



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

CONNIE CONWAY
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: February 12, 2008

| | | | |
|--|---|--|---|
| Public Hearing Required | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| Scheduled Public Hearing w/Clerk | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| Published Notice Required | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| Advertised Published Notice | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| Meet & Confer Required | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| Electronic file(s) has been sent | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| Budget Transfer (Aud 308) attached | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| Personnel Resolution attached | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

CONTACT PERSON: Celeste Perez PHONE: 559-733-6291

SUBJECT: Change of Zone No. PZ 07-004 (Michael G. Brown and Douglas C. Bartlett)

REQUEST(S):

That the Board of Supervisors:

1. Introduce and waive the first reading of an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance for Change of Zone No. PZ 07-004, from R-A-20 (Rural Residential – 20,000 sq. ft. minimum) and C-3 (Service Commercial) to R-1 (Single Family Residential) on a 14.92 acre site, located on the west side of Road 192 (Mountain View Road), and on the east side of the southerly projection of Hale Avenue, approximately 300 feet south of Maple Street in Poplar.
2. Set a Public Hearing for February 26, 2008.

SUMMARY:

Michael G. Brown and Douglas C. Bartlett have requested a change of zone from R-A-20 (Rural Residential – 20,000 sq. ft. minimum) and C-3 (Service Commercial) Zones to R-1 (Single Family Residential) Zone on a 14.92 acre site in Poplar. The reclassification is requested to allow subdivision of the site into 96 single family residential lots. The Zone Change was filed in conjunction with a General Plan Amendment (GPA 07-005), a Zone Variance (PZV 06-012), and a Tentative Subdivision Map (TM 786). The R-1 Zone is the implementing zone for the "Low Density Residential" designation.

SUBJECT: Change of Zone No. PZ 07-004 (Michael G. Brown and Douglas C. Bartlett)
DATE: February 12, 2008

The Planning Commission, at their regular meeting of September 26, 2007, approved the Tentative Subdivision Map by Resolution 8259 and the Zone Variance by Resolution No. 8258. The Planning Commission, at the September 26th meeting also recommended approval of the General Plan Amendment, GPA 07-005, and this Change of Zone, No. PZ 07-004. At the September 26th public hearing, adjacent property owners stated their concerns regarding trespassing onto private property, traffic, and the high density. These concerns were discussed and resolved to the satisfaction of the Planning Commission.

A notice of public hearing will be provided for the change of zone proposal at least 10 days prior to the hearing in accordance with Government Code Section 65090 and 65856. An affidavit of publication will be provided to the clerk when it is received.

FISCAL IMPACT/FINANCING:

No net County costs. All costs associated with the processing of PZ 07-004 are paid by the applicant, including staff time.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Rezoning to implement the General Plan will promote the safety and security of the public and promote economic development opportunities, effective growth management and a quality standard of living, which are goals that are linked to the Economic Well-Being initiative of Tulare County's Strategic Business Plan 2006-2011.


ALTERNATIVES:


State Planning and Zoning Law requires the Board to conduct a public hearing when the Planning Commission recommends approval of a rezoning (Government Code Section 65856). Your Board could modify or deny the requested change of zone; however, any modifications to the change of zone not previously considered by the Planning Commission must first be referred back to the Planning Commission for report and recommendation (Section 65857).

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

See consultation referral list in staff report.

ADMINISTRATIVE SIGN-OFF:


George E. Finney
Assistant Director, Planning


Henry Hash
Director

cc: Auditor/Controller

SUBJECT: Change of Zone No. PZ 07-004 (Michael G. Brown and Douglas C. Bartlett)
DATE: February 12, 2008

County Counsel
County Administrative Office (2)
Michael G. Brown & Douglas C. Bartlett, P.O. Box 485, Porterville, CA 93258
Marge Balsley, AICP, Associate Planner, R. L. Schafer & Associates,
2904 West Main Street, Visalia, CA 93291

Attachments:

- Attachment 1 – Draft BOS Resolution for Change of Zone No. PZ 07-004
- Attachment 2 – Draft Ordinance for Change of Zone No. PZ 07-004
- Attachment 3 – Planning Commission Resolution No. 8257 for PZ 07-004
- Attachment 4 – Planning Commission Staff Report for PZ 07-004

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

IN THE MATTER OF)
CHANGE OF ZONE NO. PZ 07-004) RESOLUTION NO. ____
MICHAEL G. BROWN &)
DOUGLAS C. BARTLETT)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR
_____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD FEBRUARY 12, 2008, BY THE
FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * *

The Board of Supervisors:

1. Introduced and waived the first reading of an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance for Change of Zone No. PZ 07-004, from R-A-20 (Rural Residential – 20,000 sq. ft. minimum) and C-3 (Service Commercial) to R-1 (Single Family Residential) on a 14.92 acre site, located on the west side of Road 192 (Mountain View Road), and on the east side of the southerly projection of Hale Avenue, approximately 300 feet south of Maple Street in Poplar.
2. Set the Public Hearing for February 26, 2008.

ORDINANCE NO. DRAFT

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

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

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of Section 19, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, being a subdivision of Part 345 of the Official Zoning Map. The map showing the R-1 (Single Family Residential) zoning approved for the 14.92 acres of the property is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification from R-A-20 and C-3 to R-1 as herein provided is briefly described as follows:

West side of Road 192 (Mountain view road, and on the east side of the southerly projection of Hale Avenue, approximately 300 feet south of Maple Street in Poplar.

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

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the _____ day of _____, 2008, at a regular meeting of said Board, duly and regularly convened on said day, by the following roll call vote:

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AYES:

NOES

ABSENT

Chairman, Board of Supervisors

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

By: _____
Deputy

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT TO THE)

RESOLUTION NO. 8257

ZONING REGULATIONS, CASE NO. PZ 07-004)

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors approve a petition by Michael G. Brown & Douglas C. Bartlett, P. O. Box 485, Porterville, CA 93258 (agent: Marge Balsley, AICP, Associate Planner, R. L. Schafer & Associates, 2904 W. Main Street, Visalia, CA 93291), and approve a change of zone from the R-A-20 (Rural Residential – 20,000 square foot minimum) Zone and the C-3 (Service Commercial) Zone to the R-1 (Single Family Residential) Zone, on 14.92 acres located on the west side of Road 192 (Mountain View Road), and on the east side of the southerly projection of Hale Avenue, approximately 300 feet south of Maple Street in the community of Poplar (APNs 237-020-010 and 237-030-024; Section 34, T. 21 S., R. 26 E., MDB&M).

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

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

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

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on September 26, 2007, and

WHEREAS, at that meeting of the Planning Commission, public testimony was received and recorded from Doug Bartlett, applicant, and Marge Balsley, agent, in support of the proposal. Ralph Martin, Dale Markham, and Jerry Payne, adjacent property owners, stated their concerns regarding traffic, size of the lots being too small, and residents of the new subdivision trespassing onto private property located adjacent and to the north of the subject site. James Blair, representing the Poplar Community Services District (District), expressed the District's concern regarding adverse impacts to the District's park facilities.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Negative Declaration for General Plan Amendment GPA 07-005, Change of Zone PZ 07-004, Subdivision Tract TM 786, and Zone Variance PZV 06-012, together with any comments received during the public review process, in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 prior to taking action on the zone change.

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

1. The applicants have requested a Change of Zone from the R-A-20 (Rural Residential – 20,000 square foot minimum) Zone and the C-3 (Service Commercial) Zone to the R-1 (Single Family Residential) Zone, on 14.92 acres located on the west side of Road 192 (Mountain View Road), and on the east side of the southerly projection of Hale Avenue (Road 190), approximately 300 feet south of Maple Street in the community of Poplar.
2. The applicants are requesting a general plan amendment and rezoning in order to subdivide the subject site into 96 single family residential lots (5 lots for a temporary ponding lot).
3. The site is currently zoned R-A-20 (Rural Residential-20,000 square foot minimum) and C-3 (Service Commercial) and contains a vineyard, one single family residence and a mobilehome.
4. The R-A-20 Zone allows one single-family residence for each lot, and the minimum lot size is 20,000 sq. ft.
5. The C-3 (Service Commercial) Zone is intended for wholesale establishments engaged in repairing and servicing equipment, material and products, but which do not involve the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sales. The C-3 Zone allows various service and retail commercial uses such as automobile body and fender repair, blacksmith shops, cleaning and dyeing establishments, exterminators, heating and ventilating or air-conditioning shops, including incidental sheet metal, machine shops Repair garages, sheet metal shops, and super service stations, including dispensing of diesel fuel and complete truck service. The C-3 Zone does not allow residential development, except a single mobilehome for occupancy by a caretaker of that property. Uses that are allowed in the C-1 and C-2 Zones are also allowed in the C-3 Zone. A residential subdivision is not allowed in the C-3 Zone.
6. The R-1 (Single Family) Zone allows residential subdivisions, with one residence per lot and a minimum parcel size of 6,000 square feet.
7. Properties to the north of the subject site are zoned R-A-20 and C-2 and contain rural residential development, single family development and some limited mobilehomes, multi-family development and some commercial development along Road 192. Properties to the south are zoned R-3 (Multiple Family Residential) C-2 (Retail Commercial) and R-1 and contain a church (former memorial building), public utility service building and storage area, vacant land, single family and multi-family residential development, and commercial development along Road 192. Properties to the east and west are zoned AE-20 (Exclusive Agricultural – 20 acre minimum parcel size) and contain vacant land, field and row crops.

8. According to the Urban Boundaries Element, the site is inside the Urban Development Boundary of Poplar-Cotton Center; therefore, the site is subject to the plans and policies of the Poplar-Cotton Center Community Plan.
9. The Poplar-Cotton Center Community Plan (Plan) designates the subject site as "Rural Residential" and "Commercial." Road 192 (Mountain View), a 70-foot wide County-maintained right of way, is designated as a "Minor Arterial" and Hale is designated as a "Collector."
10. The applicant has filed General Plan Amendment No. GPA 06-005, an amendment to the Poplar/Cotton Center Plan, a component of the Tulare County Land Use Element of the General Plan, to change the land use designation for approximately 5.5 acres from "Commercial" to "Low Density Residential" and approximately 9.42 acres from "Rural Residential" to "Low Density Residential." The R-1 (Single Family) Zone is consistent with this designation.
11. The 1986 Noise Element indicates that the east 186 feet of the site as measured from the centerline is within the Road 192 noise impacted corridor for 60 dB in 2010, and the east 86 feet of that area as measured from the centerline is within the Road 192 noise impacted corridor for 65 dB in 2010. Policy requires noise avoidance measures based on an acoustical analysis prior to construction of residential structures within this area (Lots 21, 22, 23, 24, 25, 26, 27, 28, 69, 70, 71, 72, 73, 74, 75, 76). Residential development is not considered to be a noise generating use under the Element.
12. The surrounding County maintained roads are sufficient to serve the new subdivision, County policy discourages large lot subdivisions within Urban Development Boundaries, and trespassing concerns, as stated by adjacent property owners, is a civil matter and not related to the project.
13. Public testimony was received and recorded from Doug Bartlett, applicant, and Marge Balsley, agent, in support of the proposal. Ralph Martin, Dale Markham, and Jerry Payne, adjacent property owners, stated their concerns regarding traffic, size of the lots being too small, and residents of the new subdivision trespassing onto private property located adjacent and to the north of the subject site. James Blair, representing the Poplar Community Services District (District), expressed the District's concern regarding adverse impacts to the District's park facilities.

In regard to traffic, the intersection of Road 192 and State Highway 190, as determined by Caltrans, will be the most traffic impacted area; however, a traffic study was conducted in March of 2007 resulting in no traffic mitigation requirements at that intersection. In addition, interior and adjacent road improvements will be constructed to County road improvement standards. The concern of residents of the new subdivision trespassing onto adjacent properties to the north is a private or civil matter, not related to the project and not to be monitored or regulated by the County. In regard to lot size, the proposed lots are of an appropriate size for urban type development.

14. The Environmental Assessment Officer has reviewed and approved for public review a Negative Declaration for the combined projects, General Plan Amendment GPA 07-005, Change of Zone PZ 07-004, Tentative Subdivision Tract TM 786, and Zone Variance PZV 06-012, indicating that the projects will not have any significant impacts.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the reclassification of property as petitioned to the R-1 zoning to be consistent with the purpose of Ordinance No. 352 and further finds the petition satisfies the requirement, as stated in Section 17 of the Tulare County Zoning Ordinance, that the reclassification was for public necessity, convenience or general welfare and is in conformance with the adopted General Plan for the County of Tulare.

AND, BE IT FURTHER RESOLVED as follows:

1. This Commission hereby recommends that the Board of Supervisors find that said Change of Zone will not have a significant effect on the environment and certify that a Negative Declaration has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970.

2. This Commission hereby recommends that the Board of Supervisors approve Amendment to the Zoning Regulations Case No. PZ 07-004 as petitioned to R-1 (Single Family Residential).

The foregoing resolution was adopted upon motion of Commissioner Whitlatch, seconded by Commissioner Elliott, at a regular meeting of the Planning Commission on the 26th day of September, 2007, by the following roll call vote:

AYES: Commissioners Whitlatch, Elliott, Gong, Millies, Dias, and Kirkpatrick

NOES: None

ABSTAIN: None

ABSENT: Pitigliano

TULARE COUNTY PLANNING COMMISSION


George E. Finney Secretary

Project: GPA 07-005/PZ 07-004/TM 786/PZV 06-012
Applicant: Mike Brown & Doug Bartlett
Agent: R. L. Schafer & Associates
Date Prepared: August 7, 2007

MITIGATED NEGATIVE DECLARATION

DESCRIPTION OF PROJECT:

Proposal, Zoning and Parcel Size:

An amendment to the Poplar/Cotton Center Plan, a component of the Tulare County Land Use Element of the General Plan, to change the land use designation for approximately 5.5 acres from "Commercial" to "Low Density Residential" and approximately 9.42 acres from "Rural Residential" to "Low Density Residential."

Also, a Change of Zone on the entire 14.92 acres from the R-A-20 (Rural Residential – 20,000 square foot minimum) and the C-3 (Service Commercial) Zones to the R-1 (Single Family Residential) Zone.

Also, a subdivision of the entire 14.92 acres into 91 residential lots and a temporary drainage basin lot (5 residential lots).

Also, a Zone Variance to allow the creation of lots less than 100 feet deep, less than 60 feet wide (interior lots are all proposed to be 50 feet wide), and less than 6,000 square feet in area for interior lots (the interior lots are proposed to be 4,979.00 square feet and larger in size) and to allow front and rear yards to be reduced to 20 feet instead of the required 25 feet. Corner lots are a minimum 70 feet in width and 7,500 square feet in area to allow adequate line of sight at all intersections. An exception to the subdivision ordinance regarding minimum parcel size, minimum depth and minimum width has been submitted.

Location: The site is located on the west side of Road 192 (Mountain View Road) and on the east side of the southerly projection of Hale Avenue (Road 190), approximately 300 feet south of Maple Street in the community of Poplar.

APNs 237-020-010 and 237-030-024

Section 34, T. 21 S., R. 26 E., MDB&M

Project Facts:

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

Attachments:

| | |
|-----------------------------|-----|
| Initial Environmental Study | (X) |
| Maps | (X) |
| Mitigation Measures | (X) |
| Letters | (X) |
| Staff Report | (X) |

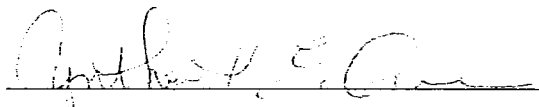
DECLARATION OF NO SIGNIFICANT EFFECT:

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

- (a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory.
- (b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- (c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

This Negative Declaration has been prepared by the Tulare County Resource Management Agency, in accordance with the CEQA 1970, as amended. A copy may be obtained from the Tulare County Resource Management Agency, 5961 South Mooney Blvd., Visalia, CA 93277-9394, telephone (559) 733-6291, during normal business hours.

APPROVED
GEORGE E. FINNEY
ENVIRONMENTAL ASSESSMENT OFFICER

BY: 

DATE APPROVED: 8/14/07

REVIEW PERIOD: 20 days

NEWSPAPER:

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

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

General Plan Amendment No. GPA 07-005
Change of Zone No. PZ 07-004
Tentative Subdivision No. TM 786
Zone Variance No. PZV 06-012

I. GENERAL:

1. Applicant: Michael G. Brown & Douglas C. Bartlett
P. O. Box 485
Porterville, CA 93258
2. Owner: Same
3. Agent: Marge Balsley, AICP, Associate Planner
Dee Jaspar & Associates, Inc., and
R. L. Schafer & Associates
2904 West Main Street
Visalia, CA 93291
4. Requested Action:

An amendment to the Poplar/Cotton Center Community Plan, a component of the Tulare County Land Use Element of the General Plan, to change the land use designation for approximately 5.5 acres from "Commercial" to "Low Density Residential" and approximately 9.42 acres from "Rural Residential" to "Low Density Residential".

Also, a Change of Zone on the entire 14.92 acres from the R-A-20 (Rural Residential – 20,000 square foot minimum) Zone the C-3 (Service Commercial) Zones to the R-1 (Single Family Residential) Zone.

Also, a subdivision of the entire 14.92 acres into 91 residential lots and a single temporary drainage basin lot (5 residential lots), for a total of 96 lots.

Also, a Zone Variance to allow the creation of lots less than 6,000 square feet in area for interior lots (the interior lots are proposed to be 4,979.00 square feet and larger in size). Corner lots are a minimum 70 feet in width and 7,500 square feet in area to allow adequate line of sight at all intersections and meet the minimum size for corner lot requirements. Further, the variance would allow for the location of above ground structures to encroach into the front and rear yards by 5 feet, leaving a 20 foot deep front yard and a 20 foot deep rear yard. An exception to the subdivision ordinance regarding minimum parcel size for lots served by both sewer and water, minimum depth (the shortest distance is 99.58 feet, the remaining lot lines are increasingly longer to 99.97 feet deep), and minimum

width (interior lots are all proposed to be 50 feet wide instead of the 60 feet normally required) accompanies this project.

5. Location:

On the west side of Road 192 (Mountain View Road, and on the east side of the southerly projection of Hale Avenue, approximately 300 feet south of Maple Street, Poplar.

APNs 237-020-010 and 237-030-024
Section 34, T. 21 S., R. 26 E., MDB&M

6. Applicants' Proposal:

The applicants are requesting the general plan amendment, rezoning and variance in order to subdivide the site into 96 residential lots, ranging in size from 4,980 square feet to 7,535 square feet, with a minimum depth of 99.58 feet and a minimum width of 50 feet in order to provide affordable housing in the area. Five of the residential lots will be utilized as a temporary ponding basin until the drainage district proposed for the Poplar-Cotton Center area has been established and improvements completed.

II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:

1. Zoning and Land Use:

| | |
|--------|---|
| Site: | R-A-20 & C-3 – vineyard, one single family residence and a mobilehome |
| North: | R-A-20 & C-2 (Retail Commercial) – rural residential development, single family development and some limited mobilehomes, multi-family development, and commercial development along Road 192 |
| East: | AE-20 – field and row crops, proposed subdivision |
| South: | R-3, C-2 and R-1 – church (former memorial building), public utility service building and storage area, vacant land, single family residential development, commercial development along Road 192 |
| West: | AE-20 – vacant land, proposed subdivision |

2. Zoning and Other Ordinance Characteristics:

Existing zoning classification:

The R-A-20 (Rural Residential -- 20,000 square foot minimum) zoning allows one single-family residence per parcel, with minimum parcel sizes being 20,000 square feet in size.

The C-3 (Service Commercial) Zone is intended for wholesale establishments and establishments engaged in repairing and servicing equipment, materials and products, but which do not involve the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sales. This zone allows any use permitted in the "C-2" General Commercial Zone, plus a list of other allowed uses, several of which are listed below:

- Automobile body and fender repair
- Blacksmith shops
- Cleaning and dyeing establishments
- Exterminators
- Heating and ventilating or air-conditioning shops, including incidental sheet metal
- Machine shops
- Repair garages
- Sheet metal shops
- Super service stations, including dispensing of diesel fuel and complete truck service

The C-3 Zone does not allow residential development, except a single mobilehome for occupancy by a caretaker of that property.

Proposed zoning classification:

The R-1 Zone allows one single-family residence for each lot. Minimum lot size is 6,000 sq. ft., with minimum lot width requirements being 60 feet for interior lots and 70 feet for corner lots and minimum lot depth requirements being 100 feet. The R-1 Zone also has a minimum front and rear yard requirement of 25 feet. Six thousand (6,000) square feet is also the minimum lot size under the Subdivision Ordinance for those lots being served by a community sewer system and community water system. A zone variance application has been filed to allow the creation of lots less than 6,000 square feet in size, minimum lot width and minimum lot depth, and an exception has been filed to Subdivision Ordinance requirements.

The Building Line Setback Ordinance requires all above-ground and most below ground improvements to be located at least 25 feet back from the right of way line of the adjoining street at the front of the property, and 15 to 18 feet from the line of the adjoining street at the street sides of corner lots,

depending upon the location of the driveways. Also, the Building Line Setback Ordinance requires all improvements be located at least 55 feet back from centerline of Road 192 (Mountain View). The corner lots are wide enough to allow adequate room from the centerline of Road 192 for construction of a residence.

3. Circulation:

The site has frontage on Road 192 (Mountain View), a 70-foot wide County-maintained right of way which is designated as a "Minor Arterial". Two (2) new 60-foot wide east/west streets are proposed to extend to the west through the subject site to connect to a new segment of Hale Avenue (Road 190) to be constructed to a 3/4 street section on the west side of the property. Hale is designated as a "Collector". Curbs, gutters and sidewalks are proposed to be constructed throughout.

4. General Plan Elements:

"Rural Residential" – Land designated for residential with limited agricultural uses consistent with the Tulare County Zoning Ordinance at a density not to exceed 2 units per acre. (Added by GPA 97-005)

"Low Density Residential" – Land designated for residential use which lacks off-site sewer or water or both. Agricultural uses shall be allowed on lands with this designation consistent with the Tulare County Zoning Ordinance. "Low Density Residential" allows seven units per acre or less.

"Commercial" – Land designated for commercial uses covering a range of retail, office and service activities.

The original Poplar-Cotton Center Community Plan designated this area as "Low Density Residential". This was changed in 1998 to "Rural Residential" (GPA 97-005) at the request of residents of Tract No. 162 located north of the site. Tract 162 is characterized primarily by 30,000 square foot lots. The amendment was requested in order to prevent further land division in Tract 162 and provide a buffer area around the tract to ensure a smooth transition in development densities. The amendment affected 48 acres in and around Tract 162. This proposed general plan amendment would restore the original "Low Density Residential" designation.

The Poplar-Cotton Center Community Plan specifies that the County should designate enough land for Commercial land uses to meet the future commercial demand of Poplar-Cotton Center. The proposed project would remove 5.5 acres of land designated for "Commercial" use in Poplar/Cotton Center and would create a gap in the commercial corridor that follows Road 192. However, most of the land that is designated for "Commercial" and zoned for commercial development is underutilized with mixed residential

and multi-family residential development instead of commercial development, with many commercial structures having been converted to residential use, indicating there is a greater need for affordable housing in the community than for commercial uses.

In researching this item, it was discovered that the zoning and land use designations are not consistent in the northern parcel (APN 237-030-024). A portion of the parcel has a Rural Residential land use designation but is zoned for Commercial uses. Action should be taken to assure the zoning is consistent with the general plan.

Policies and implementation measures that pertain to this request are as follows:

Policy 2.1: *The County will strive to ensure that an adequate number of housing units are constructed to meet the housing needs of Poplar. (pg 4-5)*

Policy 2.2: *The County will strive to ensure that housing is affordable to all economic segments of Poplar-Cotton Center. (pg 4-5)*

Policy 2.6: *The County will attempt to maintain a balance between owner and renter-occupied housing stock in Poplar-Cotton Center. (Pg 4-5)*

Policy 2.8: *Single family development shall be located in areas free of excessive noise and traffic adequately buffered from incompatible land uses, and serviceable with sewer and water. (pg 4-5)*

Implementation 2.11: *The County will periodically review zoning in Poplar-Cotton Center and will maintain enough residentially zoned land so that the lack of adequately zoned residential sites does not become a constraint to housing production. (pg 4-5)*

Implementation 2.31: *The County will investigate or be aware of service needs, police and fire protection, and other services required to support new residential development. In addition, it will coordinate with the Poplar Community Services District and the local school districts when they expand or enlarge their services to support future population growth. (pg 4-6)*

5. Other General Plan Elements

The Urban Boundaries Element indicates the site is within the Urban Development Boundary of the Communities of Poplar-Cotton Center.

The 2003 Housing Element identifies the projected need for Poplar-Cotton Center as being at least 13 additional housing units by 2008. The project

would provide the projected need. The existing housing stock was estimated to be 378 units in 2001. Also, there is a need for low-cost housing which is primarily unavailable in nearby cities.

The 1986 Noise Element indicates that the east 186 feet of the site as measured from the centerline is within the Road 192 noise impacted corridor for 60 dB in 2010, and the east 86 feet of the site as measured from the centerline is within the Road 192 noise impacted corridor for 65 dB in 2010. Policy requires noise avoidance measures based on an acoustical analysis prior to construction of residential structures within this area (Lots 21, 22, 23, 24, 25, 26, 27, 28, 69, 70, 71, 72, 73, 74, 75, and 76). Residential development is not considered to be a noise generating use under the Element. An acoustic analysis has been completed for the subject property.

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 Poplar-Cotton Center Community Plan (Plan). An overall update to the Plan 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.

The Tulare County Redevelopment Agency has stated that the site is within the Poplar/Cotton Center Redevelopment Project Area, and is subject to Redevelopment policies. The Agency also found that the proposed project is "in compliance with the purposes of the Poplar/Cotton Center Redevelopment Plan, and that an assessment district, managed by the Poplar Community Services District, should be formed within the subdivision, to provide for operation and maintenance of parks, street lights, storm water drainage and street sweeping."

6. Planning Commission Policies and Precedents:

The Planning Commission has generally recommended approval of General Plan amendments when deemed compatible with surrounding land uses and when not in conflict with policies for development within the area.

The Planning Commission has generally recommended approval of Changes of Zone when deemed compatible with the General Plan and

surrounding land uses, and has regularly approved residential subdivisions under the same circumstances.

Variances for lot size requirements have been approved when the Commission finds that the request will foster the development of needed housing for the community in which it is proposed and when health and safety concerns can be avoided or addressed. In order to provide affordable housing, variances to minimum lot size and dimensions have been approved subject to conditions of approval. Standard zone variance conditions have been included in the draft resolution attached to this report.

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.

III. ENVIRONMENTAL SETTING:

1. Topographical Features:

The site is level, typical of most valley lands.

2. Flooding Potential:

According to the Flood Insurance Rate Maps, Panel 850B, the site is located within Zone C. Zone C is the area of 500-year flood hazard, not likely to flood. No flood avoidance measures are required.

3. Soils:

| <u>Type</u> | <u>Capability Class</u> | <u>Shrink/Swell Potential</u> | <u>Septic Tank Absorption Fields</u> |
|---|-------------------------|-------------------------------|--------------------------------------|
| Nord fine sandy loam, 0 to 2 percent slopes | I | low | Moderate |

The May 2, 2007 Web Soil Survey site identifies the soils on this site to be prime agricultural lands. It also shows there to be limitations to septic tank/leach fields due to slow percolation rates (.6 to 2" per hour) and very rare flooding situations; and limitations for ponding basins due to permeability (seepage) at greater than 2" per hour. There are no limitations for building construction for residences without basements and no limitations for road construction.

4. Biotic Conditions:

The site is developed with a vineyard, a single family residence and a mobilehome and no other vegetation appears to remain. The California Natural Diversity Data Base (CNDDDB 2006) shows the property within the range of the subtle orache (a listed plant) and the San Joaquin kit fox (a threatened species). The surrounding properties have been developed with single family residences, commercial uses, a church (formerly a memorial building) and agriculture, with no native lands or species remaining.

5. Water Table:

The highest water table for the area was measured at 40 feet, according to California Department of Water Resources well tests in 1987 within 1/2 mile to the north of the subject site. Other water table elevations measure between 70 and 85 feet at locations within 1/2 mile south and southwest of the site in 2006.

6. Agricultural Preserves:

Not within an Agricultural Preserve.

IV. HISTORY AND PROJECT FACTS:

1. History:

Although the site has two APNs, it is a single parcel, having been created by deed prior to ordinance requirements.

The site was zoned R-1 to implement the Poplar-Cotton Center Community Plan, and at the request of the surrounding property owners, the 20,000 square foot minimum standard was established and the residential portion of the property was rezoned to R-A-20 in 1998.

A Preliminary Subdivision (PRE 05-029) was reviewed by the Site Plan Review Committee on November 18, 2005 for the creation of 96 residential lots on the site.

On February 6, 2007, the Board of Supervisors approved a request for authorization to file a General Plan Amendment to the Poplar-Cotton Center Community Plan from "Commercial" and "Rural Residential" to "Low Density Residential" and authorized the applicants to apply for a change of zone from R-A-20 and C-3 to R-1, consistent with the proposed revision to the General Plan.

2. Project Description:

An amendment to the Poplar-Cotton Center Community Plan, a component of the Tulare County Land Use Element of the General Plan, from "Commercial" and "Rural Residential" to "Low Density Residential" on a 14.92-acre site.

A Change of Zone on the 14.92 acres from the R-A-20 and C-3 Zones to the R-1 (Single Family Residential) Zone.

Also, a subdivision of the 14.92 acres into a total of 96 lots for single-family residential development, of which 5 lots will be utilized as a temporary ponding lot. Average interior lot size equals 4,989.30 square feet, with the smallest lots being 4,979.60 square feet. Average corner lots equal 7,516.74, with the smallest corner lots being 7,506.35 square feet. Two new roads are proposed through the subdivision extending east/west from Road 192 (Mountain View) to Road 190 (Hale), with the extension of Hale across the subject site to be constructed at a 3/4 street width. Curbs, gutters and sidewalks will be provided throughout. Drainage is to go to the temporary ponding basin at the southwest corner of the site with eventual tie in to the Poplar Drainage System located farther south (over 1/4 mile away) and conversion of the ponding lot back into residential lots. It is possible that the subdivision will be recorded in as many as 4 phases; however, it is unknown which phase(s) will be completed first. The applicants are aware that appropriate improvements will be required (i.e., construction of the entire ponding basin, adequate road construction, etc.) as a condition of development of phase 1 construction.

The applicants have provided representative floor plans and elevations of residences constructed by the contractor they plan on using. While these will have to be modified to fit the lots, they show the types of housing proposed to be placed on each lot.

Also, a Zone Variance to allow the creation of lots less than 6,000 square feet in area for interior lots (the interior lots are proposed to be 4,979.00 square feet and larger in size). This variance also would allow smaller front and rear yards than normally required (20 feet deep instead of 25 feet deep). Corner lots are a minimum 70 feet in width and 7,500 square feet in area to allow adequate line of sight at all intersections. An exception to subdivision ordinance requirements for minimum lot size of less than 6,000 square feet for lots with community sewer and water service, lot widths less than 60 feet wide (interior lots are all proposed to be 50 feet wide), and lot depths less than 100 feet deep (the shortest depth on Lots 1, 2, 25, 26, 47, 48, 49, 50, 71, and 72 is 99.58 feet, the remaining lot lines are increasingly longer to 99.97 feet deep), accompanies this request.

3. Other Facts:

- a. Fire Protection: Provided by the Tulare County Schedule A Fire Station located in Poplar.
- b. Police Protection: Provided by the Tulare County Sheriff's Headquarters located in Pixley.
- c. Sewer and Water Service: Sewer and water service is proposed to be provided by the Poplar Community Service District. The site is totally within the District boundaries, and the District currently has the capability of serving the subject site. A will-serve letter was granted by the District on June 1, 2006, dated August 7, 2006; however, it is good for only one year, and construction must be commenced before that date in order to keep the will-serve from expiring. There are a number of other subdividers in line for the limited available connections if this project fails to meet the one-year date. A written extension of time request for a one-year extension has been submitted, however, it is unknown how much time, if any, will be granted.
- d. Public Utilities: Electricity – Southern California Edison Co.
Gas: The Gas Company
Telephone: SBC
Solid waste collection: common carrier

4. Consulting Agency List and Correspondence:

| Agency Notified | Response Date | Comment and/or Conditions of Approval |
|--|---------------|---------------------------------------|
| RMA Countywide Planning | No response | |
| RMA Engineer/Flood/Traffic | 07/09/07 | See conditions of approval |
| HHSA Environmental Health Division | 07/23/07 | See conditions of approval |
| Fire Department | 07/19/07 | See conditions of approval |
| Lower Tule River Irrigation District | No response | |
| Poplar Community Services District | No response | |
| Pleasant View Elementary School | 07/03/07 | No comment |
| Porterville Unified School District | No response | |
| SJV Unified Air Pollution Control Brd. | 07/13/07 | See conditions of approval |
| Department of Fish & Game | No response | |
| Regional Water Quality Control Board | No response | |
| Edison International | No response | |
| AT&T | No response | |
| Tribal Consultation (SB18) | | No response to date |

Pursuant to Senate Bill 18, Tribal Consultation Guidelines, consultation was forwarded to the applicable California Native American Tribal Council. No response was received (to date); however, if during construction or grading activities on the site, any resources of historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resource Management Agency Director shall immediately be notified of

the discovery. Further development shall not continue until the Tulare County Resource Management Agency Director certifies that appropriate recovery measures, if deemed necessary, have been completed.

V. MANDATORY FINDINGS:

Ordinance 352, the Zoning Ordinance, as amended, states in Section 16, III C, that 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. The subject site is surrounded by existing development and public streets so that design possibilities are limited.
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. The subdivision will consist of individual single family dwellings on individual lots and does not grant any special privileges that are not available to surrounding development in similar zoning.
3. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The variance pertains to lot size and yard requirements only and does not allow any use or activity not otherwise allowed in the R-1 (Single Family Residential) Zone. One single-family dwelling is allowed for each proposed residential lot.
4. That the granting of the variance is consistent with the General Plan. The proposed subdivision meets all density and design aspects of the Poplar-Cotton Center Community Plan.

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

The Environmental Assessment Officer has approved a Mitigated Negative Declaration for public review for the project, indicating that the proposal will not have any environmental impacts that cannot be mitigated to a level which is less than significant.

VII. SUBSEQUENT ACTIONS:

1. Appeals:

Planning Commission action to approve a general plan amendment/change of zone is advisory only, with final action to be taken by the Tulare County Board of Supervisors. Planning Commission action for denial of the change of zone is final unless appealed, in writing, to the Board of Supervisors, 2800 W. Burrel, Visalia, CA 93291-4582 within 10 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.

Planning Commission action to approve a subdivision within an urban development boundary is final unless appealed, in writing, to the Board of Supervisors. Planning Commission action to approve a Zone Variance 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. Fish and Game Fee:

A Negative Declaration has been prepared for this project by the Environmental Assessment Officer indicating that the project will not have a significant effect on the environment. However, the Negative Declaration does indicate that there will be minor impacts, either individually or cumulatively, on wildlife resources, and as such, Section 711.4 of the Fish and Game Code requires that the applicant pay a fee of \$1,800 as a user fee to allocate the transactional costs of fish and wildlife protection to those who consume those fish and wildlife resources through urbanization and development.

The Fish and Game Code also requires that the applicant pay to the Tulare County Clerk's office a \$58 document handling fee for the required filing of the Notice of Determination. The Notice of Determination is required to be filed within five (5) days of project approval (after the 10 day appeal period has run) providing no appeal has been filed. If an appeal is filed within the 10 day appeal period, the Notice of Determination cannot be filed until the Board of Supervisors makes a decision on the appeal. The applicant shall pay the fee to the Tulare County Clerk's Office, Room 105, Tulare County Courthouse, Visalia, CA 93291-4593. Checks shall be made payable to: "County of Tulare". Applicants cannot avoid payment of the required \$58 Department of Fish and Game fee since a provision of AB 3158 declares that decisions on private projects are not "operative, vested, or final" until the fee is paid to the County Clerk. No building permits shall be issued until the fee is paid.

3. 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*).

4. School Impact Fees:

The subject site is located within the Pleasant View Elementary School District and the Porterville High School District which have implemented developer's fees for all assessable space for all new residences and expansions to existing residences 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 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. Air Impact Assessment:

The San Joaquin Air Pollution Control District has adopted the Indirect Source Review (District Rule 9510). Your project may require filing of an application for an Air Impact Assessment. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at www.valleyair.org under "Land Use/Development" and then under "Indirect Source Review," or at any District Office. Assistance with applications and advice as to the applicability of the rule can be obtained from the District's ISR Group at 559/230-6000.

VIII. CREDITS:

This Staff Report was prepared by:

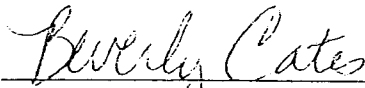


Charlotte Brusuelas, Project Planner
Project Review Division

July 31, 2007

Date

This Staff Report was approved by:



Beverly Cates, Chief Planner
Project Review Division

8-13-07

Date

RECOMMENDED FINDINGS IN SUPPORT OF APPROVAL FOR TM 786/PZV 06-012:

1. The proposal is for a Tentative Subdivision Tract Map (TM 786) to divide a 14.92 acre parcel into 96 single family residential lots and a temporary ponding basin (Lots 92 through 96) with exceptions for reduced lot areas below the 6,000 sq. ft. minimum for interior lots, for reduced lot widths for all interior lots, reduced lot depths for all lots, and reduced front and rear yard areas.
2. The site is located on the west side of Road 192 (Mountain View Road), and on the east side of the southerly projection of Hale Avenue, approximately 300 feet south of Maple Street in the community of Poplar (APNs 237-020-010 and 237-030-024; Section 34, T. 21 S., R. 26 E., MDB&M).
3. The Poplar-Cotton Center Community Plan (Tulare County General Plan Amendment designates the subject site as "Rural Residential" and "Commercial." The Poplar-Cotton Center Community Plan designates Road 192 (Mountain View), a 70-foot wide County-maintained right of way, as a "Minor Arterial." Road 190 (Hale) is designated as a "Collector." The Open Space Element is superseded by the Poplar-Cotton Center Community Plan, which designates Urban Expansion for Poplar-Cotton Center. The Urban Boundaries Element indicates the site is within the Urban Development Boundary of the Poplar-Cotton Center planning area.
4. The Noise Element indicates that the east 186 feet of the site as measured from the centerline is within the Road 192 noise impacted corridor for 60 dB in 2010, and the east 86 feet of this area as measured from the centerline is within the Road 192 noise impacted corridor for 65 dB in 2010. Policy requires noise avoidance measures based on an acoustical analysis prior to construction of residential structures within this area (Lots 21, 22, 23, 24, 25, 26, 27, 28, 69, 70, 71, 72, 73, 74, 75, 76). Residential development is not considered to be a noise generating use under the Element.
5. The 2003 Housing Element identifies the projected need for Poplar-Cotton Center as being at least 13 additional housing units by 2008. The project would provide the projected need. The existing housing stock was estimated to be 378 units in 2001. Also, there is a need for low-cost housing which is primarily unavailable in nearby cities. The project meets the objectives set forth by the Housing Element by creating residential development for affordable housing to help meet the community's housing needs.
6. The project (TM 786), upon approval of General Plan Amendment GPA 07-005 and Change of Zone PZ 07-004 is consistent with the County's General Plan Elements and the Zoning Ordinance.
7. The site is zoned R-1 and contains a vineyard, a single family conventional dwelling and a mobilehome. The surrounding areas are zoned R-A-20, R-1, R-3, C-2 and AE-20 with rural residential development, single family development and some limited mobilehomes, multi-family development, commercial development along Road 192, field and row crops, a church (former memorial building), public utility service building and storage area, vacant land, single family residential development, commercial development along Road 192, and several proposed subdivisions
8. The applicants have filed General Plan Amendment No. GPA 07-005, an amendment to the Poplar/Cotton Center Plan, a component of the Tulare County Land Use Element of the General Plan, to change the land use designation for approximately 5.5 acres from "Commercial" to "Low Density Residential" and approximately 9.42 acres from "Rural Residential" to "Low Density Residential" and Change of Zone No. PZ 07-004 for a change

from the R-A-20 and C-3 to the R-1 Zone. The R-1 (Single Family Residential) Zone is consistent with the "Low Density Residential" designation.

9. The R-1 (Single-Family Residential) Zone is an exclusive zone for single-family residential use. Residential development is limited to one single-family residence of a permanent character or one single family manufactured home installed on a foundation system for the property owner or lessee. Based on these criteria, each proposed lot will be allowed to contain only one residence.
10. The site will contain 96 single-family residential lots, with an average interior lot size of 4,989.30 sq. ft., and an average corner lot size of 7,516.74. The ponding lot consists of 5 lots which have been temporarily merged together into a 25,032 square foot parcel to make an adequate sized basin to handle drainage from the site until such time as a Drainage District is established and constructed. The subdivision may be completed in as many as four (4) phases, but it is unknown which phase(s) will be completed first. The applicants are aware that certain improvements (i.e., the entire ponding basin, parts of the interior roads) will be required to be completed with the first phase of development, and will have to be completed in logical extensions along with the following phases of development.
11. Although the site has two APNs, it is a single parcel, having been created by deed prior to ordinance requirements.
12. The site was originally zoned R-1 to implement the Poplar-Cotton Center Community Plan, and at the request of the surrounding property owners, the 20,000 square foot minimum standard was established and the residential portion of the property was rezoned to R-A-20 in 1998.
13. A Preliminary Subdivision (PRE 05-029) was reviewed and approved by the Site Plan Review Committee on November 18, 2005 (Resolution 05-159), for the creation of 96 residential lots on the site.
14. On February 6, 2007, by Resolution No. 2007-0077, the Board of Supervisors approved a request for authorization to file a General Plan Amendment to the Poplar-Cotton Center Community Plan from "Commercial" and "Rural Residential" to "Low Density Residential" and authorized the applicants to apply for a change of zone from R-A-20 and C-3 to R-1.
15. The subdivider has filed three exceptions to the Subdivision Ordinance for the design and improvement standards established in Sections 7-01-1355.a, 7-01-1355.b, and 7-01-1350. The requirements pertain to interior lot widths, lot depth, and interior lot area below 6,000 sq. ft. The exceptions are appropriate for the project and will maintain consistency with other subdivision developments within the Urban Development Boundary of Poplar-Cotton Center.
16. Domestic water and sewer services will be provided by the Poplar Community Service District (CSD). A Will Serve letter has been submitted from the CSD allowing 96 hookups.
17. Two new roads are proposed through the subdivision extending east/west from Road 192 (Mountain View) to Road 190 (Hale), with the extension of Hale across the subject site to be constructed to a 3/4 street width. Curbs, gutters and sidewalks will be provided throughout. Drainage is to go to the proposed temporary ponding basin at the southwest corner of the site with eventual tie in to the Poplar Drainage System currently located further south (over 1/4 mile away), at which time, the lots will be reclaimed for development.

18. The Environmental Assessment Officer has approved a Mitigated Negative Declaration for this project.

Mandatory Findings for Approval of the Variance

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. The subject site is surrounded by existing development and public streets so that design possibilities are limited.
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. The subdivision will consist of individual single family dwellings on individual lots and does not grant any special privileges that are not available to surrounding development in similar zoning.
3. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The variance pertains to lot size and yard requirements only and does not allow any use or activity not otherwise allowed in the R-1 (Single Family Residential) Zone. One single-family dwelling is allowed for each proposed residential lot.
4. That the granting of the variance is consistent with the General Plan. The proposed subdivision meets all density and design aspects of the Poplar-Cotton Center Community Plan.

RECOMMENDED CONDITIONS OF APPROVAL FOR TM 783:

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 shall subsequently be 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. Interior road improvements for this subdivision shall 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. The subdivision frontages along Road 192 shall be improved to Class 3 road standards to adequately provide access to this subdivision. Sidewalk shall be installed along the Road 192 (Mountain View) frontage, the Road 190 (Hale) 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 and from community development.
8. The subdivision frontage along Road 192 (Mountain View), Road 190, and the interior streets shall be improved with barrier curbs, gutter 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 192. The existing pavement on Road 192 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 192 to be reconstructed across the frontage of the site 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 or his contractor shall obtain all necessary encroachment permits from the Tulare County RMA before performing work within the County road rights-of-way of Road 192 and Road 190.
10. The subdivider shall submit an application and pay the required fee to 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 an alternative means of providing for permanent, long-term maintenance of the public streets and roadways such as a homeowners association. This alternative means shall be approved by Tulare County RMA and the process completed before the recordation of the final map.
11. The subdivider shall submit an application and pay the required fee to Tulare County RMA for the formation of an assessment district for the permanent, long-term maintenance of the storm drainage system. 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 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 shall be approved by Tulare County RMA and the process completed before the recordation of the final map.

12. Road 190 shall be constructed to a 3/4 street section across the subdivision boundary where a full width road is not proposed. A one-foot reserve strip shall be dedicated to the County as specified in Section 7-01-1270 of the Ordinance Code, along the south and west sides of the 3/4 street section of Road 190.
13. One-foot reserve strips shall be dedicated to the County of Tulare in Accordance with Section 7-01-1270 of the Subdivision Ordinance at locations that are divided by phases. Standard barricades shall be constructed at the ends of all stub streets, as shown in Plate A-23 to prevent access to and from adjacent unsubdivided land.
14. Domestic water and sewer services shall be obtained from the Poplar Community Services District. The applicant shall submit a "Will Serve" letter from the District to the Tulare County Environmental Health Services Division prior to the public hearing. The "Will Serve" letter shall include the following items:
 - a. Total number of service connections to be served.
 - b. Total water pressure provided at each service connection (a minimum of 20 psi).
 - c. That the public utility district is in compliance with the State regulatory agencies.
15. All wells on the site which are proposed to be utilized for domestic and/or fire suppression water for development on this property shall be developed to specifications of the Poplar Community Services District, TCHHSA-Environmental Health Services Division, TCRMA-Engineering Division, and the Tulare County Fire Warden.
16. 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 warden. Copies of the improvement plans shall be submitted to the Fire Warden's Office (2 complete sets) and the Tulare County Resource Management Agency-Engineering Division (2 complete sets) for review and approval prior to construction.
17. Blue raised reflective markers shall be located in the street to identify fire hydrant locations to the specifications of the Tulare County Fire Warden.
18. If street lights are installed, such installation shall coincide with the locations of fire hydrants wherever possible.
19. The water supply system shall be designed with adequate capacity for fire flows as required by the Improvement Standards.
20. In accordance with Section 7-29-1070(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.
21. Any out-of-service wells, septic tanks, or underground storage tanks encountered during construction, shall be properly abandoned in accordance with the Tulare County Well Ordinance to the satisfaction of the TCHHSA-Environmental Health Services Department.
22. Additional right-of-way shall be dedicated to the County in the amount of 15 feet along the west side of Road 192 (Mountain View) across the subdivision frontage and shall be shown on the final map.

23. The applicant/subdivider shall contact the San Joaquin Valley Air Pollution Control District in regard to the installation of wood-burning fireplaces, and natural gas-fired water heater requirements.
24. The developer shall implement the construction mitigation measures to control fugitive dust recommended by the San Joaquin Valley Unified Air Pollution Control District, Tulare Zone.
25. 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.
26. The applicant/developer shall utilize best practices for avoidance of disturbance of the San Joaquin kit fox.
27. If during construction or grading activities on the site, any resources of historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resource Management Agency Director shall immediately be notified of the discovery. Further development shall not continue until the Tulare County Resource Management Agency Director certifies that appropriate recovery measures, if deemed necessary, have been completed.
- *28. A six (6) foot high continuous sound wall constructed of masonry blocks or stucco on both sides of a wood/steel frame shall be constructed along the entire north side and east side of Lot 24, along the east side of Lots 25 and 72, and along the east and entire south side of Lot 73. Said wall shall not extend into the required front yard area of any of these lots, or it shall be reduced in height to no more than 3-1/2 feet in said front yard areas. Said wall shall be located at least 50 feet back from the centerline of Road 192.
- *29. Mechanical ventilation or air conditioning must be provided on all lots so that windows and doors may remain closed for the required acoustical insulation.
- *30. Acoustic baffles shall be installed on the interior side of gable vents that face Road 192 for Lots 24, 25, 72 and 73. An example of a suitable attic vent baffle is shown by Appendix B of the Acoustical Analysis Report.
- *31. Exterior doors, excluding glass doors, shall be solid-core wood or insulated steel with perimeter weather-stripping and threshold seals.

RECOMMENDED CONDITIONS OF APPROVAL FOR PZV 06-012:

1. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission (PC Exhibit "A") and with the Site Plan Development Standards pertaining to a use of this type adopted by the Planning Commission on February 20, 1970.
2. Regardless of Condition No. 1 above, and in accordance with Section 18 (Minor Modifications - Director's Approval) of the Zoning Ordinance, the Planning and Development Director is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his successors as long as said modifications do not materially affect the determination of the Planning Commission. Such modifications shall

be noted on the approved plans and shall be initialed by the Planning and Development Director.

3. This Zone Variance shall automatically become null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant, or his/her successor, has actually commenced the use or variance authorized by the permit within said two year period. The Planning Commission may grant one or more extensions of said two year time, upon request by the applicant.
4. This Zone Variance will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission and until the applicant, at his own expense, has executed and filed with the County Recorder, a certified copy of the resolution of the Planning Commission granting said variance with a duly authorized acceptance, in the form approved by the County Counsel, endorsed thereon.
5. This Zone Variance shall automatically expire and become null and void two (2) years after the use, building or structure for which it was granted is discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Planning Commission may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.
6. Minimum front yard setbacks for above ground structures shall be 20 feet from the front property line, minimum rear yard setbacks shall be 20 feet from the rear property line, minimum side yard setbacks shall be 5 feet from side property lines and 15 feet to the street-side property lines, except as allowed in Sections 15 and 16 of Ordinance 352, as amended.
7. All driveways shall enter and exit the lots from the interior streets only. No access shall be obtained from Road 190 (Hale) or Road 192 (Mountain View) and the final subdivision map shall be so noted [Lots 1, 24, 25, 48, 49, 72, 73 and 96].
8. Lots 1, 24, 25, 48, 49, 72, 73 and 96 shall continue to have a minimum front yard area of 25 feet from edge of right-of-way, although their rear yard areas may be reduced to 20 feet from rear property line.
9. The six (6) foot high sound wall required to be constructed along the Road 192 (Mountain View) frontages of Lots 24, 25, 72 and 73 shall not extend into the required front yard area of any of these lots, or it shall be reduced in height to no more than 3-1/2 feet. Nor shall any fence or wall constructed along the Hale Avenue (Road 190) frontages of Lots 1, 48, 49 and 96 be allowed to extend into the required front yard area of any of these lots, or said fence or wall shall be reduced in height to no more than 3-1/2 feet.

*** Mitigation Measures**

X. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

B. DETERMINATION:

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that a previous EIR or Negative Declaration may be utilized for this project - refer to Section E.

Signature

August 14, 2007

Date

Charlotte Brusuelas

Printed Name

Project Planner

Title

C. EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

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

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

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

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

"Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The mitigation measures must be described along with a brief explanation on how they reduce the effect to a less than significant level (mitigation measures from Section E., "Earlier Analyses," may be cross-referenced). Earlier analyses may be used where, pursuant to the tiering program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following.

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

| 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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 project is to subdivide 14.92 acres into 96 residential lots and a temporary ponding lot out of 5 of those lots. The project is also for a change of zone on the entire property from C-3 (Service Commercial) and R-A-20 (Rural Residential-20,000 square foot minimum) to R-1 (Single family residential). These residential uses will be substantially newer than other established residential subdivisions on adjacent and nearby lands in Poplar-Cotton Center, and are subject to much higher development standards than the previous development, including curbs, gutters, sidewalks, landscaping and other development. Road 192 is not designated as a scenic highway, nor is the property within or near any scenic corridor or scenic vista under the Scenic Highways Element of the County General Plan. The existing project site contains a vineyard, a single family residence and a mobilehome, and is surrounded by subdivision tracts, row and field crops, rural residences, a church and the Community Services District yard and storage area. Properties both to the east and west are proposed for subdivisions as well.

New residential development will create lighting/glare in the area. However, this would be consistent with such lighting found in residential areas, and standard conditions of approval will require deflection of lighting or glare away from roadways and surrounding properties.

Based on the above analyses, potential impacts to aesthetics from the project are considered to be less than significant.

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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:

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| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or if the area is not designated on the Important Farmland Series Maps, would it convert prime agricultural land as defined in Section 51201(C) of the Govt. Code to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agriculture use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or otherwise adversely affect agricultural resources or operations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Analysis: The proposal is for a residential subdivision tract and change of zone on land that is located within the Urban Development Boundary of Poplar-Cotton Center which is designated as "Commercial" and "Rural Residential" as established by an amendment to the Poplar-Cotton Center Community Plan (GPA 97-005) to be implemented by the R-A-20 Zone. The surrounding properties are zoned C-2 (Retail Commercial), R-A-20 (Rural Residential-20,000 square foot minimum), R-3 (Multiple Family Residential) and AE-20 (Exclusive Agricultural-20 acre minimum) and contain rural residential and single family subdivisions, a church (formerly the memorial building), a service building and storage area, multi-family development, limited commercial development, and row and field crops. Approval of this project will not remove or disrupt any surrounding agricultural production. The applicants will be required to sign a Right to Farm Notice to be recorded along with the Final Map on this project. Precluding the growth and development of the communities would frustrate the achievement of goals of the County's Housing Element and the State's housing goals by restricting housing opportunities. In addition, the project reduces impacts on agriculture by increasing residential density within Urban Development Boundaries. Based on these analyses, potential impacts to agricultural lands by the project are considered to be less than significant.

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3. AIR QUALITY

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 type="checkbox"/> | <input checked="" 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: The San Joaquin Valley is considered to be a non-attainment area for air quality standards for ozone and respirable particulate matter (PM-10) under the Clean Air Act. 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.

This project will subdivide 14.92 acres into 96 residential lots, 5 of which will be utilized as a temporary ponding basin until a drainage district has been established and improvements have been constructed. The current project was evaluated using the air quality emission thresholds set forth in the San Joaquin Valley Air Pollution Control District's (APCD) "Guide for Assessing and Mitigating Air Quality Impacts" (GAMAQI), 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 1,453 vehicle trips per day (January 2002 revision). Thus, based on 9.5 vehicle trips per 96 lots, the project's potential maximum increase of 912 vehicle trips per day is still below the air quality threshold of significance.

Potential dust created by grading and surfacing roadways and driveways and by construction of the future residences on the site will be temporary. The use of water trucks and other methods as required by the San Joaquin Valley Air Pollution Control District and compliance with County standards for surfacing, grading, and other improvements which will be required by condition of approval would reduce potential fugitive dust emissions to an acceptable level.

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In addition, correspondence received from the San Joaquin Valley Air Pollution Control District indicate that the project would not result in any significant adverse air quality impacts; however, the San Joaquin Air Pollution Control District has adopted the Indirect Source Review (District Rule 9510) and this project may require further filing of applications for Air Impact Assessment.

The project is also subject to Air District Rule No. 4901 which limits emissions from residential development in regard to restrictions on wood burning apparatuses utilized for fireplaces or heating.

Based on these analyses, potential impacts to air quality from the project are considered to be less than significant.

4. BIOLOGICAL RESOURCES

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 Dept. 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Analysis: Per the ERME II Volume 3, the site is located within the historic range of the blunt nosed leopard lizard and the San Joaquin kit fox, which have been listed as endangered species by the U.S. Department of the Interior and by the California Department of Fish and Game (DFG). The site is within the range of the subtle orache, a listed plant species. According to the California Natural Diversity Data Base (CNDDB), no recent occurrences of any endangered, threatened, rare, candidate or special concern species have been recorded in the general vicinity. The project site and surrounding areas have been developed with urban and agricultural uses for many years, and no likely habitat area appears to remain on the project site. In addition, no comments indicating the project would be a potential source of impacts were received from the State Department of Fish and Game.

Based on the above analyses and mitigation measures, potential impacts to biological resources are considered to be less than significant.

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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Disturb unique architectural features or the character of surrounding buildings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: The subject site is located in an area that has been developed with agricultural and urban uses for a number of years with adjacent and nearby subdivision developments and is not identified in any cultural or historical resources as an area where significant historical or prehistorical resources would be located; however, consultation was done in accordance with the requirements of SB18 and if during construction or grading activities on the site, any resources of historic or prehistoric nature are discovered, all construction or grading shall temporarily cease and the Tulare County Resource Management Agency Director shall immediately be notified of the discovery. Further development shall not continue until the Tulare County Resource Management Agency Director certifies that appropriate recovery

| POTENTIALLY SIGNIFICANT IMPACT | LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION | LESS THAN SIGNIFICANT IMPACT | NO IMPACT |
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measures, if deemed necessary, have been completed.

Based on this analysis, potential impacts to archaeological and historical resources are considered to be less than significant.

6. GEOLOGY/SOILS

Would the project:

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

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disposal of waste water?

- f) Result in substantial soil degradation or contamination?

☐ ☐ ☒ ☐

Analysis: According to the Seismic Safety Element of the Tulare County General Plan, the project site is not located on or near a known earthquake fault. The project will subdivide land into 96 residential lots, 5 of which are to be used as a temporary ponding basis; therefore, grading and loss of topsoil will occur. However, grading, paving, and other improvements will be subject to County improvement standards and conditions of approval which will minimize potential soil degradation. On-site soils are not ranked high for shrink-swell potential, thus not considered expansive or unstable. Soils are ranked limited for septic absorption rate; however, the proposed residential lots will be served by public utility district infra-structure for sewer service instead of individual septic systems. Based on these analyses, potential impacts to soils by the project are considered to be less than significant.

7. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☐ ☐ ☒
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment or risk explosion? ☐ ☐ ☐ ☒
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☐ ☒
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ☐ ☐ ☐ ☒
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working the project area? ☐ ☐ ☐ ☒
- f) For a project within the vicinity of a private ☐ ☐ ☐ ☒

| POTENTIALLY SIGNIFICANT IMPACT | LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION | LESS THAN SIGNIFICANT IMPACT | NO IMPACT |
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airstrip, would the project result in a safety hazard for people residing or working in the project area?

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people to existing or potential hazards and health hazards other than those set forth above? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: According to the State of California "Hazardous Waste and Substances Sites List" of 2005, the project site does not contain and is not proximate to a listed hazardous site. No hazardous materials are proposed to be used or stored on-site as a result of this subdivision project and would not be permitted under the R-1 zoning.

Based on the above analyses, potential impacts to hazards or hazardous materials by the project are considered to be less than significant.

8. HYDROLOGY AND WATER QUALITY

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge or the direction or rate of flow of ground-water such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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: The project will subdivide 14.92 acres into 96 residential lots, 5 of which will be utilized as a temporary ponding basin, and rezone the entire site from R-A-20 (Rural Residential-20,000 square foot minimum) and C-3 (Service Commercial) to R-1 (Single Family Residential, 6,000 square foot minimum). The collection and disposal of surface water runoff will be directed to a temporary ponding basin until such time as a drainage district and improvements are implemented.

The site is within FEMA Flood Zone C, requiring no specific flood avoidance measures.

Development of the residential lots must comply with State and local laws to assure that there is no net impact to surface water (quality or quantity) as a result of grading and drainage on or from the subject site, and standard conditions will be included in the recommended conditions of approval to assure compliance with these requirements.

While on-site soils are rated limited for septic tank absorption fields, both water and sewer services will be provided by the Poplar Community Service District. A "Will Serve" letter has been submitted from the District indicating they will serve the site. The subdivision project will

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not create any significant levels of waste water discharge which are above the minimal levels normally associated with residential subdivisions (occasional car washes, swimming pool drainage, etc.).

Based on the above analyses, potential impacts to surface or groundwater quality are considered to be less than significant for the project.

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

Analysis: The proposed amendment to the General Plan will be consistent with surrounding land use designations and land uses, along with proposed subdivision uses to the east and west. The proposed residential use of the property will be consistent with the Poplar-Cotton Center Community Plan designation of "Low Density Residential" which allows single family residential uses at a density not to exceed 7 families per acre. The density of 7 dwelling units per acre is maintained, and the project contributes to the achievement of the purposes and goals of the Tulare County Housing Element.

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

Analysis: According to the Environmental Resources Management Element of the Tulare County General Plan, the project site does not contain any of the minerals or natural resources of local or state significance known to exist in the area. Water will be supplied by the Poplar Community Service District. A Will Serve letter has been submitted.

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Based on this analysis, this project will have no significant impact on mineral or other natural resources.

11. NOISE

Would the project result in:

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

Analysis: The project proposes to subdivide land into 91 residential lots under the R-1 (Single Family Residential) Zone, which allows one residence per lot. According to the Noise Element of the Tulare County General Plan, Road 192 is designated as a noise-impacted corridor along the project site's frontage. An acoustical analysis has been completed for the subject site, and noise mitigation measures have been identified for protection of residents of the subdivision for both indoor and outdoor levels. These mitigation measures have been incorporated into the conditions of approval.

The proposed subdivision will generate an increase in the current levels of noise, but would be consistent with surrounding noise levels generated by existing residential subdivisions located adjacent to the project site and by surrounding urban development and farming practices. Future development of the subdivision site would create an elevation in noise levels or ground-

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borne vibrations above the norm from construction, but this would be only temporary and subject to County building requirements and limited to daytime hours.

Based on the above analyses, increases in the current noise levels from the project to the surrounding area are considered to be less than significant.

12. POPULATION AND HOUSING

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cumulatively exceed official regional or local population projections? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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: Upon build-out of the proposed subdivision, the population in the area will be increased by 96 residential households. Residential subdivisions are planned and encouraged within the Urban Development Boundary of Poplar-Cotton Center. The designation of "Low Density Residential" with 2 to 7 dwelling units per acre, and the project creating a density of 6.4 units per acre, complies with the General Plan density. The subject site is located within an area where current development includes similar residential uses consisting of adjacent subdivision tracts, multi-family and commercial development. The Tulare County Housing Element projects a need for additional single family residences and affordable housing projects, which this project will help support.

Based on these analyses, potential impacts to population and housing are considered to be less than significant. In addition, the residential units that will be provided from the proposed subdivision will have a positive impact by helping to address the housing needs set forth in the County's Housing Element.

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13. PUBLIC OR UTILITY SERVICES

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

| | | | | |
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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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Electrical power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Communication? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Other public or utility services? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Analysis: The project will subdivide 14.92 acres of land into 96 residential lots, 5 of which are to be temporarily used as a ponding lot, amend the General Plan, and rezone the entire site from R-A-20 and C-3 to R-1. Domestic water and sewer services will be supplied by the Poplar Community Service District, who has issued a Will Serve letter to provide infrastructure service to the project site for the 96 residential lots (development will be contingent on an extension of the current Will Serve letter). Solid waste will be handled by an off-site carrier service in compliance with County regulations. Fire protection to the site will be provided by the County substation located in Poplar, and a fire protection system will be required to be installed for the proposed residential subdivision in compliance with the County Subdivision Ordinance and Improvement Standards. Police protection will be provided by the County Sheriff's substation in Pixley, and development of the proposed single family residential subdivision within the Urban Development Boundary should not impose any unusual demands on area police or fire services. Public utilities required by each residence will be extended at the expense of the developer for electrical, gas and communication. The proposed subdivision will have internal connectivity of roads with direct access to a public road which will help to facilitate emergency services. In addition, the proposal reduces possible extension of services by increasing density of development within Urban Development Boundaries

The proposed residential subdivision will create an increase in the number of students attending public schools; however, no comments were received from the affected school districts regarding adverse impacts to these schools, and school fees will be assessed for residences.

Although additional community parks are not planned, park facilities are located within a half mile of the subject site and additional recreational opportunities are available at the local school facilities. Thus, impact on parks is therefore considered less than significant.

Based on the above analyses, potential impacts to public or utility services from the project are

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considered to be less than significant.

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 potential development of 96 new residences on the subject site will generate the need for recreational facilities; however, no recreational facilities are proposed with this project. The project is consistent with residential uses in the area and local recreational facilities should be adequate to serve additional families, with the nearest public park being within one-quarter mile of the site. Based on these analyses, potential impacts to recreational facilities from the project are considered to be less than significant.

15. TRANSPORTATION / TRAFFIC

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the County Circulation Element? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air, rail or water-borne traffic patterns, including either a significant increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, hazards or barriers for vehicles, pedestrians, or bicyclists? | <input type="checkbox"/> | <input type="checkbox"/> | <input 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"/> |

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

Analysis: The proposed subdivision will create an increase in traffic above current levels approximately 912 vehicle trips from the potential 96 single-family residences. Caltrans has identified the intersection of Road 192 and State Highway 190 (1/2 mile south of the subject site) to be a critical intersection and a traffic study has been completed for this project. On March 7, 2007, Metro Traffic Data Inc. conducted traffic counts at the intersection while the nearby school was in session. The AM peak hour is identified as one hour of peak traffic flow between 7:00 a.m. and 9:00 a.m. and the PM peak hour is defined as one hour of peak traffic flow between 4:00 p.m. and 6:00 p.m. Based on this study, the AM peak hour traffic currently flows at a Level of Service (LOS) of A and PM peak hour traffic flows at a LOS of B. This project, along with two other projects in the area which have recently been approved or are pending approval will cause the AM peak hour traffic flow to drop to LOS B, while PM peak hour traffic flow will remain at LOS B. Based on a projected Year 2030 projection, the LOS for both AM and PM traffic will remain at B, and no mitigation measures are recommended at this time for the intersection of Road 192 and State Highway 190.

Mitigation measures recommended by the study for the two intersections within the subdivision at Road 192, are standard conditions required for this type of subdivision under the Tulare County Improvement Standards as follows:

1. Both project driveways (new east/west streets) are directed to have all stop controlled "T" intersections with Road 192 on the east side of the development. *Stop signs are proposed to be installed at both the east and west ends of both new streets.*
2. All new roadways built should conform to Tulare County Road improvement standards, to be done in accordance with the applicable sections of the "Improvement Standards of Tulare County," the Tulare County Subdivision Ordinance and such other special provisions prepared by the project engineer and approved by the County Public Works Director. *All improvements are proposed to comply with all County Ordinances and such other standards as adopted by the County of Tulare.*

Based on these analyses, potential impacts to roads and transportation by this project are considered to be less than significant.

16. UTILITIES AND SERVICE SYSTEMS

Would the project:

- | | | | | | | |
|-----------|------------|-----------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed | wastewater | treatment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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requirements of the applicable Regional Water Quality Control Board?

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|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 sufficient 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient 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) Comply with 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 project will subdivide 14.92 acres into 96 residential lots with proposed wastewater discharge to the Poplar Community Service District's sewer facility. Solid waste (domestic garbage) generation will be disposed of by an off-site independent carrier in compliance with local ordinances. Residential development will be subject to grading and drainage standards required by State and local laws including County Ordinance and Development Standards.

The site consists of relatively level land with minor sloping, not subject to significant flooding. However, the applicant/subdivider will be required by condition of approval to apply for any storm water permits required by the Water Resources Control Board.

Fire flow design and fire hydrant systems are to be reviewed by County Fire Department personnel and will be subject to specific conditions of approval for conformance with local and State fire and safety codes.

Based on the above analyses, potential impacts to utilities and service systems are considered to be less than significant with the project.

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

RIGHT TO FARM NOTICE

RE: Special Use Permit No. _____
or Parcel Map No. _____
or Subdivision Map No. TM 786
or Final Site Plan _____

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

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

Dated: _____

(Signature)

(Print Name)

Dated: _____

(Signature)

(Print Name)



RESOURCE MANAGEMENT AGENCY

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|----------------|-------------------------|
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| Deborah Kruse | Development Services |
| Jean F. Erow | Transportation |
| George Finney | Long Range Planning |
| Deborah West | Support Services |
| Roger Hunt | Administrative Services |

HENRY HASH, DIRECTOR

THOMAS W. SHERRY, ASSOCIATE DIRECTOR

November 23, 2005

Michael G. Brown
Douglas C. Bartlett
P. O. Box 485
Porterville, CA 93258

SUBJECT: Design Conference Report for Preliminary Subdivision No. PRE 05-029

Dear Mr. Brown and Mr. Bartlett:

On November 18, 2005, the Site Plan Review Committee considered your preliminary subdivision to divide 14.92 acres into 96 lots in the R-1 (Single Family Residential) Zone. The site is located on the west side of Road 192, between Avenue 150 and Avenue 148, between Poplar and Cotton Center.

The meeting was attended by Sabine Geaney, Tulare County Environmental Health Services Division, Mike Whitlock, Tulare County RMA-Engineering Branch, Deborah Kruse, Tulare County RMA-Development Services Branch, Gary Rhoden, Tulare County Fire Department, Beverly Cates, RMA Project Planner and Marge Balsley, AICP, of R. L. Schafer and Associates, agent. On the basis of the comments submitted by various State and local agencies, the Site Plan Review Committee approved the preliminary subdivision by Resolution No. 05-159 (enclosed) and recommended that the following additions and/or modifications be incorporated into the tentative subdivision to be prepared for this project:

1. General Plan Amendment for the Commercial portion and rezoning of the property to R-1.
2. Zone Variance to allow lots less than 6,000 sq. ft.
3. Will serve letter from the Poplar CSD must be submitted before the matter may be set for public hearing.
4. Exception for lot area less than 6,000 sq. ft.
5. Traffic impact study in accordance with the Poplar-Cotton Center Community Plan
6. Noise impact study in accordance with the Noise Element.
7. Annex site into the Poplar Community Services District
8. Indicate provision for storm water drainage.

Submit applications and maps along with any necessary exceptions.

The Site Plan Review Committee also identified the following preliminary conditions of approval if this project is approved. Please be advised that these conditions may be added to, modified and/or deleted prior to or during the course of the public hearing(s) on this matter.

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 shall 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. The subdivision frontages along Road 192

- shall be improved to Class 3 road standards to adequately provide access to this subdivision. Sidewalk is recommended along the Road 192 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 192 shall be improved with barrier curbs, gutter 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 192. The existing pavement on Road 192 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 192 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 or his contractor shall obtain all necessary encroachment permits from the Tulare County RMA before performing work within the County road rights-of-way of Road 192.
 10. 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 also submit proof to the Tulare County RMA of another means of providing for permanent, long-term maintenance of the storm drainage system 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.
 11. Road 190 shall be constructed to a $\frac{3}{4}$ street section across the subdivision boundary where a full width road is not proposed. A one-foot reserve strip shall be dedicated to the County as specified in Section 7-01-1270 of the Ordinance Code, along the south side of the $\frac{3}{4}$ street section of Road 190.
 12. One-foot reserve strips shall be dedicated to the County of Tulare in accordance with Section 7-01-1270 of the Subdivision Ordinance at locations that are divided by phases. Standard barricades shall be constructed at the end of all stub streets shown in Plate A-23 to prevent access to and from adjacent unsubdivided land.

13. Domestic water and sewer services shall be obtained from the Poplar Community Services District.
14. All wells on the site which are proposed to be utilized for domestic and/or fire suppression water for development on this property shall be developed to specifications of the Poplar Community Services District, TCHHSA-Environmental Health Services Division, TCRMA-Engineering Division, and the TC Fire Warden.
15. 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 Warden. Copies of the improvement plans shall be submitted to the Fire Warden's Office (2 copies) and the Tulare County Resource Management Agency-Engineering Division (2 copies) for review and approval prior to construction.
16. Blue raised reflective markers shall be located in the street to identify fire hydrant locations to the specifications of the Tulare County Fire Warden.
17. If street lights are installed, such installation shall coincide with the locations of fire hydrants wherever possible.
18. The water supply system shall be designed with adequate capacity for fire flows as required by the Improvement Standards.
19. 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.
20. Any out-of-service wells, septic tanks, or underground storage tanks encountered during construction, shall be properly abandoned in accordance with the Tulare County Well Ordinance to the satisfaction of the HHSA, Environmental Health Services Division.
21. Prior to recording the final tract map, an assessment district as allowed by law for the maintenance of the public streets and roadways within the boundary of the subdivision shall be formed. The subdivider shall file with the Tulare County Resource Management Agency (RMA) an application, and pay any applicable fees for the formation of said assessment district, in the manner and form directed by RMA, at least 120 days prior to the anticipated date of recording the final tract map.

22. Possible traffic mitigation measures resulting from traffic impact study.
23. Possible noise mitigation measures resulting from the noise impact study.
24. Additional right of way shall be dedicated to the County in the amount of 15 feet along the west side of Road 192 across the subdivision frontage and shall be shown on the final map.
25. Utilize best practices for avoidance of disturbance of San Joaquin kit fox.

The action taken by the Committee authorizes the applicant to proceed to the next stage. A general plan amendment and zone change, tentative map, and zone variance for lot sizes may be filed simultaneously.

Please note that the preliminary site plan approval will expire one year from November 18, 2005. If the tentative subdivision has not been submitted by November 18, 2006, the preliminary approval will expire and no further action may be taken until a new preliminary application has been submitted and processed. A single one year extension of time may be requested, in writing, prior to the expiration of the preliminary approval.

Respectfully,



Beverly Cates, Project Planner
Project Review Division

xc: Marge Balsley, AICP, R. L. Schafer and Associates, 2904 W. Main Street, Visalia,
CA 93291
T.C. Environmental Health Department
T.C. RMA, Engineering Division
T.C. Fire Warden
File - PRE 05-029

BEFORE THE SITE PLAN REVIEW COMMITTEE

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF DESIGN)
CONFERENCE REGARDING)
PRE 05-029/BROWN & BARTLETT)

RESOLUTION NO. 05-159


UPON MOTION OF COMMITTEE MEMBER KRUSE, SECONDED BY COMMITTEE
MEMBER GEANEY, THE FOLLOWING WAS ADOPTED BY THE SITE PLAN REVIEW
COMMITTEE AT AN OFFICIAL MEETING HELD NOVEMBER 18, 2005, BY THE
FOLLOWING VOTE:

AYES: KRUSE, GEANEY, WHITLOCK

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



Deborah Kruse, Acting Chairperson

* * * * *

Reviewed Preliminary Subdivision No. PRE 05-029 and convey changes and recommendations contained in staff's report and as discussed at the meeting to the Planning Commission, a request by Michael G. Brown and Douglas C. Bartlett, P. O. Box 485, Porterville, CA 93258 to subdivide 14.92 acres into 96 lots in the R-1 (Single Family Residential) Zone. The site is located on the west side of Road 192, between Avenue 150 and Avenue 148, between Poplar and Cotton Center.

CONSULTING AGENCY LIST

| TULARE COUNTY AGENCIES | | STATE AGENCIES |
|--|---|--|
| <input type="checkbox"/> R.M.A. - Building Division | | <input checked="" type="checkbox"/> *Dept. of Fish & Game Dist 4 (see address below) |
| <input type="checkbox"/> R.M.A. - Code Compliance Division | | <input type="checkbox"/> _____ DFG Area Biologist |
| <input checked="" type="checkbox"/> R.M.A. - Countywide Division | | <input type="checkbox"/> Alcoholic Beverage Control |
| <input type="checkbox"/> R.M.A. - Community Dev./Redevelopment Division | | <input type="checkbox"/> Housing & Community Development |
| <input checked="" type="checkbox"/> R.M.A. - Engineer/Flood/Traffic Division | | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> R.M.A. - Parks and Recreation Division | | <input checked="" type="checkbox"/> Regional Water Quality Control Board - Dist. 5 |
| <input type="checkbox"/> R.M.A. - Building Services Division | | <input type="checkbox"/> Caltrans Dist. 6 |
| <input type="checkbox"/> R.M.A. - General Services Division | | <input type="checkbox"/> Dept. of Water Resources |
| <input type="checkbox"/> R.M.A. - Transportation/Utilities Division | | <input type="checkbox"/> Water Resources Control Board |
| <input type="checkbox"/> R.M.A. - Solid Waste Division | | <input type="checkbox"/> Public Utilities Commission |
| <input checked="" type="checkbox"/> H.H.S.A. - Environmental Health Services Division | | <input type="checkbox"/> Dept. of Conservation |
| <input type="checkbox"/> H.H.S.A. - HazMat Division | | <input type="checkbox"/> State Clearinghouse (15 copies) |
| <input checked="" type="checkbox"/> Fire Department | | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Sheriff's Department: Visalia Headquarters | | <input type="checkbox"/> Dept. of Food & Agriculture |
| <input type="checkbox"/> Traver Substation | | <input type="checkbox"/> State Department of Health |
| <input type="checkbox"/> Oroshi Substation | | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Pixley Substation ** | | <input type="checkbox"/> State Treasury Dept. - Office of Permits Assist. |
| <input type="checkbox"/> Porterville Substation | | |
| <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 _____ | | |
| | | |
| LOCAL AGENCIES | | OTHER AGENCIES |
| <input type="checkbox"/> Levee Dist. No 1 | | <input type="checkbox"/> U.C. Cooperative Extension |
| <input type="checkbox"/> Levee Dist. No 2 | | <input type="checkbox"/> Audubon Society - Condor Research |
| <input checked="" type="checkbox"/> Lower Tule River | <input type="checkbox"/> Irrigation Dist | <input type="checkbox"/> Native American Heritage Commission |
| <input type="checkbox"/> _____ | <input type="checkbox"/> Pub Utility Dist | <input type="checkbox"/> District Archaeologist (Bakersfield) |
| <input checked="" type="checkbox"/> Poplar | <input type="checkbox"/> Comm. Service Dist | <input type="checkbox"/> TCAG (Tulare Co. Assoc. of Govts) |
| <input type="checkbox"/> _____ | <input type="checkbox"/> Town Council | <input type="checkbox"/> LAFCo (Local Agency Formation Comm.) |
| <input checked="" type="checkbox"/> Pleasant View | <input type="checkbox"/> Elem. School Dist | <input type="checkbox"/> Pacific Bell |
| <input checked="" type="checkbox"/> Porterville Unified | <input type="checkbox"/> School Dist | <input type="checkbox"/> GTE (General Telephone) |
| <input type="checkbox"/> City of _____ | | <input type="checkbox"/> P.G. & E. |
| <input type="checkbox"/> County of _____ | | <input checked="" type="checkbox"/> Edison International |
| <input type="checkbox"/> Deer Creek Storm Water District | | <input type="checkbox"/> The Gas Company |
| <input type="checkbox"/> _____ | <input type="checkbox"/> Advisory Council | <input type="checkbox"/> Tulare County Farm Bureau |
| <input type="checkbox"/> _____ | <input type="checkbox"/> Fire District | <input type="checkbox"/> Archaeological Conservancy (Sacto) |
| <input type="checkbox"/> _____ | <input type="checkbox"/> Mosquito Abatement | <input type="checkbox"/> Dept. of Social Services, Community Care Division |
| <input type="checkbox"/> Kaweah Delta Water Cons. District | | <input checked="" type="checkbox"/> AT&T |
| <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, Avenue, Fresno, CA 93726) | | <input type="checkbox"/> FAA |
| 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 | | |

* Department of Fish & Game
Attn: Kathy or Sara
1130 E. Shaw Avenue, Suite 206
Fresno, CA 93710



INTEROFFICE MEMORANDUM

July 9, 2007

TO: Charlotte Brusuelas, Project Planner

FROM: Craig Anderson, Engineer III

SUBJECT: Subdivision Tract No. 786

OWNER: Brown & Bartlett

As shown on the preliminary subdivision map, the developer wishes to develop approximately 15 acres into 96 residential lots located north of the Community of Poplar. A ponding basin located and designed in accordance with the Tulare County Improvement Standards shall be shown on the tentative map. The proposed subdivision is located within the Poplar/Cotton Center 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 850B 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 Zone C. Construction of buildings within a FEMA Zone C requires no specific flood mitigation measures.

Road improvements within this subdivision shall be constructed in conformance with Class 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 192 is required to be constructed to a Class 3 road standard across the subdivision frontage. Hale Avenue (Road 190) shall be improved to a ¾-street along the subdivision boundary.

The subdivider shall provide 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 Tract 786:

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. Additional right-of-way shall be dedicated to the County in the amount of 15 feet along the west side of Road 192 across the subdivision frontage and shall be shown on the final map.
7. 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.

8. Road improvements for this subdivision 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. The subdivision frontages along Road 192 shall be improved to Class 3 road standards to adequately provide access to this subdivision. Sidewalk is recommended along the Road 192 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.
9. The subdivision frontage along Road 192 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 192. The existing pavement along Road 192 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 192 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.
10. The subdivider or his contractor shall obtain all necessary encroachment permits from the Tulare County RMA before performing work within the County road rights-of-way of Road 190 and Road 192.
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 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 also submit proof to the Tulare County RMA of another means of providing for permanent, long-term maintenance of the storm drainage system 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.
12. 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. 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 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.
13. Road 190 shall be constructed to a ¾-street section across the subdivision boundary where a full width road is not proposed. A one-foot reserve strip shall be dedicated to the

County as specified in Section 7-01-1270 of the Ordinance Code, along the south side of the $\frac{3}{4}$ -street section of Road 190.

14. One-foot reserve strips dedicated to the County of Tulare in accordance with Section 7-01-1270 of the Subdivision Ordinance are required at locations that are divided by phases. Standard barricades shall be constructed at the end of all stub streets shown in Plate A-23 to prevent access to and from adjacent unsubdivided land.



**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

July 23, 2007

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

Re: GPA 07-005, PZ 07-004, PZV 06-012 & TM 786 – (Brown/Bartlett)

Dear Ms. Brusuelas:

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

1. Domestic water and sewer services shall be provided by the Poplar Community Services District. Applicant shall submit a "Will Serve" letter from the district to the Tulare County Environmental Health Services Division prior to the public hearing.

The "Will Serve" letter shall include the following items:

- a. Total number of service connections to be served.
 - b. Total water pressure provided at each service connection.
(a minimum of 20 psi)
 - c. That the public utility district is in compliance with the State regulatory agencies.
2. Out of service wells, septic tanks, and underground fuel storage tanks shall be abandoned per Tulare County permit requirements.

Sincerely,

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

STG:jp

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

July 19, 2007

TO: Charlotte Brusuelas, Project Planner

FROM: Al Miller, Tulare County Fire Inspector

SUBJECT: Case No. GPA 07-005, PZ 07-004, TM 786 & PZV 06-012

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

1. Maximum distance between fire hydrants shall not exceed 500 feet per appendix III-B of the California Fire Code.
2. Install blue raised reflective pavement markers per Fire Inspectors instruction.

If you have any questions please call Al Miller at 733-6291 extension 4105.

ARM:ta

cc: Dave Dean
File

PLEASANT VIEW SCHOOL DISTRICT

14004 Road 184 Porterville, California 93257 Telephone (559) 784-6769 Fax (559) 784-6819

The Falcons

BOARD OF TRUSTEES

BARCELLOS, THOMAS

President & Clerk

GOBEL, RUSTY

Vice President

GARCIA, ALEXANDER

JAMESON, WILLIAM I.

SMITH, MICHAEL L.

July 3, 2007

RECEIVED
JUL 12 2007
MANAGEMENT
AGENCY

To Whom It May Concern:

BROMLEY, COLLIN

District Superintendent

ODSATHER, MARK

Principal

Business Manager

BLACK, VICTOR

Student Relations

Community Relations

Teacher

MURPHY, KITSY

Project Director

Reading Facilitator

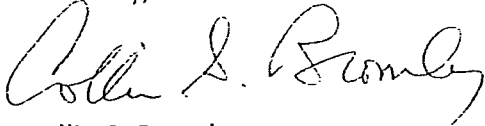
THORNBERRY, RICHARD

Reading Coach

I am responding to the tentative subdivision map case #'s GPA 07-004, TM 786, PZV 06-0612(Brown/Bartlett).

I have no comments or recommendations to the plan and a negative declaration is sufficient.

Sincerely,



Collin S. Bromley

Superintendent

EDUCATION IS OUR BUSINESS



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

July 13, 2007

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

Project: GPA 07-005, PZ 07-004, TM 786, PZV 06-012

Subject: CEQA comments regarding the development of 91 single family dwelling units

District Reference No: 200701209

Dear Ms. Brusuelas:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The San Joaquin Valley Air Basin is currently designated as serious non-attainment for Ozone and non-attainment (no classification) for PM_{2.5}. On October 30, 2006, the US EPA found that the San Joaquin Valley had attained the PM₁₀ standard. The US EPA based its determination upon monitoring data demonstrating that the ambient air quality had met the requirements for attainment. The US EPA's finding does not change the District's classification as a serious PM₁₀ non-attainment to attainment area. However, re-designation from serious non-attainment to attainment requires additional documentation and will occur at some future date.

Findings of Significance

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 (NO_x). However, the increase in emissions from this project, and others like it, cumulatively reduce the air quality in the

Sayed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

San Joaquin Valley. A concerted effort should be made to reduce project-related emissions as outlined below:

Applicable District Rules

Based on the information provided, the proposed project may be subject to the District rules identified below. 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 (559) 230-5888. Current District rules can be found at www.valleyair.org/rules/1ruleslist.htm.

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

Rule 4002 (National Emission Standards for Hazardous Air Pollutants) In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). In accordance with CAL-OSHA requirements, a certified asbestos contractor must remove any identified ACBM having the potential for disturbance. If you have any questions concerning asbestos related requirements, please contact the District's Compliance Division at (559) 230-6000 or contact CAL-OSHA at (559) 454-1295. The District's Asbestos Requirements Bulletin can be found online at <http://valleyair.org/busind/comply/asbestosbuln.htm>.

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

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

Rule 4601 (Architectural Coatings) This rule limits volatile organic compounds from architectural coatings by specifying architectural coatings storage, clean up and labeling requirements and applies to any person who supplies, sells, offers for sale, applies, or solicits the application of any architectural coating.

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

Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) This rule limits PM10 and PM2.5 emissions from residential development. Construction plans for residential developments may be affected by section 5.3, specifically:

- 5.3.1 – No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.
- 5.3.2 – No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.
- 5.3.3 – No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.

More information about Rule 4901 can be found on our website at www.valleyair.org. For compliance assistance, please contact Mr. Wayne Clarke, Air Quality Compliance Manager, at (559) 230-5968.

Rule 9510 (Indirect Source Review) This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx emissions, and potentially mitigate a portion of those emissions. Rule 9510 requires construction exhaust emissions to be reduced by 20 percent for NOx and 45 percent for PM10 and operational emissions to be reduced by 33.3% for NOx and 50% for PM10 when compared to the statewide fleet average. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and instruction, please contact the District's ISR staff by phone at (559) 230-6000 or by email at ISR@valleyair.org.

Recommended Mitigation Measures

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. The suggestions listed below should not be considered all-inclusive and are options that the agency with the land-use authority should consider for incorporation into the project.

Large canopy trees should be carefully selected and located to protect the buildings from energy consuming environmental conditions, and to shade 50% of paved areas within 15 years. For more information see *Tree Guidelines for San Joaquin Valley Communities* at www.lgc.org/bookstore/energy/downloads/sjv_tree_guidelines.pdf.

If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures.

As many energy conserving and emission reducing features as possible should be included in the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to):

- Increased energy efficiency (above California Title 24 Requirements), for more information see www.energy.ca.gov/title24/ and www.energystar.gov/.
- High-albedo (reflecting) roofing material; for more information see <http://eetd.lbl.gov/coolroof/>.
- Cool Paving; for more information see www.harc.edu/harc/Projects/CoolHouston/ and <http://eande.lbl.gov/heatisland/>.
- Features to promote energy self-sufficiency; for more information see www.energy.ca.gov/renewables/, www.dsireusa.org/, and <http://rredc.nrel.gov/>.
- Awnings or other shading mechanism for windows, porches, and patios, and walkway overhangs
- Ceiling fans, whole house fans
- Utilize passive solar cooling and heating designs; for more information see www.eere.energy.gov/RE/solar_passive.html.
- Utilize day lighting (natural lighting) systems; for more information see www.advancedbuildings.org/.
- Electrical outlets around the exterior of the units to encourage use of electric landscape maintenance equipment
- Natural gas fireplaces (instead of wood-burning fireplaces or heaters)
- Natural gas lines (if available to this area) in backyard or patio areas to encourage the use of gas barbecues
- Construct paths to connect the development to nearby bikeways or sidewalks. For more information see www.vtpi.org/tdm/tdm85.htm and www.bicyclinginfo.org/.
- Exits to adjoining streets should be designed to reduce time to re-enter traffic from the project site
- More information can be found at www.ciwmb.ca.gov/GreenBuilding/, www.lgc.org/, www.sustainable.doe.gov/, and www.consumerenergycenter.org/index.html.

Construction activity mitigation measures include:

- Limit area subject to excavation, grading, and other construction activity at any one time
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use

- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
- Require that all diesel engines be shut off when not in use
- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District.
- Implement activity management (e.g. rescheduling activities to reduce short-term impacts)
- During the smog season (May through October), lengthen the construction period to minimize the number of vehicles and equipment operating at the same time.
- Off road trucks should be equipped with on-road engines when possible.
- Minimize obstruction of traffic on adjacent roadways.

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 Jon Klassen at (559) 230-5843 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permits Services



Arnaud Marjollet
Permit Services Manager

DW: jk

cc: Michael Brown & Douglas Bartlett
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