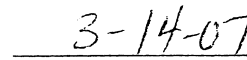


Date

Approved by:



Beverly Cates, Division Manager
Project Review Division



Date

ATTACHMENTS:

- Correspondence
- Environmental Checklist/Discussion
- Consulting Agency List
- Exhibits/Attachments
- Maps/Graphics

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 checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" 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:

Consultant Recommendation:

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.

County Resource Management Agency Recommendation:

- ☐ Concurs with consultant recommendation.
- ☐ Other. (Explain recommendation and supporting reasoning).

This Environmental Assessment Initial Study was prepared by:

Mary E. Beatie
by: Mary E. Beatie, Senior Planner
TPG Consulting, Inc.
222 N. Garden Street, Suite 100
Visalia, CA 93291

3-2-07
(date signed)

This Environmental Assessment Initial Study was approved for public review by:

Cynthia E. Hagan
(signature of EAO or designee)
By: Type Name, Title
Environmental Assessment Officer

(date signed)

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, and 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.

POTENTIALLY 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 subdivision will fill-in currently vacant land with residential construction and associated improvements (streets, fencing, landscaping, etc.), as envisioned by the KRP and as such may alter existing vistas for surrounding residents, especially those from the north, south and east. Existing vistas from the west toward the site would be from the Kings River Golf Course. Existing vistas to the north, south and west from the site are not particularly unusual or striking, but rather are typical of most vistas from within developing low density residential areas. Glimpses to the east of the Sierra Nevada may be available to depending on window orientation, and time spent "gazing" etc., and depending on daily weather and smog/haze cover. The subject property is currently a few feet lower than the Avenue 400 and Road 32 roadways and adjacent land to the south and west; however, elevation of the site will be raised consistent with surrounding lands to facilitate proper drainage flow to the proposed on-site drainage pond and to comply with requirements of the needed Flood Elevation Certificate (see staff report for additional description of flood potential and requirements). 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 subdivision will create new sources of diffused light from exterior home, security and street lighting. However, sources of glare that would adversely affect neighbors or the driving public are prohibited through County-standard conditions of approval which prohibit nuisance effects to adjacent lands and roadways from improperly directed or shaded lighting. 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

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or if the area is not designated on the Important Farmland Series Maps, would it convert prime agricultural land as defined in Section 51201(c) of the Govt. Code to non-agricultural use?

☐ ☐ ☐ ☒

b) Conflict with existing zoning for agriculture use, or a Williamson Act contract?

☐ ☐ ☐ ☒

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or otherwise adversely affect agricultural resources or operations?

☐ ☐ ☒ ☐

Analysis: On-site soils across the 9.58 acre site consist generally of Nord fine sandy loam according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) (See discussion below under Part 6. Geology/Soils for further information). The NRCS considers this soil a Class I capability, (irrigated), Grade 1 soil (equivalent to 80-100 Storie Index, indicating high suitability to intense agriculture) qualifying it as prime agricultural land. The site does not currently support any livestock for food or fiber production. Currently, only the westerly 1/3 of the site is planted in orchards; current or historical productivity of said trees is unknown. Notwithstanding the characteristics of the soils, the land for this subdivision lies within an area of the adopted 1982 Kings River Plan (KRP) designated "Residential" and is thereby planned for residential development to a density of up to 4 units per acres. The subject site has, consequently, been zoned for rural residential uses, since approximately 1982 when it was rezoned from A-1 (Agricultural) to R-A-12.5 (Rural Residential – 12,500 square foot minimum lot area) to implement the KRP. Therefore, the site has been planned or zoned for non-agricultural use for at least 23 years. The proposed density of 2.4 units per acre is consistent within the 4 unit per acre maximum of the KRP. The KRP and associated EIR, prepared in 1982, considered the aggregate loss of existing agricultural land resulting from the proposed land use scheme and determined such loss to be potentially significant but mitigable to a less-than-significant level through the adoption of various land use policies. In the context of the site's location within an area designated for rural residential density development and the impact of loss of agricultural land found to be mitigable by the KRP EIR, the final development of the 9.58 acre site does not represent a significant loss of agricultural land. It is preferable to attain "in-fill" development of the site within the designated KRP boundary than to pursue extension of the boundary to include lands that are in productive agricultural use. Impacts to loss of agricultural land resulting from this project are therefore not considered to be significant.

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?

☐ ☐ ☐ ☒

b) Violate any air quality standard or contribute substantially to an existing or projected air quality

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
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"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Analysis: This project site is located within the San Joaquin Valley Unified Air Pollution Control District. The San Joaquin Valley is designated non-attainment for air quality standards for ozone and particulate matter (PM10 and PM2.5). Nearly all development projects have the potential to generate pollutants that will worsen air quality, so it is necessary to evaluate air quality impacts to comply with CEQA.

Daily traffic to and from the proposed subdivision will be from residents occupying the 23 single family dwellings (seven new and one existing), and other traffic associated with residential activities, such as postal and UPS deliveries, and home maintenance and repair vendors. Such trips are estimated in the 7th Edition of Trip Generation by the Institute of Transportation Engineers, to be 9.57 trips per unit per day (as an average weekday accounting based upon a subdivision of up to 197 units) or 220 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", 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 Residential projects is 152 units and/or 1,453 vehicle trips per day. The proposed project's potential maximum of 67 vehicle trips per day is thus well under the air quality threshold of significance. This development is also well below the District's Indirect Source Review threshold (50 residential units) which became effective March 1, 2006.

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 single family dwellings and thus will not be a source of any of the above stated 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 public roadways to access the proposed lots will be surfaced with pavement, and will include concrete sidewalks. Individual lots will be covered with the dwelling, landscaping or concrete walkways or patios. It is not expected that an increased amount of bare soil will be left exposed or unimproved.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: The KRP does not identify any lands in the vicinity of the subject site that contain habitat suitable for sustaining any rare, threatened, endangered or special concern species. The Department of Fish and Game approved of the biological resources mitigation measures included in the KRP. These included the application of restrictive F-1 (Primary Flood) zoning along the Kings River, thereby protecting most of the existing riparian areas from development impacts. The subject site is at least 600 feet from the F-1 zoned area. The site and immediately surrounding properties do not lie within any occurrence radii catalogued by the Department of Fish and Game Natural Diversity Data Base (Nov. 2006) for any listed rare, threatened, endangered plant or animal species or other plant or animal species of special concern. (Please refer to staff report for additional detail from the CNDDDB). The site does not lie within nor is it adjacent to or bisected by any identified waterways, and therefore does not contain any riparian habitat or wetlands. The site is bordered on three sides by rural residential development and associated intense agricultural operations (orchards or seasonal cultivation) fronts on one busy local street (Road 32) and a State Route (SR 201, also known as Avenue 400). The site also lies across Road 32 from the Kings River Golf Course and Country Club. The site has been used for agricultural cultivation and is currently partially planted in orchard. There is

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique pale ontological resource or site or unique geologic feature of pale ontological or cultural value? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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: The proposed site is located generally southerly and easterly of the unincorporated urban community of Kingsburg. Lands to the west, north, and south/south west are also part of the developed urban community. The northwest corner of the subject site is located approximately 835 feet from the Kings River, which may suggest the existence of archaeological resources. Additional ground disturbance to construct the proposed project will be minimal, primarily for roadway cuts, and as such, excavation below grade may only extend 10 ± inches, except for excavation of the ponding basin. This potential impact can be addressed through application of adopted General Plan (Kings River Plan) policies which must be brought forward and applied to the project as conditions of approval to assure findings of general plan consistency can be made in order for the map to be approved. As evidence of compliance with KRP policy and the KRP EIR mitigation measures, conditions of approval should be incorporated into the Tentative Map approval requiring that if, during construction or grading activities on the site, any resources of an historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resources Management Agency Director or his designee shall immediately be notified of the discovery. Further development shall not continue until the Director or his designee certifies that appropriate recovery measures, if deemed necessary, have been completed. This note shall be placed in a prominent location on the final map. It should be noted that only those measures necessary to assure protection of known or potential unique artifacts that may be encountered during site grading or subsurface construction activities is required by CEQA (PRC 21083.2).

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:

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| 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 unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in substantial soil degradation or contamination? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: Soils at the site are identified by the USDA NRCS "Soil Survey of Tulare County California, Western Part", (1998) as Nord fine sandy loam, with 0-2% slopes. The land is, therefore, essentially flat ground. This soil is well drained alluvial deposit formed from granite sources with moderate permeability. The Nord fine sandy loam is a stable soil capable of supporting conventional residential construction, particularly where subsoil is replaced with adequate base material for roadway construction. The major construction management factor is the soil's high corrosivity to steel (low to concrete). This corrosivity factor can be offset by using corrosion-resistant material and coatings and cathodic protectors. 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 Kingsburg 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

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or near a known earthquake fault. Septic systems will be dispersed on large lots 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 (roadways, homes, patios, sidewalks, and the like), landscaping or pasture. Storm water run-off that is not absorbed by local landscaping will be directed to a street collection system delivering the run-off to a constructed drainage pond within the subdivision site, 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:

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| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment or risk explosion? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working 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 wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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- i) Expose people to existing or potential hazards and health hazards other than those set forth above?

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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 “wild land” fire area. According to the State of California “Hazardous Waste and Substances Sites List” (April, 1998), 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 resident 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 about 1/2 mile to the east at Road 40 and Ave. 400. There is no substantial evidence that suggests any future resident of the proposed subdivision 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 Kings River planning area with which this project could interfere or impair. The site is located on the edge of a rural residential area, near or adjacent to lands utilized for public recreation and agricultural purposes and that thereby may employ the use of typical sprays for pesticide and herbicide control. Use of such materials is highly regulated and requires applicators obtain 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 individuals choosing to reside 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?

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- 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)?

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- 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?

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- d) Substantially alter including through the alteration of the course or stream or river, or substantially

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	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 storm water 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Analysis: According to the Federal Emergency Management Agency (FEMA) 1986 Flood Insurance Rate Maps (FIRM), Map Panel No. 065066-0260B, the west 1/3 of the site lays within a Zone A9 an area of special concern for flood impacts. An elevation certificate and associated flood hazard avoidance measures will be required on all proposed buildings within a FEMA Zone A. The remainder of the site is considered to be within the FEMA FIRM Zone B, an area of moderate flooding. Construction of buildings within a FEMA Zone B requires no specific flood avoidance measures; however, in this instance the County Flood Control Engineer of the Resource Management Agency recommends condition of approval requiring that all finished floor elevations within the Zone B be elevated at least one foot above adjacent natural ground. The applicant's engineer has also noted that the building pads will be built up 12 to 18 inches above natural ground. 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. The proposed street gutter collection system will be designed to carry project-generated run-off to an on-site ponding basin, which will have engineer-designed capacity to contain storm-water run-off in conformance with adopted "Improvement Standards of Tulare County".

9. LAND USE AND PLANNING

Would the project:

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|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over | | | | |

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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 Kings River Plan area. The land use designated for the site by this Plan is "Residential" (4 units per acre maximum). The proposed project is for residential development at a density of approximately 2.4 units per acre. The project is therefore consistent with the land use plan for the site. However, see the analysis under Item 17 (Mandatory Findings) below with regard to other aspects of policy conformance. The development of this subdivision 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?

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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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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 subdivision 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?

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b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

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c) A substantial permanent increase in ambient noise

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| levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input 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 at the golf course to the west and at the edge of existing residences located to the north, south and east may occur due to noise from construction equipment and tools, but this disturbance will be temporary and short term. Further more, the occupant of the closest residence immediately adjacent to the north is the proponent of the project. Following build-out, the project is expected to generate noise levels consistent with those typical to and acceptable within a residential subdivision. There are no nearby uses that would be expected to expose subdivision residents to unacceptable or nuisance noise levels. Nuisance noise levels which may be generated by the subdivision residents or others 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 Nuisance Ordinance. Some noise levels considered bothersome to subdivision residents may be generated by the operation of agricultural equipment on properties to the north, south and east, however, Tulare County is considered a “Right-to-Farm” county and as such, persons buying property for residential development adjacent to lands zoned and operated agriculturally are expected to acknowledge and accept noise, odor and other effects originating from the agricultural uses. Understandably, the KRP EIR does not identify these impacts as significant, particularly compared to noise which is typical from surrounding farming operations and equipment. According to the 1988 Noise Element of the Tulare County General Plan and the KRP Avenue 400 (SR 201) is designated as a noise corridor, and as such, new residences built adjacent to or nearby these streets could expect some effect of noise levels generated by traffic along these roadways. Table 3-1 of the Technical Reference Document of the Noise Element establishes that the more restrictive 60 dB noise contour for Avenue 400 lays approximately 137 from the centerline of the roadway. The Noise Element contains policy which establishes acceptable noise levels exterior to residences optimally at 60 dB but no more than 65 dB Ldn (or CNEL) and interior noise levels at or below 45 dB Ldn (24-hour day-night average) with windows and doors closed. To achieve required findings of consistency with the County General Plan (KRP) in order to approve the subdivision map, compliance with these policy limits can be determined by performance of on-site acoustical studies, which must demonstrate methods to achieve performance level standards for reduction of exterior noise levels within the Avenue 400 contour to 60dB Ldn (or CNEL—Community Noise Equivalent Level) or less, but no more than 65 dB Ldn (or CNEL), through practical application of the best available noise reduction technology. Under no circumstances will an interior noise level exceeding 45 dB Ldn be allowed with the windows and doors closed, also with the best available noise reduction technology. The project proposes to construct a 6-foot high concrete masonry unit wall around the perimeter of the site primarily for security reasons, but it will also provide a significant amount of sound attenuation. The acoustical studies performed should account for the attenuation factor of the wall in its modeling analysis.

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12. POPULATION AND HOUSING

Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 23 residential-lot subdivision on the site within this rural residential area near the golf course. Development of the proposed subdivision will not interfere with, and in fact, will further the overall attainment of housing goals for the County and for the Kingsburg area specifically. The project is therefore consistent with KRP and the County Housing Element goals and policies to provide adequate housing inventory and housing choices for the Kingsburg area.

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:

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

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

Analysis: Entities serving the site would include the Tulare County Fire Department, the Tulare County Sheriff Department, located at 41414 Road 128 (SR 63), Orosi, for law enforcement, SBC for telephone service, Southern California Edison/Pacific Gas and Electric for electricity, and Pena Disposal, operating from 12843 Avenue 416, Orosi, for solid waste collection. The site lies within the Kingsburg Union High School District and the Kings River Elementary School District and is within about 1/2 mile from Kings River Elementary School located due east of the site on Avenue 400 near Road 40. In the Site Plan Review Committee Preliminary Design Conference Letter, the County Fire Department letter indicates that in order for adequate fire service to be available to the subdivision, the applicant will be required to install a fire hydrant system in accordance with the Tulare County Subdivision Ordinance, Fire Protection Standards. Standard blue raised reflective markers are to be placed in the street pavement to denote hydrant locations as specified in the adopted County Improvement Standards. The proposed subdivision 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, with the possible exception of water service. Please refer to the discussion below under Part 16. Utilities and Service Systems, for the assessment of water and sewer service impacts.

14. RECREATION

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| 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 subdivision may result in 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:

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| 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 type="checkbox"/> | |

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| | | | | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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, residential uses are estimated to generate 9.57 trips per day per dwelling. This subdivision would therefore be expected to generate approximately 221 trips per day. The County Resource Management Agency (RMA) Engineering Branch (Engineering) has indicated in its letter of October 27, 2005 that, in order for project traffic and emergency access to be adequately handled, road improvements for the subdivision are required to consist of Class 1 road standards for the proposed cul-de-sac as defined in the Improvement Standards of Tulare County and Class 2 standards for the portion of Avenue 32 along the site frontage. The Ave 400 frontage is also a State Route 201, and as such, improvements to it must be specified and required by Caltrans. Preliminarily, Caltrans has stated in its letter dated October 27, 2005, that an estimated 24 trips during the peak PM travel period will be generated by the subdivision. And they further estimate that 19 trips (80% of 24) would impact the intersection of SR 201, resulting in minimal impact to State facilities. Caltrans states that if curb returns are required they should have a radius of 35 feet and curb ramps are required for all intersections. Improvements such as intersection widening or left-turn channelization may be needed for SR 201 at Road 32 in the future. Caltrans will specify the precise improvements for the project at the time that an encroachment permit is applied for in order to perform any work within the State right-of-way. Other roadways in the area are considered to be designed and built to offer adequate volume-to-capacity for the additional project traffic and congestion on local streets in the neighborhood will not be a significant concern.

Although primary ingress and egress is through one private roadway connection from the subdivision onto Road 32, the Fire Dept. has reviewed the design and feels this subdivision together with the additional 12-foot wide emergency access way proposed from the northerly cul-de-sac around the drainage pond and across the northerly edge of the "Not-A-Part" parcel out to Road 32 provides adequate access for emergency response.

The project does not generate needs for excessive parking beyond that which can be satisfied adequately by the private garages, driveways and on-street parking. It is not expected the project will generate the need for any parking outside the subdivision.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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Traffic along Avenue 400 and Road 32 is currently free flowing, of low volumes and densities; drivers can maintain their desired speeds with little or no delay and are generally unaffected by other vehicles. These qualitative conditions meet the ideal, uninterrupted service level for roadway capacity called "Level of Service A", as defined in Highway Capacity Manual, Third Edition, of the Transportation Research Board, Washington, D.C., Updated 1994.

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 checked="" type="checkbox"/> | <input 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: The high water table and proximity to the Kings Rivers implies ample water availability; however, problems of water rights, well construction or water quality could still limit the development's supply. A preliminary Geo-hydro report was received, reviewed and approved by the Tulare County Environmental Health Services Division (TCEHSD). In addition, the water system will be regulated as a "Community Public Water System" by the TCEHSD and a water system permits and water testing will be required by the Health Division. Thus, potential impacts to water availability and water quality are considered to be less than significant.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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17. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened plant or animal species, or eliminate important examples of the major periods of California history or prehistory?
- ☐ ☐ ☐ ☒
- b) Does the project have environmental impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- ☐ ☐ ☒ ☐
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
- ☐ ☐ ☐ ☒

Analysis: Based upon the analyses provided for each of the 16 listed topical areas, there is no evidence that any of the three above-stated impacts will result from the project as proposed and with recommended conditions of approval.

E. PREVIOUS ENVIRONMENTAL ANALYSIS

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. These previous environmental documents, in addition to the above checklist and discussion, support the following conclusions:

WHERE A PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH A GENERAL PLAN, COMMUNITY PLAN AND/OR ZONING ACTION FOR WHICH A PRIOR EIR WAS CERTIFIED:

Examination of the environmental effects defined in the Initial Study shall be limited to those which:

- (1) Are peculiar to the project or the parcel on which the project would be located, although the effect may occur on or off the site of the project, and
- (2) Were not analyzed as significant effects in a prior EIR on the zoning, general plan or community plan with which the development project is consistent.

An effect of a project on the environment shall not be considered peculiar to the project or the parcel if uniformly applied development policies or standards have been previously adopted by the county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects. The finding shall be based on substantial evidence which need not include an EIR.

In addition, these provisions shall be applicable only to those significant environmental effects identified in the prior EIR for which:

- (1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the EIR on the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the Lead Agency found to be feasible, and
- (2) The Lead Agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

Or WHERE ANY PROPOSED PROJECT IS CONSISTENT WITH A PROGRAM, PLAN, POLICY, OR ORDINANCE FOR WHICH A PRIOR EIR WAS CERTIFIED:

Examination of significant effects of the later project shall be undertaken by using a tiered EIR, except that the report on the later project need not examine those effects which were either:

- (1) Mitigated or avoided pursuant to subdivision (a) of Section 21081 as a result of the prior environmental impact report, or
- (2) Examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

Or WHEN A EIR OR NEGATIVE DECLARATION HAS BEEN PREPARED:

Reference Case No.: GPA 82-01 EIR X ND


A copy of the prior EIR or Negative Declaration may be obtained from the Tulare County Resource Management Agency (5961 S. Mooney Blvd., Visalia, CA 93277); (559) 733-6291) during normal business hours.

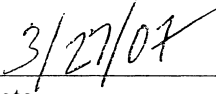
1. Substantial changes (____ are) (X are not) proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes (____ have) (X have not) occurred with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted shows any of the following (check at least one):
 - The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
 - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; but the project proponents decline adopt the mitigation measure or alternative; or
 - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.


ON THE BASIS OF THIS INITIAL EVALUATION:

- The proposed project COULD NOT have a significant effect on the environment and the previous Negative Declaration adequately addressed the project; therefore, NO ADDITIONAL NEGATIVE DECLARATION NEED 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 the mitigation measures have been added to the project. A SUBSEQUENT NEGATIVE DECLARATION will be prepared.
- Minor technical changes or additions are required to make the previous Negative Declaration adequate for the project. An ADDENDUM TO THE PREVIOUS NEGATIVE DECLARATION will be prepared.
- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and
 - The conditions described in 1, 2, or 3 above have occurred and at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. A Subsequent Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.

- ☐ The conditions described in 1, 2, or 3 above have occurred and only minor additions or changes would be necessary to make the previous EIR adequate for the project. A SUPPLEMENT TO THE PREVIOUS EIR is required.
- ☐ None of the conditions described in 1, 2, or 3 above have occurred and only minor technical changes or additions are required to make the previous EIR adequate under CEQA. An ADDENDUM TO THE PREVIOUS EIR is required.
- ☒ The previous EIR adequately addresses the impacts associated with the project and fully complies with the requirement of CEQA; therefore, NO ADDITIONS TO THE EIR NEED BE PREPARED. **The mitigation measures listed in the KRP EIR as adopted under Planning Commission Resolution No. 5864 are incorporated herein by reference.**


Signature


Date


Printed Name

Title

CONSULTING AGENCY LIST
CASE NO.: Vesting Tentative Tract Map No. TM 791

TULARE COUNTY AGENCIES	STATE AGENCIES
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <input type="checkbox"/> R.M.A. - Building Division <input type="checkbox"/> R.M.A. - Code Compliance Division <input checked="" type="checkbox"/> R.M.A. - Countywide Division <input type="checkbox"/> R.M.A. - Community Dev./Redevelopment Division <input checked="" type="checkbox"/> R.M.A. - Engineer/Flood/Traffic Division <input type="checkbox"/> R.M.A. - Parks and Recreation Division <input type="checkbox"/> R.M.A. - Building Services Division <input type="checkbox"/> R.M.A. - General Services Division <input type="checkbox"/> R.M.A. - Transportation/Utilities Division <input type="checkbox"/> R.M.A. - Solid Waste Division <input checked="" type="checkbox"/> H.H.S.A. - Environmental Health Services Division <input type="checkbox"/> H.H.S.A. - HazMat Division <input checked="" type="checkbox"/> Fire Warden (California Dept. of Forestry) <div style="margin-left: 20px;"> Sheriff's Department: Visalia Headquarters Traver Substation Oroshi Substation Pixley Substation ** Porterville Substation </div> <input type="checkbox"/> Agricultural Commissioner <input type="checkbox"/> Education Department <input type="checkbox"/> Airport Land Use Commission <input type="checkbox"/> Supervisor _____ <input type="checkbox"/> Assessor _____ </div> <div style="width: 55%;"> <input checked="" type="checkbox"/> *Department of Fish & Game Dist 4 (see address below) _____, DFG Area Biologist <input type="checkbox"/> Alcoholic Beverage Control <input type="checkbox"/> Housing & Community Development <input type="checkbox"/> Reclamation Board <input checked="" type="checkbox"/> Regional Water Quality Control Board - District 5 <input checked="" type="checkbox"/> Caltrans District 6 <input type="checkbox"/> Department of Water Resources <input type="checkbox"/> Water Resources Control Board <input type="checkbox"/> Public Utilities Commission <input type="checkbox"/> Department of Conservation <input type="checkbox"/> State Clearinghouse (15 copies) <input type="checkbox"/> Office of Historic Preservation <input type="checkbox"/> Depeartment of Food & Agriculture <input type="checkbox"/> State Department of Health <input type="checkbox"/> State Lands Commission <input type="checkbox"/> State Treasury Dept. - Office of Permits Assist. <input type="checkbox"/> _____ </div> </div>	
LOCAL AGENCIES	OTHER AGENCIES
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <input type="checkbox"/> Levee Dist. No 1 <input type="checkbox"/> Levee Dist. No 2 <div style="margin-left: 20px;"> <input type="checkbox"/> _____ Irrigation Dist <input type="checkbox"/> _____ Pub Utility Dist <input type="checkbox"/> _____ Comm. Service Dist <input type="checkbox"/> _____ Town Council <input checked="" type="checkbox"/> Kingsburg _____ Elem. School Dist <input type="checkbox"/> _____ High School Dist <input type="checkbox"/> City of _____ <input type="checkbox"/> County of _____ <input type="checkbox"/> Tulare Lake Basin Water Storage Dist <div style="margin-left: 20px;"> <input type="checkbox"/> _____ Advisory Council <input type="checkbox"/> _____ Fire District <input type="checkbox"/> _____ Mosquito Abatement </div> <input type="checkbox"/> Kaweah Delta Water Cons. District <input checked="" type="checkbox"/> SJV Unified Air Pollution Control Dist (Attn: Hector R. Guerra, Senior Air Quality Planner, San Joaquin Valley APCD, 1990 E. Gettysburg Ave., Fresno, CA 93726) </div> </div> <div style="width: 55%;"> <input type="checkbox"/> U.C. Cooperative Extension <input type="checkbox"/> Audubon Society - Condor Research <input type="checkbox"/> Native American Heritage Commission <input type="checkbox"/> District Archaeologist (Bakersfield) <input type="checkbox"/> TCAG (Tulare Co. Assoc. of Govts) <input type="checkbox"/> LAFCO (Local Agency Formation Comm.) <input type="checkbox"/> Pacific Bell <input type="checkbox"/> GTE (General Telephone) <input checked="" type="checkbox"/> P.G. & E. <input type="checkbox"/> Edison International <input type="checkbox"/> The Gas Company <input type="checkbox"/> Tulare County Farm Bureau <input type="checkbox"/> Archaeological Conservancy (Sacto) <input checked="" type="checkbox"/> SBC @ P.O. Box 1419, Alhambra, CA 91802 <div style="margin-top: 20px;"> * Department of Fish & Game Attn: Kathy or Sara 1130 E. Shaw Avenue, Suite 206 Fresno, CA 93710 ** Lt. Larry Micari, 161 N. Pine, Pixley, CA 93256 </div> </div> </div>	
FEDERAL AGENCIES	
<input type="checkbox"/> Army Corps of Engineers <input type="checkbox"/> Fish & Wildlife <input type="checkbox"/> Bureau of Land Management <input type="checkbox"/> Natural Resources Conservation Dist. <input type="checkbox"/> Forest Service <input type="checkbox"/> National Park Service <input type="checkbox"/> _____	

CONSULTING AGENCY LIST
CASE NO.: Vesting Tentative Tract Map No. TM 791

TULARE COUNTY AGENCIES	STATE AGENCIES
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RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

Date: 12/6/06
To: Charlotte Brusuelas, Project Planner
From: Chuck Przybylski, Countywide Planning Division
RE: Project Review – TM. 791

The Countywide Planning Division of the Tulare County Resource Management Agency appreciates the opportunity to comment upon the above referenced project. Below are comments for the project review of the TM 791. Below is a list of recommendations and policies that may pertain to the project. Please forward any comments and concerns about these comments to me.

Kings River Plan (1982)

Location of Non-Agricultural Uses (CH 2. Pg. 3)

In view of the priority given agricultural land use by County Policy, the location of non-agricultural uses should be limited to areas which are in-fill or logical extensions of existing development. In addition, areas determined not suitable for agricultural cultivation, where adequate access is available, should be given consideration for non-agricultural use. The land evaluation system contained in the Rural Valley Lands Plan is an appropriate guideline for evaluating properties and determining areas appropriate for non agriculture development.

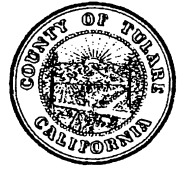
Goal 1: Agricultural and Rural-Residential Areas (CH. 2 pg. 7)

Assure that new residential development in the Kings River Plan area is balanced with the need to protect agriculture.

Policies:

- 1. Existing agriculture zoning of properties in agricultural preserves shall be retained regardless of the planned land use designation of such properties.*
- 2. Areas reserved for residential development shall be limited to portions of the Kings River Plan area that are oriented to the Kings River Golf Course and Kings River School and which are characterized by Class III or poorer agricultural soils. In identifying such areas, emphasis shall also be given to areas which have historically been used or zoned for residential developments, are vacant or unused or are in-fill areas between clusters of existing development.*
- 3. The Tulare County Rural Valley Lands Plan (RVLP) shall be applicable to all areas designated "agricultural" by the Kings River Plan.*

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

October 27, 2005

TO: Beverly Cates, Project Planner

FROM: Craig Anderson, Engineer III

SUBJECT: Preliminary Subdivision PRE 05-030

OWNER: Tom and Carolyn Moshier

As shown on the preliminary subdivision map, the developer wishes to develop approximately 9.58 acres into 24 residential lots and a ponding lot located east of the City of Kingsburg. The proposed subdivision is not located within the Kingsburg UIA/UDB as established by the Urban Element of the County's General Plan.

The subdivider shall collect and dispose of surface water runoff by curb, gutter, and a storm drainage system with a discharge conveyed to a ponding basin located within the subdivision pursuant to Tulare County standards. The Board of Supervisors has established a policy, by Resolution No. 93-1375, that the County will not accept new drainage systems in any land division or development unless the subdivider provides a mechanism to fund future maintenance. Therefore, approval of this tentative map is required to be conditional so that the subdivider provides for a funding mechanism (assessment district or homeowners association) before recordation of the final map.

As shown on Panel Number 260B of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM) for Community Number 065066 dated September 29, 1986, the subject site is located within Flood Zones A9 and B. An elevation certificate and associated flood hazard mitigation measures will be required on all proposed buildings within a FEMA Zone A. Construction of buildings within a FEMA Zone B requires no specific flood mitigation measures; however, we recommend that all finished floor elevations be elevated at least one (1) foot above adjacent natural ground.

Road improvements within this subdivision shall be constructed in conformance with Class 1 and 2 county road standards as defined in the Improvement Standards of Tulare County. Curb, gutter and sidewalks are recommended across the frontage of all lots within the subdivision. All sidewalk is required to be constructed at time of road improvements unless provisions are made upon the approval of the tentative map to allow sidewalk to be deferred until building permit stage. Road 32 is required to be constructed to a Class 2 road standard across the subdivision frontage.

The subdivider shall provide for an assessment district for the maintenance of the public streets and roadways within the boundary of the subdivision. Approval of this tentative map shall be conditioned so that the subdivider provides for said assessment district, or other acceptable funding mechanism, before recordation of the final map.

Furthermore, we recommend the following conditions for the approval of the tentative map for PRE 05-030:

1. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvements Standards, unless and except as such standards are modified within.
2. All utility easements shall be shown on the final map.
3. All water, gas, electric, telephone, cable television, storm drain, and related infrastructure to be extended along any road in the subdivision, or adjacent to the subdivision, shall be constructed prior to surfacing of roads.
4. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County.
5. The subdivider shall be responsible for the cost of materials and installation for street name and traffic signs at locations recommended by the County Engineer. Installation of street name and traffic signs will be done by the Resource Management Agency (RMA) and the cost for such subsequently reimbursed by the subdivider.
6. A registered civil engineer shall prepare improvement plans. The improvement plans shall address all aspects of constructing the public improvements and shall identify existing topography, lot grading and proposed contours for the development, road improvement details, drop inlets, top of curb elevations, storm drain lines and storm drainage system details, sewer and water system details, street sign locations, utility relocations and any other details relevant to constructing the public improvements. All water lines, sewer lines and storm drain lines and related infrastructure shall be located within public road rights-of-way. Hydraulic calculations shall be submitted with the improvement plans justifying the drainage system design. The storm drainage system shall be designed based on a 10-year, 10-day storm frequency. The improvement plans shall be submitted to and approved by the Tulare County RMA before initiation of construction.
7. Road improvements for this subdivision are required to consist of a 56 and 60-foot rights-of-way constructed to a 36 and 40-foot curb-to-curb patterns in conformance with a Class 1 and 2 county road improvement standard, respectively. The subdivision frontages along Road 32 shall be improved to Class 2 road standards to adequately provide access

to this subdivision. Sidewalk is recommended along the Road 32 frontage and within the subdivision in accordance with Section 7-01-1240 of the Subdivision Ordinance to provide for pedestrian access within the subdivision and to community facilities.

8. The subdivision frontage along Road 32 shall be improved with barrier curbs, gutters, and sidewalk as required by Section 7-01-1235 of the Ordinance Code. Curb and gutter grades shall be designed to the best extent to coincide with the elevations of the existing pavement on Road 32. The existing pavement along Road 32 shall be cleanly saw cut and new pavement installed to match into the new curbs and gutters. The County may require sections of the existing pavement on Road 32 to be reconstructed and the subdivider shall be responsible for the associated costs of construction. Top of curb grades within the proposed subdivision shall be designed to prevent water from standing no more than 9 inches above the top of curb during primary drainage system failure. All runoff collected by the curb and gutter shall be directed to the drainage basin.
9. The subdivider shall submit an application and pay the required fee to the Tulare County RMA for the formation of an assessment district for the maintenance of the public streets and roadways within the boundary of the subdivision. Formation of the assessment district must be completed before the recordation of the final map. The formation process will begin at the time the application and fee are received. The subdivider may also submit proof to the Tulare County RMA of another means of providing for permanent, long-term maintenance of the public streets and roadways such as a homeowners association. This other means will need to be approved by the Tulare County RMA and the process completed before the recordation of the final map.
10. The subdivider or his contractor shall obtain all necessary encroachment permits from the Tulare County RMA and the California Department of Transportation (Caltrans) before performing work within the County or State road right-of-way.
11. The subdivider shall submit an application and pay the required fee to the Tulare County RMA for the formation of an assessment district for the maintenance of the public streets and roadways within the boundary of the subdivision. Formation of the assessment district must be completed before the recordation of the final map. The formation process will begin at the time the application and fee are received. The subdivider may also submit proof to the Tulare County RMA of another means of providing for permanent, long-term maintenance of the public streets and roadways such as a homeowners association. This other means will need to be approved by the Tulare County RMA and the process completed before the recordation of the final map.



**Tulare County
Health & Human Services Agency**

John Davis, Agency Director

Ray Bullick, Director - Health Services Department

Health Services Department ■ Larry Dwoskin, Director ■ Environmental Health Services

May 10, 2007

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

Re: Revised conditions for TM 791 – The Legends at Kings River/Mosier

Dear Ms. Brusuelas:

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

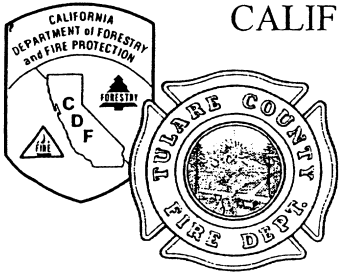
1. Preliminary Geo-Hydro has been submitted and reviewed and approved by this department.
2. New sewage disposal systems shall consist of a septic tank of adequate size and a minimum of 200 square feet of leach line per bedroom. The design shall be per Uniform Building Code and shall be reviewed and approved prior to the approval of the building permit.
3. Domestic water service shall be provided by a public domestic well. Location of the well site shall be approved by the Tulare County Environmental Health Services Division (TCEHSD) prior to recordation of the Final Map.
4. If the domestic well is located outside of the subdivision, a ten foot (10') wide well and pipeline repair and maintenance easement shall be shown on the parcel map and incorporated into the legal description prepared for this subdivision.
5. This water system will be regulated as a "Community Public Water System" by the TCEHSD. Applicant shall apply for a water system permit and submit all required documentation to this agency.

Sincerely,

A handwritten signature in cursive script that reads "Sabine T. Geaney".

Sabine T. Geaney
Environmental Health Specialist III
Environmental Health Services Division

STG:jp



CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

TULARE COUNTY FIRE DEPARTMENT

5961 S. Mooney Blvd - Visalia, CA 93292
(559) 733-6291 FAX (559) 730-2604

Steve Sunderland, Chief

Cooperative Fire Protection Since 1927

January 31, 2007

County of Tulare
Resource Management Agency
Attention: Charlotte Brusuelas, Project Planner
5961 S. Mooney Blvd
Visalia, CA 93277

Subject: TM 791 – Moshier

This letter is in reference to the above mentioned subdivision located in the County of Tulare.

Our recommendations concerning this item are that a fire hydrant system be installed in compliance with the current Tulare County Subdivision Ordinance, Fire Protection Standards.

Blue raised reflective pavement markers shall be installed on the surface of the roadways as per the Fire Chief's recommendations to identify fire hydrant locations.

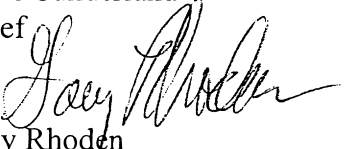
If street lights are proposed, their locations should coincide with fire hydrant locations where possible.

Any revisions to the subdivision map involving the changing of lot numbers will require further review by the Tulare County Fire Department.

Two (2) copies of fire protection improvement plans should be submitted to the Tulare County Fire Department and the Public Works Department for approval prior to construction.

If you have any questions, please contact Gary Rhoden at 559-733-6291.

Steve Sunderland
Chief

By 
Gary Rhoden
Deputy Fire Marshal

SS:GR:ta



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

RECEIVED
TULARE COUNTY

DEC 07 2006

RESOURCE
MANAGEMENT
AGENCY

December 4, 2006

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

Project: Vesting Tentative Tract Map No. TM 791

Subject: CEQA comments regarding proposed residential development by T. C. and Carolyn Moshier, located at the NEC of Avenue 400 and Road 32, Kingsburg, APN: 028-380-03 and 028-380-04

District Reference No: **C200602500**

Dear Ms. Brusuelas:

The San Joaquin Valley Unified Air Pollution Control District (District) has previously commented on this project (District Reference Number C200501340, dated October 12, 2005, for County of Tulare Project PRE 05-030 / Moshier). The District offers the following comments in addition to previous comments.

Findings of Significance

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 construction activities in preparation of the site, and ongoing traffic and other operational emissions. Based on the information provided, the District expects that the project would not exceed the District's thresholds of significance for ozone precursors of 10 tons per year of reactive organic gases (ROG) and oxides of nitrogen (NOx). 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 by the applicant, the project consists of 24 dwelling units. This falls below Rule 9510 § 2.1.1 Indirect Source Review (ISR) applicability threshold of 50 dwelling units. The project may be subject to Rule 9510, if this is but a portion of the total development project.

Seyed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

www.valleyair.org

Southern Region
2700 M Street, Suite 275
Bakersfield, CA 93301-2373

Tel: (661) 326-6900 FAX: (661) 326-6985

Applicable District Rules

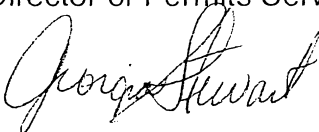
As previously commented, the project will be subject to the following District rules. These rules have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules not enumerated below. To identify additional 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 (661) 326-6969. Current District rules can be found at www.valleyair.org/rules/1ruleslist.htm.

- **Regulation VIII** (Fugitive PM10 Prohibitions)
- **Rule 4002** (National Emission Standards for Hazardous Air Pollutants)
- **Rule 4102** (Nuisance)
- **Rule 4103** (Open Burning)
- **Rule 4601** (Architectural Coatings)
- **Rule 4641** (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations)
- **Rule 4901** (Wood Burning Fireplaces and Wood Burning Heaters)

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 Georgia Stewart at (559) 230-5937 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permits Services



for
Arnaud Marjollet
Permit Services Manager

DW:gs

cc: File

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TULARE COUNTY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-5868

FAX (559) 488-4088

TTY (559) 488-4066

NOV 13 2006

RESOURCE
MANAGEMENT
AGENCY*Flex your power!
Be energy efficient!*

November 8, 2006

2135-IGR/CEQA
6-TUL-201-2.06+/-
VTTM 791
AKA PRE 05-030

Ms. Charlotte Brusuelas, Project Planner
County of Tulare
Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Dear Ms. Brusuelas:

We have completed our review of the proposed change in land use to allow the development of 24 single-family homes. The site would be located at the northeast corner of State Route (SR) 201 and Road 32, in the County of Tulare. Caltrans has the following comments:

The previous Caltrans comments dated 10/27/2005 (copy enclosed) continue to be valid, in addition to the following:

Stormwater is not allowed to be discharged to the State right-of-way. Since the proposed development/project involves one acre or more of ground disturbance, the applicant needs to be advised by the lead agency to contact the Central Valley Regional Water Quality Control Board office in Fresno at (559) 445-5116 to determine whether a Notice of Construction will be required. The applicant will be required to adhere to Caltrans construction stormwater requirements if there is proposed work within the State right-of-way. Additional information on Caltrans stormwater management requirements may be found on the Internet at www.dot.ca.gov/hq/env/stormwater/index.htm.

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments prior to staff's recommendations to the Planning Commission and the Board of Supervisors. If you have any questions, please call me at (559) 488-7306.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Dias".
AL DIAS

Office of Transportation Planning
District 06

Enclosure

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5868
FAX (559) 488-4088
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

October 27, 2005

2135-IGR/CEQA
6-TUL-201-2.06+/-
PRE 05-030
MOSHIER

Ms. Beverly Cates, Manager
County of Tulare
Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Dear Ms. Cates:

We have completed our review of the proposed change in land use to allow the development of 24 single-family homes. The site would be located at the northeast corner of State Route (SR) 201 and Road 32, in the County of Tulare. Caltrans has the following comments:

It is estimated that the proposed residential development would generate 24 trips during the P.M. peak travel period. It is further estimated that 19 trips (80%) would impact the intersection of SR 201 resulting in minimal impact to State facilities.

The preliminary subdivision map shows a new public road connection onto the highway frontage. The new road is located on the north side of SR 201 and is approximately 700 feet east of Road 32. It is recommended that the new road should be aligned opposite to Road 33 on the south side. If the new road connection is approved as delineated it will be for an emergency access road with closed gates or constructed as a cul-de-sac between lot 13 and lot 14.

If curb returns at the new road intersection are required, they should have a radius of 35 feet. Curb ramps are required for all intersections. Improvements such as intersection widening, left-turn channelization may be needed for SR 201 at Road 32 and at Road 33 intersections in the future.

However, continued development has the potential to create cumulatively significant impacts to transportation. Therefore, it is recommended that the County of Tulare adopt a Development Impact Fee Program to fund future State and local transportation projects necessitated by the accumulated impacts of development.

Ms. Cates
October 27, 2005
Page 2

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments prior to staff's recommendations to the Planning Commission and the Board of Supervisors. If you have any questions, please call me at (559) 488-7306.

Sincerely,

A handwritten signature in black ink, appearing to read 'AL DIAS', with a stylized flourish at the end.

AL DIAS
Office of Transportation Planning
District 06

Michael W. Album
Manager

Paul D. Jobe
Superintendent

DELTA VECTOR CONTROL DISTRICT

Post Office Box 310 • Visalia, California 93279-0310
1737 West Houston Avenue • Visalia, California 93291
Telephone (559) 732-8606 • FAX (559) 732-7441
E-mail: delta.vcd@sbcglobal.net
www.deltavcd.com

Yolanda M. Lourenco
Assistant Manager

Katherine S. Ramirez
Biologist

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MAR 05 2007

RECEIVED
MAR 05 2007
TULARE COUNTY

February 28, 2007

Charlotte L. Brusuelas, Project Planner
Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

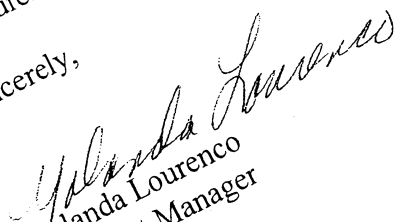
Subject:

Case No. Vesting Tentative Tract Map No TM 791; T.C. &
Carolyn Moshier

Dear Ms. Brusuelas,

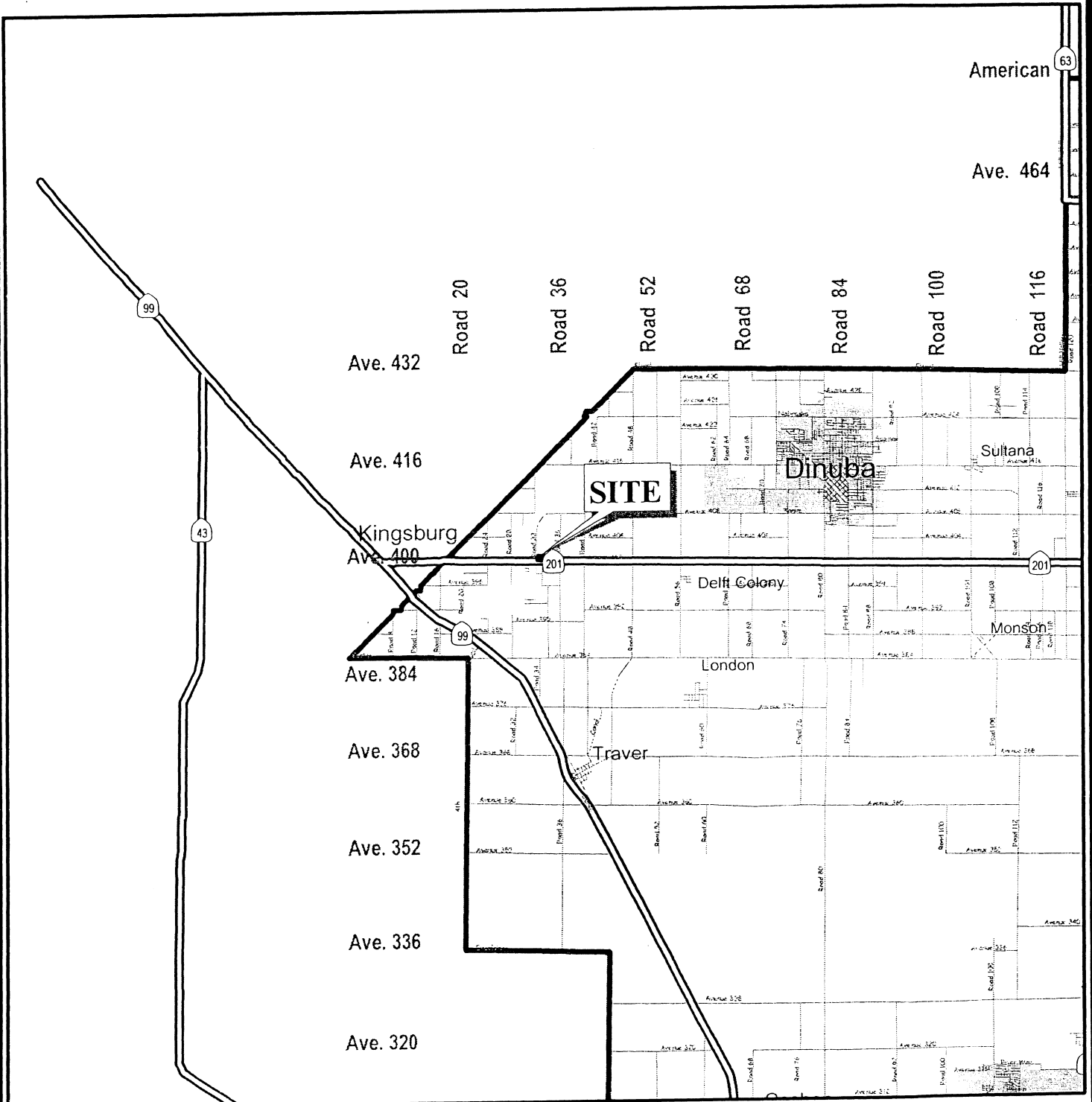
With respect to the proposed referenced subdivision, the District will concur with a Negative Declaration, as long as the subdivision and ultimate construction of any structures do not contribute to the production of vector species, i.e. mosquitoes and flies.

Sincerely,


Yolanda Lourenco
Assistant Manager



Vicinity Map for TM 06-791

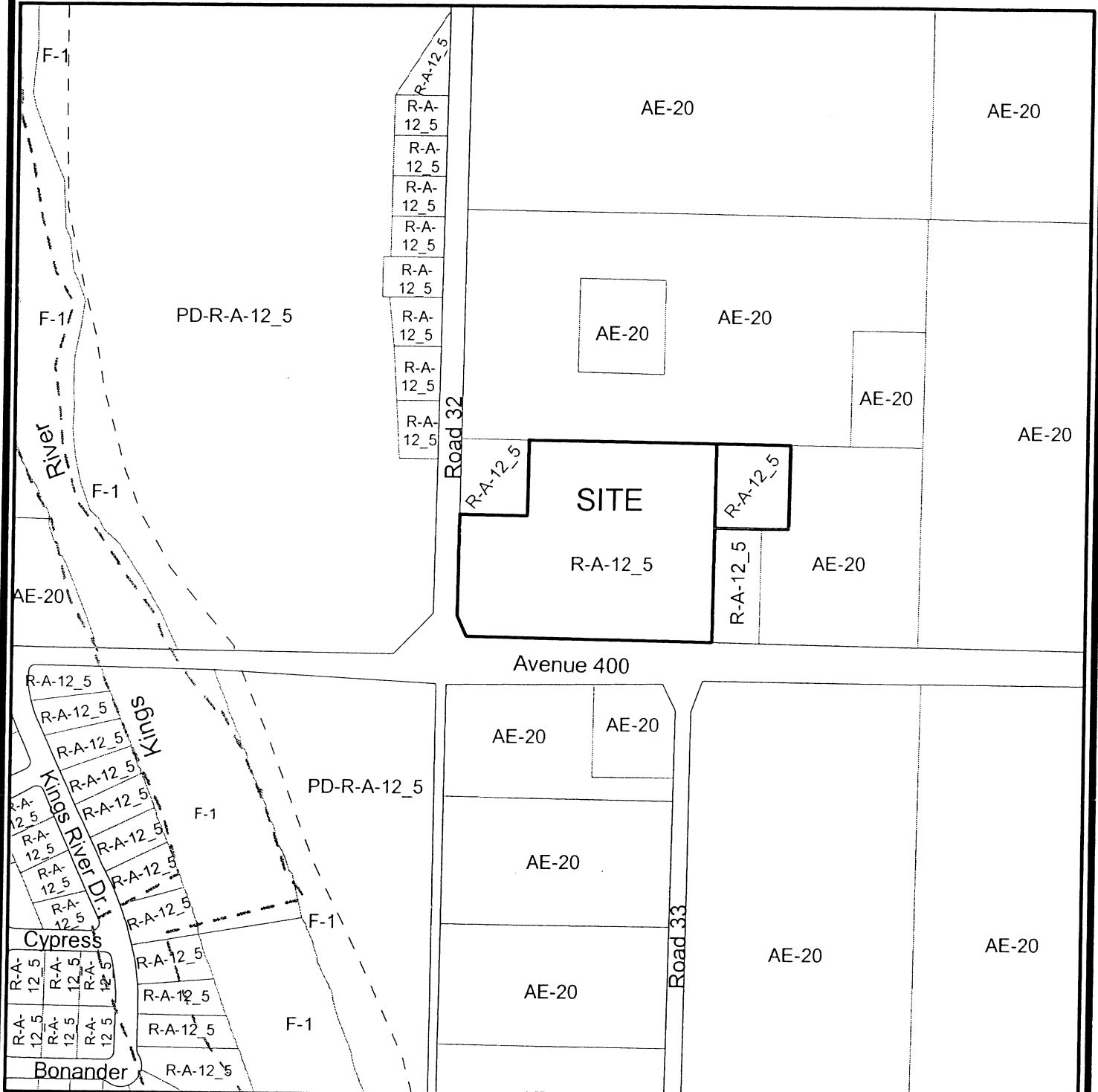


1.5 0 1.5 3 4.5 6 Miles





Existing Zoning Map for TM 06-791



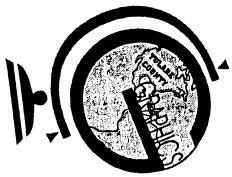
Owner: MOSHIER T C & CAROLYN (TRS)
Address: 40090 RD 32
City, State ZIP: KINGSBURG CA 93631
Applicant: MOSHIER
Agent: LANE ENGINEERS INC.
Assessors Parcel # 028380003, 028380004

200 0 200 400 600 800 Feet

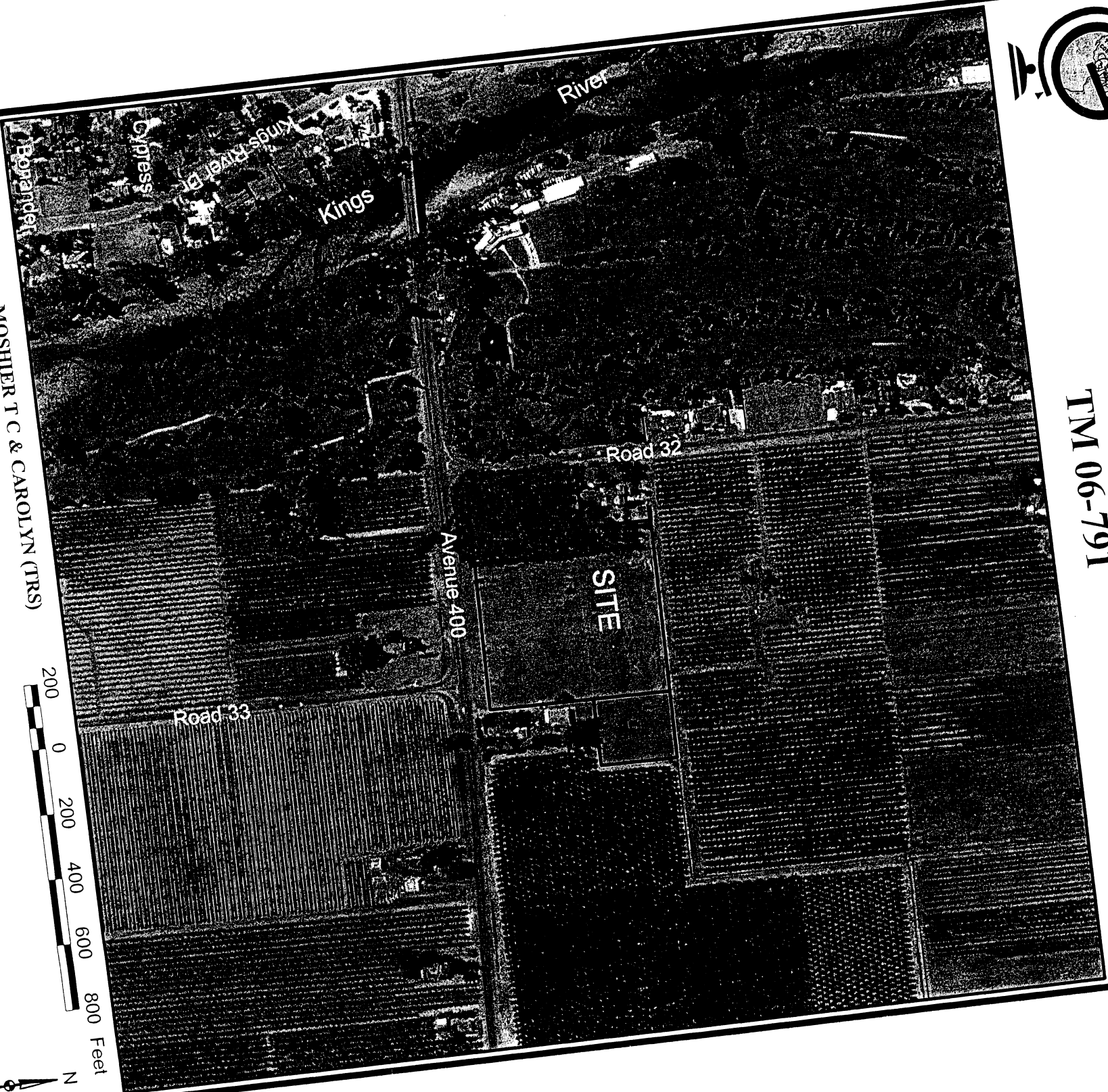
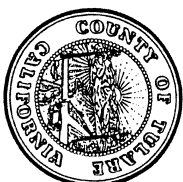


SITE Project Site for TM 06-791





Aerial Photograph for TM 06-791



Owner:
Address:
City, State ZIP:

MOSHIER T C & CAROLYN (TRS)
40090 RD 32
KINGSBURG CA 93631

Applicant:
Agent:

MOSHIER
LANE ENGINEERS INC.

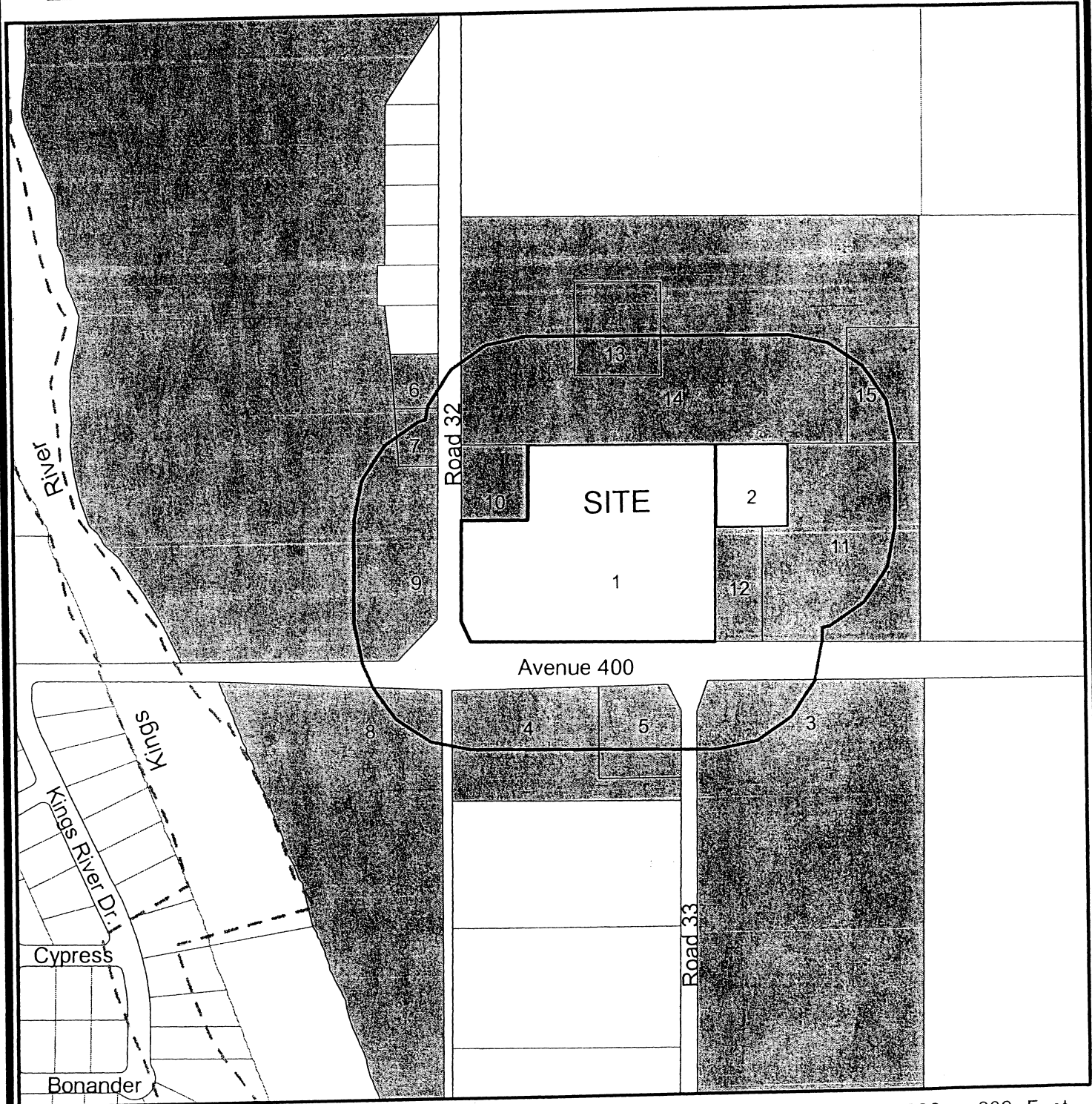
Assessors Parcel # 028380003, 028380004

SITE

Project Site for TM 06-791

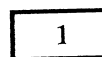


Location and Property Ownership Map for Hearing Notification for TM 06-791



Owner: MOSHIER T C & CAROLYN (TRS)
Address: 40090 RD 32
City, State ZIP: KINGSBURG CA 93631
Applicant: MOSHIER
Agent: LANE ENGINEERS INC.
Assessors Parcel # 028380003, 028380004

200 0 200 400 600 800 Feet



Project Site for TM 06-791



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

