

NOTICE OF DETERMINATION

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

FROM: Tulare County 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.: Partial Cancellation of Agricultural Preserve Contract Case No. PAC 07-004 --
Applicant: Self Help Enterprises, P.O. Box 6560, Visalia, CA, 93290

State Clearinghouse No. :

Lead Agency: Tulare County Resource Management Agency

Staff Contact Person: Henry Dong Telephone Number: 559-733-6291

Project Location: On the south side of Avenue 312, 1/2-mile west of Road 76, in the northeast portion of the community of Goshen.

Project Description: Partial cancellation of Land Conservation Contract No. 10765, by removing 37.41 acres under contract. The proposed alternative use of the cancellation site is 77 single family residential lots and 15 multiple family units for affordable housing. Additionally, there will be a 9.5 acre park pond and a 4.90 acre remainder portion for possible future development. The site is currently zoned A-1 (Agriculture), however, an application for zone change is currently being filed under PZ 08-004 to change the subject site from A-1 to R-1 (Single Family Residential) and R-2 (Two-Family Residential).

This is to advise that the TULARE COUNTY BOARD OF SUPERVISORS has approved the above described project on _____, 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) COFE Attached
() D.F.& G. Fees Req'd
() E.I.R.
() N.D.

By: _____
Chairman, Tulare Co. Board of Supervisors

Filed with the Tulare County Clerk on _____, 2008.

cc: Calif. Dept. of Fish & Game, 1416 Ninth Street, 12th Floor, Sacramento, CA 95814

Note: Authority cited: Section 21083, Public Resource Code; Reference: Sections 21108, 21152 and 21167, Public Resource Code.

Recording Requested by and Mail to:

**Tulare County Resource Management Agency
Long Range Planning Division
5961 South Mooney Boulevard
Visalia CA 93277-9394**

**CERTIFICATE OF TENTATIVE PARTIAL CANCELLATION
OF LAND CONSERVATION CONTRACT
(Case No PAC 07-004)**

The Clerk of the Board of Supervisors of the County of Tulare does hereby certify that a Certificate of Partial Cancellation of Land Conservation Contract No. 10765 will be issued and recorded pursuant to the Williamson Act (California Code Section 51200 et seq) at such time as the specified conditions and contingencies set forth in this certificate are satisfied.

Self Help Enterprises, being the owners of the real property described as Tulare County Assessor's Parcel Number (APN) 075-170-031, have requested that the Board of Supervisors of the County of Tulare approve a partial cancellation of the Land Conservation Contract (Tulare County Agreement No. 10765), which was recorded in the official records of the Tulare County Recorder on October 25, 1977, for the 37.41-acre APN 075-170-031, as described in "Exhibit A".

The Board of Supervisors of the County of Tulare has determined and agreed that a Certificate of Cancellation of the above contract as requested will be issued and recorded at such time as the following conditions and contingencies have been satisfied:

- 1. Payment in full to the County Treasurer for the amount of the cancellation fee, which is \$187,500.00, computed pursuant to the provisions of the California Government Code Section 51283, with such notices and statements as are required to be included by the provisions of California Government Code Section 51283.4. If the cancellation fee is not paid, or a certificate of partial cancellation of contract is not issued within one (1) year of the date of the recording of the certificate of tentative cancellation, such fee shall be recomputed as of the date of notice described in Section 51283.4 c.**
- 2. Filing an application and paying fees for the diminishment of the Agricultural Preserve (No. 3638) for the subject property.**
- 3. Securing all applicable County permits necessary for the alternative use including but not limited to Final Site Plan and Tentative Parcel Map applications.**

4. **Payment in full to the County Resource Management Agency of any outstanding balance due for the partial cancellation application processing and report preparation costs.**

The landowners shall notify the Board of Supervisors when they have satisfied the conditions and contingencies enumerated above. Within 30 days of receipt of such notice, and upon a determination that the conditions and contingencies have been satisfied, the Board of Supervisors shall execute a Certificate of Partial Cancellation and cause the same to be recorded, so that the real property described in attached "Exhibit A" shall be free from the Land Conservation contractual restrictions.

If the landowners have been unable to satisfy the conditions and contingencies enumerated hereinabove, the landowners shall notify the Board of Supervisors of the particular conditions or contingencies they are unable to satisfy. Within 30 days of receipt of said notice, and upon a determination that the landowners are unable to satisfy the conditions and contingencies listed, the Board of Supervisors shall execute a certificate of withdrawal of tentative approval of cancellation of contract and cause the same to be recorded.

I certify the foregoing approval and the issuance of this Certificate of Tentative Cancellation were authorized by action duly taken by the Tulare County Board of Supervisors in regular session held on December 9, 2008.

By order of the Tulare County Board of Supervisors

**JEAN M. ROUSSEAU
County Administrative Officer/Clerk
Board of Supervisors**

**By: _____
Deputy Clerk**

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY
STAFF REPORT FOR
Agricultural Preserve Contract Cancellation PAC 07-004**

I. GENERAL:

1. **Applicant/
Owner:** Self Help Enterprises
 P.O. Box 6560
 Visalia, CA 93290

 2. **Agent:** Lane Engineering, Inc.
 979 N. Blackstone Street
 Tulare, CA 93274
-

3. **Proposal:**

The applicants are requesting approval from the Tulare County Board of Supervisors to cancel a portion of Agricultural Preserve Contract No. 10765, for approximately 37.41 acres within Agricultural Preserve No. 3638. The applicant's proposed alternative use is the Park Village Subdivision, which includes 77 single family residential lots and 15 multiple family units (separate site plan attachment C-1) for affordable housing. Additionally, there will be a 9.50 acre park pond and a 4.90 acre remainder portion for possible future development.

4. **Site Information:**

Size: 37.41 acres

Location: The project site is located on 37.41 acres just south of Avenue 312 and approximately one half mile west of Road 76, within the northeastern portion of the community of Goshen, in Tulare County.

Section 19, Township 18 South, Range 24 East, M.D.B.&M;
APN(s): 075-170-031

II. COMPLIANCE WITH ADOPTED PLANS, POLICIES AND STANDARDS:

1. **General Plan:**

The alternative uses proposed for the cancellation site are consistent with the applicable provisions of the Tulare County General Plan, as follows:

Goshen Community Plan: The goals and objectives of the Goshen Community Plan are to provide housing for low and moderate income families by encouraging new residential development to locate in the northeastern portion of the community away from the airport impact area. Avenue 312 is designated as an existing collector street. Road 72 is designated as a proposed collector street. The goals also encourage establishing these new neighborhoods in the northeastern Goshen area complete with convenience shopping and other community facilities. The 37.41-acre project site is designated for residential use by the Goshen Community Plan.

Urban Boundaries Element (1988): The Urban Boundaries Element indicates the project area is within the Urban Development Boundary (UDB) of the community of Goshen. Properties located inside the UDB are subject to the urban development standards of the Goshen Community Plan.

Noise Element: According to the Tulare County Noise Element, the site is not within a noise-impacted corridor.

2003 Housing Element: The 2003 Housing Element identified a need for 2,250 dwelling units of moderate and above moderate housing between 2001 and 2008 with planned sites able to accommodate 8,982 units in unincorporated Tulare County. Projected growth for Goshen during the 2001-2008 time periods is 71 units. This proposed project will add 77 single family residential lots, as well as a multiple family apartment complex, to the Goshen area that will provide additional housing choices for future Tulare County residents and does not adversely impact the Housing Element. The project is consistent with Policy 5.2 of the Housing Element to implement adopted community plans, which designate adequate sites for residential development.

Comprehensive Airport Land Use Plan: The proposed subdivision is located within the "C" Conical Zone of the Visalia Municipal Airport. The Tulare Comprehensive Airport Land Use Plan (CALUP) policy applying to parcels within the "C" Conical Zone is as follows:

CONICAL ZONE (C): No particular restrictions, however, projects such as stadiums, arenas, auditoriums, large transmission facilities, or anything that would attract large numbers of people would be potentially hazardous. For this reason, projects within this zone are still subject to the Airport Land Use Commission review.

This project will result in no impact to aviation or the surrounding community as the density on the site is consistent with CALUP policies.

2. Zoning and Land Use:

Site: The 37.41-acre cancellation site is currently zoned A-1 for agriculture, however, the subject property is designated for residential use by the Goshen Community Plan (1978). An application for Change of Zone is currently being filed under PZ 08-004 from A-1; Agricultural Zone to R-1; Single Family Residential Zone and R-2; Two-Family Residential Zone. The R-1 and R-2 zoning will bring the project site in compliance with the residential land use designation as set forth by the Goshen Community Plan.

Surrounding area:

<u>Direction-Use</u>	<u>Zoning</u>	<u>Within UDB</u>
North – Avenue 312 & agricultural use	Road, AE-40	Yes
East – agricultural use	A-1	Yes
West – agricultural use	A-1	Yes
South – single family, multi-family use	R-1, R-2	Yes

III. ENVIRONMENTAL SETTING:

1. Topographical Features:

The subject site is generally level (*slopes of less than two percent*), at an average elevation of 266 feet above mean sea level. (source: Tulare County Geographical Information Systems)

2. Flooding Potential:

According to the FEMA Flood Insurance Rate Map (Community Panel No. 065066-465C), the site is within Flood Zone B. Zone B is the flood insurance rate zone that corresponds to areas outside the one-percent annual chance floodplain, areas of one-percent annual chance sheet flow flooding where averages depths are less than one foot, areas of one-percent chance annual chance stream flooding where the contributing drainage area is less than one square mile, or areas protected from the one-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.

3. **Soils:**

Soil Type	Sewage Disposal	Shrink/Swell	Prime
Grangeville Sandy Loam	Moderate	Low	Yes
Akers-Akers	Moderate	Low	Yes

4. **Biotic Condition:**

A certified wildlife biologist, William J. Vanherweg, conducted a biological survey of the subject site on January 18, 2008. Surveys were completed for the following Species: San Joaquin Kit Fox, Tipton Kangaroo Rat, Blunt-nosed Leopard Lizard, and the Burrowing Owl.

Results: No potential or known San Joaquin Kit Foxes, dens or signs of habitat were found at the proposed construction site. No potential or known Tipton Kangaroo Rat signs and/or potential burrows were found at the site. No potential Blunt-nosed Leopard Lizard habitats were found at the site. No burrowing owls or potential signs of habitat were found at the site.

5. **Water Table:**

The highest recent groundwater level at the site was estimated at 46 feet. (source: Tulare County Geographical Information Systems)

IV. DESCRIPTION OF PROJECT PROPOSAL:

1. **Agricultural Preserve Status and History/Formation:**

Agricultural Preserve No. 3638 was established by the Tulare County Board of Supervisors on October 25, 1977 (by Resolution No. 77-2959) to encompass a total of approximately 258.85 acres on three parcels. On January 10, 1978, Land Conservation Contract No. 10765 was executed for all 258.85 acres within Preserve No. 3638.

A Notice of Full Nonrenewal of Land Conservation Contract No. 10765 has been filed for the original larger parcel of 80 acres consisting of all of the land within the subject parcel for cancellation. (Nonrenewal APN 075-170-02 = total 80 acres, including 37.41 acres to be cancelled within APN 075-170-031). The notice was filed with Tulare County on September 27, 2005, and recorded at the Tulare County Recorder's Office on February 22, 2006 (as Document No. 2006-0018341). The

parcel will complete nonrenewal of Contract 3638 at the end of 2015, even if the requested partial cancellation is not approved. Contract cancellation is requested for the 37.41-acre parcel. Approval of the entire subject cancellation request and the nonrenewal of the applicant's adjacent lands, as described above, would reduce the remaining total contracted land in Agricultural Preserve No. 3638 to approximately 221.44 acres.

2. Vehicular Access:

Access exists at two locations off of Avenue 310 via proposed Wolf Street and Eagle Street, which are main streets for the subdivision. Eagle Street is proposed with a 60 ft. wide right-of-way. Wolf Street is proposed with a 60 ft. wide right-of-way up to Elm Avenue and then reduces to a 56 ft. wide right-of-way. The north half of the Mountain Avenue will be constructed to intersect with the existing improvements at Road 72. Access to the multiple family units will be via proposed Avenue B of the subdivision. Access to the remainder parcel will be from Avenue 312 (Riggin Avenue). Access to the ponding/park lot (Lot B) will be from Road 72 and Avenue 310. Birchwood Street, "A" Avenue and "B" Avenue are proposed with 56 ft. right-of-way. Road 72 is proposed to be developed between Riggin Avenue (Avenue 312) and Avenue 310 and is proposed with a 60 ft. right-of-way. Avenue 310 is proposed to be extended from the Road 72 intersection to the east across the southern boundary of the site.

3. Water Service:

Domestic water is to be provided by the California Water Service Company.

4. Sewage Disposal Service:

Sewage disposal on the site is provided by the Goshen Community Services District.

5. Geo-Hydro Report:

Applicant request a waiver of the preliminary geological/ hydrological report. The project will be connected to community water and sewer systems. The site is level and no waterways are within the project boundaries.

6. Project Summary:

The applicants are requesting approval from the Tulare County Board of Supervisors to cancel a portion of Agricultural Preserve Contract No. 10765, for approximately 37.41 acres within Agricultural Preserve No. 3638. The applicant's proposed alternative use is the Park Village Subdivision, which includes 77 single

family residential lots and 15 multiple family units (separate site plan attachment C-1) for affordable housing. Additionally, there will be a 9.5 acre park pond and a 4.90 acre remainder portion for possible future development.

7. Agencies Notified:

<u>Agency</u>	<u>Response</u>
RMA Engineering/Traffic	07/18/08
RMA Community Dev/Redevelopment	06/13/08
RMA Countywide Division	07/08/08
RMA Solid Waste Division	06/24/08
Tulare County HHSA Environ Health	06/11/08
Tulare County Fire Warden /CDF	06/10/08
Tulare County Sheriffs Department	
Tulare County Ag Commissioner	
Tulare County Assessor	06/03/08
S.J. Valley Air Pollution Control Dist	06/25/08
Airport Land Use Commission	07/07/08
USDA Natural Resources Conserv Serv	
Calif Dept of Conservation	06/25/08
State Lands Commission	
Calif Department of Food & Agriculture	
CalTrans District 6	06/25/08
Regional Water Quality Control Board	
Calif Dept of Fish and Game (Reg 4)	01/08/08
District Archaeologist (Bakersfield)	
Tulare County Farm Bureau	
Southern California Edison Co.	
Goshen Community Service District	07/30/07
California Water Service Company	08/10/07
Southern California Edison	
Southern California Gas Company	06/24/08
Visalia Unified School District	
LAFCo	

8. Other Facts:

- a. Fire Protection: Tulare County Fire Department, Station #7 Goshen.
- b. Police Protection: Tulare County Sheriff's Department, Headquarters.

V. Analysis of Mandatory Findings:

The following analysis is directed toward the required findings as contained in §51282 of the Government Code: Part A of the following analysis focuses on the evidence for the finding required by Subsection (a)(1) of the Government Code §51282. All sub-findings within a Part must be made. An analysis focusing on the evidence for the finding required by Subsection (a)(2) of the same Government Code Section – Part B – follows this section. At least one of the two findings (Parts) must be made before a cancellation can be approved.

§51282, Subsection (d) states: “the uneconomic character of an existing agricultural use shall not by itself be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put”.

Part A:

Finding §51282 (a)(1) *That the cancellation is consistent with the purposes of the Williamson Act* is determined by the following five sub-findings:

1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to §51245 of the Act.

A Full Notice of Nonrenewal of Land Conservation Contract for the subject parcel was filed with the Tulare County Board of Supervisors on September 27, 2005, and was recorded by the Tulare County Recorder’s Office on February 22, 2006.

2) That the cancellation is not likely to result in the removal of adjacent lands from agricultural uses.

The adjacent lands to the west, east and north are currently under agricultural use, however the Goshen Community Plan designates these lands for residential use. A Notice of Full Nonrenewal was filed for the agricultural parcel to the east in 2006. There is currently no development proposed for these adjacent lands. The project site is contiguous to existing residential development to the south. The agricultural lands outside the UDB to the north, fall under the Rural Valley Lands Plan, and will remain protected under agricultural use. In relation to the issues mentioned above, the proposed project will have a less than significant impact to the removal of adjacent lands from agricultural use, which are not already designated ‘residential’ by the Goshen Community Plan.

3) That the cancellation is for an alternative use consistent with the applicable provisions of the General Plan.

The project is within the Goshen UDB and subject to the Goshen Community Plan. The proposed residential development is consistent with the residential land use designation for the project site as identified in the Goshen Community Plan. The

applicant has received “will serve” letters from the California Water Service Company for water supply and the Goshen Community Service District for sewer treatment capacity. The alternative use is consistent with the Goshen Community Plan.

4) That the cancellation will not result in discontinuous patterns of urban development.

The project site is located within the Goshen UDB. A UDB is established by the county to promote urban development patterns that are compact and contiguous, preserve agricultural lands, and minimize land use conflicts between urban and agricultural operations. The project site is contiguous to existing residential development to the south. The density of existing residential development is consistent with that planned for the proposed project. Lands to the north, east and west are also within the Goshen UDB and therefore, planned for urban development.

5) That there is no proximate non-contracted land which is both available and suitable for the use to which the proposed contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

[NOTE: As used in this context, “proximate, non-contracted land” means land not restricted by contract pursuant to the Williamson Act, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land. ‘Suitable’ means that the salient features of the proposed use can be served by land not restricted by contract, and ‘available’ means there is evidence in the record that property can be acquired from willing sellers.]

Applicant requested the Chicago Title Company to conduct a proximate land search for noncontracted properties within the Goshen UDB. The search indicates there are no non-contracted lands within the urban boundary that are available for purchase, designated for residential use and suitable for the development of affordable housing to serve the Goshen community.

PART B: Finding 51282(a)(2) *That cancellation is in the public interest* is determined by the following sub-findings (both findings must be made):

NOTE: Since the findings of §51282(a)(1) can be made, a detailed analysis of the subfindings required for §51282(a)(2) has not been prepared.

1) That other public concerns substantially outweigh the objective of the Williamson Act.

2) That there is no proximate non-contracted land which are both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

It is also noted that correspondence from the California Department of Conservation (dated June 25, 2008) provided comments regarding this Agricultural Preserve Contract Cancellation application as follows:

“Government Code §51282 states that tentative approval for cancellation may be granted only if the board makes one of the following findings: 1) cancellation is consistent with purposes of the Williamson Act or 2) cancellation is in the public interest. The Department has reviewed the petition and information provided and offers the following comments (with any Resource Management Agency staff comments shown following, in italics).

Cancellation is Consistent with the Purposes of the Williamson Act

The petition proposes to cancel that portion of the Land Use Contract based upon a consistency finding. For the cancellation to be consistent with purposes of the Williamson Act, the Tulare County Board of Supervisors (Board) must make findings with respect to all the following: 1) a notice of nonrenewal has been received, 2) removal of adjacent land from agriculture use is unlikely, 3) the alternative use is consistent with the County’s General Plan, 4) discontinuous patterns of urban development will not result and 5) that there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

1. Notice of nonrenewal has been served:

The Tulare County Recorder recorded a notice of nonrenewal for a portion of the subject contract on February 22, 2006. The portion of contract is scheduled to terminate on December 31, 2015, through the nonrenewal process.

2. Removal of adjacent land from agricultural use not likely result:

Absent mandatory mitigation, cancellation of the affected parcel appears likely to result in subsequent removal of adjacent lands from agricultural use.

Although Prime Farmlands adjoins the subject parcel to the north and east, urban development is restricted to specific areas under the draft Tulare County General Plan. The agricultural parcels to the north are outside of the Goshen Urban Development Boundary (UDB) and are prohibited from being developed for non-agricultural use. The agricultural parcel to the east is within the UDB, but is under non-renewal with development being independently proposed, consistent with County land use policies.

However, the Department has concerns that emergent residential development adjacent to productive agricultural lands could have significant and direct environmental impacts. Such impacts, including increased traffic and pollution, potential diminished productivity, and threatened food safety, could cause neighboring agricultural parcels to face increased pressure to convert to non-agricultural uses.

Right-to-Farm ordinances have not been effective in reducing parcel conversion to non-agricultural uses, especially in those situations involving pesticide spraying. Some cities in the state have adopted mandatory buffers of 25 to 100 yards, depending on adjacent crop types. Under General Plan Policy AG-1.11, the County recognizes this conflict and supports creation of agricultural buffer zones, specific to situations such as this along the UDB interface. Therefore, unless the County implements a mandatory buffer between proposed development and adjacent agriculture, it is our opinion that this finding cannot be made.

The Department also recommends the purchase of agricultural conservation easements on agricultural land of at least equal quality and acreage, to mitigate development impacts resulting from loss of agricultural land. Agricultural conservation easements protect a portion of those remaining resources and lessen project impacts in accordance with California Environmental Quality Act (CEQA) Guideline 15370. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under CEQA. Loss of agricultural land represents a permanent reduction in the State's agricultural land resources. The purchase of agricultural easements does not obviate the requirement to make the necessary findings for cancellation of a Williamson Act contract."

Staff Comment: The County does not have a policy implementing agricultural buffers at this time, but may be considering measures in the near future. The project site is within the Goshen UDB, and is designated for residential as set forth by the Goshen Community Plan. The agricultural lands outside the urban development boundary to the north, fall under the Rural Valley Lands Plan, and will remain protected under agricultural use.

"3. Alternative use is consistent with County General Plan:

The proposed alternative use appears to be consistent with the County General Plan. Under the draft Tulare County General Plan, urban development is only allowed within specific, pre-designated areas of the County. The affected parcel is within the Goshen UDB, an area planned for future growth. Applicant's petition indicates public utilities are either available or will be available under the development plan.

Tulare County General Plan Policy PF-1.2 requires:

"The County shall ensure that urban development shall take place only in the following areas;

....

2. Within the UDBs of unincorporated communities....."

Tulare County General Plan Policy PF-1.4 further states:

"The County shall encourage residential growth to locate in existing UDBs and HDBs where infrastructure is available. The County shall ensure that development does not occur unless adequate infrastructure is available for that area and that there are adequate provisions for long-term maintenance.

The proposed cancellation would allow the affected parcel to comply with Community Plan requirements for development. Necessary public utilities are either available or planned under the development plan. The subject parcel is contiguous to existing residential development to the east.

4. Discontiguous pattern of urban development will not result:

Based on the information provided, discontiguous patterns of urban development appear not likely to occur. The subject parcel is contiguous to existing residential development to the south.

The Department, however, recommends that any additional information regarding the intent and ability of the interviewing landowners to develop their land be added to the record.

5. There is no available and suitable proximate noncontracted land for the use proposed on the contracted land:

The petition lacks necessary documentation to support a finding that there is no proximate noncontracted land both available and suitable for the proposed use.

Please note the California Supreme Court pointedly stressed that:

The purpose of the Williamson Act require that "proximate" not be construed to unreasonably limit the search for suitable noncontracted land. It would serve no

purpose of the act to reject unrestricted property perfectly suited to fill the needs addressed by the proposal simply because that property is not in the immediate vicinity of the restricted land. In fact, under some circumstances land several miles from the proposed development site may be near enough to serve the same purposes. We therefore hold that "proximate" property means property close enough to the restricted parcel to serve as a practical alternative for the proposed use. *Sierra Club v. City of Hayward*, 28 Cal.3d 840,861 (1981).

The Department recommends that all additional information regarding the availability and suitability of proximate noncontracted lands for this use be added to the record. This should include a proximate land search for noncontracted properties within a several-mile radius of this site, and an analysis of why they are not feasibly available for the proposed alternative use. See *Sierra Club*, 28 Cal.3d at 862 (requiring the determination of salient features of a proposed project as relevant to making a proximate land analysis).

Once such information is in the administrative record, this finding may be met, and would assure that this cancellation meets statutory requirements to avoid future challenges."

Staff comment: Applicant requested the Chicago Title Company to conduct a proximate land search for non-contracted properties within the Goshen Urban Boundary. The search indicates there are no non-contracted lands with in the urban boundary that are designated for residential use and suitable for development of affordable housing to serve the Goshen community.

VI. Assessors Report.

The Tulare County Assessor's Office has estimated the current fair market value of the cancellation site:

Current Fair Market	Cancellation Fee (12.5%
Value Estimate =	of Estimated Value) =
\$1,500,000	\$187,500

VII. ENVIRONMENTAL IMPACTS CHECKLIST/DISCUSSION (See attached documents).

VIII. DETERMINATION:

A Negative Declaration was prepared for the project and approved by the Environmental Assessment Officer indicating that the project will not have a significant effect on the environment.

IX. Recommended Conditions of Approval:

1. The applicant must make payment in full to the County Treasurer for the amount of the cancellation fee, which is \$187,500.
2. The applicant must file an application and pay fees for the diminishment of the Agricultural Preserve for the subject property.
3. The applicant must secure all local discretionary approvals necessary for the alternative use, including but not limited to a Final Site Plan application.
4. If the cancellation fees are not paid by the applicant within one year after the decision approving the tentative cancellation is recorded, then the cancellation fees shall be recomputed as provided for in § 51283(b) of the Williamson Act.
5. The applicant shall notify the Board of Supervisors in writing when they have satisfied the conditions described above. Within 30 days of receipt of said notice, and upon a determination that the conditions have been satisfied, the Board of Supervisors shall approve a certificate of tentative cancellation of the contract. The cancellation is not completed until the final notice has been recorded.
6. If the applicant is unable to satisfy the conditions of this cancellation, then applicant shall notify the Board of Supervisors in writing, describing which conditions applicant is unable to satisfy. Within 30 days of receipt of said notice, and upon a determination that the landowner is unable to satisfy the necessary conditions, the Board of Supervisors shall execute a certificate of withdrawal of tentative approval of a cancellation of contract. The landowner shall not be entitled to any refund of the cancellation fees paid.
7. A Negative Declaration has been approved for this project by the Environmental Assessment Officer indicating 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 \$1,876.75 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 103, 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.

8. The Notice of Determination is required to be filed within five (5) days of project approval. The applicant shall pay the fee to the Tulare County Clerk's Office, Room 201, Tulare County Courthouse, Visalia, California 93291-4593. Checks shall be made payable to: "County of Tulare."

X. CREDITS:

This report prepared by:

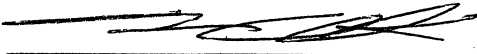


Henry Dong, Project Planner
Planning Branch, Countywide Division

Date

10/8/08

This report approved by:



David Claxton, Chief Planner
Planning Branch, Countywide Division.

Date

10/17/08

XI. ATTACHMENTS:

- (X) Environmental Impacts Checklist/Discussion
- (X) Agricultural Preserve Checklist
- (X) Consulting Agency List
- (X) Correspondence
- (X) Maps
- (X) Legal Description

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ~~Tulare~~, STATE OF CA AND IS DESCRIBED AS FOLLOWS:

THE WEST HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 SOUTH RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THE NORTH 55.00 FEET AS DEEDED TO TULARE COUNTY REDEVELOPMENT AGENCY, POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, IN DEED RECORDED JULY 17, 2003 AS DOCUMENT NO. 2003-0066263 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THE EAST 208.00 FEET OF THE NORTH 263.00 FEET THEREOF.

APN: 075-170-031

Project: PAC 07-004

Applicant: Self Help Enterprises

Agent: Lane Engineers Inc.

Date Prepared: September 25, 2008

NEGATIVE DECLARATION

DESCRIPTION OF PROJECT:

Proposal, Zoning and Parcel Size:

A partial cancellation of of Agricultural Preserve Contract No. 10765, for approximately 37.41 acres within Agricultural Preserve No. 3638. The applicants' proposed alternative use of the cancellation site is 77 single family residential lots and 15 multiple family units (separate site plan attachment C-1) for affordable housing. Additionally, there will be a 9.5 acre park pond and a 4.90 acre remainder portion for possible future development.

Location:

The project site is located on 37.41 acres just south of Avenue 312 and approximately one half mile west of Road 76, within the northeastern portion of the community of Goshen, in Tulare County.

APN(s): 075-170-031

Section 19, Township 18 South, Range 24 East, M.D.B.&M.

Project Facts:

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

Attachments:

Initial Environmental Study (X)

Maps (X)

Mitigation Measures ()

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:

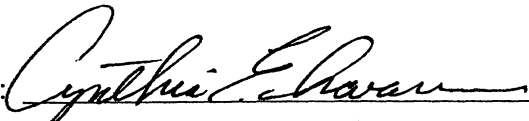
Negative Declaration

Page 2

- (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
DAVID CLAXTON
ENVIRONMENTAL ASSESSMENT OFFICER

BY: 

DATE APPROVED: 10-17-2008

REVIEW PERIOD: 20-Day

NEWSPAPER:

- ☒ Visalia Times-Delta
- ☐ Porterville Recorder
- ☐ Tulare Advance-Register

V. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

B. DETERMINATION:

On the basis of this initial evaluation:

- ☒ 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

Date

Henry Dong
Printed Name

Planner I
Title

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

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

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

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
--------------------------------------	---	------------------------------------	--------------

D. ENVIRONMENTAL IMPACTS CHECKLIST

1. AESTHETICS

Would the project:

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

Analysis:

- a) The housing will not obstruct any scenic vista. The project site is vacant farmland with a variety of residential and industrial uses nearby. No impact will occur in this regard.
- b-c) According to the Scenic Highways Element of the Tulare County General Plan, the subject site is not located adjacent to or near a designated eligible Scenic Highway. No scenic resources such as rock outcroppings, trees, or historic buildings will be disturbed by the proposed project. The proposed project includes the construction of new structures on land that is currently vacant agricultural land. The visual character will be enhanced with the full development of the site.
- d) The proposed subdivision will generate a new source of light through street lighting and lighting used by the future residents; however this increase in lighting is similar to that experienced in the existing areas of Goshen and is not considered a significant change. Additionally, directional lighting will be incorporated into the project design in order to mitigate substantial nighttime light or glare.

2. AGRICULTURAL RESOURCES

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

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the

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

California Resources Agency, to non-agricultural use or if the area is not designated on the Important Farmland Series Maps, would it convert prime agricultural land as defined in Section 51201(C) of the Govt. Code to non-agricultural use?

☐ ☐ ☒ ☐

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

☐ ☐ ☒ ☐

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

☐ ☐ ☒ ☐

Analysis:

(a-c) The 37.41 acre cancellation site contains prime farmland (Grangeville Sandy Loam and Akers-Akers) that is currently vacant open land. The cancellation site is within Agricultural Preserve No. 3638; however, a Full Notice of Non Renewal was submitted on September 27, 2005 and recorded by the County on February 22, 2006. The Notice is identified as FNR-05048. The project is within the Goshen Urban Development Boundaries and subject to the Goshen Community Plan. The adjacent lands to the west, east and north are currently under agricultural use, however the Goshen Community Plan designates these lands for residential use. The project site is contiguous to existing residential development to the south. The agricultural lands outside the urban development boundary to the north, fall under the Rural Valley Lands Plan, and will remain protected under agricultural use. The proposed residential development is consistent with the Residential land use designation for the project site as identified in the Goshen Community Plan. The existing zoning of the site is A-1 (Agricultural). A Zone Change is being requested to change the zoning from A-1 to R-1 (Single Family Residential) and R-2 (Two Family Residential), which will bring the site into compliance with the land use designation of "Residential." The existing and planned land use pattern precludes the use of the land for production agriculture. There are no noncontracted lands available or suitable for the proposed use. In accordance with Section 7905(a) of the Tulare County Ordinance Code, and as a condition of approval of the subdivision map, a Right to Farm Notice shall be placed on the face of the final map, or a separate sheet shall be signed by the vested owners of the property and shall be returned to be recorded with the resolution approving a waiver of final map. Therefore, the project will result in a less than significant impact to agriculture.

3. AIR QUALITY

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

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

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

Analysis:

- a) Air quality plans or attainment plans are used to bring the applicable air basin into attainment with all state and federal ambient air quality standards designed to protect the health and safety of residents within that air basin.

Attainment status: The San Joaquin Valley is designated non-attainment of state and federal health based air quality standards for ozone and respirable particulate matter (PM). Under the federal classification scheme, the San Joaquin Valley is designated serious non-attainment for both the PM10 (particulate matter less than 10 micrometers in diameter) standard and the 8-hour ozone standard. To meet Federal Clean Air Act requirements, the District has adopted an Extreme Ozone Attainment Demonstration Plan (2004) and a PM10 attainment demonstration plan (2003 PM10 Plan). Both plans have 2010 attainment dates; however, the District previously submitted a request to be designated attainment for the federal PM10 standard. EPA finalized approval of the District's request for a finding of attainment on October 17, 2006. The District will remain designated non-attainment for PM10 until approval of a maintenance plan for the air basin. In addition, the federal one-hour ozone standard has been revoked by EPA and replaced with an 8-hour standard. The planning requirements for the one-hour plan remain in effect until replaced by a federal 8-hour ozone attainment plan that was due to EPA by June 15, 2007. The San Joaquin Valley is also designated non-attainment for the new state and federal PM2.5 (particulate matter less than 2.5 micrometers in diameter) annual standard. The District's federal PM2.5 attainment plan was due April 5, 2008. Measures contained in the 2003 PM10 Plan will also help reduce PM2.5 levels and will provide progress toward attainment until new measures are implemented for the PM2.5 Plan, if needed. State ozone standards do not have an attainment deadline but require implementation of all feasible measures to achieve attainment at the earliest date possible. State PM10 and PM2.5 standards have no attainment planning requirements, but must demonstrate that all measures feasible for the area have been adopted.

Significance determination: The District's threshold for significant impact for ROG and NOx is 10 tons/year of each. The District does not recommend a quantitative threshold for PM10 emissions from

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

construction activities since it considers compliance with Regulation VIII—Fugitive Dust Prohibitions to reduce this impact to less than significant. The project is subject to Rule 9510 – Indirect Source Review. The rule will require the project to reduce construction emissions by 20 percent for NOx and 45 percent for PM10 and operational emissions by 33% for NOx and 50 percent for PM10. The reductions may be obtained by implementing measures onsite that reduce emissions or through the payment of a mitigation fee to the District that will be used to purchase emission reductions from off-site projects. Specific measures recommended by the District are included as conditions of approval for the project. This will help ensure that the cumulative impact of the project will not interfere with the attainment and maintenance of the air quality standards. No credit has been claimed for onsite measures that will reduce emissions from the project; however, the design and location of the project is such that walking and bicycling is a feasible option for some local trips. Specific measures may be included in the project's Rule 9510 application to the District. Based on compliance with Rule 9510 of the Air District, the impact from project operations should be considered less than significant.

- b) As aforementioned in item a, the proposed project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- c) The net increase in criteria pollutant emissions from the proposed project is negligible as the project emissions individually are below the District's threshold of significance and compliance with Rule 9510 will ensure that cumulative growth does not result in an overall increase in emissions in the air basin and would not jeopardize attainment plan deadlines. Therefore, the cumulative net increase in criteria pollutants is less than significant.
- d) The potential effect of greenhouse gas emissions on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact, but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that, when added to all other greenhouse gas producing activities around the world, result in increases in emissions that are changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects.

The State of California has taken several actions that help to address potential global climate change impacts. Although not originally intended to reduce greenhouse gas emissions, California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The latest amendments were made in October 2005 and currently require new homes to use half the energy they used only a decade ago. Since electricity produced by fossil fuel power plants results in the production of greenhouse gases, reductions in electricity use through energy efficient buildings results in decreased greenhouse gas emissions. California Assembly Bill (AB) 1493 (Pavley) enacted on July 22, 2002, required the California Air Resources Board (CARB) to develop and adopt regulations that reduce GHG emitted by passenger vehicles and light duty trucks. Regulations adopted by CARB will apply to 2009 and later model year vehicles. CARB estimates that the regulation will reduce climate change emissions from light duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030 (CARB 2004a). California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S 3-05, the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels (CA 2005). The California Climate Action Team's (CAT) Report to the Governor contains

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

recommendations and strategies to help ensure the targets in Executive Order S-3-05 are met (CAT 2006).

In 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. AB 32 describes how global climate change will impact the environment in California. The impacts described in AB 32 include changing sea levels, changes in snow pack and availability of potable water, changes in storm flows and flood inundation zones, and other impacts. The list of impacts included in AB 32 may be considered substantial evidence of environmental impacts requiring analysis in CEQA documents. AB 32 focuses on reducing GHG in California. The GHG emissions reductions found in AB 32 and Executive Order S-3-05 are consistent with the climate stabilization models produced by the International Panel on Climate Change (IPCC). These climate stabilization models show that if GHG emissions are reduced to the levels shown in Executive Order S-3-05, the climate will stabilize at approximately a 2 degree Celsius rise averting the worst impacts associated with global climate change.

GHG as defined under AB 32 include: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires the CARB, the State agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve greenhouse gas emissions equivalent to statewide levels in 1990 by 2020. On or before June 30, 2007, CARB was required to publish a list of discrete early action greenhouse gas emission reduction measures that can be implemented by 2010.

AB 32 requires that by January 1, 2008, CARB shall determine what the statewide greenhouse gas emissions level was in 1990, and approve a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020. While the level of 1990 GHG emissions has not yet been approved, reported emissions vary from 425 to 468 Tg CO₂ Eq. (CEC 2006). In 2004, the emissions were estimated at 492 Tg CO₂ Eq. (CEC 2006). The actions described above provide a framework for reducing greenhouse gas emissions in California. The project must comply with Title 24 energy efficiency standards. Vehicles purchased by residents will produce fewer GHG emissions than those produced today with implementation of AB1493. Regulations stemming from AB 32 will result in reductions in emissions from major sources such as electrical power generation and cement production. It remains uncertain if these actions will be sufficient to counteract California's contribution to global climate change. However, additional analysis for this project will not increase the certainty of any impact determination. Although quantification methods are available to calculate the project's contribution, due to the relatively small size of this project and lack of a numeric threshold no quantification is provided.

- e) The project is near existing industrial development to the east and lands designated for future industrial development that may result in the exposure of residents to toxic air contaminants from the operation of diesel trucks and equipment and from industrial processes. The nearest warehouse distribution center is located in the City of Visalia about one-half mile east of the project site. The Visalia General Plan designates currently vacant land close to the project for heavy industrial and light industrial uses. Industrial land uses have the potential to cause a significant health risk, depending on the type and intensity of projects actually developed. The existing warehousing operations are approximately ½ to one mile from the project site. The primary access route to the warehouses is on Highway 198, away from the project site. At this distance, the chance of causing a significant impact appears low. The California Air Resources Board's (ARB) Air Quality and Land Use Handbook: A Community Health Perspective contains a distance recommendation of 1,000 feet for distribution centers located near residential development. The nearest existing distribution center is over 2,000 feet from the project boundary. Future development on the City of Visalia land designated for industrial near to the project could result in an adverse impact. The individual projects constructed in the City of Visalia will require their own CEQA review. Measures such as locating truck loading and parking areas, and access points away from the residences can reduce this impact. Stationary sources of toxic emissions are regulated by the Air District and uses exceeding toxic risk thresholds are not allowed. Any new industrial/warehousing uses within 1,000 feet of the project site should prepare a health risk assessment and apply mitigation measures to reduce any potential significant impacts. During construction, controls on fugitive dust required by Air District Regulation VIII will reduce PM₁₀ fugitive dust impacts to less than significant. Particulate emissions from diesel powered construction equipment are considered a toxic air contaminant.

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

Construction emissions are temporary emissions that would not exceed District short term acute toxic risk thresholds.

- f) The only potential odors associated with the project are from diesel exhaust and the application of asphalt and paint during the construction period. These odors, if perceptible, are common in the environment, would dissipate rapidly as they mix with the surrounding air, and would be of very limited duration. Therefore, any potential odor impacts would be considered as less than significant.

4. BIOLOGICAL RESOURCES

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input 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"/> |

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

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

☐ ☐ ☐ ☒

Analysis:

- a) A biological survey of the subject site was conducted in January 2008, by William J. Vanherweg, a Certified Wildlife Biologist. Surveys were completed for the following species: San Joaquin kit fox, Tipton kangaroo rat, Blunt-nosed leopard lizard, and the Burrowing owl. The survey results concluded that there were no potential or known kit fox dens at the proposed construction site, that no kit fox sign was observed at or near the site, that no kangaroo rat sign and/or potential burrows were found at the site, that no blunt-nosed leopard lizard potential habitat was found at the site and, that no burrowing owls or signs of were found at the site.
- b) No riparian habitats exist on the site since no courses of water flow through or around the site. Therefore, the proposed project will not have an effect on riparian habitats or sensitive natural communities.
- c) The Federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) also potentially occurs in the Project area. Separate Federal Incidental Take permitting may be necessary for species listed under the Federal Endangered Species Act (FESA). It appears from aerial photographs that remnants of swales may be present throughout the Project area. These swales have existed despite continued row-crop agriculture. Before the final site plan is approved, a formal wetland delineation should be conducted by a qualified biologist to determine the location and extent of wetland habitat on the site, including vernal pools and swales. The wetland delineation should be submitted to the United States Army Core of Engineers for varification and included with the results of the biological survey(s) to the Department of Fish and Game. Prior to the approval of the final site plan, a biological survey for wetlands may need to be completed.
- d) The site currently consists of ruderal vegetation dominated by grasses, but was previously utilized for agriculture (row crops). The surrounding areas contain residential, industrial, and agricultural uses. The site does not contain suitable habitat for the San Joaquin kit fox, the Tipton kangaroo rat, Blunt-nosed leopard lizard, or the Burrowing owl. Nor is the project site suitable as a significant wildlife movement corridor.
- e) The project site is currently designated for urban uses by the Goshen Community Plan and zoned for agricultural use. No local policies or ordinances protecting natural resources apply to the project site. Therefore, no impact will occur in this regard.
- f) The site is not subject to a habitat conservation plan.

5. CULTURAL RESOURCES

Would the project:

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

☐ ☐ ☐ ☒

☐ ☐ ☐ ☒

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

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

Analysis:

-
- a) The project area is currently vacant agricultural land and no historical or cultural structures are found on the premises. A condition of approval will be imposed that requires cessation of grading or construction if any historically significant features are discovered during activities on the site. Thus, potential environmental impacts to historical resources are considered to be less than significant.
- b) No rivers, streams, or geological features exist on or near the site that suggest the existence of archaeological resources. The project site has been subject to continued row-crop agriculture and no archaeological resources were discovered at the subject site. A condition of approval will be imposed that requires cessation of grading or construction if any archaeological features or human remains are discovered during activities on the site. Thus, potential environmental impacts to archaeological resources are considered to be less than significant.
- c) The project area is not adjacent or in close proximity to any unique paleontological resource. Project excavation is expected to be relatively shallow and is therefore not expected to impact paleontological or unique geologic resources. No fossils of plants, animals, and other organisms of any paleontological or cultural significance have been discovered at the project site nor has the site been identified to be within an area where such discoveries are likely. A condition of approval will be imposed that requires cessation of grading or construction if any paleontological or cultural features are discovered during activities on the site. Thus, potential environmental impacts to paleontological resources are considered to be less than significant.
- d) Although there is no evidence or records indicating that the project area is likely to contain human remains, there is always a possibility that human remains will be discovered during project earthmoving activities. If human remains are discovered during excavation or grading, all disturbance must stop within the immediate area pursuant to Section 7050.5 of the California Health and Safety Code until the County Coroner determines that no further investigation into the circumstances, manner, or cause of any death is necessary. If the Coroner determines that the human remains are Native American, he or she shall contact the Native American Heritage Commission within 24 hours and specific requirements detailed in Section 5097.98 of the Public Resources Code will be followed. If these requirements are followed, impacts to human remains would likely be reduced to a less than significant level.
- e) The project area is currently vacant agricultural land and no architectural structures are found on the premises. The surrounding properties are agricultural lands and residential housing. A condition of approval will be imposed that requires cessation of grading or construction if any architecturally significant features are discovered during activities on the site. Thus, potential environmental impacts to architectural resources are considered to be less than significant.

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

6. GEOLOGY/SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication No. 42.

☐ ☐ ☐ ☒

- ii) Strong seismic ground shaking?

☐ ☐ ☒ ☐

- iii) Seismic related ground failure, including liquefaction?

☐ ☐ ☐ ☒

- iv) Landslides?

☐ ☐ ☐ ☒

- v) Subsidence?

☐ ☐ ☐ ☒

- b) Result in substantial soil erosion, siltation, changes in topography, the loss of topsoil or unstable soil conditions from excavation, grading or fill?

☐ ☐ ☒ ☐

- 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:

- a) i-iii) According to the Seismic Safety Element of the Tulare County General Plan, the subject site is not located on or near a known earthquake fault. Ground shaking may occur when major faults distant from the project site rupture, but the magnitude of the impact is expected to be low in this part of the San Joaquin Valley. The nearest fault is the Clovis Fault in Fresno County, 5 miles south of the

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

Madera County line, approximately 48 miles north of the project site. The San Andreas Fault is about 40 miles west of the Tulare County line. The Owens Valley Faulty Group lies at the eastern base of the Sierra Nevada Range in Tulare and Inyo Counties. Compliance with state building codes when constructing the homes will prevent significant damage due to ground shaking from occurring. This impact is less than significant.

- iv) The subject site is level; therefore, there is no potential for a landslide.
 - v) According to the Tulare County General Plan, the valley areas of Tulare County have not experienced subsidence. The nearest subsidence problems lie in the foothills and mountainous areas of the Valley. Therefore, no impact is anticipated.
-
- b) Since the site is flat, excavation, grading, and filling at the project site will be minimal. No changes in topography are proposed with this project; therefore, no impact is expected.
 - c-d) The soils for the site are classified as Akers-Akers by the NRCS and are characterized by low shrink-swell potential and, as such, the development would not be constructed on expansive soil. No impact is anticipated.
 - e) The project will rely on a public sewage treatment facility operated by the Goshen Community Service District and does not include septic systems; therefore, no impact will occur in this regard.
 - f) No contaminants or other substances that may degrade the soil will be used, produced, or handled at the project site.

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? ☐ ☐ ☐ ☒

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <hr/> | | | | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people to existing or potential hazards and health hazards other than those set forth above? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis:

- (a-c) Hazardous substances such as petroleum products for construction equipment would be transported and used onsite during grading operations for the proposed project. Residential home construction requires the use of minimal amounts of hazardous substances during construction such as fuel for generators, solvents, epoxies, and paints. Hazardous materials may be transported, stored, and used onsite for use in maintenance and cleaning of homes, however, minimal risk is associated with the chemicals typically stored in a household. This impact is considered less than significant.
- d) According to the State of California Hazardous Waste Sites and Substances Sites List (http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm December 20, 2006, the subject property does not contain and is not proximate to a listed hazardous site. In addition, the applicant has signed and filed a statement declaring that no hazardous materials are located at the project site.
- (e-f) The project site is within the vicinity of the Visalia Municipal Airport. Aircraft taking off and landing at the airport will fly over the project site creating a potential hazard. The Tulare County Airport Land Use Commission staff reviewed the project and identified the site as being located in a "Horizontal Zone" (C). The Tulare County Comprehensive Airport Land Use Plan (CALUP) policy applying to parcels within the "C" Conical Zone is as follows:

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

CONICAL ZONE (C): No particular restrictions, however, projects such as stadiums, arenas, auditoriums, large transmission facilities or anything that would attract large numbers of people would be potentially hazardous. For this reason, projects within this zone are still subject to ALUC review.

Thus, the project will result in no impact to aviation or the surrounding community as the density on the site is consistent with CALUP policies.

- g) The project will result in the development of a subdivision meeting all emergency access requirements and would not impair the implementation of an adopted emergency response plan as it will not create an obstruction to surrounding roadways or other access routes used by emergency response units.
- h) The project site is vacant farmland with grass and weeds that may be subject to fire during the dry season. The development of the site with houses will eliminate this potential impact. The land adjacent to the site is developed with urban uses, agricultural land, and other vacant lands. No wild lands are present, therefore, there is no potential risk of loss, injury or death involving wild land fires.
- i) No other hazards exist at the subject site. See the air quality discussion for issues regarding exposure of residents to hazardous or toxic air emissions.

8. HYDROLOGY AND WATER QUALITY

Would the project:

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

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade surface or groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Analysis:

- a) Implementation of the proposed project would increase impermeable surface area, and site runoff, contributing typical roadway pollutants to existing drainage facilities. Therefore, the project has the potential to create significant adverse impacts and to violate water quality standards and/or waste discharge requirements unless the project design provides for improvements needed to prevent the impacts from occurring. A 9.41 acre combination park/drainage basin is proposed that will capture site runoff and complete sets of drainage plans for review and approval prior to commencement of development is also required. With the development of the on-site drainage basin and the implementation of County recommendations, this impact will be less than significant.
- b) The proposed project will add 77 new residences, increasing the demand for water on-site that could have substantial impacts to groundwater; however, the project will be connected to the California Water Service Company community water system. A "will serve" letter from California Water Services is required as a condition of approval to reduce this potential impact to less than significant.
- c-f) The site is essentially flat, however, the proposed subdivision will add impervious surfaces to the project site and increase the amount of storm-water runoff. The latest tentative map includes a combination drainage basin/park to capture runoff onsite. The storm water drainage system shall be designed to accommodate a 10-year, 10-day storm frequency. County Board of Supervisors policy requires the developer to provide a mechanism to fund the future maintenance of the ponding basin. A condition of approval requires that the developer pay Tulare County RMA to form an assessment district for the permanent, long-term maintenance of the storm drainage system. Premises of the project area shall be maintained in a good, clean, orderly manner, free of any debris or junk materials, reducing polluted storm water runoff generated by the proposed project to a level that is less than significant.
- g-h) As shown on Panel Number 465C of Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Rate Map, the subject site is located within Flood Zone B. The definition of Zone B is an area with less than a 1% chance of flooding each year; areas that have less than a 1% chance of sheet flow flooding with an average depth of less than 1-foot; areas that have less than a 1% chance of stream flooding where the contributing drainage area is less than 1 square mile; or areas

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

protected from floods by levees. No base flood elevations or depths are shown within these zones. Based on this information, no impact is anticipated in this regard.

- i) According to the Tulare County General Plan Background Report, Safety Section, "There are two major dams that would flood portions of Tulare County in the event of their failure. The Lake Success Dam is on the Tule River, holds 80,000 acre feet of water, and is at an elevation of 652 feet above sea level. The Terminus Dam is on the Kaweah River, holds 142,000 acre feet of water, and has an elevation of 750 feet." The project is within an area that would be inundated in the event of failure, but the site is not likely to be exposed to extremely high water levels and high velocities due to the distance to the dam (approximately 22 miles) and the relatively flat terrain of the Valley floor that would disperse the water over a wide area. The project is not located in an area susceptible to seiche, tsunamis, or mudflows as it is not located near an ocean, lake, or river. Therefore, this impact is less than significant.

9. LAND USE AND PLANNING

Would the project:

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

Analysis:

- a) The project is within the Goshen Urban Development Boundaries and subject to the Goshen Community Plan. The adjacent lands to the west, east and north are currently under agricultural use, however the Goshen Community Plan designates these lands for residential use. The project site is contiguous to existing residential development to the south. The proposed residential development is consistent with the Residential land use designation for the project site as identified in the Goshen Community Plan. The existing zoning of the site is A-1 (Agricultural). A Zone Change (PZ 08-004) is being requested to change the zoning from A-1 to R-1 (Single Family Residential) and R-2 (Two Family Residential), which will bring the site into compliance with the land use designation of "Residential." Therefore, the proposed subdivision will be integrated into the community. The project site is contiguous to existing residential development to the south and will not physically divide the Goshen community.
- b) The potential for having residential development in Goshen near to industrial development in Visalia may create land use conflicts such as noise, traffic, lighting, air quality, and odors, Tulare County and City of Visalia should work together to identify mitigation measures to minimize potential problems at the residential/industrial interface. Potential mitigation measures that would reduce this impact include the following. Block walls should be required along roads dividing residential and industrial designations. Light industrial or commercial should be designated for properties adjacent to residential designations to provide a buffer. Special Use Permits should be required on industrial parcels adjacent to residential to allow design features such as truck parking, entry and exit locations, lighting designs, and operational measures such as limits on hours of operation, and limits on types of uses. With the implementation of conditions and mitigation measures described above, this impact will be less than significant.

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

10. MINERAL AND OTHER NATURAL RESOURCES

Would the project:

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

Analysis:

(a-b) According to the Environmental Resources Management Element of the Tulare County General Plan, the site is not known to contain any valuable minerals. Groundwater may be located at the site; however, the project will be served by California Water Service and the project will not impact the ability to install new wells in the area, if needed.

11. NOISE

Would the project result in:

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

Analysis:

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

a-d) Residential development is considered a noise sensitive land use. According to the Tulare County Noise Element (1988), the subject site is not located within a noise impacted area. This is beyond the boundary of the noise corridor for Highway 99. The industrial land in the City of Visalia could produce noise related to trucking and operation when neighboring parcels are developed. Avoidance measures are available to reduce this potential impact such as truck routing, and block walls and roadways separating residential and industrial uses. Short-term impacts would result from heavy equipment performing earthwork for grading, delivery of construction materials, and development of the single-family residential project. Standard construction activities such as grading, excavation, site preparation, and development of the construction project are not expected to generate significant ground-borne vibrations or ground-borne noise levels.

e,f) The site is about 1.4 miles from the Visalia Municipal Airport. The General Plan Background Report noise contour map for the airport shows the project site is outside the 60 dB contour line. Therefore, this impact is considered less than significant.

12. POPULATION AND HOUSING

Would the project:

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

Analysis:

- a) The project proposes 77 dwelling units plus a multi-family complex that will add to the residential population of Goshen. According to the year 2000 Census, Goshen is a community of 2,394 persons. The area of proposed development is consistent with the existing Goshen Community Plan, as well as the 2004 draft Goshen Community Plan update. In addition, with the inclusion of conditions of approval, the impact of the increased population can be accommodated without causing a significant impact.
- b) The demographic profile for the area will change to reflect the higher income levels needed to purchase new housing, and may substantially impact the existing population. Goshen has a relatively high poverty rate that would be expected to decline with the infusion of new housing. Therefore, most impacts will be

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

positive since the project will provide improvements and facilities that will enhance the value of neighboring properties. Therefore, this impact is less than significant.

- c) Increased growth in this area of Tulare County can be accommodated without causing significant impacts through compliance with the recommended conditions of approval for the project.
- d) The project is located within an area designated for residential development, and is included in the Goshen Urban Development Boundary. Placing 77 single family residences and the future apartment complex (approximately 56 units) in an area that is already designated for residential development will increase the density; however, this area will be developed at densities consistent with the rest of the community. Therefore, this impact is less than significant.

e-f) The site is currently vacant. Therefore, this impact is less than significant.

- g) The project helps meet the housing element objectives for providing quality housing for residents of rural communities such as Goshen. The Tulare County Housing Element estimates a Housing Unit Growth from 2001-2008 of 71; therefore, the project's 77 units will provide housing in excess of projected needs. This impact is less than significant.

13. PUBLIC OR UTILITY SERVICES

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

- | | | | | |
|--------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Electrical power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Communication | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Other public or utility services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Analysis:

- a) The project will add 77 dwelling units to the area with the current proposal. Future development of an apartment complex is also proposed. This will result in an increase in the need for fire protection services and infrastructure such as fire hydrants. A condition of approval has been imposed that would require the developer to install a fire hydrant system in accordance with the Tulare County Subdivision Ordinance and Tulare County Fire Department requirements. Fire protection will be provided by the Tulare County

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

Fire Department located in Goshen and will be included in the general growth requirements for the County. Therefore, this impact is less than significant with mitigation.

- b) The increase in population will require additional police services in this area. Police protection will be provided by the Tulare County Sheriffs Department and will be included in the general growth in service needs for the County. This impact is less than significant.
 - c) The increase in population will result in an increase in school age children for the Visalia Unified School District. The project will impact the Goshen Elementary School District and other Visalia Unified school sites that will likely require additional school facilities. This District has implemented developer fees that are expected to cover the costs of accommodating the development, which will reduce any potential impacts to less than significant.
-
- d) The proposal includes the development of a combined 9.41 acre park/drainage basin. The impact on parks is therefore considered less than significant.
 - e) Electricity and natural gas to the subject site will be provided by Southern California Edison and Southern California Gas Company. There is no indication that there will be any issues in providing electrical service. Therefore, this project will not have a significant impact on the need for additional power or natural gas facilities.
 - f) The project site will be served by AT&T. This would not have a significant impact on the need for additional communications facilities.
 - g) The proposed project should not impact the need for any other public or utility services.

14. RECREATION

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

Analysis:

- (a-b) A 9.41 acre combination park/drainage basin is proposed for development with this project. The proposed park drainage basin will provide open space for recreational activities for the 77 new residential lots and for the surrounding residences as well. The impact on parks is therefore considered less than significant.

15. TRANSPORTATION / TRAFFIC

Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to

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

capacity ratio on roads, or congestion at intersections)?

☐ ☐ ☒ ☐

b) Exceed, either individually or cumulatively, a level of service standard established by the County Circulation Element?

☐ ☐ ☒ ☐

c) Result in a change in air, rail or water-borne traffic patterns, including either a significant increase in traffic levels or a change in location that results in substantial safety risks?

☐ ☐ ☐ ☒

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, hazards or barriers for vehicles, pedestrians, or bicyclists?

☐ ☐ ☒ ☐

e) Result in inadequate emergency access?

☐ ☐ ☒ ☐

f) Result in inadequate parking capacity?

☐ ☐ ☐ ☒

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

☐ ☐ ☐ ☒

h) Substantially accelerate physical deterioration of public and/or private roads?

☐ ☐ ☒ ☐

Analysis:

(a,b) Based on the Institute of Transportation Engineers, Trip Generation, 7th Edition, the average trip generation rate for single-family residential development of 9.57 trips per dwelling unit, the project will produce 737 trips per day. Caltrans provided estimates of the project's peak hour trips in their comment letter dated June 25, 2008. Caltrans estimates that the proposed subdivision would generate approximately 78 trips during the P.M> peak-hour and that approximately 16 trips (20% of these trips would impact SR 99/Betty Drive interchange. Future improvements to SR 99/Betty Drive interchange are required. Caltrans has a project in the Project Status Report to reconstruct SR 99/Betty Drive interchange. Caltrans recommends that the project developers contribute a pro-rata fair share cost of \$45,328 towards interim improvements to the SR99/Betty Drive interchange. Since the subdivision design is not final, the actual amount of the project's share will be determined by Caltrans at a later date.

The County of Tulare will require the developer to fund the improvement of the roads serving the project site in conformance with Class 1, Class 2, or Class 3 Improvement Standards of Tulare County. Specific improvements are listed as conditions of approval for the project, thereby reducing any potential impacts to surrounding roads to a less than significant impact.

c) No travel by air, rail, or water to the subject site is proposed in this project. Therefore, no impact will occur in this regard.

d-e) No hazardous design features are included in the project. The subdivision and related road improvements will be designed in accordance with standard engineering practices and Tulare County

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

standards. This will prevent new hazardous conditions from occurring as the area is developed. This impact is less than significant.

- f) Parking will meet Tulare County zoning ordinance requirements and will be adequate for single family residential development. No impact will occur in this regard.
- g) Transit service is provided by Visalia City Coach. They provide service on Routes 6 and 10 each provide 12 buses per day between Goshen and Visalia. They also offer a dial-a-ride service. The proposed project will increase the need for transit services; however, the system may have unused capacity that would limit the need for immediate expansion. The transit provider tracks ridership and demand to respond to long-term needs for system expansion. The streets and sidewalks serving the subdivision will be designed to allow the safe movement of all modes of transportation including cars, buses, bicycles and pedestrians consistent with County of Tulare development policies. This impact is less than significant.
- h) The additional vehicular traffic generated by the proposed project may have a significant impact on the condition of private or public roads. Tulare County recommends that an assessment district that would pay for the long-term maintenance of the roads be formed as a condition of approval of the project. With the addition of this condition, the impact is considered to be less than significant.

16. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

Analysis:

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

- a,b) The project will add an increase in demand for sewage treatment capacity; however, the project will be served by the Goshen Community Service District, who has indicated, via a "Will Serve" letter that the District has the required capacity available to serve the site.
- c) The project will require the construction of new storm water drainage facilities as part of the development. Construction of the facilities is accomplished with the overall development of the site. The subdivider will comply with air and water regulations to prevent significant impacts from occurring during construction.
- d) Water supplies will be provided by California Water Service Company. Tulare County Health and Human Services Agency requires that a "Will Serve" letter be provided for the subdivision as a condition of approval of the project. A "Will Serve" letter from the California Water Service Company has been provided, making the impact on water supply less than significant.
- e) See item a) above.
- f) Tulare County Resource Management Agency operates three active class III landfills within the vicinity of the project. The Visalia Disposal Site located on Road 80 at Avenue 332 will serve the solid waste disposal needs for the proposed project. Surveys performed on March 31, 2006 revealed a remaining disposal capacity of 16,145,591 cubic yards. Visalia Disposal Site is permitted to receive up to 2,000 tons of waste per day although the current average received is 500 tons per day. The California Integrated Waste Management Board (CIWMB) has estimated the closure date of Visalia Disposal Site as December 31, 2026, however, the sites boundary is 631 acres, of which only 247 acres of land is currently permitted as disposal acreage. The Tulare County Resource Management Agency has applied for a 150 acre expansion to the permitted disposal acreage. The landfills lifespan will be increased significantly when the expansion is approved by CIWMB. Tulare County has sufficient land fill capacity to accommodate growth projected in the General Plan. This impact is considered less than significant.
- g) Solid waste must be disposed of following the requirements of the contracted waste hauler, which follows federal, state, and local statutes and regulations related to the collection of solid waste. Since the solid waste stream will be typical for residential development, it is not likely that statutes or regulations would be violated. No impact will occur in this regard.

17. MANDATORY FINDINGS OF SIGNIFICANCE

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

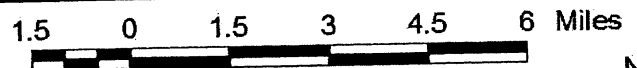
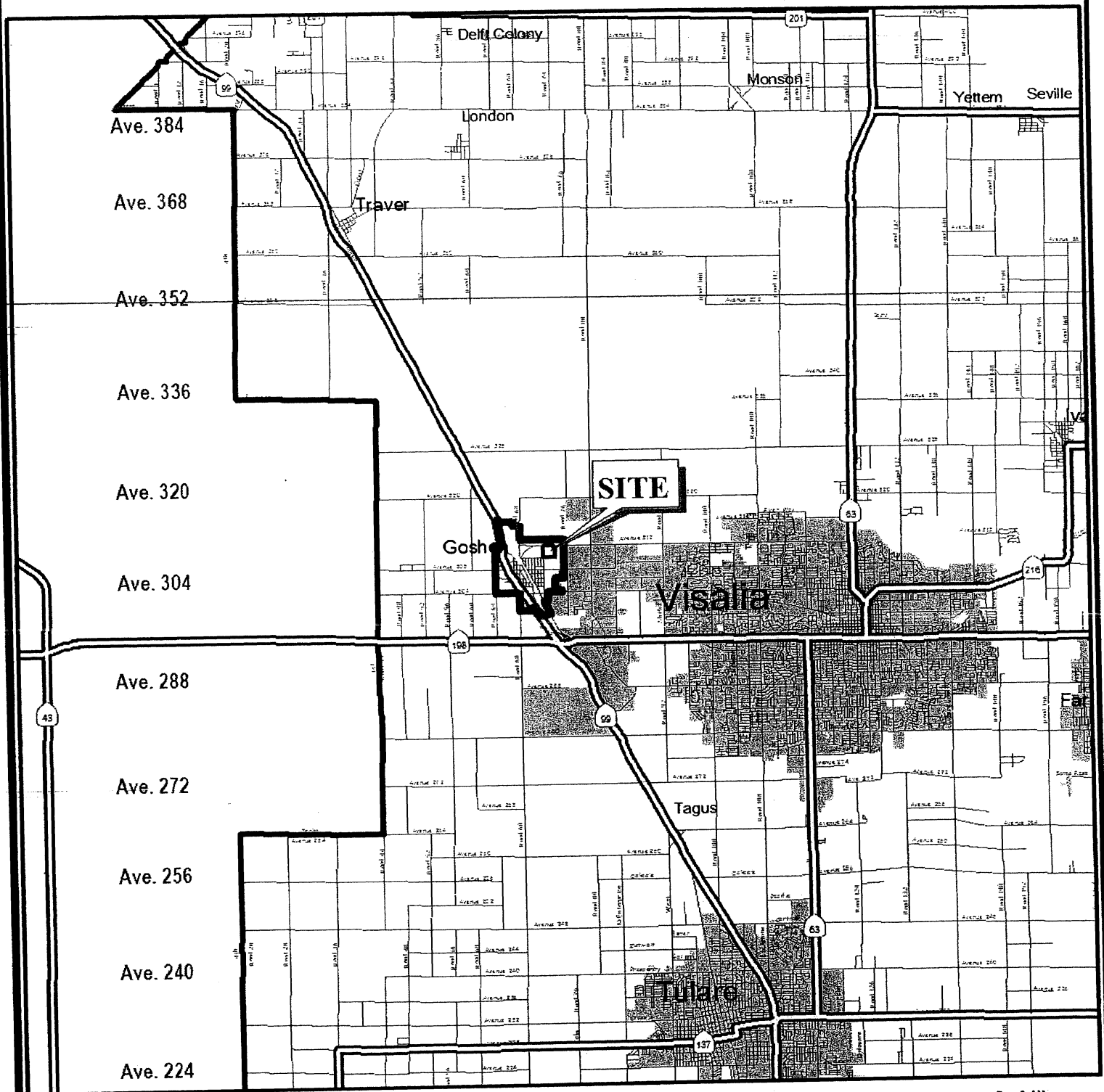
Analysis:

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

(a-c) Based on the analyses above, findings of "less than significant" are appropriate for the Mandatory Findings of Significance of this project. No "potentially significant" impacts were identified, and no potential "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.

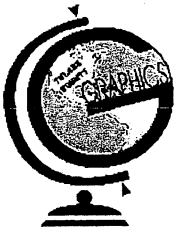


Vicinity Map for PAC 07-004



 UDB





Aerial Photograph for PAC 07-004



Owner: SELF-HELP ENTERPRISES
Address: 8445 W ELOWIN CT
City, State ZIP: VISALIA CA 93290
Applicant: SELF HELP ENTERPRISES
Agent: LANE ENGINEERING
Assessors Parcel # 075170031

300 0 300 600 900 1200 Feet

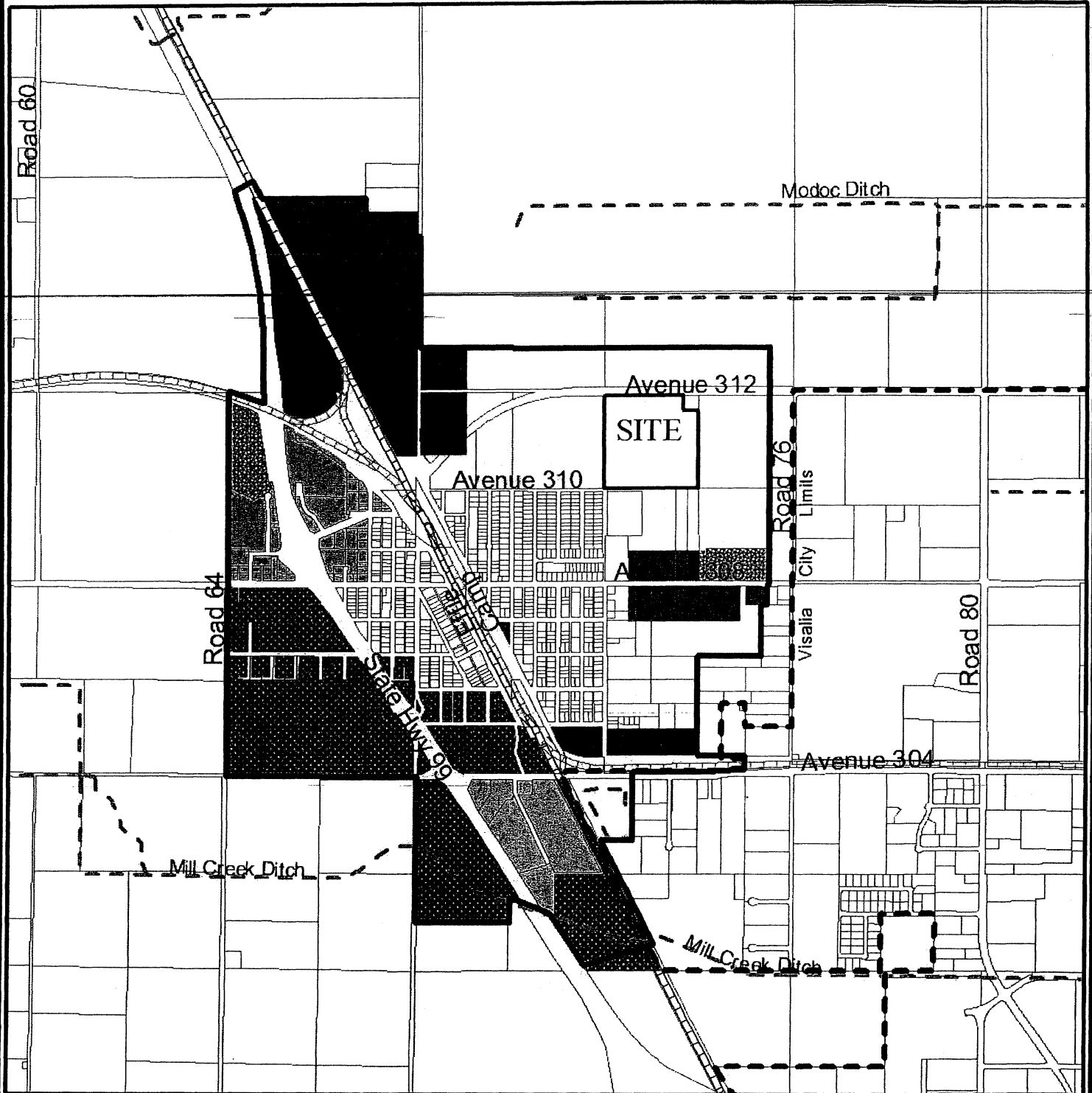
SITE

Project Site for PAC 07-004





General Plan Map for PAC 07-004



- UDB
- Railroads
 - Burlington Northern and Santa Fe (BNSF)
 - Union Pacific Railroad
- Goshen General plan 1980
 - Community Commer
 - Highway Commerci
 - Industrial
 - Low Intensity, S
 - Redevelopment PI
 - Private Recreati
 - Residential unclassified

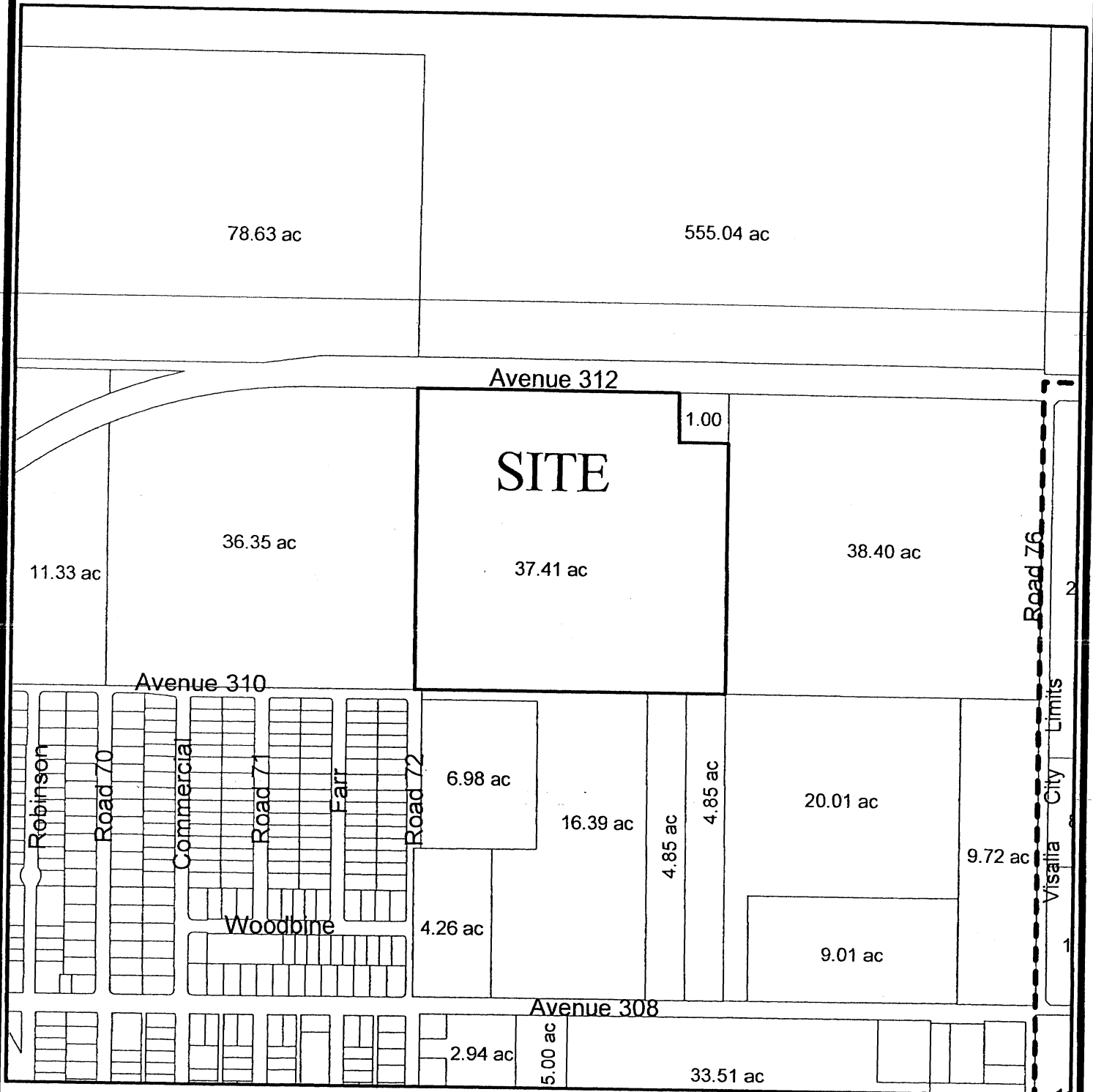
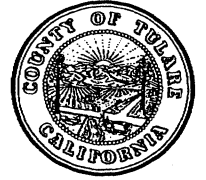
1000 0 1000 2000 3000 4000 Feet

SITE Project Site for PAC 07-004





Parcel Cut Map for PAC 07-004



Owner: SELF-HELP ENTERPRISES
Address: 8445 W ELOWIN CT
City, State ZIP: VISALIA CA 93290
Applicant: SELF HELP ENTERPRISES
Agent: LANE ENGINEERING

Assessors Parcel # 075170031

300 0 300 600 900 1200 Feet

SITE

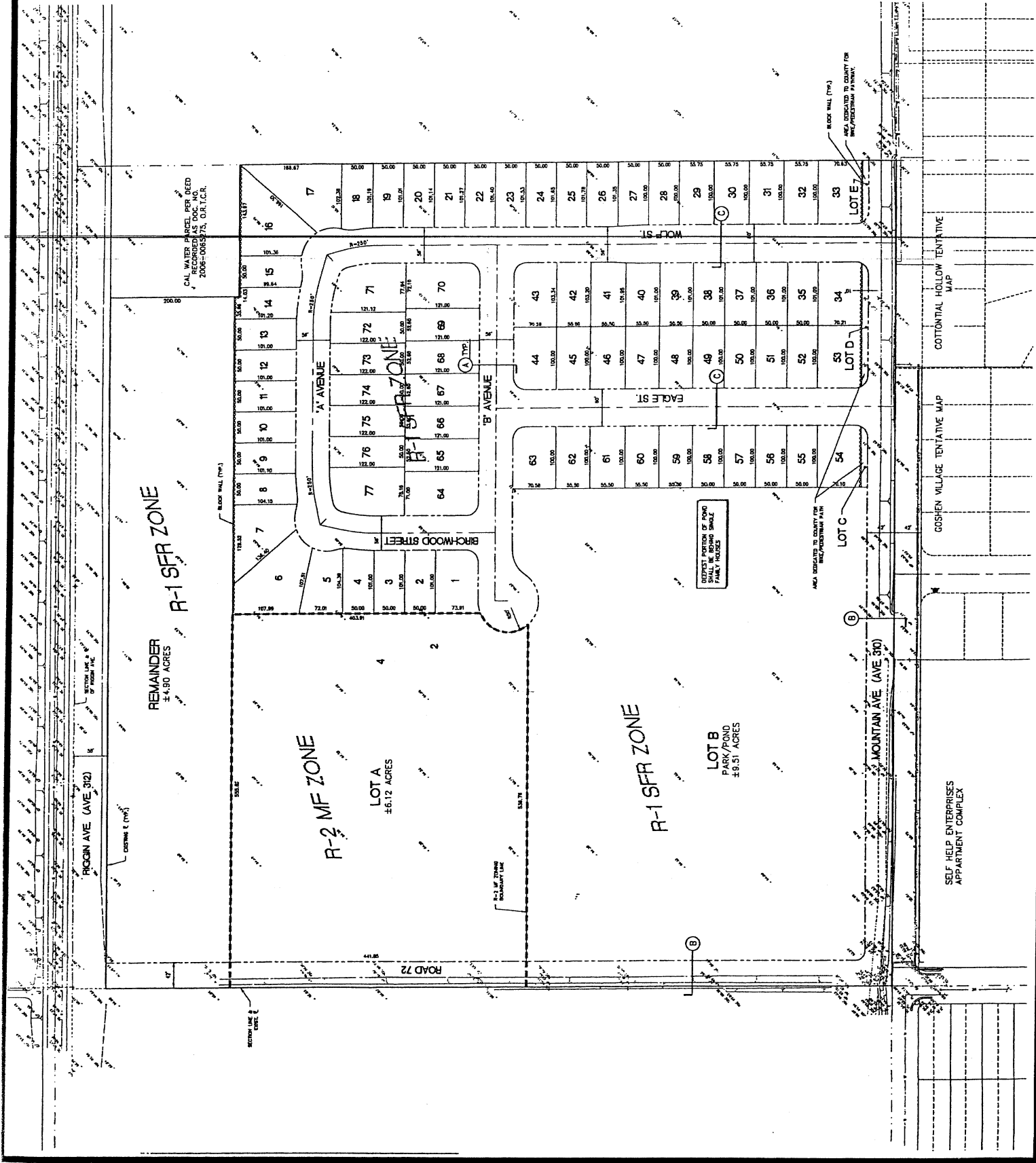
Project Site for PAC 07-004





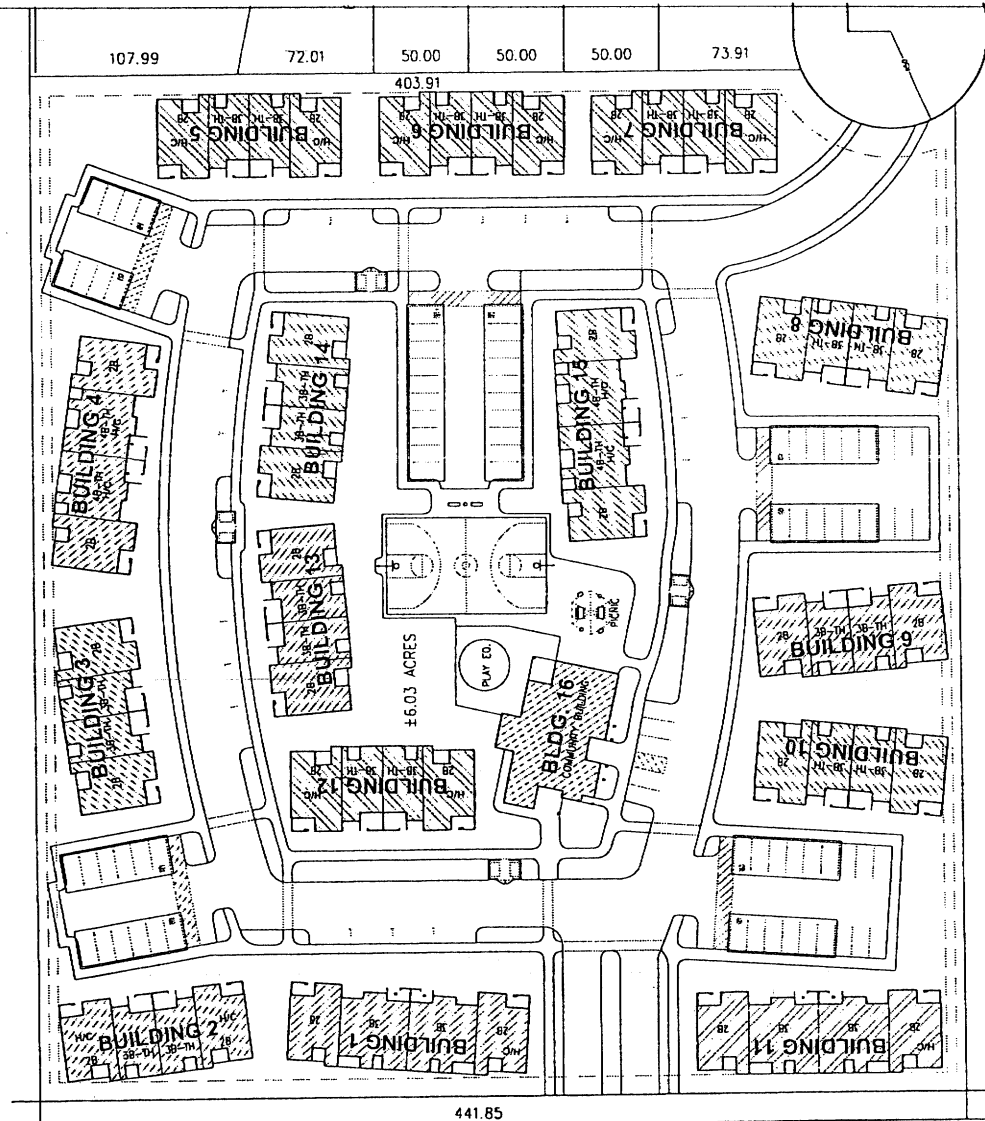
No Scale

Site Plan for PAC 07-004



SITE PLAN KEYNOTES

- 41 FENCE: EXISTING 6'-0" HIGH CHAINLINK W/ CONC. LOW STRIP.
- 42 FENCE: 6'-0" HIGH WOOD FENCE W/ METAL POST SYSTEM. SEE DETAIL 19/C-2.
- 43 FENCE: 6'-0" HIGH DECORATIVE METAL TYPE. PAINTED. SEE DETAIL 19/C-2.
- 44 GATES: 6'-0" HIGH DECORATIVE METAL TYPE. PROVIDE ELECTRICAL CONDUIT AND TELEPHONE LINE BACK TO COMMUNITY BUILDING.
- 45 GATES: 6'-0" HIGH DECORATIVE METAL TYPE. PAINTED. METAL FIRE DEPARTMENT APPROVED LOCKING SYSTEM. SEE 19/C-2.
- 46 TRASH BIN ENCLOSURES: WOODEN TYPE. DOUBLE BIN CAPACITY W/ 12'-0" DIAMETER TYPE. APPROX. ALIGNMENT W/ LOTGING. SEE DETAIL 19/C-2.
- 47 RAMP: CURB RAMP W/ STENOILED TROUSERS - NO PARKING. WHERE SHOWN W/ DASHED LINE.
- 48 SPEED BUMP: 3' WIDE x 8" HGT. ASPHALT.
- 49 BICYCLE RACK: SEE SPECS.
- 50 CONC. WALKWAY: SEE SPECS.
- 51 NEW SIDEWALK: REMOVE EXISTING SIDEWALK ALONG PROPERTY FRONTAGE AND REPLACE WITH A 4'-8" WIDE SIDEWALK ADJACENT TO CURB PER CITY STANDARDS.
- 52 CONC. RAMP: SEE DETAIL 19/C-2.
- 53 CONC. RAMP: SEE DETAIL 19/C-2.
- 54 CONC. RAMP: SEE DETAIL 19/C-2.
- 55 CONC. RAMP: SEE DETAIL 19/C-2.
- 56 CONC. RAMP: SEE DETAIL 19/C-2.
- 57 CONC. RAMP: SEE DETAIL 19/C-2.
- 58 CONC. RAMP: SEE DETAIL 19/C-2.
- 59 CONC. RAMP: SEE DETAIL 19/C-2.
- 60 CONC. RAMP: SEE DETAIL 19/C-2.
- 61 CONC. RAMP: SEE DETAIL 19/C-2.
- 62 CONC. RAMP: SEE DETAIL 19/C-2.
- 63 CONC. RAMP: SEE DETAIL 19/C-2.
- 64 CONC. RAMP: SEE DETAIL 19/C-2.
- 65 CONC. RAMP: SEE DETAIL 19/C-2.
- 66 CONC. RAMP: SEE DETAIL 19/C-2.
- 67 CONC. RAMP: SEE DETAIL 19/C-2.
- 68 CONC. RAMP: SEE DETAIL 19/C-2.
- 69 CONC. RAMP: SEE DETAIL 19/C-2.
- 70 CONC. RAMP: SEE DETAIL 19/C-2.
- 71 CONC. RAMP: SEE DETAIL 19/C-2.
- 72 CONC. RAMP: SEE DETAIL 19/C-2.
- 73 CONC. RAMP: SEE DETAIL 19/C-2.
- 74 CONC. RAMP: SEE DETAIL 19/C-2.
- 75 CONC. RAMP: SEE DETAIL 19/C-2.
- 76 CONC. RAMP: SEE DETAIL 19/C-2.
- 77 CONC. RAMP: SEE DETAIL 19/C-2.
- 78 CONC. RAMP: SEE DETAIL 19/C-2.
- 79 CONC. RAMP: SEE DETAIL 19/C-2.
- 80 CONC. RAMP: SEE DETAIL 19/C-2.
- 81 CONC. RAMP: SEE DETAIL 19/C-2.
- 82 CONC. RAMP: SEE DETAIL 19/C-2.
- 83 CONC. RAMP: SEE DETAIL 19/C-2.
- 84 CONC. RAMP: SEE DETAIL 19/C-2.
- 85 CONC. RAMP: SEE DETAIL 19/C-2.
- 86 CONC. RAMP: SEE DETAIL 19/C-2.
- 87 CONC. RAMP: SEE DETAIL 19/C-2.
- 88 CONC. RAMP: SEE DETAIL 19/C-2.
- 89 CONC. RAMP: SEE DETAIL 19/C-2.
- 90 CONC. RAMP: SEE DETAIL 19/C-2.
- 91 CONC. RAMP: SEE DETAIL 19/C-2.
- 92 CONC. RAMP: SEE DETAIL 19/C-2.
- 93 CONC. RAMP: SEE DETAIL 19/C-2.
- 94 CONC. RAMP: SEE DETAIL 19/C-2.
- 95 CONC. RAMP: SEE DETAIL 19/C-2.
- 96 CONC. RAMP: SEE DETAIL 19/C-2.
- 97 CONC. RAMP: SEE DETAIL 19/C-2.
- 98 CONC. RAMP: SEE DETAIL 19/C-2.
- 99 CONC. RAMP: SEE DETAIL 19/C-2.
- 100 CONC. RAMP: SEE DETAIL 19/C-2.



SITE PLAN SCALE: 1"=30'

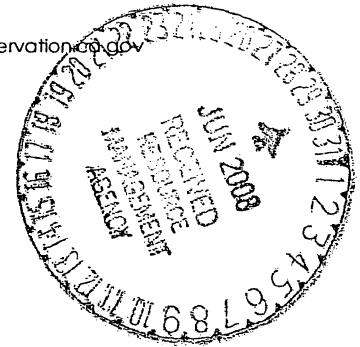
<p>DATE: MAY 2008 JOB NO: 200805 SHEET NO: C-1</p>																
<p>PROPOSED SITE PLAN</p>																
<p>GOSHEN VILLAGE SELF-HELP ENTERPRISES 7 ST. GOSHEN, CALIFORNIA</p>																
<p>R MICHAEL KREPS, ARCHITECT DENNIS D WHISTLER, ARCHITECT 703 North Chestnut Street, Modesto, CA 95350 Tel: (559) 734-1725 Fax: (559) 636-8585</p>																
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>NO</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		DATE	NO	DESCRIPTION												
DATE	NO	DESCRIPTION														



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

June 25, 2008

Mr. Henry Dong, Principal Planner
Tulare County Countywide Planning Division
5961 South Mooney Blvd.
Visalia, CA 93277

SUBJECT: PROPOSED PARTIAL CANCELLATION OF LAND CONSERVATION
(WILLIAMSON ACT) CONTRACT – (Contract No. 3638 – Self Help
Enterprises); APN 075-170-031; Case-No. PAC-07-004

Dear Mr. Dong:

Thank you for submitting notice to the Department of Conservation (Department) as required by Government Code section 51284.1 for the above referenced matter.

The applicant, Self Help Enterprises, submitted a petition requesting partial cancellation of their Williamson Act contract for the purpose of conversion and re-zoning to an affordable housing residential subdivision.

Petition affects an approximately 37.41-acre parcel within a 258.85-acre agricultural contract (APN 075-170-031), located in Goshen, CA, on the south side of Avenue 312, approximately one-half mile west of Road 76. Prime agricultural lands adjoin the affected parcel, including several subject to Williamson Act contracts.

Cancellation Findings

Government Code section 51282 states that tentative approval for cancellation may be granted only if the local government makes either of the following findings:

- 1) cancellation is **consistent** with purposes of the Williamson Act, or
- 2) cancellation is in the **public interest**.

The Department has reviewed the petition and information provided and offers the following comments.

Cancellation is Consistent with the Purposes of the Williamson Act

For cancellation to be consistent with purposes of the Williamson Act, Tulare County Board of Supervisors (Board) must make **all** of the following five findings:

- 1) a notice of nonrenewal has been served,

- 2) cancellation is not likely to result in removal of adjacent land from agricultural use,
- 3) the alternative use is consistent with the County General Plan,
- 4) discontinuous patterns of urban development will not result, and
- 5) there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

(1) Notice of nonrenewal has been served:

The Tulare County Recorder recorded a notice of nonrenewal for a portion of the subject contract on February 22, 2006. The portion of contract is scheduled to terminate on December 31, 2015, through the nonrenewal process.

(2) Removal of adjacent land from agricultural use not a likely result:

Absent mandatory mitigation, cancellation of the affected parcel appears likely to result in subsequent removal of adjacent lands from agricultural use.

Although Prime Farmland adjoins the subject parcel to the north and east, urban development is restricted to specific areas under the draft Tulare County General Plan. The agricultural parcels to the north are outside of the Goshen Urban Development Boundary (UDB) and are prohibited from being developed for non-agricultural use. The agricultural parcel to the east is within the UDB, but is under non-renewal with development being independently proposed, consistent with County land use policies.

However, the Department has concerns that emergent residential development adjacent to productive agricultural lands could have significant and direct environmental impacts. Such impacts, including increased traffic and pollution, potential diminished productivity, and threatened food safety, could cause neighboring agricultural parcels to face increased pressure to convert to non-agricultural uses.

Right-to-Farm ordinances have not been effective in reducing parcel conversion to non-agricultural uses, especially in those situations involving pesticide spraying. Some cities in the state have adopted mandatory buffers of 25 to 100 yards, depending on adjacent crop types. Under General Plan Policy AG-1.11, the County recognizes this conflict and supports creation of agricultural buffer zones, specific to situations such as this along the UDB interface. Therefore, unless the County implements a mandatory buffer between proposed development and adjacent agriculture, it is our opinion that this finding cannot be made.

The Department also recommends the purchase of agricultural conservation easements on agricultural land of at least equal quality and acreage, to mitigate development impacts resulting from loss of agricultural land. Agricultural conservation easements protect a portion of those remaining resources and lessen project impacts in

accordance with California Environmental Quality Act (CEQA) Guideline §15370. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under CEQA. Loss of agricultural land represents a permanent reduction in the State's agricultural land resources. The purchase of agricultural easements does not obviate the requirement to make the necessary findings for cancellation of a Williamson Act contract.

(3) Alternative use is consistent with County General Plan:

The proposed alternative use appears to be consistent with the County General Plan. Under the draft Tulare County General Plan, urban development is only allowed within specific, pre-designated areas of the County. The affected parcel is within the Goshen UDB, an area planned for future urban growth. Applicant's petition indicates public utilities are either available or will be available under the development plan.

Tulare County General Plan Policy PF-1.2 requires:

"The County shall ensure that urban development shall take place only in the following areas:

...
2. Within the UDBs of unincorporated communities... ."

Tulare County General Plan Policy PF-1.4 further states:

"The County shall encourage residential growth to locate in existing UDBs and HDBs where infrastructure is available. The County shall ensure that development does not occur unless adequate infrastructure is available for that area and that there are adequate provisions for long-term maintenance."

The proposed cancellation would allow the affected parcel to comply with Community Plan requirements for development. Necessary public utilities are either available or planned under the development plan. The subject parcel is contiguous to existing residential development to the east.

(4) Discontiguous patterns of urban development will not result:

Based on the information provided, discontiguous patterns of urban development appear not likely to occur. The subject parcel is contiguous to existing residential development to the south.

The Department, however, recommends that any additional information regarding the intent and ability of the intervening landowners to develop their land be added to the record.

(5) There is no available and suitable proximate noncontracted land for the use proposed on the contracted land:

The petition lacks necessary documentation to support a finding that there is no proximate noncontracted land both available and suitable for the proposed use.

Please note the California Supreme Court pointedly stressed that:

The purposes of the Williamson Act require that "proximate" not be construed to unreasonably limit the search for suitable noncontracted land. It would serve no purpose of the act to reject unrestricted property perfectly suited to fill the needs addressed by the proposal simply because that property is not in the immediate vicinity of the restricted land. In fact, under some circumstances land several miles from the proposed development site may be near enough to serve the same purposes. We therefore hold that "proximate" property means property close enough to the restricted parcel to serve as a practical alternative for the proposed use. *Sierra Club v. City of Hayward*, 28 Cal.3d 840, 861 (1981).

The Department recommends that all additional information regarding the availability and suitability of proximate noncontracted lands for this use be added to the record. This should include a proximate land search for noncontracted properties within a several-mile radius of this site, and an analysis of why they are not feasibly available for the proposed alternative use. See *Sierra Club*, 28 Cal.3d at 862 (requiring the determination of salient features of a proposed project as relevant to making a proximate land analysis).

Once such information is in the administrative record, this finding may be met, and would assure that this cancellation meets statutory requirements to avoid future challenges.

Cancellation is in the Public Interest

For the cancellation to be in the public interest, the Board must make **both** of the following findings:

- 1) other public concerns substantially outweigh the objectives of the Williamson Act, and
- 2) there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Our comments above in section (5) already address the proximate lands issue.

In order to find that "other public concerns substantially outweigh the objectives of the Williamson Act," the California Supreme Court directed that the County must consider the interest of the public as a whole in the value of the land for open space and agricultural use. Though the interests of the local and regional communities involved are also important, no decision regarding the public interest can be based exclusively on their parochialism.

Moreover, the paramount 'interest' involved is the preservation of land in agricultural production. In providing for cancellation, the Legislature has recognized the relevance of other interests, such as housing, needed services, environmental protection through

developed uses, economic growth and employment. However, it must be shown that open space objectives, explicitly and unequivocally protected by the act, "are substantially outweighed by other public concerns before the cancellation can be deemed 'in the public interest.'" *Sierra Club*, 28 Cal.3d at 857.

It is not conclusively demonstrated that this cancellation is supported by public interest concerns sufficient to outweigh the objectives of preserving open space land and protecting the environment. Based on information provided, this proposed cancellation appears to be primarily in the interest of the applicant.

Nonrenewal

As a general rule, land should be withdrawn from Williamson Act contract through the nine-year nonrenewal process. The California Supreme Court reiterated that cancellation is allowed "only in the most extraordinary circumstances." *Sierra Club*, 28 Cal.3d at 853.

To pass constitutional muster, a restriction must be enforceable in the face of imminent urban development, and may not be terminable merely because such development is desirable or profitable to the landowner. *Lewis v. City of Hayward*, 177 Cal. App.3d 103, 113 (1986). Providing contracting landowners an expectation that they can retain tax benefits from participation in the Williamson Act until development to urban uses is imminent, and an expectation that immediate contract termination would then be available; is inconsistent with the clearly articulated finding of the Court in *Lewis*.

Based on the information provided to date, it is the Department's conclusion that this petition lacks necessary supporting evidence to permit the Board to reasonably find that it can partially cancel the contract upon required findings.

Thank you for the opportunity to provide comments on this proposed cancellation. Please provide our office with a copy of the Notice of the Public Hearing on this matter ten (10) working days before the hearing and a copy of the published notice of the Board's decision within 30 days of the tentative cancellation pursuant to Government Code section 51284. Additionally, we request a copy of the Board's findings pursuant to Government Code section 51282.

If you have any questions concerning our comments, please contact Tom Tandoc, Environmental Planner at (916) 323-4160.

Sincerely,



Brian Leahy
Assistant Director

Gregory B. Hardcastle, C.P.A.

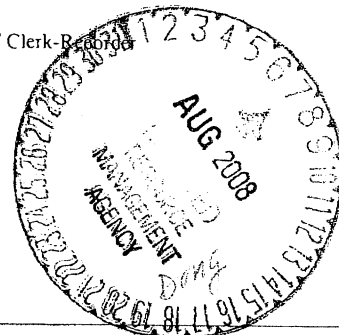


ASSESSOR/CLERK-RECORDER
COUNTY OF TULARE
221 S. Mooney Blvd - Room 102-E
Visalia, California 93291-4593

August 07, 2008

Roland P. Hill
Assistant Assessor/ Clerk-Recorder

Department of Conservation
Dennis J O'Bryant
801 K Street
Sacramento, CA 95814



RE: Request for Williamson Act cancellation fair market value determination, Case No. PAC 07-004

Per request of August 5, 2008 and per Government Code Section 51283, please find below the estimate of current fair market value for the subject property, being identified as all of APN 075-170-031, comprising of approximately 37.41 acres, Agricultural Preserve Contract No. 19765, within Agricultural Preserve NO.3638, Owned by Self Help Enterprises.

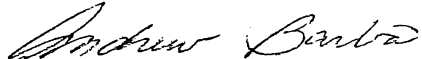
Current Fair Market Estimate for 37.41 Acres: **\$1,500,000.00**

The Assessor per Government Code Section 51283, is required to notify the Department of Conservation and the landowner of the cancellation value at the time value is certified to the Board or Council.

In addition, Government Code Section 51283 requires the Assessor to advise the Landowner and the Department of Conservation of the opportunity to request a formal review by the Assessor and Section 51203 provides that the request must be filed within 45 days of notices.

Within 45 days of receiving the Assessor's notice pursuant to Subdivision (a) of Section 51283 or 51283.4, if the Department of Conservation or the landowner believes that the current fair market valuation certified pursuant to Subdivision (b) of Section 51283 or 51283.4 is not accurate, the department or the landowner may request a formal review from the county assessor in the county considering the petition to cancel the contract. The department or landowner shall submit to the assessor and the party the reasons for believing the valuation is not accurate. The assessor may recover his or her reasonable costs of the formal review from the party requesting the review, and may provide an estimate of costs to the requesting party.

Yours Truly

A handwritten signature in cursive script, appearing to read "Andrew Barba".

Andrew Barba

Chief Appraiser

Cc. Tulare County Board of Supervisors, RMA Tulare County



CALIFORNIA WATER SERVICE COMPANY

216 NORTH VALLEY OAKS DRIVE • VISALIA, CA 93292-6717
(559) 624-1600 • FAX (559) 734-9512

VISALIA DISTRICT

August 10, 2007

Bill Evans
Manager – Special Projects
Self-Help Enterprises
P. O. Box 6520
Visalia, California 93290

RE: Tentative Subdivision Map for Park Village located at the N/E corner of
Avenue 310 and Road 72

Dear Bill:

We have reviewed Tentative Map for Park Village located at the N/E corner of Avenue 310 and Road 72 in Goshen and found it to be satisfactory for our purpose.

California Water Service Company (Cal Water) can extend its water mains to serve this development in accordance with main extension Rule No. 15 and General Order 103 of the California Public Utilities Commission. When the applicant has entered into an agreement with Cal Water and has made the appropriate deposit for the estimate of making the extension, a Cal Water-approved contractor of your choice can install the water mains necessary to serve this project.

In the event your service requirements exceed the capability of our existing water system, we would provide service in accordance to the above mentioned rules and guidelines.

Sincerely,

Phil Mirwald
District Manager

PM:bb

cc: L. Przybyla



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

June 25, 2008



Charlotte Brusuelas
Tulare County
Development Services
5961 South Mooney Blvd.
Visalia, CA 93277

Agency Project: PZ 08-004/TM 804/PZV 08-013 for Self Help Enterprises

District Reference No: 20080382

Dear Ms. Brusuelas:

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

1. The project is expected to have no significant adverse impact on air quality.
2. At full build-out the proposed project would be equal to or greater than 50 residential dwelling units and would be subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of the project's approval.

3. The proposed project may be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters). In the event an existing building will be renovated, partially

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

demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

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

If you have any questions or require further information, please call Daniel Barber, Ph.D., at (559) 230-5840.

Sincerely,

Dave Warner
Director of Permits Services

A handwritten signature in dark ink, appearing to read "Arnaud Marjollet for", is written over the printed name and title.

Arnaud Marjollet
Permit Services Manager

DW: dm



INTEROFFICE MEMORANDUM

July 7, 2008

TO: Charlotte Brusuelas, Project Planner
Tulare County Resource Management Agency

FROM: Jason LoBue, Staff 
Tulare County Airport Land Use Commission

RE: PZ 08-004, TM 804, and PZV 08-013(Self Help Enterprises)

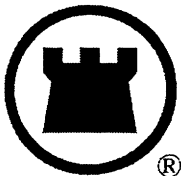
Thank you for your recent submission of this project to the Airport Land Use Commission (ALUC). Staff has reviewed the project and has the following comments:

The subject site is located within the 'C' Conical Zone of Visalia Municipal Airport. The Tulare County Comprehensive Airport Land Use Plan (CALUP) policy applying to parcels within the 'C' Conical Zone is as follows:

CONICAL ZONE (C): No particular restrictions, however, projects such as stadiums, arenas, auditoriums, large transmission facilities or anything that would attract large numbers of people would be potentially hazardous. For this reason, projects within this zone are still subject to ALUC review.

This project is located within the 'C' Conical Zone for Visalia Municipal Airport. The project is a Change of Zone, Vesting Tentative Subdivision Map, and Zone Variance for the development of 77 single-family residential lots, one lot for multiple family use, park/pond, and commercial development on a 37.41 acre parcel. This project will result in no impact to aviation or the surrounding community as the density on the site is consistent with CALUP policies. With this in mind, this project will be listed as a correspondence/ information item only item at the next Airport Land Use Commission. Please note that the ALUC previously reviewed the application for a Preliminary Site Plan PRE 07-022 in 2007. That application was determined consistent with CALUP policy.

Staff requests that the ALUC be notified if there is a change in either the land use or if there is any significant change/addition to the current plans. Thank you for submitting your proposal for review and consideration.



**Chicago Title
Builder Services**

Subdivision Department
1750 W. Walnut Ave., Visalia CA 93277
559-713-2028
FAX 559-636-4371

To: Whom It May Concern

From: Jim Rauber

Date: August 15, 2008

Re: Request for Property Search

CC:

Goshen Area

● **Comments:**

I have completed a visual search of parcels within the Goshen Urban Boundary District. The search has been completed in regard to your plan to submit an application to the County requesting termination of the Williamson Act contract on APN: 075-170-031, a parcel of land located South and contiguous to Avenue 312 and within the Urban Boundary. It is our understanding that termination is needed to proceed with your plan to request entitlements for a single-family residential project on that parcel. The search was intended to determine whether there are available vacant lands within the said Urban Boundary District that are not under Williamson Act contract that are also designated for residential use.

Our visual search indicates that there are (no) non-contracted parcels within the Urban Boundary that are designated for residential use as of the date hereinabove shown. No parcels appear to be for sale and therefore, are not available for purchase. The search area is based on a review of the Ag. Preserve Map for PAC 07-004 and the Tulare County Area General Plan Land Use, Circulation & Urban Boundaries Element Amendment 78-3A map (Exhibits A & B attached).

Sincerely,

Jim Rauber
Subdivision Manager - Tulare/Kings Counties
Chicago Title Company
1750 West Walnut Avenue
Visalia, CA 93277

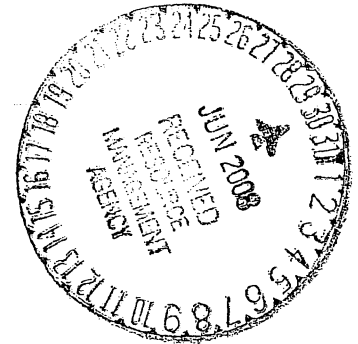
E-Mail: RauberJ@ctt.com



404 N. Tipton Street
Visalia, CA 93292-6407



June 24, 2008



RESOURCE MANAGEMENT AGENCY

5961 South Mooney Blvd
Visalia, CA 93277

Attention: Charlotte L. Brusuelas

Subject: Will Serve Letter – Change of Zone No. PZ 08-004, Vesting Tentative Subdivision Map No. TM 804, and Zone Variance No. PZV 08-013 for Self Help Enterprises, E/of Rd 72 between Riggins Ave and Avenue 310, Goshen, California

We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from existing gas mains located in and around the area. The service would be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project, but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a public utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affects gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Contact the New Business Project Manager for your area, Rod Jurbina, (559) 739-2328, or visit our web site SCGMapping@SemptraUtilities.com for information on current energy efficiency programs, gas equipment, or to find out how to get your line extension project started.

Thank you again for choosing clean, reliable natural gas, your best energy value.

Sincerely,

Louise Brown/RV

Louise Brown/RV
Pipeline Planning Assistant

LB/rv

xc: Larry Jacquez
Rod Jurbina (attachment(s))
Erica Yee (attachment(s))

Goshen Community Services District

Staff

Manuel Fleming,
Secretary-Treasurer

Office Assistants

Maria Garcia
Melissa Mireles

P. O. Box 2, Goshen, CA 93227

Phone: (559)651-0323 Fax: (559)651-1876

Email: goshencsd@sbcglobal.net

<http://goshencsd.us/gcsd/>

Board Members

Kathy Garza
Margarito Gomez
Helen Gonzalez
Maria Jimenez
Darrel Key, President

July 30, 2007

Mr. Bill Evans

Manager-Special Projects

Self-Help Enterprises

P.O. Box 6520

Visalia, CA 93290

Re: Will Serve Letter

Dear Mr. Evans:

This Will Serve Letter is to confirm that the District is willing to provide sewer service to the proposed Park Village development located at the northeast corner of Avenue 310 and Road 72, APN 075-170-031. The development will include eighty-two single family units, sixty multi-family units, and a resident community center.

This agreement to provide service is subject to the development paying all costs required by District Ordinance and Regulations and complying with all District requirements. Additionally, the District requires that you meet with the District Engineer prior to initiating design of any sewer facilities for the development.

If you have questions on this letter or other items please contact me at 925 944-5789.

Very truly yours,


Marvin R. Lindori
District Engineer

cc: Goshen CSD
District Counsel

From: Patty Ackley
To: Charlotte Brusuelas
Date: 06/24/2008 4:24 PM
Subject: Project Review Reply - PZ 08-004

Charlotte,

The proposed project is within a required garbage collection area. The licensed waste hauler would be Waste Connections (dba Allied Disposal) in Area E.

The Solid Waste Division has no additional comments. Thank you.

Patty Ackley
Solid Waste Manager
Tulare County RMA
Solid Waste Division
5961 S Mooney Blvd
Visalia CA 93277
Bus: (559) 733-6653, Ext. 4848
Fax: (559) 740-4448
Web Site: www.tularecountyrecycles.com



**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

June 30, 2008

HENRY DONG
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA CA 93277

Re: PAC 07-004 – Self Help Enterprises

Dear Mr. Dong:

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

1. Domestic water services shall be provided by the California Water Service Company. Applicant shall submit a "Will Serve" letter from the water company to the Tulare County Environmental Health Services Division (TCEHSD) prior to the approval of the project. The "Will Serve" letter shall include the following items:
 - a. Total number of service connections to be served.
 - b. Total water pressure provided at each service connection.
(a minimum of 20 psi)
 - c. That the public utility district is in compliance with the State regulatory agencies.
2. Sewer services shall be provided by the Goshen Community Service District. Applicant shall submit a "Will Serve" letter from the district to the TCEHSD prior to the approval of the project.
3. Any out of service wells, fuel storage, or sewage disposal tanks shall be properly abandoned per Tulare County permit requirements.

Sincerely,

A handwritten signature in cursive script.

Allison Shuklian
Environmental Health Specialist
Environmental Health Services Division

AS:jp

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



*Flex your power!
Be energy efficient!*

June 25, 2008

2135-IGR/CEQA
6-TUL-99-39.60 +/-
SELF HELP ENTERPRISES
PETER CAREY

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 Tentative Subdivision Map (Self Help Enterprises) to create a residential subdivision with approximately 77 single-family residential lots on 37.4 acres of vacant property. A Multi-family residential and Park/Pond on remaining land and additional maps will be needed to achieve the development for review and comment. A remainder of 4.90-acre parcel may be converted from R-ISFR to commercial development. The proposed project is located on the southeast corner of Road 72 and Avenue 312, north side of Avenue 310, approximately 0.8 mile east of State Route (SR) 99/Betty Drive interchange, within the Community of Goshen. Caltrans has the following comments:

It is estimated that the proposed subdivision would generate approximately 78 trips during the P.M. peak-hour. Based on the survey information provided by the project proponent dated March 12, 2008. It is estimated that approximately 16 trips (20%) of these trips would impact SR 99/Betty Drive interchange. The proposed project has significant impact to State facilities.

Future improvements to SR 99/Betty Drive interchange are required. Caltrans has a project in the Project Status Report to reconstructs SR 99/Betty Drive interchange. Prior to the interchange at Betty Drive being reconstructed, interim improvements to the interchange ramp intersections at Betty Drive and Avenue 304 (Goshen Avenue) will be needed to accommodate the increasing demand accessing the existing interchanges from development in the Goshen area. The interchange intersections will need to be signalized, and the Betty Drive overcrossing structure will need to be widened to accommodate left turn channelization. It is recommended that the project proponent contribute a pro-rata fair share cost of \$45,328 towards interim improvements to the interchange. The fair share calculations are shown below:

Estimated cost for interim improvements at SR 99/Betty Drive OC:

$(C_T) = \$1,297,250$

Peak-hour Volume (T_E) = 4762

Forecast Volume (T_B) = 7572

$$\text{Percent for 1 trip (P)} = \frac{T}{T_B - T_E} = \frac{1}{7572 - 4762} = 0.000356$$

$$\text{Cost for 1 trip (C)} = P (C_T) = 0.000356 (\$1,297,250) = \$462$$

$$\text{Cost of bridge widening at SR 99 / Betty Drive OC} = (16 \text{ trips})(\$462) = \$7,392$$

Estimated cost for installing traffic signals at SR 99/Betty Drive OC:

$$\begin{aligned} \text{Cost for 2 signals} &= \$197,700 \times 2 = \$394,000 \\ (C_T) &= \$394,000 \end{aligned}$$

$$\text{Peak-hour Volume (T}_E\text{)} = 280$$

$$\text{Forecast Volume (T}_B\text{)} = 446$$

$$\text{Percent for 1 trip (P)} = \frac{T}{T_B - T_E} = \frac{1}{446 - 280} = 0.00602$$

$$\text{Cost for 1 trip (C)} = P (C_T) = 0.00602 (\$394,000) = \$2,371$$

$$\text{Cost of install traffic signals at SR 99/Betty Drive OC} = (16 \text{ trips})(\$2,371) = \$37,936$$

Mitigation

$$\text{Total Fair Share mitigation} = \$7,392 + \$37,936 = \$45,328$$

If the applicant or the lead agency does not concur with this mitigation estimate, it is recommended that the applicant consult with a qualified traffic consultant to better determine the extent of the proposed development's impacts.

The specific development information for Lot 78 and the remainder parcel is not available for review. Therefore, Caltrans is unable to determine the number of trips by the proposed project that would impact State facilities. As subsequent development proposals are presented in the project area, Caltrans will reserve comments and recommendations for focused traffic study to determine appropriate mitigation improvements at that time.

It 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 (Goshen) for the future improvements to local and State facilities necessitated by the accumulated impacts of development. The projects proponent would contribute per the Development Mitigation Program to the improvements of the before mentioned SR 99 interchange.

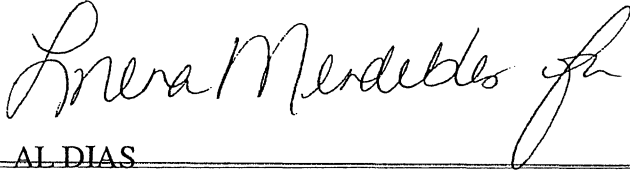
There is a Caltrans project that will reconstruct the interchange at Betty Drive. As part of this project, the existing northbound and southbound SR 99 ramps at Avenue 304 (Goshen Avenue) will be removed. The Project Initiation Document (PID) was approved in October 2003.

Ms. Bruseulas
June 25, 2008
Page 3

The County of Tulare should be reminded of the importance of establishing a countywide development fee program to collect funds for future improvements to State and local transportation facilities necessitated by the accumulated impacts of continuing development.

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 regarding our comments, please contact me at 488-7306.

Sincerely,



AL DIAS

Office of Transportation Planning
District 6

C: Mr. Andrew Benelli, P.E.
Director
Mr. Ted Smalley, Tulare County Association of Governments
Executive Director
Mr. Britt L. Fussel, P.E., County of Tulare
Assistant Director-Engineering



INTEROFFICE MEMORANDUM

TO: Charlotte L. Brusuelas, Project Planner

FROM: Tulare County Redevelopment Agency (TCRA) Staff

SUBJECT: Change of Zone PZ 08-004, Vesting Tentative Subdivision Map TM 804 & Zone Variance PZV 08-013 for Self Help Enterprises - Goshen

DATE: June 13, 2008

Change of Zone PZ 08-013, Vesting Tentative Subdivision Map TM 804 and Variance PZ 08-013 are for a proposed 79-lot subdivision located east of Road 72 between Avenue 312 (Riggin Avenue) and Avenue 310 in northeast Goshen. The subject property is adjacent to the northeast boundary of the Goshen Redevelopment Project Area.

AREAS OF REVIEW & COMMENT

General Redevelopment – Loretta Feldstein, Community Development Specialist

Prior to the approval of these proposals, consideration should be given to the pending Goshen Community Plan update to ensure development is consistent with anticipated growth strategies. This will help to avoid incompatible land use issues and ensure orderly growth in the area.

As long as proposed projects are compatible with existing and future growth policies, TCRA does not oppose the proposed zone change, tentative subdivision map, or zone variance.

New Housing Development – Karen Saucedo, Community Development Specialist

Request that fifteen percent (15%) of all units developed be made available to very low-, low-, and moderate-income families at an affordable housing cost, with forty percent (40%) of these units made available to very-low income households. Request for affordability covenants to be recorded on these units. Definitions of terms are attached.

Economic Development – John Stevens, Community Development Specialist

No comment.

Infrastructure – Scott Cochran, Division Manager, Capital Improvement Projects

Incorporate the attached TCRA Development Standards into the residential subdivision.

The area dedicated to the County for a bike/pedestrian pathway should continue along the future park/retention pond bordering Mountain Avenue, Road 72, and as a separator between the park and the 6.03 acre parcel (Phase 2) for multi-family housing.

Thank you for the opportunity to review and comment.

DEFINITIONS

Affordability Covenants	Recorded covenants which run with the land restricting the sale and occupancy of property to very low-, low-, and moderate- income households at an affordable housing cost. The restriction for rental units is 55 years and 45 years for owner-occupied units.
Affordable Housing Cost	Typically, 30% to 35% of an average household's income should be spent for housing costs.
Low-Income	50% to 80% of the County's Median Income, adjusted for household size.
Moderate-Income	80% to 120% of the County's Median Income, adjusted for household size.
Very Low-Income	30% to 50% of the County's Median Income, adjusted for household size.

TULARE COUNTY REDEVELOPMENT AGENCY



INTEROFFICE MEMORANDUM

October 1, 2007

TO: Project Review Division, Current Planning
ATTN: Charlotte Brusuelas

FROM: Steve Horton

CC: Bill Hayter, C&DS Assistant Director

SUBJECT: Development Standards (Conditions of Approval) for Tentative Subdivision Maps

Tentative maps for residential subdivisions within Tulare County Redevelopment Project Areas have specific characteristics that to be addressed in the planning stages and prior to map approval.

The Tulare County Redevelopment Agency has established standards for proposed development in unincorporated areas of Tulare County. The conditions of approval (Development Standards) listed below should be incorporated into projects where any or all of the following statements apply.

1. Public services are provided to the unincorporated community by either a Community Services District or a Public Utilities District.
2. That such District has current and enacted powers to provide public services for sewer, water, stormwater drainage facilities (including roads, curbs, gutters, sidewalks and street sweeping), parks and recreation, and street lighting.
3. That the District has latent powers for any or all of the items described in (2) above and is willing to petition the Local Agency Formation Commission to enact such powers and is willing to conduct public hearings and or elections for same.

Development Standards (conditions of approval for tentative maps)

1. An assessment district (Lighting and Landscaping District or other form as applicable) be formed to provide operation and maintenance

revenues for the operation, maintenance, repair, replacement and administration of:

- a.) Neighborhood and community parks, including landscaping and recreation equipment, maintenance and repair and reserves for replacing said items.
2. An assessment district (Lighting and Landscaping District or other form as applicable) be formed to provide operation and maintenance revenues for the operation, maintenance, repair, replacement and administration of:

a.) Stormwater drainage systems and related appurtenances

including, but not limited to, repair and replacement of curbs, gutters, sidewalks, drainage pipelines and drainage inlets; ponding basin cleaning and street sweeping to reduce sediment loadings in compliance with federal NPDES regulations; maintenance equipment operation, maintenance, repair and replacement; emergency response for localized flooding events; debris and disposal fees.

b.) Annual reserve for stormwater drainage basin maintenance (sediment removal and disposal).

c.) Equipment depreciation costs.

d.) Annual reserve for road chip seals.

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

July 18, 2008

TO: Charlotte Brusuelas

FROM: Craig Anderson, Subdivisions

SUBJECT: Tentative Subdivision TM 804 – Self Help Enterprises

As shown on the tentative subdivision map site plan, the developer proposes to develop a 31.41-acre site into 77 residential lots, located in the community of Goshen. A ponding basin located and designed in accordance with the Tulare County Improvement Standards shall be shown on the tentative map. This subdivision is located within the Visalia Urban Improvement Area as established by the Urban Element of the County's General Plan.

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

As shown on Panel Number 465C of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated October 6, 1998, the subject site is located within Flood Zone B.

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

Road improvements within this subdivision shall be constructed in conformance with Class 1, Class 2 or Class 3 county road standards as defined in the Improvement Standards of Tulare County. Curb, gutter and sidewalks are recommended across the frontage of all lots within the subdivision. All sidewalk is required to be constructed at time of road improvements unless provisions are made upon the approval of the tentative map to allow sidewalk to be deferred until building permit stage. Avenue 310 shall be constructed to a Class 3 road standard along the

subdivision frontage to connect into the existing improvements at Road 72. Wolf Street and Eagle Street shall be constructed to a Class 2 road standard with a 60-foot right-of-way from Avenue 310 to "B" Avenue. Road 72 shall be constructed to a ¾-street width Class 2 road standard.

In addition, the following requirements and recommendations are offered for your consideration regarding approval of the tentative map for PRE 07-022:

1. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvements Standards, unless and except as such standards are modified within.
 2. All utility easements shall be shown on the final map.
-
3. All water, sewer, gas, electric, telephone, cable television, storm drain, and related infrastructure to be extended along any road in the subdivision, or adjacent to the subdivision, shall be constructed prior to surfacing of roads.
 4. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County.
 5. The cost and installation of street lights and attendant facilities shall be the responsibility of the Subdivider. Locations of street lights shall be specified by the County Engineer or his designee in accordance with the general policy for installation of street lights established by the Board of Supervisors. The subdivider will be required to make a pole deposit with the Tulare County Resource Management Agency to pay the differential cost charged by the serving public utility for installation of ornamental marbelite or metal street lighting poles. Said deposit shall be made and an agreement with the County entered into by the Subdivider, agreeing to the Subdivider's responsibility for street light installation at the time of approval of the final map. The subdivider is also required to provide ducts in accordance with Section 7-01-1435 of the Subdivision Ordinance, from the underground electrical wiring servicing the subdivision to those required locations identified for street light installation.
 6. The subdivider shall be responsible for the cost of materials and installation for street name and traffic signs at locations recommended by the County Engineer. Installation of street name and traffic signs will be done by the Resource Management Agency (RMA) and the cost for such subsequently reimbursed by the subdivider.
 7. A registered civil engineer shall prepare improvement plans. The improvement plans shall address all aspects of constructing the public improvements and shall identify existing topography, lot grading and proposed contours for the development, road

improvement details, drop inlets, top of curb elevations, storm drain lines and storm drainage system details, sewer and water system details, street sign locations, utility relocations and any other details relevant to constructing the public improvements. All water lines, sewer lines and storm drain lines and related infrastructure shall be located within public road rights-of-way. Hydraulic calculations shall be submitted with the improvement plans justifying the drainage system design. The storm drainage system shall be designed based on a 10-year, 10-day storm frequency. The improvement plans shall be submitted to and approved by the Tulare County RMA before initiation of construction.

8. Road improvements for this subdivision are required to consist of a 60-foot right-of-way constructed to a 40-foot curb-to-curb pattern in conformance with a Class 2 county road improvement standard. Cul-de-sac streets shall be constructed to Class 1 county road standards. The subdivision frontages along Avenue 310 shall be improved to Class 3 road standard and connect into the existing improvements at Road 72. Road 72 shall be constructed to a $\frac{3}{4}$ -street width Class 2 road standard. Sidewalk is recommended along Avenue 310 and Road 72 frontage and within the subdivision in accordance with Section 7-01-1240 of the Subdivision Ordinance to provide for pedestrian access within the subdivision and to community facilities.
9. The subdivision frontage along Avenue 310 shall be improved with barrier curbs, gutters, and sidewalk as required by Section 7-01-1235 of the Ordinance Code. Curb and gutter grades shall be designed to the best extent to coincide with the elevations of the existing pavement on Avenue 310. Top of curb grades within the proposed subdivision shall be designed to prevent water from standing no more than 9 inches above the top of curb during primary drainage system failure. All runoff collected by the curb and gutter shall be directed to the drainage basin.
10. The subdivider or his contractor shall obtain all necessary encroachment permits from the Tulare County RMA before performing work within the County road right-of-way of Road 72.
11. The subdivider shall submit an application and pay the required fee to the Tulare County RMA for the formation of an assessment district for the maintenance of the public streets and roadways within the boundary of the subdivision. Formation of the assessment district must be completed before the recordation of the final map. The formation process will begin at the time the application and fee are received. The subdivider may also submit proof to the Tulare County RMA of another means of providing for permanent, long-term maintenance of the public streets and roadways such as a homeowners association. This other means will need to be approved by the Tulare County RMA and the process completed before the recordation of the final map.
12. The subdivider shall submit an application and pay the required fee to the Tulare County RMA for the formation of an assessment district for the permanent, long-term maintenance of the storm drainage system. Formation of the assessment district must be

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

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



RESOURCE MANAGEMENT AGENCY

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

Britt L. Fussel	Engineering
William Hayler	Comm & Dev. Services
Jean P. Brou	Transportation
	Planning
Hal Cypert	Support Services
Roger Hunt	Administrative Services

HENRY HASH, DIRECTOR

July 8, 2008

TO: Charlotte Brusuelas, Project Planner

~~FROM: David Claxton, Project Planner~~

RE: PZ 08-004, PZV 08-013, Self Help Enterprises, Applicant

On June 5, 2008 the Countywide Planning Division of the Tulare County Resource Management Agency received a request to review and comment on the above referenced project.

The project site is located on the northeast corner of Mountain Avenue (Avenue 310) and Road 72, in Goshen. The site is bounded to the north by Riggin Avenue (Avenue 312).

The Applicant is proposing to subdivide 37.41 acres into 77 single family lots; a 6.12-acre multiple family lot, to be zoned R-2 (Two Family Residential Zone); a 9.51-acre park/drainage pond, to be zoned R-1 (Single Family Residential Zone); a lot A, a lot B, a lot C (as areas to be dedicated to the County for bike/pedestrian paths); and a 4.9-acre remainder lot to be zoned R-1.

The project is being proposed to be built in three phases. Lots 23-63, located in the southeast corner of the project site would constitute phase one. The multifamily site located on the west side of the site would be phase two, and the remainder of the residential lots to the north of phase one would be phase three.

The project application includes the request to change the zoning on the property from A-1 to R-1 and R-2. This zone change and the proposed uses are consistent with the **Goshen Community Plan, adopted September 5, 1978 (Resolution No. 78-2380) and Amendment 92-007(A), adopted January 3, 1995.**

The project is consistent with the objectives, policies and programs set forth in the **Tulare County Housing Element, dated December 9, 2003.**

Objective 5: Provision of adequate sites for 2,250 housing units by 2008, including 1,800 single family dwellings, 113 multiple family units, 293 mobile homes and 44 other housing development units.

Policy 5.1: Promote "infill" development within urban boundaries of unincorporated communities.

Goal II: Attainment of an affordable home that meets the economic and social needs of every present and future resident of the Tulare County unincorporated area.

Objective 10.1: Improve opportunities for affordable housing.

Program 5.21: Approve subdivisions and divisions of land for housing development when such proposals are consistent with adopted plans.

Policy 10.3: Improve housing affordability by utilizing density bonuses, zero lot lines, second units, smaller lot sizes, cluster development, in return for construction of a percentage of total units for lower-income households.

Tulare County General Plan 2030 Update PF 2.9 Implementation Measures, No. 15 states:

“The conditions of approval of any specific plan, subdivision, or parcel map within a UAB, UDB, or HDB shall include the installation of improvements appropriate for the community, such as curbs, gutters, sidewalks, community sewer systems, community water systems, storm drainage systems, dedication of park and school sites, etc. [Urban Boundaries Element; Chapter IV; A. Ordinance Revision; Implementation Program A-1] [Urban Boundaries Element; Chapter IV; Pg;17;1988, modified]

Tulare County General Plan 2030 Update AQ 3.4 Landscape states “The County shall encourage the use of ecologically based landscape design principles that can improve local air quality by absorbing CO₂, producing oxygen, and filtering particulates. These principles include, but are not limited to, the incorporation of parks, landscaped medians, and landscaping within development [New Policy]

Comments and recommendations:

1. The applicant is proposing to build the multifamily site of 6.03 acres as phase two of this project. No plan has been submitted yet in order for staff to review the density or design of this phase. Staff understands that a preliminary drainage basin/park plan exists, but is not part of this submittal. Staff recommends that at a minimum, preliminary plans for both phase two and the drainage basin/park be submitted for review with this application. This will help to ensure continuity and connectivity between the various phases of the project.
2. A focused traffic analysis for the entire project should be conducted in order to address the following concerns:
 - Cumulative impact on Mountain Avenue, Road 72 and Goshen Avenue, taking into consideration other proposed and approved projects in the area.
 - The need for stops signs at the intersections of Mountain Avenue and Road 72; and at Road 72 and Riggin Avenue.
 - Access to, and through traffic from, Riggin Avenue.
3. The Applicant should be required to dedicate a strip of land to the County along Mountain Avenue from the west side of phase one to the corner of Mountain Avenue and Road 72, for the purpose of a bike/pedestrian path. This would provide a bike/pedestrian path the full length of the southern boundary of the site and provide safer access to the future park by those residing in phase one. Staff recommends that this side walk could be integrated into the park plan by meandering the path through the park.

4. The right-of-way issue on Road 72 should be resolved prior to approval of the Vesting Tentative Map to ensure that the overall required width of the roadway, including sidewalks, is properly secured.
5. The applicant should be required to move the sidewalks within the project, as depicted in the plan sections, away from the back of curb and to the edge of the right-of-way. The area between the back of curb and the front edge of the relocated sidewalk shall be used as a planting strip, including street trees.
6. Staff understands that the proposed drainage basin is to serve a portion of the Goshen Community and not just the project site. The applicant and Smee Builders, Inc., the developer of Cottontail Hollow, a residential development to the southeast of the project site have worked together to complete preliminary plans for the drainage basin/park. It should be confirmed whether the applicant and Smee Builders are still planning on partnering on the development of the drainage basin/park.
- ~~7. The applicant should be required to put up an acceptable bond to ensure that the park and drainage basin construction are completed in a timely manner. Final plans should be completed prior to approval of the Vested Tentative Map. Commencement of the park/drainage basin should commence prior to the first residential building permit being issued and construction should be complete before the commencement of phase two, but no later than nine months after commencement of construction. The drainage basin shall be designed to be an integral part of the park as a multiuse area.~~
8. The applicant shall be required to dedicate the park/drainage basin parcel to the Goshen Community Services District. There should be a deed restriction put on the title to ensure that the portion of the parcel used for the drainage basin never reverts back to a residential use, but remains as part of the park.
9. The applicant is proposing a block wall around the perimeter of phase one including those lots in phase one fronting on Mountain Avenue. It is recommended that the block wall fronting onto Mountain Avenue be either decorative in nature or have some sort of landscaping planted in front of it for screening, and to reduce the potential for graffiti.



State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME

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

ARNOLD SCHWARZENEGGER, Governor

TULARE COUNTY



JAN 10 2008

RESOURCE
MANAGEMENT
AGENCY

January 8, 2008

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

Subject: Self Help Enterprises - Preliminary Subdivision No. PRE 07-022

Dear Ms. Brusuelas:

The California Department of Fish and Game has reviewed the information submitted by the Tulare County Resources Management Agency for the Self Help Enterprises Subdivision No. PRE 07-022 (Project). The Project consists of the division of 37.44 acres into 77 single family lots (approximately 5,000 square feet average lot size), one 6.12-acre lot for multifamily use, a 9.51-acre park with pond, and a 4.90 acre Remainder for possible future commercial development. The Project site is located on the northwest corner of Avenue 310 and Road 72, in the community of Goshen, Tulare County.

Special status species, such as the State threatened and Federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), may be present in the Project area. Other special status species may be present in the Project area as well. Additional information, such as that which would be provided by biological surveys, is needed to assess the potential Project-related impacts to these species, and to determine whether or not a State Incidental Take Permit would be required prior to ground-disturbing activities. Further, 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 threatened and Federally endangered San Joaquin kit fox. 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.

The Federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) also potentially occurs in the Project area. Separate Federal Incidental Take permitting may be necessary for species listed under the Federal Endangered Species Act (FESA).

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 necessary 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 State Species of Special Concern western spadefoot (*Spea* (= *Scaphiopus*) *hammondi*) is known to occur in the Project area vicinity. Additionally, the California Native Plant Society (CNPS) 1B listed lesser saltscallie (*Atriplex minuscule*), heartscallie (*Atriplex cordulata*), and subtle orache (*Atriplex subtilis*) have historically occurred in the Project area vicinity. Potential Project-related impacts to these and other special status species potential 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 could also result in "take" under the 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.

Nesting Birds: The mature trees and shrubs within the Project area likely provide nesting habitat for songbirds and raptors. If the Project will require the removal or pruning of 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).

If tree removal is unavoidable, it should occur during the non-breeding 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.

Waterway and Wetland Impacts: Wetlands are of extreme importance to a wide variety of plant and wildlife species. It appears from aerial photographs that remnants of swales may be present throughout the Project area. These swales have existed despite continued row-crop agriculture. The Department recommends that a formal wetland delineation (including vernal pools and swales) should be conducted by a qualified biologist to determine the location and extent of wetland habitat on site, including vernal pools and swales. The wetland delineation should be submitted to the

United States Army Corps of Engineers for verification and included with the results of the biological survey(s) submitted to the Department. Wetlands should be designated on a site map and included in the final environmental documents.

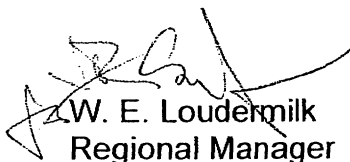
Wetlands are of extreme importance to a wide variety of plant and wildlife species. The Department considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. When wetland habitat cannot be avoided, impacts to wetlands should be compensated for with creation of new habitat, preferably on-site, on a minimum of an acre-for-acre basis. ~~Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy.~~ The incremental loss of wetlands is considered cumulatively significant.

The Department also has concerns regarding the proposed pond. It is unclear in the information provided the size of the pond and what water source (i.e., ground water or surface water) will be used to fill the proposed pond. If it will require the diversion of surface water, the applicant must consult with the Department to determine whether or not Project-related activities will require a Streambed Alteration Agreement, pursuant to Fish and Game Code Sections 1600 et seq.

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

If you have any questions on these comments, please contact Justin Sloan, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 216.

Sincerely,



W. E. Loudermilk
Regional Manager

cc: See Page Six

Charlotte Brusuelas
January 8, 2008
Page 6

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

Literature Cited

CDFG 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.

William J. Vanherweg

Certified Wildlife Biologist

• Biological Surveys • Impact Analysis • Regulatory Agency Consultation
• Mitigation Design • Habitat Management & Conservation Planning

1020 O'Connor Way
San Luis Obispo, California 93405

(805) 839-0375
FAX (805) 456-2163

18 January 2008

Mr. Bill Evans
Self Help Enterprises
8445 W. Elwin Court
Visalia, CA 93290

Dear Mr. Evans:

As requested, I have completed biological surveys for the following species at a 37.41 acre parcel near Goshen, CA:

Species	Status
San Joaquin kit fox (<i>Vulpes velox macrotis</i>)	CT, FE
Tipton kangaroo rat (<i>Dipodomys nitratooides</i>)	CE, FE
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	CE, FE
Burrowing owl (<i>Spetyto cunicularia</i>)	MBTA

Legend

CT= Listed as threatened by the State of California
CE= Listed as endangered by the State of California
FE= Listed as endangered by the Federal government
MBTA= Protected by Federal Migratory Bird Treaty Act

METHODS

San Joaquin Kit Fox

I conducted daytime ground surveys for San Joaquin kit foxes, their dens, and sign at the proposed project site and in a 200 foot buffer area. The ground surveys were completed by walking transects 50 ft wide. The ground survey followed California Department of Fish and Game Approved Survey Methodologies for Sensitive Species (CDFG 1990). During a survey such as this all sensitive resources are recorded and mapped and dens are classified according to the following USFWS kit fox den definitions (USFWS 1989):

Known Den: Any existing natural den or man-made structure for which conclusive evidence or strong circumstantial evidence can be shown that the den is used or has been used at any time in the past by San Joaquin kit fox.

Potential Den: Any natural den or burrow within the species' range that has entrances of appropriate dimensions (4 to 12 inches in diameter) to accommodate San Joaquin kit foxes for which, however, there is little to no evidence of kit fox use.

Pupping Den: Any known San Joaquin kit fox den (as defined) used by kit foxes to whelp and/or rear their pups.

Atypical Den: Any known San Joaquin kit fox den that has been established in, or in association with, a man-made structure.

Evidence of the presence of kit fox consists of scat and tracks. Scat measuring 15–20 mm in diameter of appropriate canid shape was attributed to kit fox or red fox. No other vulpid is known to inhabit the project area, and scats larger than 20 mm diameter probably belong to coyote (*Canis latrans*) or domestic dog (*Canis spp*). Canid tracks up to 45 × 38 mm in size were attributed to kit fox. Tracks larger than this are probably attributable to coyote or domestic dog (Murie 1974).

Tipton kangaroo rat

I surveyed for potential Tipton kangaroo rat burrows during the course of conducting surveys for other species, i.e., San Joaquin kit fox dens. Five night Trapping surveys for Tipton kangaroo rats are recommended if potential burrows in suitable habitat are present CDFG (1990).

Blunt-nosed leopard lizard

I surveyed for blunt-nosed leopard lizard during the course of conducting surveys for other species, i.e., San Joaquin kit fox dens and Tipton kangaroo rats. (CDFG 1990).

Burrowing Owl

I surveyed for burrowing owls during the course of conducting surveys for other species, i.e., San Joaquin kit fox dens and Tipton kangaroo rats. (CDFG 1990).

RESULTS

San Joaquin Kit Fox

I found no potential or known kit fox dens at the proposed construction site. No kit fox sign was observed at or near the site.

Tipton kangaroo rat

I found no kangaroo rat sign and/or potential burrows at the site.

Blunt-nosed leopard lizard


I found no blunt-nosed leopard lizard potential habitat at the project site.

Burrowing Owl

I found no burrowing owls or sign at the site.

Thank you for asking me to provide consulting services. If you have any questions please call me at (805) 839-0375.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Vanherweg", is written over a horizontal line.

William J. Vanherweg
Senior Biologist

**APPLICATION FOR CANCELLATION OF
AGRICULTURAL PRESERVE CONTRACT**

FOR OFFICE USE ONLY (DO NOT MARK)	
Application No. <u>PAC 07-004</u>	Receipt No. <u>R0707315</u> <small>(Rev. 12/06)</small>
Supervisory District No. _____	Date Received <u>16 Nov 2007</u>
Ag Preserve No. <u>3638</u> (Contract No. <u>10765</u>) Full _____ or Partial <input checked="" type="checkbox"/> Cancellation	
Assessor's Parcel Number(s) [APNs] <u>075-170-031 (was portion of APN 075-170-002)</u>	

INSTRUCTIONS FOR FILING:

Completed applications for Full or Partial Cancellation of an Agricultural Preserve Contract must be presented in person at or mailed to the following address:

Tulare County Resource Management Agency
Long Range Planning Branch
5961 S Mooney Blvd.
Visalia, CA 93277-9394

THE COMPLETED APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:

- A. The ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE, completely filled out, with answers to every applicable question.
- B. An up-to-date TITLE REPORT that gives the legal description of the subject property and states how title is vested.
- C. An ASSESSOR'S PARCEL MAP OR PLAT MAP showing each parcel described in the title report by a red pencil border and the details as to present land use and improvements on the subject property.
- D. Twenty (20) copies of a SITE PLAN MAP containing a proposal for the specified alternative use of the land. The site plan map shall contain enough information in order that a complete evaluation may be made of the proposed use by the Resource Management Agency (RMA) staff and other interested public and private agencies. The site plan map shall be clearly and legibly drawn. The size of the sheet shall be appropriate to allow proper review, as determined by the RMA Planning Director. The scale of the map shall be one (1) inch equals one hundred (100) feet or a decimal fraction or a multiple of one hundred (100) feet. The precise information that must be shown on the site plan map is contained on the attached list.
- E. Six (6) copies of a PRELIMINARY GEOLOGICAL-HYDROLOGICAL REPORT prepared with the information required in Section 7052.5 of the Ordinance Code of Tulare County. The information to be included in said report is described for the different type of alternative use projects, on the following pages.

SEE COVER LETTER

- F. A **\$1,599.00 DEPOSIT**. In addition, upon completion of the Planning Division report and before the application is submitted to the Board of Supervisors for action, the Resource Management Agency will bill the applicant for the actual cost of processing the application in excess of the \$1,599.00 deposit (to be billed at **\$100.00 per hour**). No action approving the cancellation application can be taken until the total fees for the work is paid to the County of Tulare, unless the Board of Supervisors has previously waived the fee. Checks are to be made payable to the *Tulare County Resource Management Agency*.

HOWEVER, no additional fee is required if the property that is the subject of the cancellation application meets all of the following criteria:

- (0) The property is ten (10) acres or less in size; and
- (1) The property contains a residence or mobilehome which has been established in accordance with all applicable building and zoning regulations and which has existed on that property for at least three (3) years; and
- (2) All or a portion of the property has been assessed under Section 428 of the Revenue and Taxation Code for a period of time equivalent to at least one-half of the time during which the Land Conservation Contract has been effective on the property.

Applicants owning property that qualifies under the foregoing shall only be required to pay the \$1,500 initial fee, plus any applicable fees required for the environmental studies and reports under the County's Guidelines for the Implementation of the Environmental Quality Act (CEQA) of 1970, as amended.

- NOTE:**
- 1. You may secure your title report and your plat map at one of the several Title Companies in the County.
 - 2. Assessor's maps can be obtained at the Tulare County Assessor's Office, at the County Courthouse in Visalia.

REQUIREMENTS FOR SITE PLAN MAPS

↔ If the proposed alternative use is a Subdivision or Parcel Map, the site plan map shall indicate clearly, and with full dimensions, the following information:

- 1. Location of proposed subdivision with reference to section, township, and range.
- 2. Names and addresses of record owner and subdivider.
- 4. Name and address of person who prepared the map.
- 4. Date of preparation.
- 5. North Point.
- 6. Scale and graphic scale.
- 7. Boundaries of the proposed subdivision or parcel map.

8. Location of streets, alleys and pedestrianways within the proposed subdivision.
9. Names and locations of streets and alleys adjacent to the proposed subdivision.
10. Suggested locations of street extensions and street connections in surrounding unsubdivided properties.
11. Approximate grades of all streets or parts of streets exceeding six percent (6%).
12. Lot lines and approximate dimensions.
13. Locations of proposed public areas.
14. Locations of permanent physical features affecting the design of the proposed subdivision, including any hazardous areas as specified in section 7042 of the Subdivision Ordinance.
- ~~15. The specific use intended for each lot in the subdivision.~~
16. Approximate contour lines if necessary to illustrate the influence of topographic conditions on the design of the subdivision. An aerial photograph or topographic model of the property may be submitted in lieu of indicating contour lines on the preliminary map.
17. Locations and names of watercourses, locations of flood lines, and location of areas subject to ponding of surface water.
18. A tentative drainage plan indicating provisions for drainage and storm water control and, for any area which is located within flood lines, the proposed method of flood protection.
19. Proposed fire protection facilities.

↔ If the proposed alternative use is not a Subdivision, the site plan map shall indicate clearly and with full dimensions the following information:

1. Location of the proposed project with reference to section, township, and range.
2. Name and address of record owner and applicant.
3. Name and address of person who prepared the site plan.
4. Date of preparation.
5. North point and scale.
6. Approximate lot dimensions.
7. General locations of existing and proposed buildings and proposed uses.
8. Off-street parking areas and internal circulation patterns.
9. Location of proposed signs, if any.
10. Preliminary drainage plan.
11. Proposed landscaping area.

12. Proposed location of utilities, sewage disposal systems, and domestic water supply systems.
 13. Approximate contour lines if necessary to illustrate the influence of topographic conditions on the design of the project. An aerial photograph or topographic model of the property may be submitted in lieu of indicating contour lines on the site plan map.
 14. Locations and names of water courses and areas subject to flooding or ponding of surface water.
 15. The proposed method of flood protection for any area subject to flooding or ponding of surface water.
 16. Locations of proposed public areas.
 17. Approximate grades of all streets or parts of streets exceeding six percent (6%).
 18. Proposed fire protection facilities.
-

REQUIREMENTS FOR A PRELIMINARY GEOLOGICAL-HYDROLOGICAL REPORT

The preliminary geological-hydrological report must be prepared by a registered civil engineer or a registered geologist and shall contain a general analysis of the following factors with regard to the site.

1. Geological structure of the property, including the identification of all potential geological hazards which can be ascertained.
2. A general report on the several matters that would be covered in more detail in a final geological hydrological report pursuant to section 7063.2 of the Ordinance Code, including but not limited to:
 - a. All proposed grading including the effects of grading on the site and adjoining properties.
 - b. Correction of geological hazards.
 - c. Effects of drainage on adjoining properties.
 - d. Location of any existing wells on the property.
 - e. If individual sewage disposal systems are to be used, the report shall include recommendations for the location and type of system, based upon the geological and soil analysis contained in the report.
3. Stability of soil for cuts and fills.
4. Seismicity.
5. Probability of a permanent ground water supply on the property adequate to supply the anticipated needs of the proposed alternative use.
6. Potential erosion and sedimentation problems and recommendations for solution.

Other special factors deemed to be pertinent to the proposed alternative use by the person preparing the report.

If the RMA Planning Director determines that sufficient current information is already available with regard to any or all of the matters to be covered in a preliminary geological-hydrological report, he may waive a report on such matters.

TO THE TULARE COUNTY RESOURCE MANAGEMENT AGENCY:

SECTION 1. REQUEST: We, the undersigned, owners or authorized agents of the real property herein described below, hereby request the Tulare County Board of Supervisors to hold a public hearing for the purpose of canceling an Agricultural Preserve Contract pursuant to the provisions set forth in Section 51282 of the Government Code.

OWNER(s) SELF HELP ENTERPRISES PETER CAREY
(Please print or type)
ADDRESS P.O. BOX 6520 VISALIA, CA 93290
Phone(s) 559-651-1000

OWNER(s) _____
ADDRESS _____
Phone(s) _____

SECTION 2. OWNERSHIP: If title to the land is other than a single, a joint or multiple ownership, please use the following space to state precisely in what manner the title of the land involved is recorded (i.e., partnership, corporation, trust, estate, etc.), you may wish to consult legal counsel concerning the preparation of this section.

Name of corporation, trust, etc. _____
SELF HELP ENTERPRISES, A CALIFORNIA
NON-PROFIT CORPORATION

SECTION 3. DESCRIPTION OF LAND: Use the following space to describe all parcels of land for which contract cancellation has been proposed. Only Assessor's Parcel Numbers (APN) may be used to describe the land. Assessor's Parcel Numbers may be obtained either from the Assessor's Office (at the County Courthouse) or from your tax statements.

<u>APN</u>	<u>ACREAGE</u>	<u>APN</u>	<u>ACREAGE</u>
<u>075-170-031</u>	<u>37.44</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTE: If more space is needed for any of the above or below items, attach separate sheets at the end of this form.

SECTION 4. **EXISTING USES:** Please use the following spaces to list the various land uses that exist on the property for which the cancellation is proposed. In addition, the general locations of said land uses shall be noted on Assessor's Parcel Map(s) that must be included with this application.

<u>LAND USE</u>	<u>ACREAGE</u>
a. Citrus orchard	_____
b. Orchard (non-citrus) (_____)	_____
c. Vineyard	_____
d. Field Crops	_____
e. Grazing	_____
<hr/>	
f. Dairy	_____
g. Homesite	_____
h. Non-agricultural uses (_____)	_____
i. Other (<u>VACANT</u>)	<u>37.44</u>

SECTION 5. **USE: PARTIAL CANCELLATION:** If this application pertains only to a portion of the property that is subject to the contract, please use the following space to describe the existing and proposed land uses (if any) on the balance of the property for which cancellation is not proposed.

SEE ATTACHED EXHIBIT A

SECTION 6. **PROPOSED ALTERNATIVE USE:** The landowner must include in this application a proposal for a specified alternative use of the land that is proposed for contract cancellation. Please use the following space to fully describe the proposed use.

SEE ATTACHED EXHIBIT A

SECTION 7. **PERMIT AUTHORITY:** Use the following space to list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use.

TULARE COUNTY

SECTION 8. MANDATORY FINDINGS: Section 51282 of the California Government Code states that the landowner may petition the Board of Supervisors for cancellation of any contract as to all or any part of the subject land. **The Board of Supervisors may approve the cancellation of the contract only if they find:**

- a. that the cancellation is consistent with purposes of the Williamson Act; OR
- b. that the cancellation is in the public interest.

IN ORDER TO ASSIST THE BOARD IN MAKING THESE FINDINGS, PLEASE ANSWER THE FOLLOWING QUESTIONS – Nos. 1-5 below are the Mandatory Findings (set forth under Government Code Section 51282.b) that must be made to satisfy No. (a.) above (attach additional sheets of paper if necessary):

(1) Is the cancellation for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Act? If this Notice was filed with Tulare County, indicate its effective date; otherwise, if none was previously filed, a Notice of Nonrenewal (along with its filing fee) must be submitted to the RMA at least by the time that this Cancellation application is filed. **FNR 05-048**
EFFECTIVE NON-RENEWAL DATE WAS JANUARY 1, 2006. THE NON-RENEWAL DOCUMENT IS ATTACHED FOR YOUR REVIEW.

(2) Is cancellation likely to result in the removal of adjacent lands from agricultural uses? Explain:
SEE ATTACHED EXHIBIT A

(3) Is cancellation for an alternative use which is consistent with the applicable provisions of the General Plan? Explain:
YES, THE CURRENT GOSHEN COMMUNITY PLAN SHOWS THIS PROPERTY BEING ZONED FOR RESIDENTIAL USES.

(4) Will cancellation result in discontinuous patterns of urban development? Explain:
SEE ATTACHED EXHIBIT A

(5) Is there any proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or will development of the contracted land provide more contiguous patterns of urban development than development of proximate noncontracted land? Explain:
SEE ATTACHED EXHIBIT A

NOTE: As used above, "proximate, noncontracted land" means land not restricted by contract, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land. As used above, "suitable" for the proposed use means that the salient features of the proposed use can be served by land not restricted by contract pursuant to the Act. Such non-restricted land may be a single parcel or may be a combination of contiguous or discontinuous parcels. The uneconomic character of an existing agricultural use shall not be itself be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

- (6) What are the other *public* concerns which substantially outweigh the objectives of the Williamson Act and support the cancellation request?

SEE ATTACHED EXHIBIT A

SECTION 9. APPLICANT'S DECLARATION:

I, (We), the undersigned, say:

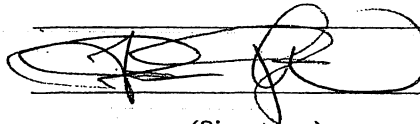
I am (We are) the owner(s) or authorized agent(s) of the property involved in this application, and I (we) have completed this application, and all other documents and maps required hereby, to the best of my (our) ability, and the statements and information heretofore referred to are, in all respects, true and correct to the best of my (our) knowledge and belief.

I, (We) declare under penalty of perjury that the foregoing is true and correct.

Executed on 15, NOVEMBER, 2007, at VISALIA,
California, by:

THOMAS J. COLLISAW

(Printed Names)



(Signatures)

Executed on 15, NOVEMBER, 2007, at VISALIA,
California, by:

CAROL A. GLASS

(Printed Names)



(Signatures)

Section 8

Ag Preserve Cancellation Application Mandatory Findings Responses

Finding 1

The proposed cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Act.

A Notice of Full Nonrenewal was submitted on September 27, 2005 and recorded by the County on February 22, 2006. The Notice is identified as FNR-05048. A copy of FNR 05048 is attached hereto as Exhibit A. For informational purposes, a copy of the recorded land conservation contract is attached as Exhibit B.

Finding 2

The proposed cancellation will not result in the removal of adjacent lands from agriculture use.

The adjacent lands to the west, east and north are currently being used for row crops. However a Notice of Nonrenewal was filed for land to the east in 2006 and this land also borders the ever expanding industrial park of the City of Visalia, and it is unlikely this land will be developed in the near future due to its close proximity to the industrial park. The current Community of Goshen is also continuing to expand. All the properties south of the proposed project have been developed or are currently undergoing development. In relation to the issues mentioned above, the proposed project will have a fairly insignificant impact to the removal of adjacent lands from agricultural uses.

Finding 3

The proposed cancellation is for an alternative use which is consistent with the applicable provisions of the General Plan.

The project is within the Goshen Urban Development Boundaries. Hence, urban development of the site is planned. The alternative use of residential development is consistent with the Residential land use designation for the project site as identified in the Goshen Community Plan. Water supply and sewer treatment capacity appear to be available. The alternative use will serve to implement the General Plan and the Community Plan.

Finding 4

The proposed cancellation will not result in discontinuous patterns of urban development.

The project site is located within the Goshen UDB. A UDB is established by the county to promote urban development patterns that are compact and contiguous, preserve agricultural lands, and minimize land use conflicts between urban and agricultural operations. The project site is contiguous to existing single-family residential development on the south. The density of existing residential development is consistent with that planned for the proposed project. Lands to the north, east and west are also within the Goshen UDB and therefore, planned for urban development.

Finding 5

Is there any proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or will development of the contracted land provide more contiguous patterns of urban development than development of proximate noncontracted land?

The project site property was donated to Self Help Enterprises specifically for the purpose of providing affordable housing and a community park. Therefore, there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put.

FOR OFFICE USE ONLY:

Date: _____

Received by: _____

Project No.: _____

ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE

(To be completed by applicant or authorized agent)

Application is being submitted for (check all that apply):

<input type="checkbox"/> Special-Use Permit	<input type="checkbox"/> Site Plan Review	<input checked="" type="checkbox"/> Other, explain
<input type="checkbox"/> Parcel Map	<input type="checkbox"/> Zone Variance	<u>CANCELLATION of WILLIAMSON</u>
<input type="checkbox"/> Zone Change	<input type="checkbox"/> Setback Variance	<u>AG CONTRACT</u>
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Flood Variance	
<input type="checkbox"/> Subdivision	<input type="checkbox"/> General Plan Amendment	

NOTE: AN INCOMPLETE APPLICATION MAY DELAY THE PROCESSING OF YOUR APPLICATION OR REQUIRE YOU TO RESUBMIT YOUR APPLICATION. THEREFORE, PLEASE ANSWER ALL QUESTIONS THAT APPLY TO YOUR PROJECT AS COMPLETELY AS POSSIBLE.

I. GENERAL INFORMATION

1. Name, Address and Telephone of Applicant: SELF HELP ENTERPRISES
P.O. BOX 6520 VISALIA, CA 93290
CONTACT: PETER CAREY
2. Name, Address and Telephone/Fax of Agent: _____

3. Address and Location of Project: EAST OF ROAD 72 BETWEEN RUSSELL AVE & AVENUE 310
4. Assessor's Parcel Number and parcel size: 075-170-031 37.44 ACRES
5. If only a portion of the parcel is being developed, how much area is involved within the project limits?: 32.54 ACRES BEING DEVELOPED.

6. Existing Zoning: A-1
7. Present use of project site: VACANT
8. Proposed use of site (project for which this form is prepared): CREATION OF
77 SINGLE FAMILY LOTS, ONE 6.12 ACRE MULTIPLE FAMILY
SITE, ONE 9.5 ACRE PARK POND.

II. ENVIRONMENTAL SETTING

1. Describe the project site as it exists before the project, including existing structures on the site, and the use of the structures. If you have current photographs that would be helpful, please attach them.

SITE IS VACANT

2. Describe the character and land use of the surrounding properties (slopes, rivers, vacant, commercial):

North: ROW CROPS

East: ROW CROPS

South: APARTMENT COMPLEXES & RESIDENTIAL SUBDIVISIONS

West: ROW CROPS

III. SPECIFIC ITEMS OF IMPACT

1. Liquid waste disposal (septic tank-leach line system, seepage pit, connection to community system, aerobic tank) [show location on site plan]:

GOSHEN COMMUNITY UTILITY DISTRICT

2. Water supply (domestic well [show location on site plan], irrigation district, private water company, community system, etc.):

CALIFORNIA WATER SERVICE CO.

3. Sources of energy (electricity, propane, natural gas, etc.) for the project. Include size, type, and location of above-ground fuel tanks:

SOUTHERN CA EDISON - ELECTRICITY
THE GAS CO. - GAS

4. Will the project require the construction of public-service facilities: e.g., roads, sewer lines, water lines, etc.? If so, describe the required construction:

PROJECT WILL REQUIRE ALL UTILITIES NECESSARY FOR RESIDENTS,
ROADS, SEWER, STORM AND WATER MAINS, ALONG WITH ALL DRY
UTILITIES POWER, GAS, CABLE & TELEPHONE.

5. Provide any additional information that may be helpful in evaluating this request.

NONE.

**SUPPLEMENTAL INFORMATION FOR APPLICATION
FOR ANY DEVELOPMENT PROJECT**

Section 65962.5f of the California Government Code states:

“(f) Before a local agency accepts as complete an application for any development project which will be used by any persons, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project is located on a site which is included on any of the lists compiled pursuant to this section. If the site is included on a list, the list shall be specified on the statement.”

Before any application can be accepted as complete by the Tulare County Resource Management Agency, the owner of the subject property, or the owner's authorized agent, must complete this form.

STATEMENT:

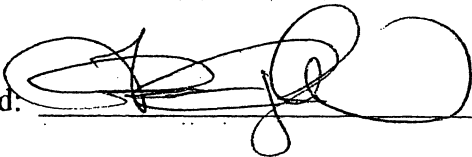
I have reviewed the “Identified Hazardous Waste Sites,” (a copy of which is located at the Resource Management Agency Permit Center, 5961 South Mooney Blvd., Visalia, CA) list dated _____, 19____, and state that:

The site(s) of the project subject to this application __is/Xis not on the “Identified Hazardous Waste Sites” list.

CERTIFICATION:

I hereby certify that the information furnished herein presents to the best of my knowledge and belief, true and correct facts, statements, and information, and that I am the owner, or the authorized agent of the owner, of the subject property.

Signed: _____



Dated: _____

11.15.87

