

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

IN THE MATTER OF CONSIDERATION OF)
AN AMENDMENT TO THE TULARE COUNTY)
ORDINANCE NO. 352 (ZONING ORDINANCE)
AND CHANGE OF ZONE NO. PZ 07-003,)
FOR SANTOKH S. TOOR)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR
_____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF
SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 15, 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. Held a Public Hearing;
2. Certified that it has reviewed and considered the information contained in the Negative Declaration for the proposed change of zone 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 change of zone;
3. Found there is no substantial evidence that said change of zone will have a significant effect on the environment and determine that the Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines

for the Implementation of the California Environmental Quality Act of a1970, as amended;

4. Adopted the findings for approval for the Change of Zone, as set forth in Planning Commission Resolution No. 8279;
5. Waived the final reading and adopted an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance; and
6. Directed the Clerk of the Board of Supervisors to publish the adopted Ordinance and return the signed Notice of Determination to Resource Management Agency.

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

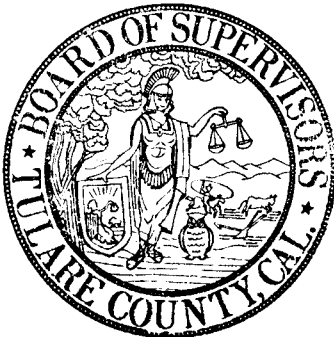
IN THE MATTER OF CONSIDERATION OF)
 AN AMENDMENT TO THE TULARE COUNTY) RESOLUTION NO. 2008-0186
 ORDINANCE NO. 352 (ZONING ORDINANCE)
 AND CHANGE OF ZONE NO. PZ 07-003,)
 FOR SANTOKH S. TOOR)

UPON MOTION OF SUPERVISOR COX, SECONDED BY SUPERVISOR ISHIDA, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 1, 2008, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, CONWAY, COX AND ENNIS
 NOES: NONE
 ABSTAIN: NONE
 ABSENT: SUPERVISOR WORTHLEY

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

BY: *Jean Rousseau*
 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 07-003, from R-A (Rural Residential) and AE-40 (Exclusive Agricultural-40 acre minimum) to C-3-SR (Service Commercial-Site Plan Review), on a 19.2-acre parcel, located on the southeast corner of State Route 99 and Avenue 144 (State Route 190/Poplar Avenue), Tipton.
2. Set a Public Hearing for April 15, 2008.

RMA
 Co. Counsel
 Auditor

DAY
 4/1/08



**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: April 1, 2008

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" 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: In the Matter of an Amendment to the Tulare County Ordinance (Zoning Ordinance) for Change of Zone No. PZ 07-003.

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 07-003, from R-A (Rural Residential) and AE-40 (Exclusive Agricultural-40 acre minimum) to C-3-SR (Service Commercial-Site Plan Review), on a 19.2-acre parcel, located on the southeast corner of State Route 99 and Avenue 144 (State Route 190/Poplar Avenue), Tipton.
2. Set a Public Hearing for April 15, 2008.
3. At the Public Hearing on April 15, 2008, certify that it has reviewed and considered the information contained in the Negative Declaration for the proposed change of zone 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 change of zone.
4. Find there is not substantial evidence that said change of zone will have a significant effect on the environment and determine that the Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines

SUBJECT: In the Matter of n Amendment to the Tulare County Ordinance (Zoning Ordinance) and a Change of Zone No. PZ 07-003.

DATE: April 1, 2008

for the Implementation of the California Environmental Quality Act of a 1970, as amended;

5. Adopt the findings for approval for the Change of Zone, as set forth in Planning Commission Resolution No. 8279;
6. Waive the final reading and adopt an amendment to Ordinance No. 352 of the Tulare County Zoning Ordinance; and
7. Direct the Clerk of the Board of Supervisors to publish the adopted Ordinance and return the signed Notice of Determination to Resource Management Agency.

SUMMARY:

Santokh S. Toor has requested a change of zone from R-A (Rural Residential) and AE-40 (Exclusive Agricultural-40 acre minimum) to the C-3 (Service Commercial) Zone on a 19.2-acre parcel in Tipton. The reclassification was requested to allow development of a convenience store, restaurant, and gas station/truck stop. The Zone Change was filed in conjunction with a General Plan Amendment (GPA 07-003) request to amend the Urban Boundaries Element to expand the Tipton Urban Improvement Area to include the southern 12.65 acres of the subject 19.2-acre parcel.

The Planning Commission, at their regular meeting of November 26, 2007, recommended approval of the General Plan Amendment. In addition, the Planning Commission, at the November 26, 2007 meeting, recommended that prior to the Board of Supervisors taking action on the change of zone, that based on the proposed development, a Traffic Impact Study (TIS) be prepared and evaluated by County to determine possible impacts from traffic at the SR 99/SR 190 intersection. If the TIS indicates no significant impact, the Commission recommended adopting the C-3-SR Zone for the entire site. There has been no opposition to the proposal.

The Board of Supervisors, at their regular meeting of February 26, 2008, approved General Plan Amendment No. GPA 07-003 and directed staff to bring back the requested change of zone (PZ 07-003) for Board consideration.

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 07-003 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.

SUBJECT: In the Matter of n Amendment to the Tulare County Ordinance (Zoning Ordinance) and a Change of Zone No. PZ 07-003.

DATE: April 1, 2008

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:



Beverly Cates
Chief Planner, Planning Division



Henry Hash
Director

cc: Auditor/Controller
County Counsel
County Administrative Office (2)
Santokh S. Toor, 13200 Road 112, Tipton, CA 93272
Central Valley Engineering and Surveying, 704 Loyola, Clovis, CA 93619

Attachments:

- Attachment 1 – Draft BOS Resolution to set Public Hearing for Change of Zone No. PZ 07-003
- Attachment 2 – Draft BOS Resolution approving Change of Zone No. PZ 07-003
- Attachment 3 – Draft Ordinance, with map, for Change of Zone No. PZ 07-003
- Attachment 4 – Planning Commission Resolution No. 8279 for PZ 07-003
- Attachment 5 – Planning Commission Staff Report for PZ 07-003

NOTICE OF DETERMINATION

TO: Tulare County Clerk
Room 105, Courthouse
Visalia, CA 93291-4593

FROM: Tulare Co. Board of Supervisors
Administration Bldg., 2800 W. Burrel
Visalia, CA 93291-4582

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resource Code.

Project Title/Case File No. PZ 07-003 Santokh S. Toor, 13200 Road 112, Tipton, CA 93272

State Clearinghouse No. (if any):

Lead Agency: Tulare County Resource Management Agency

Staff Contact Person: Charlotte Brusuelas Telephone Number: 733-6291

Project Location: Southeast corner of State Route 99 and Avenue 144 (State Route 190/Poplar Avenue), Tipton.

Project Description: A Change of Zone from R-A (Rural Residential) and AE-40 (Exclusive Agricultural-40 acre minimum) to C-3-SR (Service Commercial-Site Plan Review) on a 19.2-acre parcel.

This is to advise that the TULARE COUNTY BOARD OF SUPERVISORS has approved the above described project on April 15, 2008, and has made the following determinations regarding the above described project:

- 1. The project () will (X) will not have a significant effect on the environment
- 2. () A Final Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
(X) A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The environmental document and record of project approval may be examined at: 5961 S. Mooney Blvd., Visalia, California 93277

- 3. Mitigation measures () were, (X) were not, made a condition of the approval of the project.
- 4. A Statement of Overriding Considerations () was, (X) was not, adopted for the project.

(X) D.F.& G. Fees Req'd
() E.I.R.
(X) N.D.

By: _____
Chairman, Tulare County Board of Supervisors

Filed with the Tulare County Clerk on _____, 2008.

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ORDINANCE NO. _____

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

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

Section 1. Paragraph B of Section 3 of Ordinance No. 352 of the County of Tulare is hereby amended by the adoption of an amended map of Section 6, Township 22 South, Range 25 East, Mount Diablo Base and Meridian, being a subdivision of Part 450 of the Official Zoning Map. The map showing the C-3-SR (Service Commercial-Site Plan Review) zoning approved for the 19.2 acres of the property is attached hereto and incorporated herein by reference.

Section 2. The property affected by the zoning reclassification from R-A and AE-40 to C-3-SR as herein provided is briefly described as follows:

Southeast corner of State Route 99 and Avenue 144 (State Route 190/Poplar Avenue) in Tipton.

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)
ZONING REGULATIONS, CASE NO. PZ 07-003)

RESOLUTION NO 8279

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors modify a petition by Santokh S.Toor, 13200 Road 112, Tipton, CA 93272 (Agent: Central Valley Engineering and Surveying), requesting a C-3 (Service Commercial) Zone and approve a change of zone from the R-A (Rural Residential) and AE-40 (Exclusive Agricultural – 40 acre minimum) Zones to C-3-SR (Service Commercial-Site Plan Review) Zone on 19.2 acres located on the southeast corner of State Route 99 and Avenue 144 (State Route 190/Poplar Avenue), Tipton.

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 November 28, 2007, and

WHEREAS, at that meeting of the Planning Commission, public testimony was received and recorded from Santokh Toor, applicant, and Peter Moua, agent, in support of the proposal, and no one spoke in opposition to the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Negative Declaration for Change of Zone No. PZ 07-003, 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 on the northern 6.55 acres of the 19.2-acre site from R-A (Rural Residential) to C-3 (Service Commercial) and on the southern 12.65-acre portion from AE-40 (Exclusive Agricultural – 40 acre minimum) to C-3 (Service Commercial).

2. The applicants are requesting a general plan amendment and rezoning to allow development of a convenience store, restaurant, and gas station/truck stop.
3. The site is currently zoned R-A (Rural Residential) and AE-40 (Exclusive Agricultural – 40 acre minimum) and is devoid of any development improvements.
4. The R-A Zone allows single-family dwellings (including manufactured homes), all types of agricultural crops, and limited keeping of farm animals (excluding feedlots) based on the size of land holdings. The minimum parcel size is 6,000 square feet.
5. The AE-40 Zone is an exclusive zone for intensive and extensive agricultural uses. It allows growing and harvesting of fruit and nut producing trees, vines, vegetables, horticultural specialties, and timber. This zone also allows the raising and slaughter of poultry, rabbit and other furbearing animals and the raising of sheep, goats, horses, swine and bovine animals. The AE-40 Zone also allows limited commercial or industrial agricultural related uses subject to special use permit approval. The minimum parcel size is 40 acres.
6. The requested C-3 (Service Commercial) Zone is a zone 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 sale. The C-3 Zone would allow any use allowed in the C-2 or C-1 Zones. The proposed use of the site (convenience store/gas station/truck stop) would be an allowed use under this zoning.
7. The “SR” (Site Review Combining) Zone is combined with zones to provide adequate discretionary review of development projects to ensure compatibility with surrounding land uses. With the “SR” overlay zone, the Site Plan Review process is required.
8. Property to the north is zoned C-1 (Neighborhood Commercial) and R-A and contains agriculture and rural residential uses. Property to the west is zoned M-1 (Light Manufacturing), M-2 (Heavy Manufacturing), and AE-40 and contains a welding repair shop, the Sunkist Growers processing plant and agriculture. Property to the south is zoned AE-40 and contains primarily agricultural uses and rural residential uses. Property to the east is zoned R-1 and AE-40 and contains agriculture and rural residential uses.
9. The 1963 Tulare County General Plan designates the area within the Urban Improvement Area (UIA) of Tipton as a Rural Service Center with no specific land use designation for the subject site, which includes the northern 6.55 acres of the subject property.
10. According to the Urban Boundaries Element, the 19.2 acre site is bisected by the Tipton Urban Improvement Area (UIA). The southern 12.65 acres of the parcel are located outside the boundary of the UIA. The northern 6.55 acres is located within the UIA.

11. The southern 12.65 acres of the site is subject to the Rural Valley Lands Plan (RVLP) point evaluation system. Under the RVLP point evaluation system, the subject site received 22 points, which is more than the 16 point threshold for non-agricultural zoning; however, in this case, the site is proposed, with the adoption of GPA 07-003, to be within an Urban Area Boundary and will no longer be subject to the RVLP policies.
12. A Tipton Community Plan has been drafted, but not adopted. The Draft Tipton Community Plan proposes that the entire subject site will be within the Community's Urban Development Boundary and will be designated as "Commercial." In addition, the proposed Plan also designates the zoning on the majority of the subject site as C-3 (Service Commercial) and a smaller northern portion of the site as C-2 (General Commercial). The Draft Tipton Community Plan is likely to be adopted mid-year, 2008.
13. The subject parcel is outside of the Tipton Community Service District (CSD) territory. The district territory is adjacent to the north, just across State Route 190. The CSD's sphere of influence follows the UIA boundary and bisects the parcel.
14. Requests for changes of zone have been considered and approved when the requested changes are found to be compatible with established land uses in the surrounding area, not in conflict with the furtherance of overall County development strategies, plans and policies, and where there is evidence of a need for the type of development proposed.

In this case, the subject site is located adjacent to a major freeway/highway area which lends itself to commercial type development. In addition, when the Draft Tipton Community Plan is adopted, the subject site will be included within the Urban Development Boundary, and designated as "Commercial."
15. Based upon the submittal of a conceptual development plan for the subject site (convenience store, restaurant, and truck stop), the California Department of Transportation (Caltrans), has requested, in their letters of correspondence dated October 25, 2005 and September 24, 2007, that a Traffic Impact Study be prepared prior to approval the change of zone to determine if traffic controls and/or ramp intersection improvements might be required at the SR 99/SR 190 on and off-ramp intersection.
16. The applicant has filed General Plan Amendment No. GPA 07-003 to amend the Urban Boundaries Element to expand the Tipton Urban Improvement Area to include the southern 12.65 acres of the subject 19.2-acre parcel.
17. The Environmental Assessment Officer has reviewed and approved for public review a Negative Declaration, indicating that the Change of Zone No. PZ 07-003 will not have any significant environmental impacts. However, upon preparation and review of the required Traffic Impact Study prior to Board approval, the environmental document will be re-evaluated and may result in a revised determination of possible impacts to the State Route 99/State Route 190 intersection.

C. This Planning Commission, after considering all of the evidence presented, hereby finds the reclassification of property as modified to the C-3-SR (Service Commercial-Site Plan Review) zoning may have impacts related to traffic as stated in correspondence from Caltrans and that a Traffic Impact Study shall be prepared to evaluate those possible impacts, prior to Board consideration for approval.

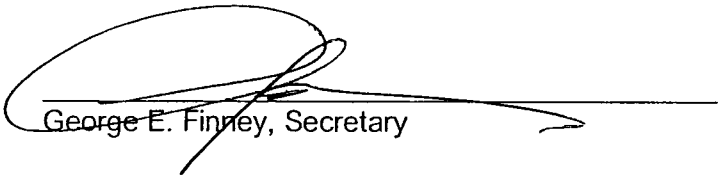
AND, BE IT FURTHER RESOLVED as follows:

This Commission hereby recommends that prior to the Board of Supervisors taking action on said change of zone, that based on the proposed development, a Traffic Impact Study be prepared and evaluated by County to determine possible impacts from traffic at the SR 99/SR 190 intersection. If the Study indicates no significant impact, the Commission recommends adopting the C-3-SR Zone for the entire site.

The foregoing resolution was adopted upon motion of Commissioner Whitlatch, seconded by Commissioner Elliott, at a regular meeting of the Planning Commission on the 28th day of November, 2007, by the following roll call vote:

- AYES: Commissioners Whitlatch, Elliott, Pitigliano, Millies, Gong, Kirkpatrick, Dias
- NOES: None
- ABSTAIN: None
- ABSENT: None

TULARE COUNTY PLANNING COMMISSION



George E. Finney, Secretary

Project: GPA 07-003 & PZ 07-003
Applicant: Santokh S. Toor
Agent: Central Valley Engineering
Date Prepared: October 30, 2007

NEGATIVE DECLARATION

DESCRIPTION OF PROJECT:

Proposal, Zoning and Parcel Size:

Request for an amendment to the Urban Boundaries Element to expand the Tipton Urban Improvement Area to include the southern 12.65 acres of the subject 19.2-acre parcel.

Request to change the zoning on the northern 6.55 acres of the site from R-A (Rural Residential) to C-3 (Service Commercial) and to change the zoning on the southern 12.65 acres of the site from AE-40 (Exclusive Agricultural – 40 acre minimum) to C-3 (Service Commercial).

Location:

Southeast corner of State Route 99 and Avenue 144 (State Route 190/Poplar Avenue), Tipton.

APN 300-030-07; Section 6, T. 22 S., R. 25 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 ()
- Letters (X)
- Staff Report (X)

DECLARATION OF NO SIGNIFICANT EFFECT:

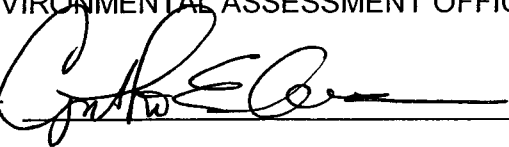
This project will not have a significant effect on the environment for the following reasons:

- (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: _____

REVIEW PERIOD: 20-days

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

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

General Plan Amendment GPA 07-003
Change of Zone Case No. PZ 07-003

I. **GENERAL:**

1. **Applicants/Owners:**

Santokh S. Toor
13200 Road 112
Tipton, CA 93272

2. **Agent:**

Central Valley Engineering and Surveying
704 Loyola
Clovis, CA 93619

3. **Requested Action:**

A request for an amendment to the Urban Boundaries Element to expand the Tipton Urban Improvement Area to include the southern 12.65 acres of the subject 19.2-acre parcel.

A request to change the zoning on the northern 6.55 acres of the site from R-A (Rural Residential) to C-3 (Service Commercial) and to change the zoning on the southern 12.65 acres of the site from AE-40 (Exclusive Agricultural – 40 acre minimum) to C-3 (Service Commercial).

5. **Location:**

Southeast corner of State Route 99 and Avenue 144 (State Route 190/Poplar Avenue), Tipton. The subject property is generally described as a portion of Section 6, Township 22 South, Range 25 East, MDB&M; APN: 300-030-07

6. **Applicants' Proposal:**

According to the application filed, the applicant's stated purpose for the General Plan Amendment and Change of Zone is to allow the development of a convenience store, restaurant, and gas station/truck stop. No specific plans are available for the future commercial development. The applicant also indicates in his application that there is a need for these types of commercial uses, because there are no truck stops for approximately 40 miles north and south of this location on State Route 99.

II. **COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:**

1. **Zoning and Land Use:**

Site: The northern 6.55 acres of the 19.2 acre site is zoned R-A (Rural Residential). The southern 12.65 acres of the site is zoned AE-40 (Exclusive

Agricultural – 40 acre minimum). The subject site is devoid of any development improvements, but does contain a few trees.

North: C-1 (Neighborhood Commercial) and R-A (Rural Residential) – Contains agriculture (row crops) and scattered rural residential.

West: (across State Route 99) M-1 (Light Manufacturing), M-2 (Heavy Manufacturing), and AE-40 (Exclusive Agricultural - 40 acre minimum) – Contains a welding repair shop (between St. Rt. 99 and railroad), Sunkist Growers processing plant (east of railroad), and agriculture.

South: AE-40 (Exclusive Agricultural - 40 Acre Minimum) – Contains primarily agricultural uses, consisting of field crops and a dairy with scattered rural residential.

East: R-A (Rural Residential) and AE-40 (Exclusive Agricultural – 40 acre minimum) – Contains primarily agricultural uses, consisting of field crops and scattered rural residential.

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

The existing R-A Zone allows one family dwellings (including manufactured homes), all types of agricultural crops, and limited keeping of farm animals (excluding feedlots) based on the size of land holdings. The minimum parcel size is 6,000 square feet.

The existing AE-40 Zone is an exclusive zone for intensive and extensive agricultural uses. It allows growing and harvesting of fruit and nut producing trees, vines, vegetables, horticultural specialties, and timber. This zone also allows the raising and slaughter of poultry, rabbit and other furbearing animals and the raising of sheep, goats, horses, swine and bovine animals. The AE-40 zone also allows limited commercial or industrial agricultural related uses subject to special use permit approval. The minimum parcel size is 40 acres.

The requested C-3 (Service Commercial) Zone is a zone 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 sale. The C-3 zone would allow any use allowed in the C-2 or C-1 Zones. The proposed use of the site (convenience store/gas station/truck stop) would be an allowed use under this zoning.

The “SR” (Site Review Combining) Zone is a zone that was adopted and incorporated into the County Zoning Ordinance in 1989. The “SR” Zone was developed as an alternative to achieve the same ends as the “PD” (Planned Development Combining) Zone, but in a slightly less onerous manner for small-scale development projects such as the subject proposal. Under the “PD” provisions, a Specific Plan, Planned Development or Development Agreement must be adopted to assure compliance with applicable general plan, zoning, and development standards. With the “SR,” Zone only a Site Plan Review Process is required to achieve the same purpose.

The SR (Site Plan Review Overlay Zone) is also recommended to provide adequate review of development projects to ensure compatibility with surrounding land uses. In this instance, issues that may arise from the close proximity of the site to residential development, or agricultural uses, can be addressed at preliminary and/or final site plan stage. In this way, standard conditions of approval can be incorporated to ensure that any impacts from the commercial operation are reduced to a less than significant level.

The type of development that triggers the site plan review process is defined in Section 16.4 of the Zoning Ordinance, which states the following:

No building or relocation permit shall be issued or special use permit approved, nor shall any grading or construction work be allowed until a final site plan has been reviewed and approved or recommended for approval by the Site Plan Review Committee in accordance with the procedures set forth in Section 16.2 of this Ordinance. However, a site plan shall not be required for any of the following buildings or uses when otherwise allowed by the Zone combined with the SR Zone.

1. *One (1) single-family residence or mobilehome and buildings accessory thereto on a single lot or parcel.*
2. *Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber.*
3. *Raising of rabbits and fur bearing animals, poultry, sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds.*
4. *Minor improvements, as defined in Section 2 of the Zoning Ordinance.*

The definition of "Minor improvements" in Section 2 is as follows:

Expansion to a structure, the cost of which is not more than 10% of the market value of the structure before the improvement is started, or if the structure has been damaged and is being restored, before the damage occurred, or the expansion comprises of no more than 10 percent of the gross square footage of the structure, whichever is less; exterior remodel which does not add habitable area to the structure, interior remodel which does not change the use of the building; and regular maintenance of building, provided, however, that these activities will not cause the use to be out of compliance with applicable County development standards including parking requirements. This Paragraph shall not apply to minor improvements, to structures or uses established by the special use permit or site plan review process.

The definition of "Structure" in Section 2 is as follows:

Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height.

Staff comment: Including the entire site within the UIA will promote consistency with land use designation to the north (a small commercially zoned site at the northeast corner of SR 99 and SR 190). While the majority of the surrounding areas are predominantly agricultural and rural residential in nature, the site is located adjacent to State Route 99, which lends itself to a commercially oriented corridor. Site Plan Reviews (if the SR Overlay is imposed) or Special Use Permits for other uses permitted in the C-3 Zone would require discretionary review with conditions to ensure compatibility with adjacent properties.

3. **Circulation:**

State Route 99 is a freeway and State Route 190 (Avenue 144/Poplar Avenue) is designated as a Minor Arterial. The subject site is lacking in a developed access to the site. It is proposed that access to the subject site, with any future commercial development, be from the northeast corner of the site, off of SR 190. Prior to any development of the site, a traffic study will be completed to address issues regarding the freeway off-ramp and access to the site, provided the SR Zoning designation is added to the requested change of zoning of the site (C-3).

4. **General Plan Elements:**

Land Use Element: The 1963 Tulare County General Plan designates the UIA of Tipton as a Rural Service Center with no specific land use designation for the subject site, which includes the northern 6.55 acres of the subject site. Rural service centers provide a wide variety of uses to provide housing, commercial and industrial services for surrounding agricultural uses. The southern 12.65 acres of the site is designated "Agriculture."

Urban Boundaries Element: The 19.2 acre site is bisected by the Tipton Urban Improvement Area (UIA). The southern 12.65 acres of the parcel are outside of the UIA. The northern 6.55 acres of the site is within the UIA.

The southern 12.65 acres of the site is subject to the Rural Valley Lands Plan (RVLP) point evaluation system. When property is located in an area outside of an Urban Area Boundary, a Rural Valley Lands Plan (RVLP) analysis is required to be completed to determine the site's suitability under the General Plan for non-agricultural use and zoning. The RVLP was adopted in order to establish minimum parcel sizes for areas zoned for agriculture and to develop a policy that is fair, logical, legally supportable, and consistent in the utilization of resource information in determining the suitability of rural lands for nonagricultural uses. A point evaluation system, which places a point value on 15 factors, is used to determine a site's suitability for nonagricultural zoning. After all the factors have been applied, the number of points the parcel has accumulated are totaled. If the points accumulated are 17 or more, then the parcel shall remain agriculturally zoned. If the points accumulated are 11 or less, the parcel may be considered for nonagricultural zoning. A parcel receiving 12, 13, 14, 15, or 16 points shall be

determined to have fallen within a "gray" area in which no clear cut decision is readily apparent. In such instances, the Planning Commission and Board of Supervisors may make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by the system. Under the RVLP point evaluation system, the subject site received 22 points, which is more than the 16 point threshold for non-agricultural zoning.

In this case, the site is proposed to be within an Urban Area Boundary and no longer subject to the RVLP policies. Further, a new Tipton Community Plan has been drafted. The proposed community plan will replace the UIA with a 20-year Urban Development Boundary (UDB) in accordance with the Urban Boundary Element. The proposed Tipton Community Plan proposes that the entire subject site will be within the Community's Urban Development Boundary and designated as Commercial. In addition, the proposed Plan also designates the zoning on the majority of the subject site as C-3 (Service Commercial) and the smaller northern portion of the site as C-2 (General Commercial). The Draft Tipton Community Plan is likely to be adopted mid-year, 2008, with very few changes, if any, from the drafted plan.

Open Space Plan: "Intensive Agriculture."

Noise Element: The 1988 Noise Element establishes a "noise-impacted" corridor along State Route 190 and Freeway 99. The Year 2010 60 dB Ldn noise impact contour line is located 152 feet from the center line of State Route 190 and 1,930 feet from the center line of Freeway 99. "The purpose of including a discussion of community noise is to establish a land use pattern that results in noise-compatible uses. A noise-compatible land use pattern is one in which noise sensitive uses are not adversely affected by surrounding uses and in turn, noise-generating land uses are located in areas tolerant of their noise impacts." The purpose for which the proposed land use designation and change of zone is being requested is to develop a restaurant, gas station, and truck stop, which is not a noise sensitive nor a noise generating use. Further review of noise impacts will be evaluated upon submittal of development plans, provided the "SR" overlay Zone is included as part of the change of zone.

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

Requests for amendments to the UBE and change of zone have been considered and approved when the requested changes are found to be compatible with established land uses in the surrounding area, not in conflict with the furtherance of overall county development strategies, plans and policies, and where there is evidence of a need for the type of development proposed.

In this particular case, the subject site is located adjacent to a major freeway/highway area which lends itself to commercial type development. In addition, when the Tipton Community Plan is adopted, the subject site will be included within the Urban Development Boundary, be designated as "Commercial" and zoned C-2 (General Commercial) and C-3 (Service Commercial). Adoption of the new Tipton Community Plan is anticipated by mid year 2008.

III. ENVIRONMENTAL SETTING:

1. **Topographical Features:** Tipton is situated on relatively level terrain at an elevation of 272 feet above sea level. This portion of the valley floor slopes very gradually from east to west with a gentle slope falling to the west at about 10 feet per mile.
2. **Flooding Potential:** The site lies within Zone C, an area not likely to flood. No flood avoidance measures are required in Zone C. *Source: Federal Emergency Management Agency, Flood Insurance Rate Maps, Panel 825.*

3. **Soils:**

TYPE	CAPABILITY CLASS	SHRINK/SWELL POTENTIAL	SEPTIC TANK ABSORPTION	PRIME AG LAND
Tagus loam 0-2% slopes	I – Irrigated IVc – Non Irrigated	Low	Moderate	Yes

4. **Biotic Conditions:**

The Tipton planning area lies within the known historical range of the State and Federally endangered San Joaquin kit fox, Tipton’s kangaroo rat, and the State threatened Swainson’s hawk. However, the biological survey commissioned by the Tulare County Association of Governments found no natural habitat in the area that would support these species. This lack of natural habitat does not preclude the possible occurrence of these species, which have been known to occur on agricultural lands; however, given the proximate location of the subject site (adjacent to Freeway 99 and State Route 190), and the surrounding agricultural activities, it is not likely that any endangered or concerned specie inhabit this location. In addition, if the SR Zone is included, at the time of project submittal and subsequent review by the County, a reconnaissance-level biological survey will be required prior to construction of the proposed restaurant/gas station/truck stop to determine the presence, if any, of the above referenced species. The reconnaissance-level biological survey will include any on-site large oak trees (greater than 12 inches in diameter as measured at breast height).

5. **Water Table:**

Approximately 160 feet, according to the Depth to Ground Water Maps (1995).

6. **Agricultural Preserves:**

The subject site is not within an Agricultural Preserve.

IV. HISTORY AND PROJECT FACTS:

1. **History:**

The subject site was created prior to 1972.

On January 24, 2006, by Resolution No. 2006-0062, the Board of Supervisors authorized the applicant to proceed with a General Plan Amendment to amend the Urban Boundaries Element to include the entire site within the Tipton Urban Improvement Area and to allow the applicant to proceed with a Change of Zone to

change the zoning designation from R-A (Rural Residential) and AE-40 (Exclusive Agricultural – 40 acres minimum) to C-3 (Service Commercial).

2. Project Description:

A request for an amendment to the Urban Boundaries Element to expand the Tipton Urban Improvement Area to include the southern 12.65 acres of the subject 19.2-acre parcel.

A request to change the zoning on the northern 6.55 acres of the site from R-A (Rural Residential) to C-3 (Service Commercial) and to change the zoning on the southern 12.65 acres of the site from AE-40 (Exclusive Agricultural – 40 acre minimum) to C-3 (Service Commercial).

A conceptual site plan has been submitted. Upon approval of the proposal, and with the inclusion of the SR Zone, the applicant will submit an application including plans and fees, which will trigger a full review of the proposal.

3. Other Facts:

- a. **Fire Protection:** Tulare County Fire, Schedule A Fire Station located in Tipton
- b. **Police Protection:** Provided by the Tulare County Sheriff's Department – substation located in Tulare.
- c. **Sewer and Water Service:** Sewage disposal service will be provided by an on-site septic tank-leach line system. Domestic water will be provided by an on-site well. The Tipton Community Service District territory is adjacent to the north of the subject site, just across State Route 190. The CSD's sphere of influence follows the UIA boundary and bisects the parcel. (see Page 8 for comments from the TCSD)
- d. **Other:** General Plan Amendment and Zone Changes are legislative actions and do not provide for the establishment of conditions of approval. However, if the SR (Site Review Combining) Zone is included with the requested C-3 Zone, it is then a requirement of the Zoning Ordinance that there be final site plan review before any development can occur on any of the parcels within the subject site. Through the processing of the Site Plan Review, conditions of approval will be established that are appropriate for any specific development proposed for the site. The Site Plan Review process includes but is not limited to the review of on- and off-site improvements, including placement of structures, parking, drainage, landscaping, lighting, signage, curb, gutters, and sidewalks, and traffic control improvements.

4. Agencies Notified/Correspondence:

AGENCY NOTIFIED	DATE RECEIVED	RESPONSE/COMMENT
RMA Countywide Planning	No response	
RMA Comm. Dev./Redevelopment Div.	No response	
RMA Engineer/Flood/Traffic Division	6/27/07	See correspondence
HHS Environmental Health Services	7/23/07	See conditions of approval
Fire Department	6/27/07	No recommendations
Tipton Community Services District	7/9/07	*See note below
Tipton Town Council	No response	
Tipton Elementary School District	No response	
Tulare Joint Union High School District	No response	
SJV Air Pollution Control District	7/2/07	**See note below
Department of Fish & Game District 4	8/23/07	See attached correspondence
Regional Water Quality Control Board	No response	
Caltrans District 6	9/24/07	***See note below
PG&E	No response	
The Gas Company		

* Note – Comments from TCSD: Correspondence from the Tipton Community Services District indicate that, “The subject parcel is outside of the jurisdictional boundaries of the District and the District has made no commitment to provide service to the subject parcel for the development purposes which are stated.”

**Note – Comments from SJVAPCB: Even though future development of a restaurant/truck stop would not exceed the District’s Thresholds of Significance for ozone precursors of 10 tons per year of reactive organic gases and oxides of nitrogen, the development 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. Therefore, future development of the restaurant/truck stop will be subject to various rules and regulations as determined by the SJV Air Pollution Control District.

***Note – Comments from Caltrans:

- An irrevocable offer of dedication to Caltrans of 29 feet of right-of-way is needed to accommodate the ultimate configuration of SR 99.
 - An irrevocable offer of dedication to Caltrans of 5 feet of right-of-way is needed to accommodate the ultimate configuration of SR 190.
 - A Traffic Impact Study is required to determine if traffic controls and/or ramp intersection improvements might be required at the SR 99/SR 190 on and off-ramp intersection.
 - It is recommended that access to the site be placed opposite Evans Road on the parcel to the east. If right-of-way or an easement cannot be obtained at this location for a frontage road, then access should be placed along the eastern property line. The access will need to be restricted to right-turns in and out only in the future because the intersection is too close to the interchange.
-
- It is recommended that no structures be built within 190 feet of the SR 99 center-line along the State right-of-way line.
 - There is a Caltrans project in the Project Initiation Document phase that will overlay, widen the shoulder, install left-turn channelization at the north

bound SR 190/SR 99 on ramp, and relocate utility within the project limit. The project is scheduled for construction in 2011.

Staff Comment: Site Plan Reviews (if the SR Overlay is imposed) or Special Use Permits for other uses permitted in the C-3 Zone will require discretionary review with complete environmental reviews and added conditions of approval to ensure compliance with County regulations and State requirements.

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

VI. ENVIRONMENTAL DETERMINATION:

The Environmental Assessment Officer has approved a Negative Declaration for public review for the project, indicating that the project will not have any significant environmental impacts.

VII. SUBSEQUENT ACTIONS:

1. Appeals:

Planning Commission action to approve a General Plan amendment and/or 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.

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. School Impact Fees:

The subject site is located within the Tipton Elementary School District and the Tulare Joint Union High School District, which have implemented developer's fees for all assessable space for new residences and expanded residential structures. [Please contact the TCRMA-Permits Center or the applicable school district(s) for the most current school fee amounts.]

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

4. Storm Water Permit:


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

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.

VIII. CREDITS:

This Staff Report was prepared by:


Charlotte Brusuelas, Project Planner
Project Review Division

10/30/07
Date

This Staff Report was reviewed by:


Beverly Cates, Chief Planner
Project Review Division

10-30-07
Date

XIV. ATTACHMENTS:

- Environmental Impacts Checklist/Analysis
- Board of Supervisors Resolution No. 2006-0062 Approving PZI 05-004
- Agency Consultation Responses
- Graphics

V. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

10/30/07

 Date

 Printed Name

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

Analysis: Neither State Route 99 or State Route 190 have scenic road or highway designations at this location. Some of the commercial uses allowed in the C-3 Zone could potentially be established and operated in such a way that it might be considered to degrade the existing visual character of this site. However, the C-3 Zone has development standards for new uses which include height limitations and screening from residential areas which would limit the magnitude of these effects. Also, the C-3 Zone can be combined with the SR (Site Review) designation which would allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. This is a discretionary permit process which would trigger environmental review of specific future development proposals on the subject site and would allow for the adoption of site specific conditions of approval and mitigation measures if deemed necessary by the site plan review and CEQA processes. For these reasons, the checklist items noted above are impacts which are considered to be less than significant for the proposed Urban Improvement Area expansion and change of zone.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the Rural Valley Lands Plan point evaluation system prepared by the County of Tulare as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or if the area is not designated on the Important Farmland Series Maps, would it convert prime agricultural land as defined in Section 51201(C) of the Govt. Code to non-agricultural use?
- b) Conflict with existing zoning for agriculture use, or

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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- a Williamson Act contract?
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or otherwise adversely affect agricultural resources or operations?

Analysis: No part of the subject site is currently under cultivation or otherwise in agricultural use, nor is the site within an agricultural preserve. While the majority of the surrounding areas are predominantly agricultural and rural residential in nature, the site is located adjacent to State Route 99 and State Route 190, which lends itself to a commercially oriented corridor. For these reasons, the checklist items noted above are impacts which are considered to be less than significant for the proposed Urban Improvement Area expansion and change of zone.

3. AIR QUALITY

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

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Substantially alter air movement, moisture, or temperature, or cause any substantial change in climate?
- e) Expose sensitive receptors to substantial pollutant concentrations?
- f) Create objectionable odors affecting a substantial number of people?

Analysis: Without a specific proposal for development of the subject site, it is difficult to determine conclusively that potential air quality impacts would be less than significant. Response from the SJVAPCD for the proposal indicated that the project would not have a significant on air quality, but cumulatively with other projects could reduce air quality. Since no development proposal has been submitted, if the requested land use designation and zoning were approved, with the recommended SR (Site Review) designation, there would be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. For these reasons, the checklist items noted above are impacts which are considered to be less than significant for the proposed Urban Improvement Area (UIA) expansion and change of zone.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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4. BIOLOGICAL RESOURCES

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis: The Tipton planning area lies within the known historical range of the State and Federally endangered San Joaquin kit fox, Tipton's kangaroo rat, and the State threatened Swainson's hawk. However, the biological survey commissioned by the Tulare County Association of Governments for the area found no natural habitat in the area that would support these species. In addition, according to the California Natural Diversity Data Base, there are no occurrence reports for listed, endangered, or threatened animal and/or plant species of special concern, on or near the project site. The property does not contain any wetlands or riparian habitat. The site is currently fallow and does contain a few trees. This lack of natural habitat does not preclude the possible occurrence of these species, which have been known to occur on agricultural lands. However, given the proximate location of the subject site (adjacent to Freeway 99 and State Route 190), and the surrounding agricultural activities, it is not likely that any endangered or concerned specie inhabit this location. For these reasons, the checklist items noted above are impacts which are considered to be less than significant.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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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 proposed site is located at the intersection of two state routes. There are no rivers or streams or geologic features on or near the site that may suggest the existence of archaeological resources. The proposal, expansion of the UIA and change of zone, will not cause a change in historical or archaeological resources, destroy any paleontological resource or site, disturb any human remains, or disturb any architectural features. Thus, the proposal will result in no impacts to cultural resources.

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 | | | | |

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

Analysis: According to the Seismic Safety Element of the Tulare County General Plan, the subject site is not located on or near a known earthquake fault. The site is generally level, on-site soils are not rated high for shrink-swell potential (not considered expansive or unstable), and new sewage disposal systems will be engineered designed, reviewed and approved by Tulare County Environmental Health Division prior to issuance of permits. Future commercial development of the site could result in soil disruption or degradation; however, if the requested land use designation and change of zone were approved, and further, if the requested C-3 Zone were to be combined with the recommended SR (Site Review) designation, there would be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. This is a discretionary permit process which would trigger environmental review of specific future development proposals on the subject site and would allow for the adoption of site specific conditions of approval and mitigation measures if deemed necessary by site plan review and CEQA processes. For these reasons, the checklist items noted above are impacts which 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?

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

Analysis: According to the State of California "Hazardous Waste and Substances List" (April 1998), the subject property does not contain and is not proximate to a listed hazardous site. Without a specific proposal for subsequent development of the subject site, if the requested land use designation and change of zone were approved, it is difficult to determine that potential hazards or hazardous materials would be less than significant. Future development may include a truck stop and gas station, which would be subject to California State Hazardous Materials Law and, if the requested C-3 Zone were to be combined with the recommended SR (Site Review) designation, there would be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. Regardless whether the SR overlay zone is added, if a future gas station is proposed, the applicant is required to complete a Hazardous Materials Business Plan, which is reviewed, approved and monitored by the County. Building plans are also reviewed and approved through RMA Engineering Division, Building Division, County Fire Department, HHS Environmental Health Division, and HHS Hazardous Materials Division. Thus, the checklist items noted above are impacts which 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?
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge or the direction or rate of flow of ground-water such

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- 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)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- f) Otherwise substantially degrade surface or groundwater quality?
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami or mudflow?

Analysis: Without a specific proposal for development of the subject site, it is difficult to determine conclusively that potential hydrology or water impacts would be less than significant. However, if the requested change in land use designation and zoning were approved, and further, if the requested C-3 Zone were to be combined with the recommended SR (Site Review) designation, there would be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. Regardless whether the "SR" overlay zone is applied, building plans, grading plans, water availability and water quality will be evaluated by various County divisions prior to issuance of building permits. For these reasons, the checklist items noted above are impacts which are considered to be less than significant for the requested UIA expansion and the change of zone.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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9. LAND USE AND PLANNING

Would the project:

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

Analysis: The proposal is to amend the Urban Boundaries Element to expand the Tipton Urban Improvement Area and to change the existing zoning of the site from R-A (Rural Residential) and AE-40 (Exclusive Agricultural – 40 acre minimum) to C-3 (Service Commercial). The requested expansion of the UIA and change of zone for the subject site are identical to what is proposed in the draft Tipton Community Plan, which is scheduled to be adopted mid-year 2008. For these reasons, the checklist items noted above are impacts which are considered to be less than significant.

10. MINERAL AND OTHER NATURAL RESOURCES

Would the project:

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

Analysis: According to the Environmental Resources Management Element of the County General Plan the site does not contain any of the mineral, timber, oil or gas resources referenced above. Water resources remain available on surrounding properties. No specific land development proposal was submitted with the proposed UIA expansion and change of zone. The present proposal to change the zoning and expand the UIA will result in no impacts to mineral and other natural resources.

11. NOISE

Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?
- c) A substantial permanent increase in ambient noise

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- levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Analysis: The 1988 Noise Element establishes a "noise-impacted" corridor along State Route 190 and Freeway 99. The Year 2010 60 dB Ldn noise impact contour line is located 152 feet from the center line of State Route 190 and 1,930 feet from the center line of Freeway 99. The purpose for which the proposed UIA and change of zone is being requested is for future development of a restaurant, gas station, and truck stop, which are not considered noise sensitive or noise generating uses. Therefore, no noise avoidance measures are required for this specific proposal. Thus, the checklist items noted above are impacts which are considered to be less than significant.

12. POPULATION AND HOUSING

Would the project:

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

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Analysis: Without a specific proposal for development of the subject site, it is difficult, in spite of the relatively small size of the site, to determine conclusively that potential population and housing impacts would be less than significant. Future development of the site may include a gas station/truck stop. Therefore, potential environmental impacts to population and housing are impacts which are considered to be less than significant.

13. PUBLIC OR UTILITY SERVICES

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

- | | | | | |
|--------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Fire protection? | <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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Electrical power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Communication? | <input type="checkbox"/> | <input type="checkbox"/> | <input 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 proposal is to expand the Tipton UIA and change the existing zoning to a commercial zone for possible development of a gas station/truck stop; however, without a specific proposal for development of the subject site, it is difficult, in spite of the relatively small size of the site, to determine conclusively that potential public or utility services impacts would be less than significant. Any future development of the site requires public services and will be the responsibility of the developer to provide. The subject site is located just outside and south of the Tipton Community Services District, who has indicated they cannot issue a will serve letter at this time. Future development of the site will be served by a domestic well and septic system, which will be reviewed and approved by the County prior to issuance of building permits. For these reasons, the checklist items noted above are impacts which are considered to be less than significant.

14. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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Analysis: The proposal is for expansion of the Tipton Urban Improvement Area and a change of zone which would development of a commercial operation. Future commercial development of the subject site would not significantly effect any area recreational facilities. Thus, the proposal, expansion of the UIA, land use designation, and change of zone will result in no impacts to recreation.

15. TRANSPORTATION / TRAFFIC

Would the project:

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

Analysis: The proposal includes an expansion to the UIA of Tipton and a change of zone, which will result in commercial development of the site. However, without a specific proposal for development of the subject site, it is difficult to determine conclusively that potential transportation/traffic impacts would be less than significant. If the requested expansion of the UIA and change of zone were approved, and further, if the requested C-3 Zone were to be combined with the recommended SR (Site Review) designation, there would be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. This is a discretionary permit process which would trigger environmental review of specific future development proposals on the subject site and would allow for the adoption of site specific conditions of approval and mitigation measures if deemed necessary by site plan review and CEQA processes. Regardless whether or not the SR overlay zone is added to the C-3 zoning designation, all future development of the site will be reviewed and approved by the County prior to issuance of building permits. For these reasons, the checklist items noted above are impacts which are considered to be less than significant.

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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16. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

Analysis: The proposal does not include development plans for the site at this time; however, the proposed expansion of the UIA and the change of zone, if approved, will result in commercial development of the site (gas station/truck stop), which could result in an increase in the usage of utilities and service systems. However, without a specific proposal for development of the subject site, it is difficult to determine conclusively that potential utility and service systems impacts would be less than significant. If the present proposal is approved and further, if the requested C-3 Zone were to be combined with the recommended SR (Site Review) designation, there would be a mechanism in place to allow for implementation of the site plan review process as set forth in Section 16.2 of the Zoning Ordinance. All future development plans for the subject site will be review by various County divisions prior to issuance of building permits. For these reasons, the checklist items noted above are impacts which are considered to be less than significant.

17. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife

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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 for this project. No "potentially significant impacts" were identified, and no potential "less than significant impacts" were identified that cannot be reduced to a level less than significant by application and enforcement of State standards and/or County ordinances and/or standard conditions of approval. In terms of cumulative impacts, it is possible that there could be a demand for a re-designation of a number of other sites within the Tipton Plan Area from residential or agricultural to commercial use. Commercial uses are generally associated with higher intensity of impacts such as traffic, noise, light and glare. As long as such re-designations are implemented through zoning which includes the PD- or -SR combining zones, then the reasonably foreseeable number of such re-designations should not have the potential for a significant cumulative effect. Commercial uses may decrease the cumulative effect on such areas as solid and liquid waste treatment/disposal. Until there are specific development proposals to evaluate, it is speculative to make such comparisons or determinations.

RURAL VALLEY LANDS PLAN -- PARCEL EVALUATION CHECKLIST

A. RESTRICTED TO AGRICULTURE VALUES		
If a following factor meets the "Restricted to Agriculture" criteria, place an "R" in the value column and stop the evaluation; if the factor meets the "Nonagricultural" criteria, place a "0" in the value column and continue the evaluation.		VALUE
1.	Agricultural Preserve Status	0
2.	Limitations for Individual Waste Disposal Facilities	0
B. VARIABLE POINT VALUE		
Each of the following land capability ratings (as per USDA Soil Conservation Service data) have been awarded a number value, as follows:		
	LAND CAPABILITY	POINT VALUE
	Class I, II, or III	4 points
	Class IV	2 points
	Class V, VI, or VII	0 points
For the following factor, determine the land capability rating(s) of the parcel under review and award its corresponding point value.		
	Class I, II, or III (4 points)	4
	Class IV (2 points)	0
	Class V, VI or VII (0 points)	0
C. POINT VALUES		
If a following factor meets the highest relative suitability criteria, award the factor the number of points listed for the category; if the factor meets the lowest relative suitability criteria, award it a "0".		
FOUR POINT VALUE CATEGORY		
1.	Existing Parcel Size (use gross acreage figure)	4
2.	Existing Land Use/Suitability for Cultivation	4
THREE POINT VALUE CATEGORY		
1.	Surrounding Parcel Size (do not evaluate this factor if the site received "0" points for 'Existing Land Use/Suitability for Cultivation'; enter a "0" in such cases)	3
2.	Surrounding Land Use	3
3.	Proximity to Inharmonious Uses (NOTE: Flexible Point Value applicable in some cases)	3
4.	Proximity to Lands in Agricultural Preserves	0
TWO POINT VALUE CATEGORY		
1.	Level of Ground Water and Soil Permeability	0
ONE POINT VALUE CATEGORY		
1.	Proximity to Fire Protection Facilities (NOTE: Three Point Value applicable in some cases)	0
2.	Access to Paved Roads	0
3.	Historical Sites, Archaeological Sites, Wildlife Habitats, and/or Unique Natural Features	0
4.	Flood Prone Areas	0
5.	Availability of Community Domestic Water/Fire Flow Requirements	1
6.	Surface Irrigation Water	0
7.	Groundwater Recharge Potential (do not evaluate this factor if the site received "0" points for 'Surface Irrigation Water'; enter "0" in such cases)	0
TOTAL POINTS		22

**BACK UP STATEMENT FOR RVLP EVALUATION CHECKLIST
FOR
GPA 07-003 & PZ 07-003**

PARCELS EVALUATED: The 20 acre (gross) site was evaluated under the RVLP point exception system. The site involved is Assessor's Parcel Number 300-030-07.

A. RESTRICTED TO AGRICULTURAL VALUES:

1. Agricultural Preserve Status:

The purpose of this category is to prevent conflict between agricultural preserve rules and regulations and use of the land. Properties within an agricultural preserve should be maintained in commercial agricultural production. The subject 19.2 acres is not under an existing Agricultural Preserve.

2. Limitations for Individual Waste Disposal Facilities:

The purpose of this category is to determine if individual waste disposal facilities for disposal of liquid waste can be placed on the subject site without violation of County ordinances and/or State and Federal laws or regulations. If limitations exist and employing an individual waste disposal facility is prohibited by law or regulation, the maximum point allocation shall be established. No limitations currently exist for septic systems on this site.

B. VARIABLE POINT VALUE:

1. Land Capability:

The purpose of this category is to preserve prime agricultural lands for agricultural production. The soil is classified as Tagus loam, 0-2% slopes, which is a Class 1 soil. This computes to an allocation of 4 points.

C. FOUR POINT VALUES:

1. Existing Parcel Size:

The purpose of this category is to provide for development of non-agricultural uses on those parcels which are less than five acres (gross) in size and prevent the division of agricultural lands into smaller parcels. The entire contiguous ownership of the applicant contains 19.2 acres gross. The site is larger than the five acre delineation point provided by the evaluation, therefore, this factor received an allocation of 4 points.

2. Existing Land Use/Suitability for Cultivation:

The purpose of this category is to identify and protect existing and potential agricultural lands, while allowing nonagricultural uses to locate on those lands not suitable for agriculture. The site does not have a history of being farmed in the past, however, adjacent properties to the north, east, south, and west are currently being farmed successfully, therefore, an allocation of 4 points has been made.

D. THREE POINT CATEGORY:

1. Surrounding Parcel Size:

The purpose of this category is to determine the percentage of the area devoted to parcels less than five (5) acres gross in size within a one-quarter mile (1,320 feet) of the perimeter of the subject site to provide for development of nonagricultural uses in areas where there is already a high percentage of parcels that are less than five acres (gross) and to protect large-parcel areas from further breakdown. Staff provided the required one-quarter mile radius within the perimeter of the subject 19.2 acres under consideration. The acreage devoted to parcels less than five acres in size totaled approximately 13.4 acres. The acreage devoted to parcels five acres or larger totaled approximately 172 acres. The percentage of area devoted to parcels less than five acres in size within one-quarter mile of the subject site is approximately 7%. In order to meet the lowest criteria for this category, more than 35% of the surrounding area must be devoted to parcels less than five acres in size, therefore, the site is allocated 3 points.

2. Surrounding Land Use:

The purpose of this category is to prevent the close association of agricultural uses and nonagricultural uses which may have the potential to adversely affect one another and to not encourage the establishment of nonagricultural uses in agricultural areas. The site is only abutted to the west with a nonagricultural use (auto shop on approximately two acres), and within one-quarter mile of the perimeter of the site, less than 35% of the area is devoted to nonagricultural uses. Therefore, the site meets the weighing criteria for the highest relative suitability factor, and 3 points are allocated.

3. Proximity to Inharmonious Uses:

The purpose of this category is to prevent the establishment of inharmonious uses that may jeopardize the continued operation or future expansion of agricultural and/or agriculturally compatible uses and activities (including, but not limited to, dairies, feed lots, concentrated animal or poultry operations, sand and gravel operations, waste disposal sites, airports and/or agricultural chemical research stations), and to discourage nonagricultural uses in areas where dust, flies, odors, noise, and hazardous chemicals may be a problem.

For the purpose of commercial or industrial changes, a flexible point value has been adopted, which recognizes that, while residential uses may be inharmonious with the listed inharmonious uses, commercial and industrial uses may not be inharmonious. A dairy operation is located to the south of the subject site; thereby meeting the weighing criteria for the highest relative suitability factor, and 3 points are allocated.

4. Proximity to Lands Within Agricultural Preserves:

This category is to protect those areas which have been set aside by official action of the County for commercial agricultural use from adjacent conflicting land uses. The site is abutted on one side by property which is within agricultural preserve, but less 35% of the area (approximately 30%) within one-quarter mile is within preserve, therefore 0 points are allocated.

E. TWO POINT VALUE CATEGORY:

1. Level of Groundwater and Soil Permeability:

The purpose of this category is to preserve in agriculture or open space those areas characterized by a high groundwater table and highly permeable soil. The site contains Tagus loam, a moderately permeable soil, but maintains an average water table at approximately 160 feet (20 feet is the highest suitability factor), therefore 0 points have been allocated.

F. ONE POINT VALUE CATEGORY:

1. Proximity to Fire Protection Facilities:

The purpose of this category is to enable fire protection facilities to provide adequate services for all nonagricultural land uses in the County within the requirements of established Fire Code Standards and to protect the County's Insurance Services Office (ISO) ratings. The site is within the five mile response perimeter of the Tulare County Fire Department located in Tipton, therefore, 0 points have been allocated.

2. Access to a Paved County and/or State Maintained Road:

The purpose of this category is to protect agriculture from problems of dust and pollution created by increased vehicular traffic on unpaved minor roads, and to discourage the creation of new roads that may have to be maintained by the County or State. The subject site fronts on State Route 190; therefore, 0 points are allocated.

3. Historical, Archaeological, Wildlife Habitat, and Unique Natural Features:

The purpose of this category is to preserve and protect historical and archaeological sites, wildlife habitats, and unique natural features. No known features exist at the site, therefore, 0 points are allocated.

4. Flood Prone Areas:

The purpose of this category is to preserve in open space or agricultural use those areas subject to flooding. The site is not subject to 100-year frequency floods, therefore 0 points are allocated.

5. Availability of Community Domestic Water:

The purpose of this category is to consolidate nonagricultural development where water services are already available in order to maximize use of existing systems and provide fire flow capability and prevent proliferation of new systems in rural areas. The subject site is not served by a community water system. Therefore 1 point is allocated.

6. Surface Water Irrigated Lands:

The purpose of this category is to preserve in agriculture those lands irrigated by surface water resources. The subject site has rights to surface irrigation water, therefore 1 point is allocated.

7. Groundwater Recharge Potential:

The purpose of this category is to preserve in agriculture (or open space) those lands with the highest potential for groundwater recharge. The subject site contains soil that is rated moderate (percolation rate of at least 0.20 inch per hour) and lack a restrictive layer (a soil or rock layer that inhibits the movement of water and/or roots through the soil). Therefore 1 point is allocated.

BEFORE THE BOARD OF SUPERVISORS

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF PRELIMINARY)
REVIEW OF PZI 05-004 (ALLOW TO)
PROCEED A CHANGE OF ZONE FROM)
AGRICULTURE EXCLUSIVE 40 ACRE)
MINIMUM (AE-40) AND RURAL)
RESIDENTIAL (RA) TO SERVICE)
COMMERCIAL ZONE (C-3) TO PARCEL)
300-030-007).)

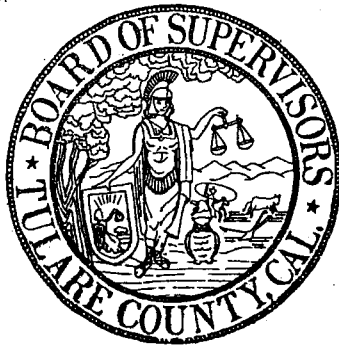
RESOLUTION NO. 2006-0062

UPON MOTION OF SUPERVISOR COX, SECONDED BY SUPERVISOR MAPLES,
THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN
OFFICIAL MEETING HELD ON THE 24th DAY OF JANUARY, 2006, BY THE
FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, CONWAY, COX, WORTHLEY AND
MAPLES
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

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

BY: *Jose A. Ybarra*
Deputy Clerk



Allowed PZI 05-004 to proceed with a General Plan Amendment to amend the Urban
Boundaries Element to include the entire site within the Tipton Urban Improvement Area.

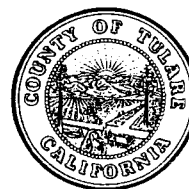
RMA
HHSA
ENV HEALTH
FIRE
PLANNING

DAY
1/26/06

CONSULTING AGENCY LIST

TULARE COUNTY AGENCIES	STATE AGENCIES
<p> <input type="checkbox"/> R.M.A. - Building Division <input type="checkbox"/> R.M.A. - Code Compliance Division <input checked="" type="checkbox"/> R.M.A. - Countywide Division <input checked="" type="checkbox"/> R.M.A. - Community Dev./Redevelopment Division <input checked="" type="checkbox"/> R.M.A. - Engineer/Flood/Traffic Division <input type="checkbox"/> R.M.A. - Parks and Recreation Division <input type="checkbox"/> R.M.A. - Building Services Division <input type="checkbox"/> R.M.A. - General Services Division <input type="checkbox"/> R.M.A. - Transportation/Utilities Division <input type="checkbox"/> R.M.A. - Solid Waste Division <input checked="" type="checkbox"/> H.H.S.A. - Environmental Health Services Division <input type="checkbox"/> H.H.S.A. - HazMat Division <input checked="" type="checkbox"/> Tulare County Fire Department Sheriff's Department: Visalia Headquarters Traver Substation Orosi Substation Pixley Substation ** Porterville Substation <input type="checkbox"/> Agricultural Commissioner <input type="checkbox"/> Education Department <input type="checkbox"/> Airport Land Use Commission <input checked="" type="checkbox"/> Supervisor <u>Conway</u> <input type="checkbox"/> Assessor <input type="checkbox"/> _____ <input type="checkbox"/> _____ </p>	<p> <input checked="" type="checkbox"/> *Dept. of Fish & Game Dist 4 (see address below) <input type="checkbox"/> _____, DFG Area Biologist <input type="checkbox"/> Alcoholic Beverage Control <input type="checkbox"/> Housing & Community Development <input type="checkbox"/> Reclamation Board <input checked="" type="checkbox"/> Regional Water Quality Control Board - Dist. 5 <input checked="" type="checkbox"/> Caltrans Dist. 6 <input type="checkbox"/> Dept. of Water Resources <input type="checkbox"/> Water Resources Control Board <input type="checkbox"/> Public Utilities Commission <input type="checkbox"/> Dept. of Conservation <input type="checkbox"/> State Clearinghouse (15 copies) <input type="checkbox"/> Office of Historic Preservation <input type="checkbox"/> Dept. of Food & Agriculture <input type="checkbox"/> State Department of Health <input type="checkbox"/> State Lands Commission <input type="checkbox"/> State Treasury Dept. - Office of Permits Assist. <input type="checkbox"/> _____ </p>
LOCAL AGENCIES	OTHER AGENCIES
<p> <input type="checkbox"/> Levee Dist. No 1 <input type="checkbox"/> Levee Dist. No 2 <input type="checkbox"/> _____ Irrigation Dist <input type="checkbox"/> _____ Pub Utility Dist <input checked="" type="checkbox"/> <u>Tipton</u> Comm. Service Dist <input checked="" type="checkbox"/> <u>Tipton</u> Town Council <input checked="" type="checkbox"/> <u>Tipton</u> Elem. School Dist <input checked="" type="checkbox"/> <u>Tulare Joint Union High</u> School Dist <input type="checkbox"/> City of _____ <input type="checkbox"/> County of _____ <input type="checkbox"/> Deer Creek Storm Water District <input type="checkbox"/> _____ Advisory Council <input type="checkbox"/> _____ Fire District <input type="checkbox"/> _____ Mosquito Abatement <input type="checkbox"/> Kaweah Delta Water Cons. District <input checked="" type="checkbox"/> SJV Unified Air Pollution Control Dist (Attn: Hector R. Guerra, Senior Air Quality Planner, San Joaquin Valley APCD, 1990 E. Gettysburg, Avenue, Fresno, CA 93726) </p>	<p> <input type="checkbox"/> U.C. Cooperative Extension <input type="checkbox"/> Audubon Society - Condor Research <input type="checkbox"/> Native American Heritage Commission <input type="checkbox"/> District Archaeologist (Bakersfield) <input type="checkbox"/> TCAG (Tulare Co. Assoc. of Govts) <input type="checkbox"/> LAFCo (Local Agency Formation Comm.) <input type="checkbox"/> Pacific Bell <input type="checkbox"/> GTE (General Telephone) <input checked="" type="checkbox"/> P.G. & E. <input type="checkbox"/> Edison International <input checked="" type="checkbox"/> The Gas Company <input type="checkbox"/> Tulare County Farm Bureau <input type="checkbox"/> Archaeological Conservancy (Sacto) <input type="checkbox"/> Dept. of Social Services, Community Care Division <input type="checkbox"/> SBC @ P.O. Box 1419, Alhambra, CA 91802 <input type="checkbox"/> FAA </p>
FEDERAL AGENCIES	<p> * Department of Fish & Game Attn: Kathy or Sara 1130 E. Shaw Avenue, Suite 206 Fresno, CA 93710 </p>
<p> <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 </p>	


RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

June 27, 2007

TO: Charlotte Brusuelas, Project Planner

FROM: Craig Anderson, Engineer III 

SUBJECT: General Plan Amendment – GPA 07-003

I have reviewed the project description and environmental checklist assessing the nature of and potential impacts associated with the proposed general plan amendment. I recommend that the applicant be authorized to submit an application for General Plan Amendment.

I have reviewed the project description and I recommend that the applicant be authorized to submit an application for General Plan Amendment.

No adverse impacts to the County road system are anticipated by the proposed action. However, as specific development proposals are presented in the plan area, we will reserve comment and recommendations for improvements or dedications at that time.

CA:ta



**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 07-003 & PZ 07-003 - Toor

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 Tipton Community Service District. Applicant shall submit a "Will Serve" letter from the district to the Tulare County Environmental Health Services Division (TCEHSD) prior to the approval of the building permit.
2. Any underground petroleum storage tanks will be subject to the Underground Storage Tank Permit Program. Two (2) sets of detailed plans shall be submitted to the Tulare County Environmental Health Services Division (TCEHSD) for review and approval.
3. If hazardous materials are stored at any of the sites, the facilities may be subject to the California State Hazardous Material Laws. A complete Hazardous Material Business Plan shall be submitted to the TCEHSD prior to the final of any building permits.
4. Any food facilities are subject to the permit requirements set forth in the California Uniform Food Facility Law. Applicant shall submit two (2) complete sets of building plans to the TCEHSD prior to issuance of any building permits.
5. Any above ground petroleum storage tanks with a total capacity of 1320 gallons or more shall be registered with the State Water Resources Control Board. Owner is required to prepare and implement a Federal Spill Prevention Control and Countermeasure (SPCC) Plan.

Sincerely,

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

STG:jp

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

June 27, 2007

TO: Charlotte Brusuelas, Project Planner
FROM: Al Miller, Tulare County Fire Inspector
SUBJECT: Case No. PZ 07-003

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

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

ARM:ta

cc: Dave Dean

TIPTON COMMUNITY SERVICES DISTRICT

P.O. Box 266 • Phone 752-4182
263 South Graham Road
Tipton, California 93272

RECEIVED
TULARE COUNTY

JUL 10 2007

RESOURCE
MANAGEMENT
AGENCY

July 9, 2007

Mrs. Charlotte L. Brusuelas, Project Planner
Resource Management Agency
County of Tulare
5961 South Mooney Boulevard
Visalia, CA 93277

RE: GENERAL PLAN AMENDMENT No. 07-003

Dear Charlotte:


The Tipton Community Services District (District) received your transmittal dated June 25, 2007, related to General Plan Amendment No. 07-003. The Board of Directors of the District reviewed the transmittal at their regular meeting held on July 3, 2007. Their comments are as follows. The District has no comment with respect to the type of document which should be prepared in order to analyze the environmental impacts associated with the proposed project. In the course of the preparation of your documents, the Board of Directors wishes you to consider the following.

Under Item No. 11 and Item No. 12, the applicant indicates that both liquid waste disposal and water supply are proposed to be provided by the "City of Tipton." Please be advised that there is no "City of Tipton." The Tipton Community Services District is the provider, within the boundaries of the District, of those services. Please be further advised that the subject parcel is outside of the jurisdictional boundaries of the District and the District has made no commitment to provide service to the subject parcel for the development purposes which are stated. No formal application for annexation or for utility service has been received by the District relative to the proposed development. The District is not currently in a position of indicating any position with respect to a "Will Serve" letter. Such a letter is indicated on the transmittal to be required.

Mrs. Charlotte L. Brusuelas
Page -2-
July 9, 2007

On behalf of the District, please accept the appreciation of the Board of Directors for accepting these comments into the record.

Very truly yours,



Dennis R. Keller
District Engineer

DRK:sc

cc: Mrs. Glenda Souza, Secretary
Mr. J. Patrick Sullivan, Attorney at Law



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

RECEIVED
EPA COUNTY
JUL 05 2007
RESOURCE
MANAGEMENT
AGENCY

July 2, 2007

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

Project: General Plan Amendment No. 07-003 & Change of Zone No. PZ 07-003

Subject: CEQA comments regarding the construction of a truck stop with a convenience store, restaurant, and gas station.

District Reference No: 200701200

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 PM2.5. 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 (NOx). However, the increase in emissions from this project, and others like it, cumulatively reduce the air quality in the

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

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 will 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 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 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 4622 (Gasoline Transfer into Motor Vehicle Fuel Tanks) This rule limits emissions of gasoline vapors from the transfer of gasoline into motor vehicle fuel tanks.

Rule 4623 (Storage of Organic Liquids) This rule limits VOC emissions from tanks used to store organic liquids and applies to any tank with a capacity of 1,100 gallons or greater in which any organic liquid is placed, held, or stored.

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.

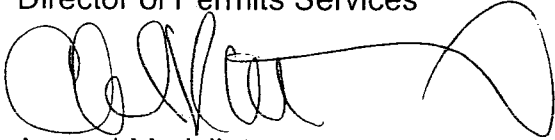
Rule 9510 (Indirect Source Review) This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 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.

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 Chris Kalashian at (559) 230-6120 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permits Services



FOI Arnaud Marjollet
Permit Services Manager

DW: ck

cc: Santokh S. Toor



<http://www.dfg.ca.gov>
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005



August 23, 2007

Charlotte Brusuelas
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Tulare, California 93277-9394

Dear Ms. Brusuelas:

**Consultation on Toor General Plan Amendment No. 07-003 &
Zone Change No. PZ 07-003
APN No. 300-030-007**

The California Department of Fish and Game (Department) has reviewed the information submitted by the Tulare County Resources Management Agency for the General Plan Amendment No. 07-003 and Zone Change No. PZ 07-003 (Project). The Project consists of the construction of a truck stop, convenience store, restaurant, and gas stations. The Project site is located on the southeast corner of Highway 99 and Highway 190, in the community of Tipton, Tulare County.

The Department is unable to provide substantive comments due to the limited nature of the information provided to us. In order to definitively determine whether preparation of a Negative Declaration or Environmental Impact Report (EIR) is appropriate for the California Environmental Quality Act (CEQA) compliance, additional information is needed. Such information would include the contents of an Initial Study (IS) (CEQA Guidelines, Section 15063 [d]), which include but are not limited to: identification of environmental setting; an identification of the environmental effects; and a discussion of methods to avoid, minimize, and mitigate any significant effects.

The following comments do not represent all our concerns; more specific comments can be provided once the Department has had the opportunity to review the IS and/or CEQA document that will be prepared for this Project. Our comments follow.

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

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

The State-listed species potentially occurring in the Project area include the State and Federally endangered Tipton’s kangaroo rat (*Dipodomys nitratoides nitratoides*), State threatened and Federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), and the State threatened Swainson’s hawk (*Buteo swainsoni*). Other special status species may be present in the Project area as well. The Department recommends that Tulare County require that reconnaissance-level biological surveys be completed by qualified individuals, prior to any approvals that would authorize ground-disturbing activities. Depending upon the results of these initial surveys, additional focused surveys may be required in order to adequately assess the potential Project-related impacts to listed and other special status species. If State-listed species are detected during surveys, consultation with the Department is warranted to discuss the potential for “take” under CESA.

Issuance of an Incidental Take Permit is subject to CEQA review. The CEQA document prepared for this Project should identify the Department as a potential Responsible Agency and should describe and address the potential impacts to listed species; otherwise, preparation of a supplemental CEQA document would be needed if issuance of an Incidental Take Permit is necessary.

CEQA Compliance: CEQA Guidelines Section 15387 defines “project” to mean the whole of an action that may result in either a direct or reasonably foreseeable indirect physical change in the environment. The CEQA document should adequately address all impacts to natural resources of the Project site. Proposed development of access routes and infrastructure (water, electric, natural gas, sewer, and telephone) related to this Project should also be delineated and analyzed for impacts to natural resources.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E,

R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), it should be fully considered in the environmental analysis for the Project. The California Native Plant Society (CNPS) 1B listed recurved larkspur (*Delphinium recurvatum*) has historically occurred in the Project area vicinity. Potential Project-related impacts to this and other special status species potentially occurring in the Project area should be evaluated and discussed in the CEQA document prepared for this Project.

Potential Impacts and Recommendations

San Joaquin Kit Fox: The San Joaquin kit fox may occur within the Project area. The Department recommends the United States Fish and Wildlife Service's (USFWS) "Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 1999) be followed in order to assess the potential Project-related impacts to denning habitat within the Project area. In the event that this species is detected, consultation with the Department is warranted to discuss how to implement the Project and avoid "take" under CESA. If "take" cannot be avoided, acquisition of a State Incidental Take Permit would be required, prior to Project implementation.

Swainson's Hawk and Other Raptors: The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and, in the case of Swainson's hawk, it could also result in "take" under CESA. This is especially true with species such as Swainson's hawk that exhibit high site fidelity to their nest and nest trees year after year. To avoid such impacts, surveys for nesting raptors should be conducted following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000), prior to any disturbance within 5 miles of a potential nest tree (DFG 1994). Impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree is not feasible, consultation with the Department is warranted prior to taking any action, and a determination of "take" potential under CESA or under Fish and Game Code Sections 3503.5 and 3513, will be made. Project-related "take" (as defined in Section 86 of the Fish and Game Code) of Swainson's hawk must be completely avoided, or a State Incidental Take Permit, pursuant to Section 2081 of the Fish and Game Code, would be warranted.

Potential Project-related impacts to Swainson's hawk foraging habitat should be mitigated, regardless of whether or not "take" will occur. Swainson's hawks generally forage within 10 miles of their nest tree and more commonly within 5 miles of their nest tree. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural

easements would include areas limited to production of crops, such as alfalfa, dryland and irrigated pasture, and cereal grain crops. Certain low-growing row or field crops are appropriate as well. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

Oak Woodlands: Aerial photographs of the Project area show several mature trees. If the Project will require the removal or pruning of mature oaks or any other trees, the applicant should be made aware that the removal of active bird nests could be considered a violation of Fish and Game Code Sections 3503 (regarding unlawful "take", possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding "take", possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" or possession of any migratory bird).

Large oak trees (greater than 12 inches in diameter as measured at breast height) on the Project site should be retained to the maximum extent possible, during any additional construction activities on the proposed commercial lots. Large, acorn-bearing oak trees are a critical source of food for wintering deer and other wildlife. Access roads, utility connections, septic systems, and building sites should be located or routed where they will cause the minimum amount of disturbance to large oak trees.

In addition to retaining oaks for their wildlife value, CEQA was amended to include Public Resources Code (PRC) Section 21083.4 which states that a county, when determining that a project may result in a conversion of oak woodlands, shall require implementation of measures to mitigate the impacts. The location, size, number, and species of oaks in the Project area, as well as their proposed fate (i.e., retain or remove), should be included in the CEQA document. If impacts to mature oak trees cannot be avoided, mitigation is required by PRC Section 21083.4.

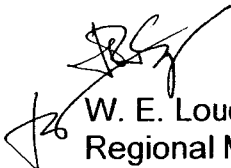
Nesting Birds: The mature trees and shrubs within the Project area will likely provide nesting habitat for songbirds and raptors. If tree removal is unavoidable, it should occur during the nonbreeding season (mid-September through January). If construction activities or tree removal must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet should be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Federal Endangered Species Act (FESA): Any biological survey results should also be sent to the USFWS, which regulates activities that may result in "take" of species listed under the FESA.

Charlotte Brusuelas
August 23, 2007
Page 5

If you have any questions on these comments, please contact Margarita Gordus, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 236.

Sincerely,


W. E. Loudermilk
Regional Manager

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

Regional Water Quality Control Board
Central Valley Region
1685 E Street
Fresno, California 93706-2020

Charlotte Brusuelas
August 23, 2007
Page 6

Literature Cited

DFG 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. California Department of Fish and Game.

SWHA TAC 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

USFWS 1999. Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. U.S. Fish and Wildlife Service.

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7306
FAX (559) 488-4088
TTY (559) 488-4066

RECEIVED
TULARE COUNTY

SEP 26 2007

RESOURCE
MANAGEMENT
AGENCY



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September 24, 2007

2135-IGR/CEQA
6-TUL-99-18.42
GPA 07-003 PZ 07-003
(REFER TO PZ 05-004)
TOOR

Ms. Charlotte Brusuelas, Project Planner
Resource Management Agency
5961 S. Mooney Boulevard
Visalia, CA 93277

Dear Ms. Brusuelas:

Thank you for the opportunity to review General Plan Amendment 07-003 and Preliminary Zoning Amendment 07-003 proposing to change zoning from Rural Agricultural (RA) and Agricultural Exclusive (AE-40) to Service Commercial (C-3). The applicant is proposing to construct a restaurant, truck stop with convenience store and service station on the proposed site. The proposed project is located on the southeast corner of the State Route (SR) 99/SR 190 Interchange, in the County of Tulare. Caltrans has the following comments:

The previous Caltrans comments dated 10/25/05 (copy enclosed) continue to be valid, in addition to the following:

The cost and/or complexity of the State Highway improvements identified as mitigation for this development requires the Department to make a decision on the need for the preparation of a Project Study Report (PSR). The applicant and/or the lead agency will need to fund the PSR; Caltrans will need to review and approve the document. However, before we will be able to provide oversight for the PSR, the identified improvement(s) need to be in the local Regional Transportation Plan (RTP). If these improvements are not already in the RTP, the lead agency will need to request the local Metropolitan Planning Organization (MPO) to amend the RTP to include them. The lead agency should also confirm with the MPO that all other legal requirements and agreements associated with transportation funding and/or the land use entitlement process are met. Caltrans is available to provide any assistance or clarification you may need for this process.

Ms. Charlotte Brusuelas
September 24, 2007
Page 2

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

Sincerely,

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

AL DIAS
Office of Transportation Planning
District 6

Enclosure

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7306
FAX (559) 488-4088
TTY (559) 488-4066



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October 25 2005

2135-IGR/CEQA
6-TUL-99-18.42
PZI 05-004
TOOR

Mr. Chuck Przybylski, Project Planner
Resource Management Agency
5961 S. Mooney Boulevard
Visalia, CA 93277

Dear Mr. Przybylski:

Thank you for the opportunity to review the Preliminary Zoning Amendment proposing to change zoning from Agricultural Exclusive (AE-40) to Service Commercial (C-3). The applicant is proposing to operate a service station, motel, restaurant, parts store, and repair shop on the proposed site. The proposed project is located on the southeast corner of the State Route (SR) 99/SR 190 Interchange, in the County of Tulare. Caltrans has the following comments:

According to our Transportation Concept Report (TCR), this segment of **SR 99** in the vicinity of the proposed project is planned for 218 feet. Caltrans right-of-way shows this segment existing at 160 feet. An irrevocable offer of dedication to Caltrans of 29 feet of right-of-way is needed to accommodate the ultimate configuration of SR 99. The Transportation Concept Report (TCR), this segment of **SR 190** in the vicinity of the proposed project is planned for 110 feet. Caltrans right-of-way shows this segment existing at 50 feet from Centerline. An irrevocable offer of dedication to Caltrans of 5 feet of right-of-way is needed to accommodate the ultimate configuration of SR 190. Dedications required by the Lead Agency need to be shown on a revised site plan and forwarded for our review. A summary of the requirements for right-of-way dedications is enclosed.

Property zoned Service Commercial (C-3) generates significantly more traffic trips than a Agricultural Exclusive (AE-40) zoned parcel. It is anticipated that the project will have a major impact to the SR99/SR 190 interchange when the site is developed. The specific details for the commercial development is not available for review with this application. Caltrans is therefore unable to estimate the future number of trips generated from the proposed site that would impact State facilities. It is requested that plans be submitted to this office for review and comment(s) when development plans are available.

Chuck Przybylski
October 25, 2005
Page 2

A Traffic Impact Study (TIS) is required for the proposed zone change to determine if traffic controls and/or ramp intersection improvements might be required at the SR 99/SR 190 on and off-ramp intersection. Stacking on the SR 190 northbound off-ramp could become a future concern. The study should analyze the intersection of SR 190 and Evans Road due to the close proximity to the on and off-ramp intersection. The study should also include the equitable fair share for the future improvements to the interchange. Please have the preparer of the traffic study reference the Caltrans Guide for the Preparation of Traffic Impact Studies, dated December 2002, and send the scope of the TIS to Caltrans before the traffic study is conducted. Caltrans Guide, while advisory, contains Best Practices and gives insight into Caltrans' expectations when reviewing a traffic study. If the traffic consultant has any issues or concerns regarding the use of the Guide or its interpretation, please contact us so resolution can be reached.

SR 190 is access-controlled in this area. Access-control right-of-way extends along SR 190, but ends approximately 112.78 feet west of the project's easterly property line. The preferred spacing to the first driveway is 300 feet to minimize conflicts with the ramp intersection. Because of the poor access to the site, the County should consider whether rezoning the property would be appropriate unless better access can be obtained. It is recommended that access be placed opposite Evans Road on the parcel to the east. If right-of-way or an easement cannot be obtained at this location for a frontage road, then access should be placed along the eastern property line. The access will need to be restricted to right-turns in and out only in the future because the intersection is too close to the interchange. In the future the SR 99/SR190 interchange will need to be reconstructed to meet current standards. It is likely that the footprint of the interchange will be expanded into the subject parcel. Building structures should therefore not be placed along the freeway right-of-way. Additionally, the bridge will need to be replaced with a higher separation structure and the approaches to the bridge flattened. The profile of SR 190 along the subject parcel will therefore likely need to be raised affecting access in the future. Design standards will likely require the State to acquire additional right-of-way. It is recommended that no structures be built within 190 feet of the SR 99 center-line along the State right-of-way line.

There is a Caltrans project in the Project Initiation Document phase that will overlay, widen the shoulder, install left-turn channelization at the north bound SR 190/SR 99 on ramp, and relocate utility within the project limit. The project is scheduled for construction in 2011.

Any existing or proposed driveways accessing State right-of-way must meet current State standards.

Existing asphalt curb and gutter may need to be reconstructed to meet current ADA standards or other applicable State or Federal accessibility and safety requirements.

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit

Chuck Przybylski
October 25, 2005
Page 3

Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application.

All proposed landscaping plans shall meet current standards as determined by the District Landscape Architect. All features of landscaping shall be evaluated for type, location and site visibility conflicts during the encroachment review process. All permits for landscaping in conventional highway right-of-way must be accompanied by a "District" approved maintenance agreement obligating a local agency or the permittee to maintaining the landscaping. Said maintenance agreement must accompany and be approved prior to issuance of the landscape permit. Proposed landscape projects in access control rights-of-way require an exception process, and approval is subject to the Headquarters Departmental approval process.

Dust control measures shall be implemented on the site in a manner to prevent dust from entering the State right-of-way.

Stormwater is not allowed to be discharged to the State right-of-way. The onsite basin needs to be sized for the off-site storm water. **A setback of at least 4 feet is recommended between the State right of way line and the top any on-site drainage basin.** Since the proposed development/project involves one acre or more of ground disturbance, the applicant needs to be advised by the lead agency to contact the Central Valley Regional Water Quality Control Board office in Fresno at (559) 445-5116 to determine whether a Notice of Construction will be required. The applicant will be required to adhere to Caltrans construction stormwater requirements if there is proposed work within the State right-of-way. Additional information on Caltrans stormwater management requirements may be found on the Internet at www.dot.ca.gov/hq/env/stormwater/index.htm.

Advertising signs within the immediate area outside the State right-of-way need to be cleared through the Caltrans Right-of-Way Division, Office of Outdoor Advertising. The project proponent must construct and maintain the advertising signs without access to the State Routes. Contact Susan Swenssen at (209) 948-7869 or (209) 948-7641 for additional information or to obtain a sign permit application. Additional information on Caltrans Outdoor Advertising Permit requirements may also be found on the Internet at www.dot.ca.gov/hq/oda.

It is recommended that the County of Tulare consider a Development Impact Mitigation Program similar to the Cities of Tulare and Visalia. The mitigation program would secure funding for a zone of benefit (Tipton) for the future improvements to local and State facilities necessitated by the accumulated impacts of development.

Chuck Przybylski
October 25, 2005
Page 4

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

Sincerely,

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

AL DIAS
Office of Transportation Planning
District 6

Enclosure

DEPARTMENT OF TRANSPORTATION
CENTRAL REGION SOUTHEAST SURVEYS
855 "M" STREET
SUITE 200
FRESNO, CA. 93721
ATTN: Calvin Henry
PHONE (559) 445-6573
FAX (559) 445-6560
E-mail: Calvin_Henry@dot.ca.gov



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CALTRANS DISTRICT 6 **CENTRAL REGION SURVEYS OFFICE**

REQUIRED INFORMATION FOR R/W DEDICATIONS

- 1) A Copy of the vesting deed(s) for the subject property.
- 2) Either a copy of a Title Report, or Guarantee of the subject property, **DATED WITHIN 30 DAYS OF SUBMITTAL** of the Dedication Package.
- 3) Copy of the Assessor's Map.
- 4) Assessor's Parcel Number (APN) of the property, if not stated in the Title Report.
- 5) State whether the property is within city limits or in an unincorporated area, if not stated in the Title Report.
- 6) If the property is a lot of a Tract or a parcel of a Parcel Map, provide the lot or parcel number and a copy of the recorded map(s).
- 7) Provide copies of any record map or deed cited in the documents provided.
- 8) If unsubdivided land, note the Section, Township, and Range where the property is located.
- 9) A Legal description of the dedication parcel signed and sealed by a Licensed Professional Land Surveyor or a Civil Engineer registered prior to 1982 on 8 1/2" X 11" paper. Letter EXHIBIT "A" at the top of the legal description (see attached sample legal).
- 10) A Plat showing pertinent survey data, such as bearings, distances, and curve data, where applicable, and the area of the dedication parcel on 8 1/2" X 11" paper. If the parcel is located in unsubdivided land, show ties to the nearest two section corners and/or quarter-section corners. Letter EXHIBIT "B" at the top of the Plat (see attached sample plat).
- 11) A Copy of the traverse calculations, if a metes and bounds description, for the dedication parcel to include error of closure and area.



A Sempra Energy company

Southern California Gas Company
404 N. Tipton Street
Visalia, CA 93292

RECEIVED
KILARE COUNTY

JUL 10 2007

RESOURCE
MANAGEMENT
AGENCY

July 13, 2007

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

Attention: Charlotte L. Brusuelas

Subject: General Plan Amendment No. 07-003 & Change of Zone No. PZ 07-003

This is in response to your correspondence dated June 25, 2007, requesting our review of the subject project. Southern California Gas Company has no objection to the approval of this development.

We recommend that any private streets or common areas be dedicated for public utility use and that a six-foot frontage strip in all lots facing the streets be dedicated as a public utility easement. This will enable utility companies to serve the development without obtaining individual rights of way.

To apply for natural gas, please have the developer submit a set of plans to the attention of Alan Suhovy, New Business Project Manager, 404 N. Tipton Street, Visalia, California 93292. You can contact Alan Suhovy at (559) 739-2238 regarding maps and contracts. Furthermore, we require parcel maps and street development plans to be e-mailed to our Mapping Department at the following e-mail site, SCGMapping@SempraUtilities.com, or you can visit our website at <http://www.socalgas.com/construction/electronicdatatransfer.shtml>.

Should you have any questions or require additional information, please contact me at (559) 739-2316.

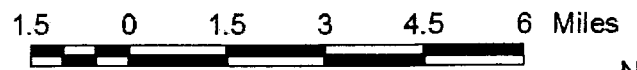
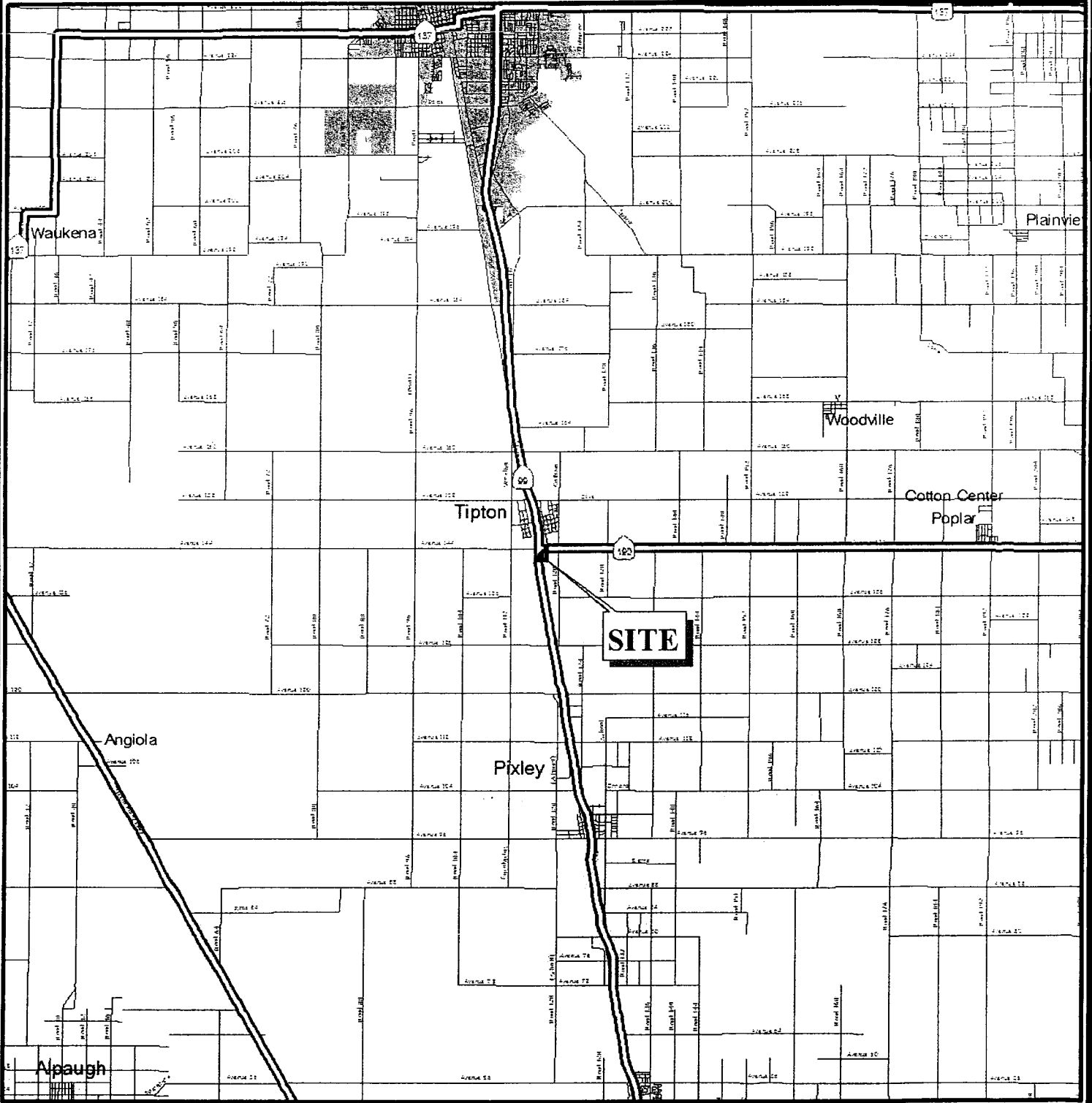
Sincerely,

Louise Brown/rv
Pipeline Planning Assistant

xc: Larry Jacquez
Alan Suhovy (attachments)

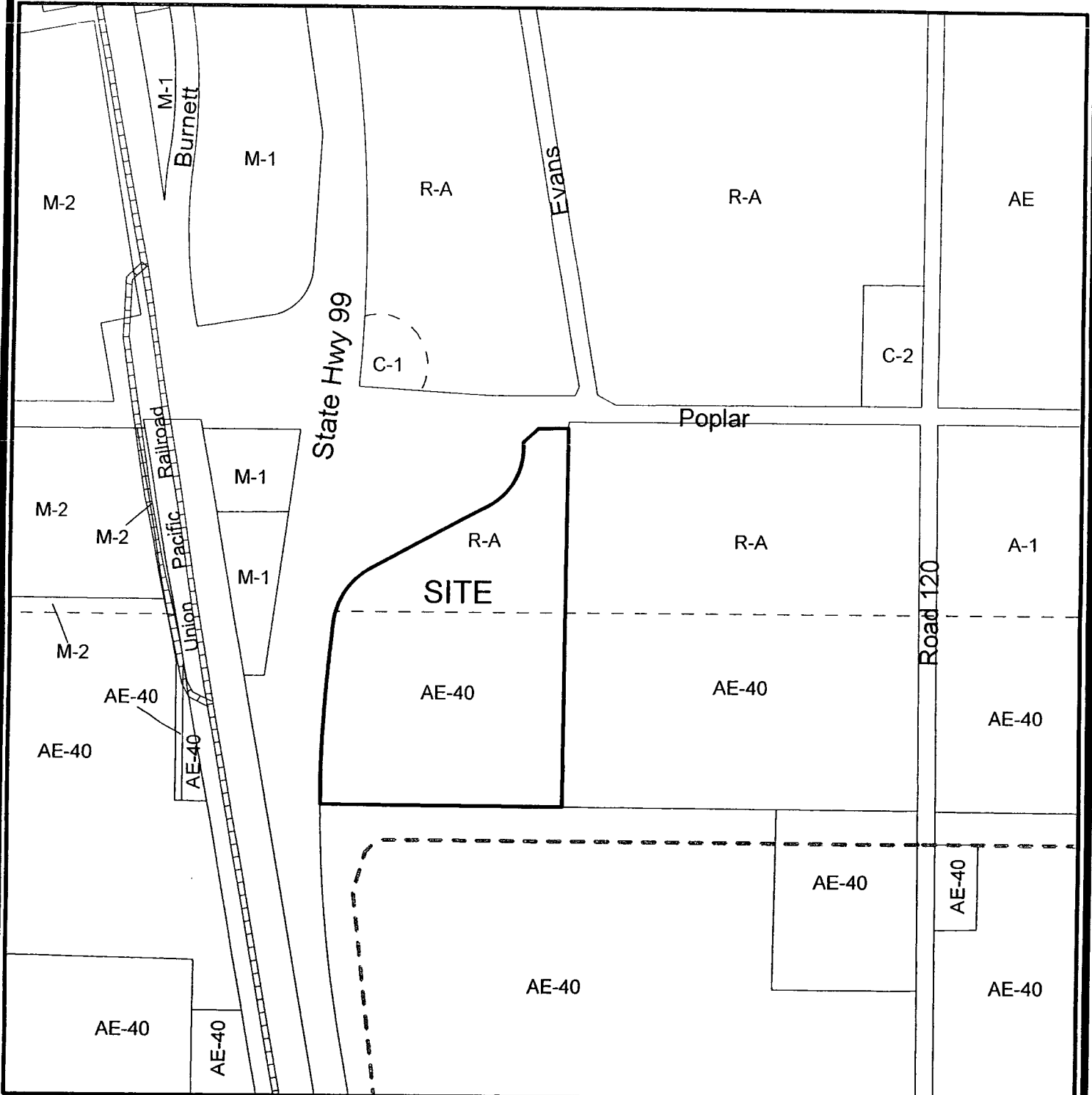


Vicinity Map for GPA 07-003





Existing Zoning Map for PZ 07-003/GPA 07-003



Owner: TOOR SANTOKH S & ARPINDER K
Address: ATTN MR WES SMITH
City, State ZIP: 13200 RD 112

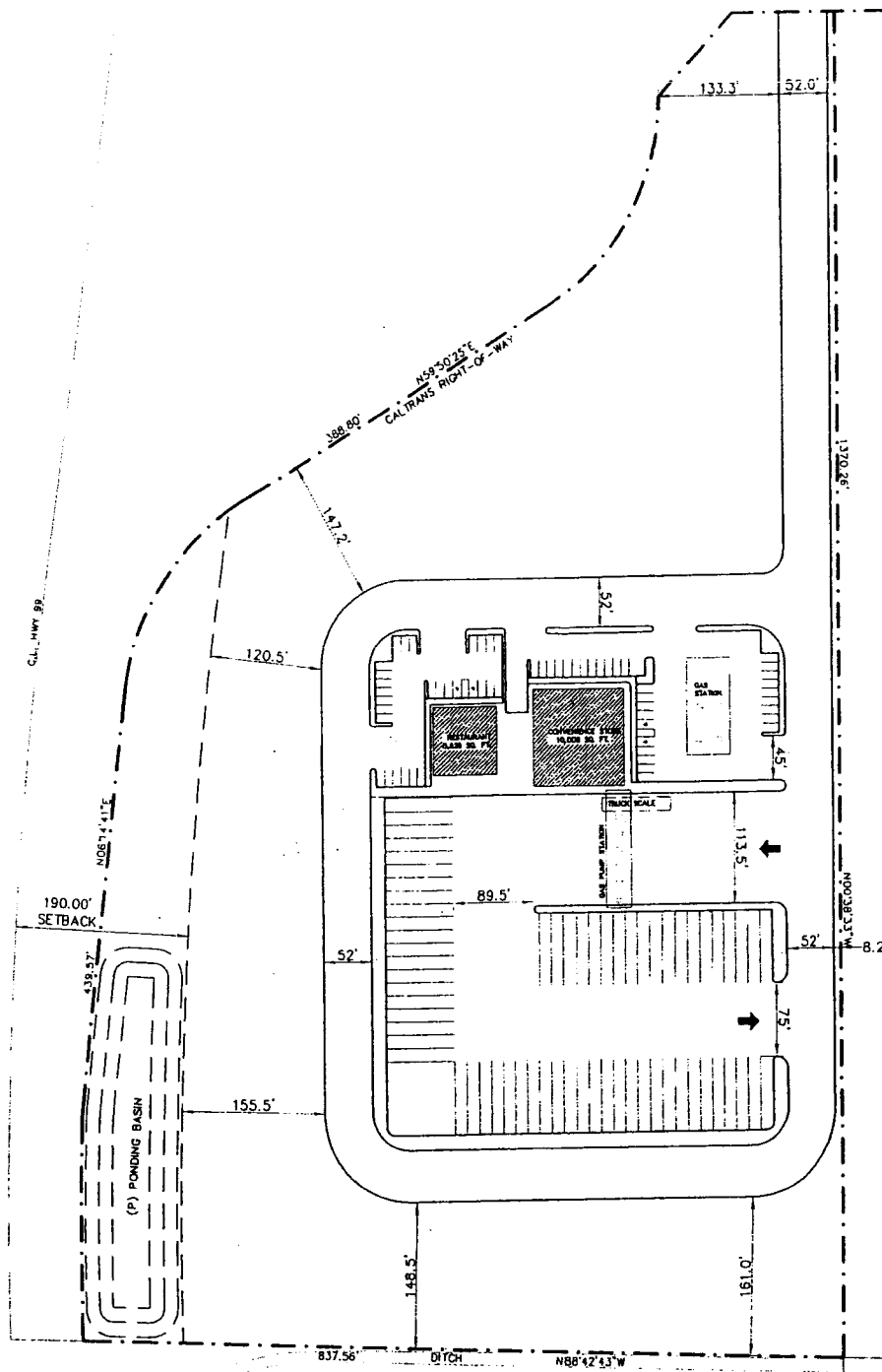
Applicant: TOOR
Agent: CENTRAL VALLY ENGINEERING

Assessors Parcel # 300030007



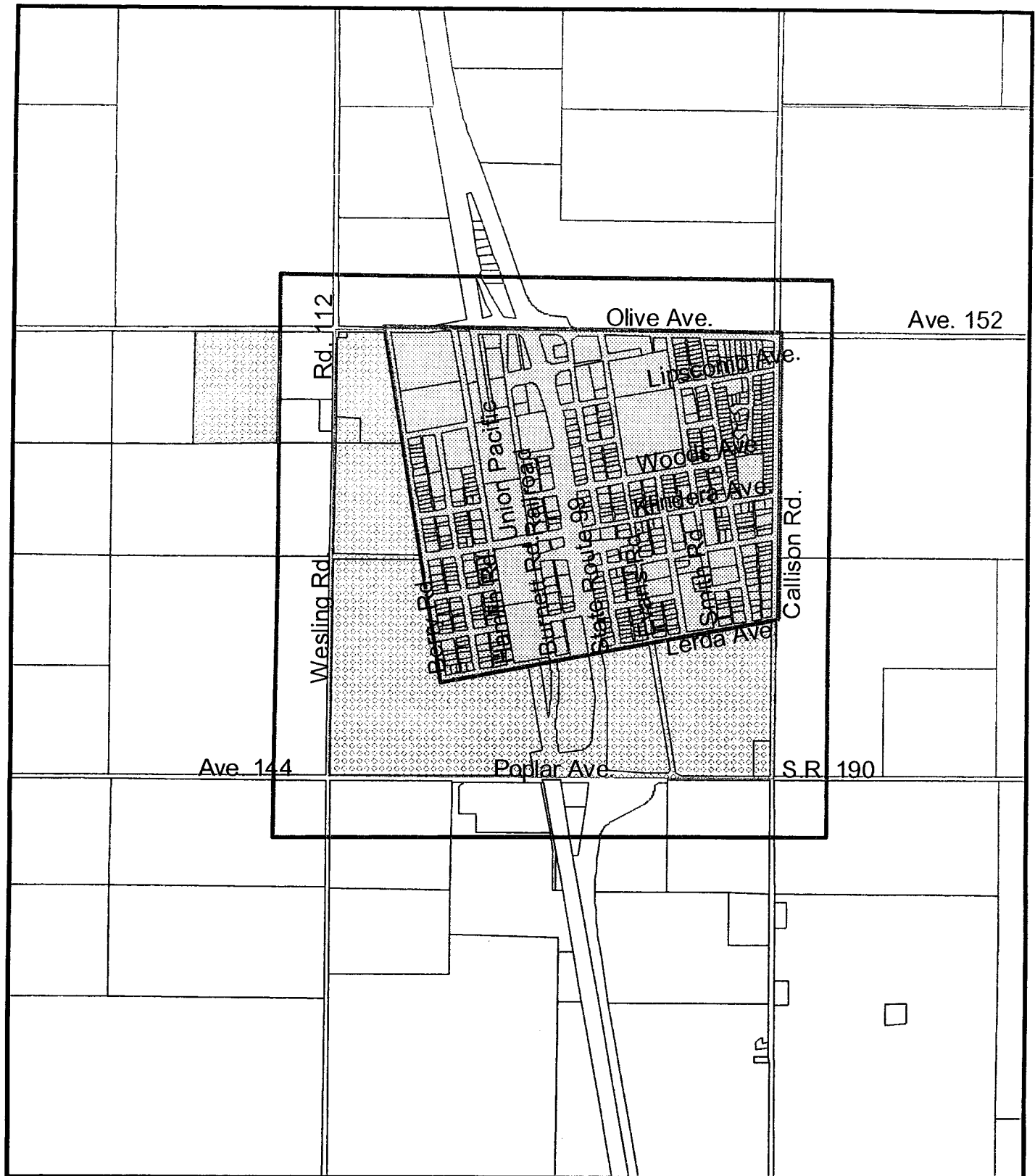
SITE Project Site for PZ 07-003/GPA 07-003





HWY 190 (POPLAR AVENUE)



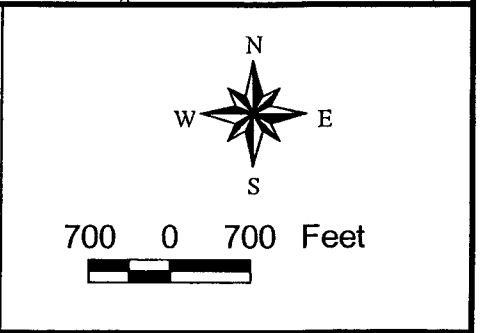
No Scale

Site Plan
 for
 PZ 07-003
 P. C. Exhibit "A"



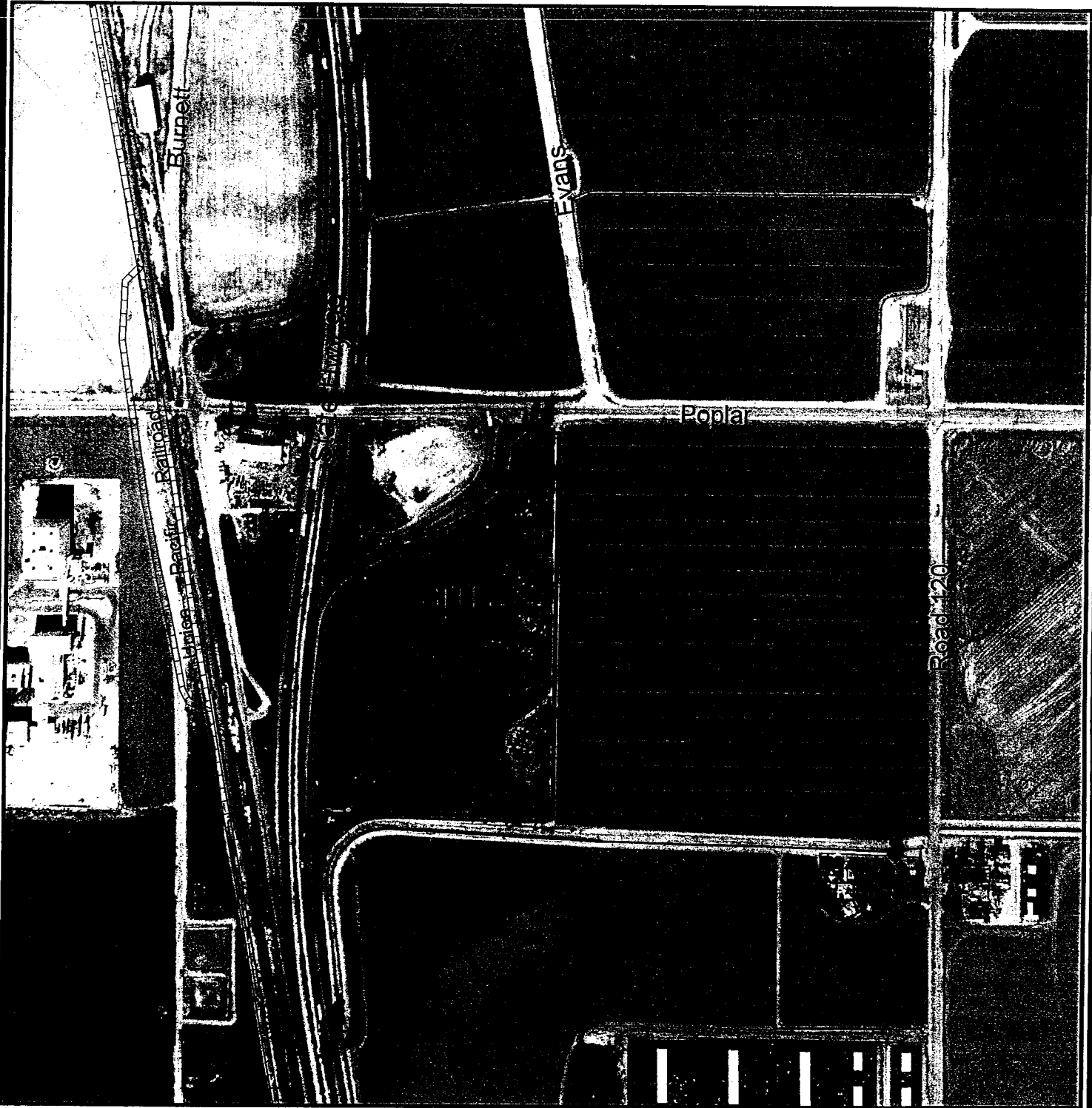
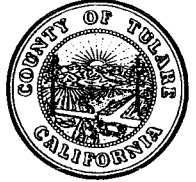
-  Parcels
-  Urban Improvement Boundary
-  Townsite (1908)
-  Community Service District

Existing
 Boundaries Map
 Tipton Community Plan
 GPA 05-001





Aerial Photograph for PZ 07-003/GPA 07-003



Owner: TOOR SANTOKH S & ARPINDER K
Address: ATTN MR WES SMITH
City, State ZIP: 13200 RD 112

Applicant: TOOR
Agent: CENTRAL VALLY ENGINEERING

Assessors Parcel # 300030007

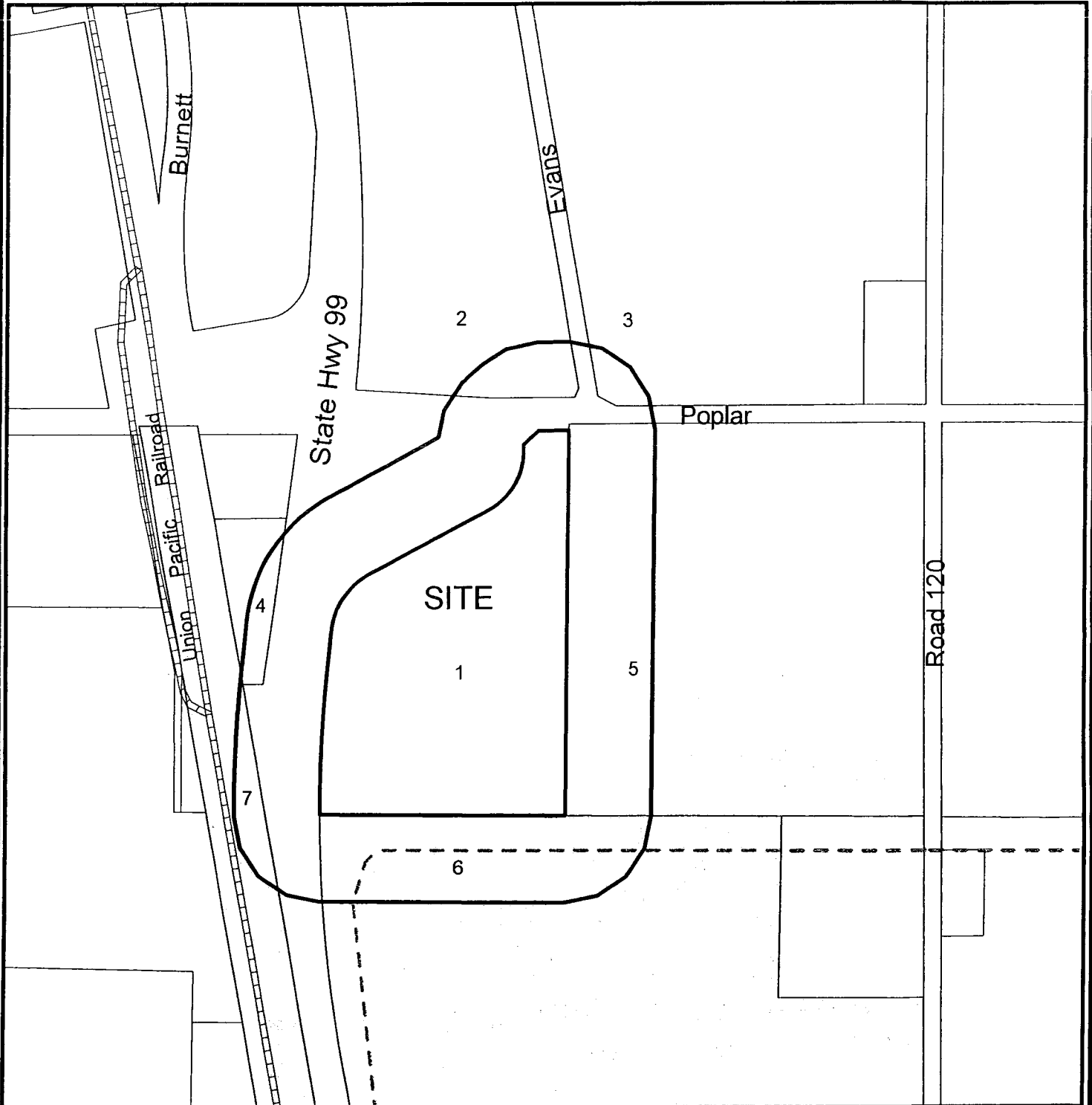
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SITE Project Site for PZ 07-003/GPA 07-003

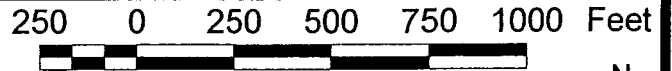




Location and Property Ownership Map for Hearing Notification for PZ 07-003/GPA 07-003



Owner: TOOR SANTOKH S & ARPINDER K
Address: ATTN MR WES SMITH
City, State ZIP: 13200 RD 112
Applicant: TOOR
Agent: CENTRAL VALLEY ENGINEERING
Assessors Parcel # 300030007



- 1 Project Site for PZ 07-003/GPA 07-003
- 2 - 22 Properties within 300' of project site, to receive written notification of proposal (as required by State Law)

