

COUNTY OF TULARE
RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard
Visalia, CA 93277

Pixley Community Plan
General Plan Amendment (GPA 14-002)

Final Environmental Impact Report

May 2015

Prepared by

County of Tulare Resource Management Agency
Planning Branch and
Environmental Planning Division

**Pixley Community Plan Update
Final Environmental Impact Report (SCH No. 2014021059)**

These attached documents complete the Final Environmental Impact Report (FEIR) for the above referenced project

- I. Responses to Comments (Chapter 10 of the FEIR)
- II. Mitigation Monitoring and Reporting Program.
- III. Correction made to pages of the Draft EIR, and a summary table of corrections)
- IV. Statement of Overriding Consideration
- V. Finding of Fact (Exhibit “B” for FEIR Resolution

INTRODUCTION & RESPONSE TO COMMENTS

Chapter 10

INTRODUCTION

The Draft Environmental Impact Report (Draft EIR or EIR) for the Pixley Community Plan Update was made available for public review and comment for a period of 45 days from April 10, 2015 through May 26, 2015. The purpose of this document is to present public comments and responses to comments received on the Pixley Community Plan Update Draft Environmental Impact Report (SCH # 2014021059).

Individual responses to each of the comment letters received regarding the Draft EIR are included in this chapter. Comments that do not directly relate to the analysis in this document (i.e., that are outside the scope of this document) will be considered.

In order to provide commenters with a complete understanding of the comment raised, the County of Tulare Resource Management Agency (RMA), Planning Branch staff prepared a comprehensive response regarding particular subjects. These comprehensive responses provide some background regarding an issue, identify how the comment was addressed in the Draft EIR, and provide additional explanation/elaboration while responding to a comment. In some instances, these comprehensive responses have also been prepared to address specific land use or planning issues associated with the proposed Project, but unrelated to the EIR or environmental issues associated with the proposed Project.

Comments received that present opinions regarding the Project that are not associated with environmental issues or raise issues that are not directly associated with the substance of the EIR are noted without a detailed response.

REVISIONS OUTLINED IN THE RESPONSE TO COMMENTS

Revisions and clarifications to the EIR made in response to comments and information received on the Draft EIR are indicated by ~~strikeout~~ text (e.g., ~~strikeout~~), indicating deletions, and underline text (e.g., underline), indicating additions. Corrections of typographical errors have been made throughout the document and are not indicated by ~~strikeout~~ or underline text. Revisions and clarifications are included as Errata pages within this document.

PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of the Pixley Community Plan Update (SCH # 2014021059) have been analyzed in a Draft Environmental Impact Report (DEIR) dated April 2015. Consistent with Section 15205 of the State CEQA Guidelines, the DEIR for the Pixley Community Plan Update is subject to a public review period. Section 21091(a) of the Public Resource Code specifies a 30-day public review period; however, if a Draft EIR is submitted to the State Clearinghouse for review, the review period shall be a minimum of 45-days. The County of Tulare provided a 45-day review period.

The Pixley Community Plan Update Draft EIR was distributed to responsible and trustee agencies, other affected agencies/departments/branches within the RMA, interested parties, and all parties who requested a copy of the Draft EIR in accordance with Section 21092 of the *California Public Resources Code*. The Draft EIR's Notice of Availability (NOA) was also published in the *Tulare Advanced Register*, a newspaper of general circulation, on April 10, 2015, as required by CEQA.

During the 45-day review period, the DEIR and the technical appendices were also made available at the following locations:

Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277
(559) 624-7000

Pixley Branch Library – Tulare County
300 N. School
Pixley, CA 93256

In addition, the Pixley Community Plan Update DEIR was posted on the Tulare County website at:

<http://www.tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/>

RELEVANT CEQA SECTIONS (SUMMARY)

See Complete Sections in CEQA Guidelines Sections 15088 to 15384, et seq. which can be accessed at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)"\]](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

Section 15088. Evaluation of and Response to Comments.

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response...
- (b) The lead agency shall provide... response to a public agency on comments made ... at least 10 days prior to certifying.
- (c) The written response shall describe the disposition of significant environmental issues raised. In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations, and objections raised in the comments must be addressed in detail

Section 15088.5. Recirculation of an EIR Prior to Certification.

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.
- (b) Recirculation is not required where the new information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Section 15089. Preparation of Final EIR.

- (a) The lead agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of these guidelines.

Section 15090. Certification of the Final EIR.

- (a) Prior to approving a project the lead agency shall certify that:
 - (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision making body...and the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - (3) The final EIR reflects the lead agency's independent judgment and analysis.

Section 15091. Findings.

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.... (a) shall be supported by substantial evidence in the record.

Section 15092. Approval.

- (b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless:

- (2) The agency... (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Section 15093. Statement of Overriding Considerations.

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Section 15095. Disposition of a Final EIR.

The lead agency shall:

(a) File a copy of the final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.

(b) Include the final EIR as part of the regular project report which is used in the existing project review and budgetary process if such a report is used.

(c) Retain one or more copies of the final EIR as public records for a reasonable period of time.

(d) Require the applicant to provide a copy of the certified, final EIR to each responsible agency.

Section 15151. Standards for Adequacy of an EIR.

An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among

the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Section 15364. Feasible. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, legal, social, and technological factors.

Section 15384. Substantial Evidence. “Substantial evidence”... means enough relevant information and reasonable inferences that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

RESPONSES TO COMMENTS

COMMENT LETTERS RECEIVED ON THE DRAFT EIR

The County of Tulare received no comment letters on the Draft EIR during the designated comment period (between April 10, 2015 and May 26, 2015). In addition, correspondence or conversations regarding comments from the public are also provided in this document. Each comment letter is also numbered. For example, comment letter “1” is from the Lower Tule River Irrigation District/Pixley Irrigation District, april 27, 2015.

Consistent with Section 15132 of the CEQA Guidelines, the following is a list of persons, organizations, and public agencies that submitted comments regarding the Draft EIR received as of close of the public review period on May 26, 2015.

Oral comments were received from or conversations occurred with the following individuals:

No oral comments were received.

Comments from Federal, State, or County Agencies:

Comment Letter 1	Lower Tule River Irrigation District/Pixley Irrigation District, april 27, 2015.
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Comments from adjacent property owner’s:

None received.

Comments from supporters of the proposed Project:

None received.

COMPREHENSIVE LIST OF RESPONSES

Comment Letter 1	Lower Tule River Irrigation District/Pixley Irrigation District, april 27, 2015.
Comment Subject:	The Response to Lower Tule River Irrigation District/Pixley Irrigation District – Pixley Community Plan Update, SCH # 2014021059 Attachment “A” “Response to District Comments Dated May 14, 2015.

- Comment 1: *"In Chapter 3.9 and Appendix G, of the DEIR, Mitigation Measures 9-1 through 9-5 are presented to deal with the water demand side of the issue. These mitigation measures do a good job of specifying what can be done to save water. "*
- Response 1: We appreciate the District's concurrence regarding Mitigation Measures 9-1 through 9-5 as these are intended as water conservation measures. As noted in the DEIR (page 3.9-31), consulting engineers Provost & Pritchard indicated that such measures are feasible and currently used in one or more California Communities.
- Comment 2 *"In our opinion, Mitigation Measure 9-6 should not be considered unless potential surface supplies are identified. In addition, any surface water supplies identified as potential mitigation measures, must come from outside of the Deer Creek and Tulare River basins, otherwise, there would be no benefit, or offset to demands within the basin."*
- Response 2 We agree, Mitigation Measure 9-6 will be removed in the Final EIR and the final Mitigation Monitoring and Reporting Program. As noted in the DEIR (page 3.9-31), consulting engineers Provost & Pritchard indicated that Mitigation Measure 9-6 is essentially a contingency measure if Mitigation Measures 9-1 through 9-5 are not fully effective in offsetting growth during the planning period. As such, removing Mitigation Measure 9-6 will not result in a substantive or material change to the analysis or reduce the effectiveness of Mitigation Measures 9-1 through 9-5.

PROJECT SUMMARY

The proposed Project includes a proposed General Plan Amendment (No. GPA 14-002), proposed Community Plan Rezoning (No. PZ 15-010), and PZ 15-011 Mixed Use Overlay Zone. On December 10, 2013 the Tulare County Board of Supervisors (BOS) approved, the Planning Branch proposal to update the Pixley Community Plan. The Pixley Community Plan Update will become consistent with the recent approval of

the General Plan 2030 Update, and will include the following primary goals and objectives.

1. Land Use and Environmental Planning - Promote development within planning areas next to the Regional Highway 99 Corridor in order to implement the following General Plan goals:
 - a) Update the affected Urban Development Boundaries to include newly expanded Enterprise Zone areas;
 - b) Ensure that the text and mapping of the Community Plan Designations and Zoning Reclassifications address various development matters such as encouraging Agricultural Adaptive Reuse activities, recognizing Non-Conforming Use activities, and facilitating Ministerial Permit approvals;
 - c) Encourage infill development within Urban Development Boundaries, thereby discouraging leapfrog development within Tulare County;
 - d) Reduce development pressure on agriculturally-designated lands within the Valley Floor, thereby encouraging agricultural production to flourish;
 - e) Reduce vehicle miles travelled throughout the County, thereby positively affecting air quality and greenhouse gas reduction; and
 - f) Help to improve the circulation, transit and railroad transportation system within this community, including, but not limited to, laying the groundwork for the construction of key projects such as Safe Routes to Schools, Complete Streets, and Bike Lanes/Pedestrian Paths.
2. Improvements for a “disadvantaged community” - It is expected that the community planning areas will be improved for the following reasons:
 - a) With faster project processing resulting from an updated community plan, increased employment opportunities are more likely to be provided by the private sector as proposed project developments can be approved as expeditiously as possible;
 - b) Increased housing grant awards are more likely to occur based on updated community plans that are consistent with the policies of the recently adopted (August 2013) General Plan Update and Housing Element; and
 - c) With updated community plans, enhanced infrastructure grant awards are more likely, thereby providing access to funding to install or upgrade road, water, wastewater, and storm water facilities.
3. Strengthening Relationship with TCAG - An important benefit of this expedited community plan process will be the opportunity for RMA to strengthen the County’s relationship with the Tulare County Association of Governments (TCAG) in that this and other community plans will help to facilitate the funding and implementation of several key transportation programs such as Safe Routes to Schools, Complete

Streets, and Bike/Pedestrian Projects.

By pursuing these transportation Programs through a heightened collaborative process, the likelihood of getting actual Programs in the ground will be realized faster than historically achieved. In doing so, these communities and others can become safer and healthier by providing a more efficient transportation network.

4. Other Zoning and Policy Changes - In addition to a General Plan Amendment, the Project will also consist of a Zone Ordinance Amendment adopting a Mixed-Use Overlay Zone; Amendment to Section 16 of the Zone Code to allow additional “by-right” uses only within the Pixley Urban Development Boundary Area; and adoption of a Complete Streets Policy for the unincorporated community of Pixley.

LOCATION

Pixley is located in the southwest portion of Tulare County between the communities of Tipton and Earlimart adjacent to State Route (SR) 99. Pixley is generally square in shape and is bisected in a north-south direction by SR 99, which runs east of and parallel to the Southern Pacific Railroad (S.P.R.R.) tracks.

LOCAL REGULATORY CONTEXT

The Tulare County General Plan Update 2030 was adopted on August 28, 2012. As part of the General Plan an EIR was prepared as was a background report. The General Plan background report contained contextual environmental analysis for the General Plan. The Housing Element for 2009-2014 was adopted on May 8, 2012, and certified by State of California Department of Housing and Community Development on June 1, 2012.

SCOPE AND METHODOLOGY

The County of Tulare has determined that a project level EIR fulfills the requirements of CEQA and is the appropriate level evaluation to address the potential environmental impacts of the proposed project. A project level EIR is described in Section 15161 of the State CEQA Guidelines as one that examines the environmental impacts of a specific development project. A project level EIR must examine all phases of the project, including planning, construction, and operation.

This document addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines Section 15145). This *Final Environmental Impact Report (FEIR)* acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of the Plan, given its long term planning horizon. The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated (CEQA Guidelines Section 15146).

Also, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project (CEQA Guidelines Sections 15151 and 15204(a)).

CEQA Guidelines Section 15002 (a) specifies that, “[t]he basic purposes of CEQA are to:

- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.”¹

CEQA Guidelines Section 15002 (f) specifies that, “[a]n environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage... An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment... When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a “Negative Declaration” instead of an EIR...”²

Pursuant to CEQA Guidelines Section 15021 Duty to Minimize Environmental Damage and Balance Competing Public Objectives:

- “(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.
- (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
 - (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.
- (b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.
- (c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.

¹ CEQA Guidelines, Section 15002 (a)

² CEQA Guidelines, Section 15002 (f)

(d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.”³

IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS

CEQA Guidelines Section 15002 (h) addresses potentially significant impacts, to wit, “CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project could cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

- (1) Changing a proposed project;
- (2) Imposing conditions on the approval of the project;
- (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
- (4) Choosing an alternative way of meeting the same need;
- (5) Disapproving the project;
- (6) Finding that changes in, or alterations, the project are not feasible.
- (7) Finding that the unavoidable, significant environmental damage is acceptable as provided in Section 15093.”⁴ (See Chapter 7)

This *Final EIR* identifies potentially significant impacts that would be anticipated to result from implementation of the proposed Project. Significant impacts are defined as a “substantial or potentially substantial, adverse change in the environment” (Public Resources Code Section 21068). Significant impacts must be determined by applying explicit significance criteria to compare the future Plan conditions to the existing environmental setting (CEQA Guidelines Section 15126.2(a)).

The existing setting is described in detail in each resource section of Chapter 3 of this document and represents the most recent, reliable, and representative data to describe current regional conditions. The criteria for determining significance are also included in each resource section in Chapter 3 of this document.

CONSIDERATION OF SIGNIFICANT IMPACTS

³ Ibid., Section 15021

⁴ 2013 CEQA Guidelines, Section 15002 (h)

Pursuant to CEQA Guidelines Section 15126.2, “[a]n EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”⁵

As the Project will have no significant and unavoidable effects; a Statement of Overriding Considerations is not necessary or required as part of this Final EIR.

MITIGATION MEASURES

CEQA Guidelines Section 15126.4 specifies that:

- “(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
 - (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

⁵ Ibid., Section 15126.2

- (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.
 - (C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.
 - (D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)
- (2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.
 - (3) Mitigation measures are not required for effects which are not found to be significant.
 - (4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
 - (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and
 - (B) The mitigation measure must be “roughly proportional” to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be “roughly proportional” to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.
 - (5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.”⁶

ORGANIZATION OF THE EIR

With the exception of Chapter 10, Response to Comments, of the EIR consists of the following sections:

⁶ 2013 CEQA Guidelines, Section 15126.4

Executive Summary

The Executive Summary Chapter summarizes the analysis in the Final Environmental Impact Report.

CHAPTER 1

Provides a brief introduction to the Environmental Analysis required by the California Environmental Quality Act (CEQA) and Response to Comments received on the Final EIR.

CHAPTER 2

Describes the proposed Project. The chapter also includes the objectives of the proposed Project. The environmental setting is described and the regulatory context within which the proposed Project is evaluated is outlined.

CHAPTER 3

Includes the Environmental Analysis in response to each Checklist Item. Within each analysis the following is included:

Summary of Findings

Each chapter notes a summary of findings.

Introduction

Each chapter begins with a summary of impacts, pertinent CEQA requirements, applicable definitions and/or acronyms, and thresholds of significance.

Environmental Setting

Each environmental factor analysis in Chapter 3 outlines the environmental setting for each environmental factor. In addition, methodology is explained when complex analysis is required.

Regulatory Setting

Each environmental factor analysis in Chapter 3 outlines the regulatory setting for that resource.

Project Impact Analysis

Each evaluation criteria will be reviewed for potential Project-specific impacts.

Cumulative Impact Analysis

Each evaluation criteria is reviewed for potential cumulative impacts.

Mitigation Measures

Mitigation Measures are proposed as deemed applicable.

Conclusion

Each conclusion outlines whether recommended mitigation measures will, based on the impact evaluation criteria, substantially reduce or eliminate potentially significant environmental impacts. If impacts cannot be mitigated, unavoidable significant impacts are identified.

Definitions/Acronyms

Some sub-chapters of Chapter 3 have appropriate definitions and/or acronyms.

References

Reference documents used in each chapter are listed at the end of each sub-chapter.

CHAPTER 4

Summarizes the cumulative impacts addressed in Chapter 3.

CHAPTER 5

Describes and evaluates alternatives to the proposed Project. The proposed Project is compared to each alternative, and the potential environmental impacts of each are analyzed.

CHAPTER 6

Evaluates or describes CEQA-required subject areas: Economic Effects, Social Effects, and Growth Inducement.

CHAPTER 7

Evaluates or describes CEQA-required subject areas: Environmental Effects That Cannot be Avoided, Irreversible Impacts, and Statement of Overriding Considerations.

CHAPTER 8

Provides a Mitigation Monitoring and Reporting Program that summarizes the environmental issues, the significant mitigation measures, and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures.

CHAPTER 9

Outlines persons preparing the EIR and sources utilized in the Analysis.

CHAPTER 10

Contains the Response to Comments received during the 45-day review period.

APPENDICES

Following the main body of text in the EIR, several appendices and technical studies have been included as reference material.

ENVIRONMENTAL REVIEW PROCESS

Pursuant to CEQA Guidelines §15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment beginning on February 20, 2014 a 30-day comment period ending March 16, 2014. Tulare County RMA received No comments on the NOP.

Consistent with CEQA Guidelines Section 15103, “Responsible and Trustee Agencies, and the Office of Planning and Research shall provide a response to a Notice of Preparation to the Lead Agency within 30 days after receipt of the notice. If they fail to reply within the 30 days with either a response or a well justified request for additional time, the lead agency may assume that none of those entities have a response to make and may ignore a late response.”⁷

⁷ CEQA Guidelines, Section 15103

A scoping meeting was duly noticed in a newspaper of general circulation (Visalia Times-Delta) and held on March 6, 2014. No comments were received during this meeting.

Section 15093 of the State CEQA Guidelines requires decision-makers to balance the benefits of a proposed project against any unavoidable adverse environmental effects of the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, then the decision-makers may adopt a statement of overriding considerations, finding that the environmental effects are acceptable in light of the project's benefits to the public.

As noted in CEQA Guidelines § 15105 (a), a Draft EIR that is submitted to the State Clearinghouse shall have a minimum review period of 45 days. The Draft EIR was circulated publicly for comment beginning on April 10, 2015. Following completion of the 45-day public review period ending on May 26, 2015, staff prepared responses to comments and a Final EIR has been completed. The Final EIR was then forwarded to the County of Tulare Planning Commission for consideration of certification. Notwithstanding an appeal to the County of Tulare Board of Supervisors, a Notice of Determination will then be filed with the County Tulare County Clerk and also forwarded to the State of California, Office of Planning and Research.

ORGANIZATIONS CONSULTED

California Department of Conservation, Division of Land Resource Protection
California Department of Fish and Wildlife Region #4
California Water Resources Control Board #5
California Department of Toxic Substance Control
California Environmental Protection Agency
California Department of Transportation (Caltrans) District #6
Native American Heritage Commission
United States Fish & Wildlife Service
Health and Human Services Agency, Environmental Health Services Division
Tulare County Association of Governments (TCAG)
Pixley Union School District
Tulare County Fire Warden
San Joaquin Valley Unified Air Pollution Control District (Air District)
Regional Water Quality Control Board, Central Region

Final Environmental Impact Report
Pixley Community Plan Update

Southern California Edison

Southern California Gas Company

ATTACHMENT “A”

Comments from Lower Tule River Irrigation District/Pixley Irrigation District



RESOURCE MANAGEMENT AGENCY

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May 15, 2015

Eric Limas, Business Manager
Lower Tule Rive and Pixley Irrigation District
357 E. Olive Avenue
Tipton, CA 93272

Subject: Pixley Community Plan General Plan Amendment (GPA 14-002), Draft Environmental Impact Report

Dear Mr.Limas,

Thank you for providing the Lower Tule Rive and Pixley Irrigation District's (District) written comments (see Attachment 1) regarding the Pixley Community Plan General Plan Amendment (GPA 14-002), Draft Environmental Impact Report (DEIR). Below are the County of Tulare Resource Management Agency's (County) responses to the District's comment letter dated April 27, 2015.

Comment : *"In Chapter 3.9 and Appendix G, of the DEIR, Mitigation Measures 9-1 through 9-5 are presented to deal with the water demand side of the issue. These mitigation measures do a good job of specifying what can be done to save water."*

Response : We appreciate the District's concurrence regarding Mitigation Measures 9-1 through 9-5 as these are intended as water conservation measures. As noted in the DEIR (page 3.9-31), consulting engineers Provost & Pritchard indicated that such measures are feasible and currently used in one or more California Communities.

Comment: *"In our opinion, Mitigation Measure 9-6 should not be considered unless potential surface supplies are identified. In addition, any surface water supplies identified as potential mitigation measures, must come from outside of the Deer Creek and Tulare River basins, otherwise, there would be no benefit, or offset to demands within the basin."*

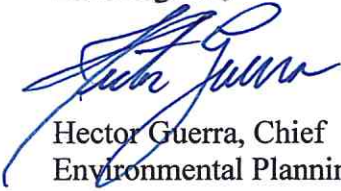
Response : We agree, Mitigation Measure 9-6 will be removed in the Final EIR and the final Mitigation Monitoring and Reporting Program. As noted in the DEIR (page 3.9-31), consulting engineers Provost & Pritchard indicated that Mitigation Measure 9-6 is essentially a contingency measure if Mitigation Measures 9-1 through 9-5 are not fully effective in offsetting growth during the planning period. As such, removing

Mitigation Measure 9-6 will not result in a substantive or material change to the analysis or reduce the effectiveness of Mitigation Measures 9-1 through 9-5.

In closing, we sincerely appreciate the District's comments as applied to this Project. Your comments have been very insightful and useful toward ensuring that the proposed Project complies with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me at (559) 624-7121.

Best Regards,

A handwritten signature in blue ink, appearing to read "Hector Guerra", is written over the typed name and title.

Hector Guerra, Chief
Environmental Planning Division

Attachment (1) Pixley Community Plan General Plan Amendment (GPA 14-002), Draft Environmental Impact Report, dated April 27, 2015



Lower Tule River Irrigation District Pixley Irrigation District

Tulare County
Resource Management
Agency
APR 30 2015

Lower Tule Board

April 27, 2015

Gary Fernandes
President

John Roeloffs
Vice President

Jim Costa
Director

Tom Barcellos
Director

Alex Garcia
Director

Hector Guerra
Chief Environmental Planner
Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, Ca. 93277

Re: Pixley Community Plan General Plan Amendment (GPA 14-002), Draft Environmental Impact Report

Dear Mr. Guerra,

Pixley Board

Frank Junio
President

Russell Schott
Vice President

Bill De Groot
Director

Randall Parreira
Director

Neal Westbrook
Director

Thank you for the opportunity to review and comment on the Pixley Community Plan General Plan Amendment (GPA 14-002), Draft Environmental Impact Report (DEIR).

As California continues to face drought conditions, water demands continue to place strains on water supplies, especially groundwater supplies, and especially in the central valley. In Chapter 3.9 and Appendix G, of the DEIR, Mitigation Measures 9-1 through 9-5 are presented to deal with the water demand side of the issue. These mitigation measures do a good job of specifying what can be done to save water. Mitigation Measure 9-6 deals with the supply side of the water issue. Mitigation Measure 9-6, however, is very general. It states "Acquire a new surface water supply that could be shown to benefit the basin and offset the pumping that comes with growth." Nowhere does the DEIR address where this surface water supply might come from.

In our opinion, Mitigation Measure 9-6 should not be considered unless potential surface water supplies are identified. In addition, any surface water supplies identified as potential mitigation measures, must come from outside of the Deer Creek and Tule River basins, otherwise, there is no benefit, or offset to demands within the basin.

Daniel G. Vink
General Manager

Eric Limas
Business Manager

Beth Grote-Lewis
Assessor

Alex Peltzer
Legal Counsel

If you have any questions, or want to discuss further, please contact Dan Vink at dvink@ltrid.org, or Eric Limas at elimas@ltrid.org, or at our office at 559-686-4716.

Sincerely,

Eric Limas
Business Manager
Lower Tule River and Pixley Irrigation District

MITIGATION MONITORING REPORTING PROGRAM

Final Mitigation Monitoring and Reporting Program

Chapter 8

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No. 2014021059) prepared for the project by the County of Tulare.

The California Environmental Quality Act (CEQA) Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment.¹ The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

¹ Public Resource Code §21081.6

Final Environmental Impact Report
Pixley Community Plan

**Table 8-1
Mitigation Monitoring Reporting Program**

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Biological							
San Joaquin Kit Fox							
4-1	(Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS Standard Recommendations. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately.	Prior to a project's initiation	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-2	(Avoidance). Should an active kit fox den be detected within or immediately	Prior to initiation of	Issuance of building				

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Pixley Community Plan

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	adjacent to the area of work, a disturbance-free buffer will be established around the den in consultation with the USFWS and CDFW, to be maintained until a qualified biologist has determined that the den is no longer occupied. Known kit fox dens may not be destroyed until they have been vacant for a period of at least three days, as demonstrated by use of motion-triggered cameras or tracking medium, and then only after obtaining take authorization from the USFWS.	construction	permit				
4-3	(<i>Minimization</i>). Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash. Construction activities shall be carried	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.						
4-4	(Employee Education Program). Prior to the start of construction the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	implementation.						
4-5	<i>(Mortality Reporting)</i> . The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
<i>Burrowing Owl</i>							
4-6	<i>(Pre-construction Surveys)</i> . A pre-construction survey for burrowing owls will be conducted by a qualified biologist within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-7	<i>(Avoidance of Active Nests)</i> . If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and			

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Pixley Community Plan

Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
within or near project impact areas, a 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW. The buffer areas will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.			Cal Fish and Wildlife Service			
4-8 <i>Passive Relocation of Resident Owls.</i> During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer.						
American Badger							
4-9	(Preconstruction Surveys). A preconstruction survey for American badgers will be conducted by a qualified biologist within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. Preconstruction surveys will be conducted in all suitable denning habitat of the individual project area.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-10	(Avoidance). Should an active natal den be identified during the preconstruction surveys, a disturbance-free buffer will be established around the den and maintained until a qualified	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works			

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Mitigation Monitoring Reporting Program						
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance	
					Initials	Date
	biologist has determined that the cubs have dispersed or the den has been abandoned.			Department and Cal Fish and Wildlife Service		
<i>Nesting Raptors and Migratory Birds (including Swainson's Hawk, White-tailed Kite, and Loggerhead Shrike)</i>						
4-11	<i>(Avoidance).</i> In order to avoid impacts to nesting raptors and migratory birds, individual projects within the PPSA will be constructed, where possible, outside the nesting season, or between September 1 st and January 31 st .	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service		
4-12	<i>(Preconstruction Surveys).</i> If project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet. If no nesting pairs are found within the survey area, no further mitigation is required.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service		
4-13	<i>(Establish Buffers).</i> Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and		

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.			Cal Fish and Wildlife Service			
Roosting Bats							
4-14	(Temporal Avoidance). To avoid potential impacts to maternity bat roosts, removal of buildings and trees should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-15	Preconstruction Surveys). If removal of buildings or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist will survey affected buildings and trees for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.			County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4-16	(Minimization). If a non-breeding bat colony is detected during preconstruction surveys, the individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-17	(Avoidance of Maternity Roosts). If a maternity colony is detected during preconstruction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer will range from 50 to 100 feet as determined by the biologist.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
Cultural Resources							
5-1	In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource,		Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Economic Development & Planning and Public Works Department			

Final Environmental Impact Report
Pixley Community Plan

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.						
5-2	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the Project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Economic Development & Planning and Public Works Department			

Final Environmental Impact Report
Pixley Community Plan

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the Project.						
5-3	<p>Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <p>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</p> <p>b. If the coroner determines the remains to be Native American:</p>	<p>Prior to issuance of grading permits</p> <p>Ongoing monitoring during subsurface excavation</p>	<p>Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable</p>	<p>County of Tulare Economic Development & Planning and Public Works Department</p>			

Final Environmental Impact Report
Pixley Community Plan

Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
<ul style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or <p>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p>						

Final Environmental Impact Report
Pixley Community Plan

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>						
Hazards & Hazardous Material							
8-1	Prior to issuance of building permits for any new use within the Project area that proposes to use large quantities of hazardous materials, the County of Tulare shall review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose such uses to unacceptable safety risks. If necessary, the County of Tulare will condition the proposed hazardous materials user to incorporate appropriate protection measures (e.g., containment facilities)	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			

Final Environmental Impact Report
Pixley Community Plan

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Hydrology & Water Quality							
9-1	Continue to require metering of all domestic and commercial connections. Develop and maintain a progressive, tiered water rate to encourage water conservation.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-2	Retrofit homes with water-efficient faucets, showers and toilets.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-3	Limit permissible landscape area for each residence to 2,500 square feet or less.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-4	Adopt limited outdoor watering days and hours (now in force statewide, as of August 1, 2014, by order of the Department of Water Resources) Adopt limited outdoor watering days and hours (now in force statewide, as of August 1, 2014, by order of the Department of Water Resources)	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-5	Mandate use of native and drought-tolerant species for all landscaping.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works			

Final Environmental Impact Report
Pixley Community Plan

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
				Department			
9-6	Where applicable, future developments within the Project area shall obtain a General Stormwater Industrial Facility Permit from the Central Valley Water Board, prior to obtaining building permits for construction or expansion. The facility operator(s) shall prepare, retain on site, and implement a SWPPP as part of the General Stormwater Industrial Facility Permit.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-7	Build engineered certified residential building pads to 1 foot above flood condition and or water sealing commercial and industrial buildings within flood plane.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
Noise							
12-1	The hours of future construction shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday or weekends (if allowed by the County) where residential uses are within 200 feet of where the activity is taking place. If residential uses are beyond 300 feet limited work hours are not required.	Prior to issuance of grading permits and on-going monitoring. Citizen reports of noise beyond hours of construction allowance.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			

**Corrections made to pages of
Derrel's Mini Storage Project
DEIR**

Pixley Community Plan
Corrections Made To DEIR

Executive Summary

Page ES-1; Original:

- **State of California Clearinghouse #~~2012111059~~**

Page ES-1; Correction:

- **State of California Clearinghouse # 2014021059**

Pixley Community Plan
Corrections Made To DEIR

Pages ES-17 through ES-33; Corrections

**Table 8-1
Mitigation Monitoring Reporting Program**

Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
Biological						
San Joaquin Kit Fox						
4-1	(Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS Standard Recommendations. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately.	Prior to a project's initiation	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service		

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4-2	(<i>Avoidance</i>). Should an active kit fox den be detected within or immediately adjacent to the area of work, a disturbance-free buffer will be established around the den in consultation with the USFWS and CDFW, to be maintained until a qualified biologist has determined that the den is no longer occupied. Known kit fox dens may not be destroyed until they have been vacant for a period of at least three days, as demonstrated by use of motion-triggered cameras or tracking medium, and then only after obtaining take authorization from the USFWS.	Prior to initiation of construction	Issuance of building permit				
4-3	(<i>Minimization</i>). Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash. Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.						
4-4	(Employee Education Program). Prior to the start of construction the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.						
4-5	(Mortality Reporting). The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
Burrowing Owl							
4-6	(Pre-construction Surveys). A pre-construction survey for burrowing owls will be conducted by a qualified biologist within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	include all suitable habitat on and within 500 feet of project impact areas, where accessible.			Wildlife Service			
4-7	<i>(Avoidance of Active Nests).</i> If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW. The buffer areas will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-8	<i>Passive Relocation of Resident Owls).</i> During the non-breeding season	Prior to initiation of	Issuance of building	County of Tulare Economic			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	(September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer.	construction	permit	Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
American Badger							
4-9	(Preconstruction Surveys). A preconstruction survey for American badgers will be conducted by a qualified biologist	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and			

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Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. Preconstruction surveys will be conducted in all suitable denning habitat of the individual project area.			Public Works Department and Cal Fish and Wildlife Service			
4-10	(Avoidance). Should an active natal den be identified during the preconstruction surveys, a disturbance-free buffer will be established around the den and maintained until a qualified biologist has determined that the cubs have dispersed or the den has been abandoned.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
<i>Nesting Raptors and Migratory Birds (including Swainson's Hawk, White-tailed Kite, and Loggerhead Shrike)</i>							
4-11	(Avoidance). In order to avoid impacts to nesting raptors and migratory birds, individual projects within the PPSA will be constructed, where possible, outside the nesting season, or between September 1 st and January 31 st .	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-12	(Preconstruction Surveys). If project activities must occur during the nesting	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development &			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet. If no nesting pairs are found within the survey area, no further mitigation is required.			Planning and Public Works Department and Cal Fish and Wildlife Service			
4-13	(Establish Buffers). Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
Roosting Bats							
4-14	(Temporal Avoidance). To avoid potential impacts to maternity bat roosts, removal of buildings and trees should occur outside of	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development &			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.			Planning and Public Works Department and Cal Fish and Wildlife Service			
4-15	<i>Preconstruction Surveys</i>). If removal of buildings or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist will survey affected buildings and trees for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.			County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-16	<i>(Minimization)</i> . If a non-breeding bat colony is detected during preconstruction surveys, the individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-17	<i>(Avoidance of Maternity Roosts)</i> . If a	Prior to	Issuance of	County of Tulare			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	maternity colony is detected during preconstruction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer will range from 50 to 100 feet as determined by the biologist.	initiation of construction	building permit	Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
Cultural Resources							
5-1	In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and		Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Economic Development & Planning and Public Works Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	implement them where they are feasible in light of Project design as previously approved by the County.						
5-2	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the Project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for	Prior to issuance of grading permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Economic Development & Planning and Public Works Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	review and approval. Upon approval, the plan shall be incorporated into the Project.						
5-3	<p>Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: 	<p>Prior to issuance of grading permits</p> <p>Ongoing monitoring during subsurface excavation</p>	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Economic Development & Planning and Public Works Department			

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Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</p> <p>ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</p> <p>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or</p> <p>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in</p>						

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>						
Hazards & Hazardous Material							
8-1	Prior to issuance of building permits for any new use within the Project area that proposes to use large quantities of hazardous materials, the County of Tulare shall review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare <u>Economic Development & Planning and Public Works Department</u>			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	such uses to unacceptable safety risks. If necessary, the County of Tulare will condition the proposed hazardous materials user to incorporate appropriate protection measures (e.g., containment facilities)						
Hydrology & Water Quality							
9-1	Continue to require metering of all domestic and commercial connections. Develop and maintain a progressive, tiered water rate to encourage water conservation.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-2	Retrofit homes with water-efficient faucets, showers and toilets.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-3	Limit permissible landscape area for each residence to 2,500 square feet or less.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-4	Adopt limited outdoor watering days and hours (now in force statewide, as of August 1, 2014, by order of the Department of Water Resources) Adopt limited outdoor watering days and hours	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	(now in force statewide, as of August 1, 2014, by order of the Department of Water Resources)			Department			
9-5	Mandate use of native and drought-tolerant species for all landscaping.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-6	Acquire a new surface water supply that could be shown to benefit the basin and offset the pumping that comes with growth.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-7 9-6	Where applicable, future developments within the Project area shall obtain a General Stormwater Industrial Facility Permit from the Central Valley Water Board, prior to obtaining building permits for construction or expansion. The facility operator(s) shall prepare, retain on site, and implement a SWPPP as part of the General Stormwater Industrial Facility Permit.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-8 9-7	<u>Build engineered certified residential building pads to 1 foot above flood condition and or water sealing commercial and industrial buildings</u>	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<u>within flood plane.</u>			Public Works Department			
		Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
Noise							
12-1	The hours of future construction shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday or weekends (if allowed by the County) where residential uses are within 200 feet of where the activity is taking place. If residential uses are beyond 300 feet limited work hours are not required.	Prior to issuance of grading permits and on-going monitoring. Citizen reports of noise beyond hours of construction allowance.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			

Pixley Community Plan
Corrections Made To DEIR

Chapter 1 Introduction

Page 1-9; Original:

- Goshen Community Services District

Page 1-9; Correction:

- Pixley Public Utility District

Chapter 3

Geology & Soils 3.6

Page 3.6-10 & 11; Original

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

The United States Department of Agriculture Natural Resources Conservation Service indicates that Akers-Akers saline-Sodic complex and Hanford sandy loam underlie the project site. These soils have a moderate shrink-swell potential. However, the proposed project would implement all applicable requirements of the most recent California Building Standards Code. Therefore, the future development of specific developments with the Project area will not expose persons or structures to hazards associated with shrinking and swelling of expansive soils. Impacts will be ***Less Than Significant***.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project will have ***Less Than Significant Project-specific Impacts*** related to expansive soils. As such, ***Less Than Significant Cumulative Impacts*** related to this Checklist item will occur.

Mitigation Measure(s):

See Mitigation Measure 6-1.

Conclusion: ***Less Than Significant Impact With Mitigation***

As noted earlier, implementation of Mitigation Measure 6-1 will reduce ***Project-specific and Cumulative Impacts to Less Than Significant With Mitigation.***

Page 3.6-10 & 11; Correction

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Project Impact Analysis: ~~***Less Than Significant Impact With Mitigation***~~
Less Than Significant Impact

The United States Department of Agriculture Natural Resources Conservation Service indicates that Akers-Akers saline-Sodic complex and Hanford sandy loam underlie the project site. These soils have a moderate shrink-swell potential. However, the proposed project would implement all applicable requirements of the most recent California Building Standards Code. Therefore, the future development of specific developments with the Project area will not expose persons or structures to hazards associated with shrinking and swelling of expansive soils. Impacts will be ***Less Than Significant.***

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed Project will have ***Less Than Significant Project-specific Impacts*** related to expansive soils. As such, ***Less Than Significant Cumulative Impacts*** related to this Checklist item will occur.

Mitigation Measure(s):

~~**See Mitigation Measure 6-1.**~~
None Required

Conclusion: ~~***Less Than Significant Impact With Mitigation***~~
Less Than Significant Impact

As noted earlier, implementation of Mitigation Measure 6-1 will reduce ~~***Project-specific and Cumulative Impacts to Less Than Significant With Mitigation.***~~

As, noted earlier, ***Less Than Significant Project-specific and Cumulative Impacts*** related to this Checklist Item will occur.

Hydrology & Water Quality 3.9

Page 3.9-31; Original:

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

Future development will be evaluated on a case-by-case basis as development occurs and project design features (such as diverting stormwater into on-site basins or swales) and standards will be implemented within the proposed Project area to accommodate stormwater drainage systems or prevent substantial additional sources of polluted runoff. Therefore, Project-specific impacts related to this Checklist Item would be ***Less Than Significant With Mitigation***.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the requirements of the Central Valley Regional Water Quality Control Board.

As noted earlier, future development will be evaluated on a case-by-case basis as development occurs and project design features (such as diverting stormwater into on-site basins or swales) and standards will be implemented within the proposed Project area to accommodate stormwater drainage systems or prevent substantial additional sources of polluted runoff. As such, ***Less Than Significant Cumulative Impacts With Mitigation*** related to this Checklist Item will occur.

Mitigation Measure(s): See discussion Item 9 c).

Conclusion: ***Less Than Significant Impact With Mitigation***

As noted earlier, ***Less Than Significant Project-specific*** and ***Less Than Significant Cumulative Impacts With Mitigation*** related to this Checklist Item will occur.

Page 3.9-31; Correction:

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

Future development will be evaluated on a case-by-case basis as development occurs

and project design features (such as diverting stormwater into on-site basins or swales) and standards will be implemented within the proposed Project area to accommodate stormwater drainage systems or prevent substantial additional sources of polluted runoff. Therefore, Project-specific impacts related to this Checklist Item would be ***Less Than Significant With Mitigation***.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the requirements of the Central Valley Regional Water Quality Control Board.

As noted earlier, future development will be evaluated on a case-by-case basis as development occurs and project design features (such as diverting stormwater into on-site basins or swales) and standards will be implemented within the proposed Project area to accommodate stormwater drainage systems or prevent substantial additional sources of polluted runoff. As such, ***Less Than Significant Cumulative Impacts With Mitigation*** related to this Checklist Item will occur.

Mitigation Measure(s): ~~See discussion Item 9-e).~~ **Mitigation Measure 9-7**

Conclusion: ***Less Than Significant Impact With Mitigation***

As noted earlier, ***Less Than Significant Project-specific*** and ***Less Than Significant Cumulative Impacts With Mitigation*** related to this Checklist Item will occur.

Page 3.9-33; Original:

- 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?**

Project Impact Analysis: ***Less Than Significant Impact***

As shown on Panel No. 06107C1600E and 06107C1925E of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM), the Community Plan Update area is located within Flood Zones “A” and “X” (See **Figure 3.9-3**). Areas generally northeast of N. Park Street and E. Court Avenue lie with Flood Zone “A” (which is identified as an area inside the 100-year floodplain); while all other areas lie within Flood Zone “X”. The proposed Community Plan Update does not include the construction of any housing units. However, as future development within the Community Plan area occurs over time, project design features (such as grading to raise elevations above flood plain levels), on-site stormwater retention/detention basins, or swales can be used to divert stormwater to prevent off-site impacts related to flooding will be required to

effectively reduce potential for flooding. ***Less Than Significant Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

As noted earlier, the proposed Community Plan Update does not include the construction of any housing units. However, as future development within the Community Plan area occurs over time, project design features (such as grading to raise elevations above flood plain levels), on-site stormwater retention/detention basins, or swales can be used to divert stormwater to prevent off-site impacts related to flooding will be required to effectively reduce potential for flooding. The proposed Community Plan Update does not include any housing units. Therefore, ***Less Than Significant Impact Cumulative*** related to this Checklist Item will occur.

Mitigation Measure(s): ***None Required.***

Conclusion: ***Less Than Significant***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

Page 3.9-33; Correction

- 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?**

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

As shown on Panel No. 06107C1600E and 06107C1925E of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM), the Community Plan Update area is located within Flood Zones “A” and “X” (See **Figure 3.9-3**). Areas generally northeast of N. Park Street and E. Court Avenue lie with Flood Zone “A” (which is identified as an area inside the 100-year floodplain); while all other areas lie within Flood Zone “X”. The proposed Community Plan Update does not include the construction of any housing units. However, as future development within the Community Plan area occurs over time, project design features (such as grading to raise elevations above flood plain levels), on-site stormwater retention/detention basins, or swales can be used to divert stormwater to prevent off-site impacts related to flooding will be required to effectively reduce potential for flooding. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

As noted earlier, the proposed Community Plan Update does not include the construction of any housing units. However, as future development within the Community Plan area occurs over time, project design features (such as grading to raise elevations above flood plain levels), on-site stormwater retention/detention basins, or swales can be used to divert stormwater to prevent off-site impacts related to flooding will be required to effectively reduce potential for flooding. The proposed Community Plan Update does not include any housing units. Therefore, ***Less Than Significant Impact Cumulative With Mitigation*** related to this Checklist Item will occur.

Mitigation Measure(s): ***~~None Required.~~***

9-8 Build engineered certified residential building pads to 1 foot above flood condition and or water sealing commercial and industrial buildings within flood plane.

Conclusion: ***Less Than Significant With Mitigation***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts With Mitigation*** related to this Checklist Item will occur.

Page 3.9-34 and 35; Original

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Project Impact Analysis: ***Less Than Significant Impact***

As shown on Panel Nos. 06107C1600E and 06107C1925E of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM), the Community Plan Update area is located within Flood Zones “A” and “X” (See **Figure 3.9-3**). Areas generally northeast of N. Park Street and E. Court Avenue lie with Flood Zone “A” (which is identified as an area inside the 100-year floodplain); while all other areas lie within Flood Zone “X”. As such, project design features (such as grading to raise elevations above flood plain levels) will be required to effectively reduce potential for flooding in Flood Zone “A” areas.

Less Than Significant Project-specific Impacts With Mitigation related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

As future development occurs within the proposed Community Plan Update area, project design features (such as grading to raise elevations above flood plain levels) will be required to effectively reduce potential for flooding in Flood Zone “A” areas. As such, future stormwater would be diverted to prevent off-site impacts related to flooding. ***Less Than Significant Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation Measure(s): ***None Required.***

Conclusion: ***Less Than Significant Impact***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

Page 3.9-34 and 35; Correction:

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

As shown on Panel Nos. 06107C1600E and 06107C1925E of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM), the Community Plan Update area is located within Flood Zones “A” and “X” (See **Figure 3.9-3**). Areas generally northeast of N. Park Street and E. Court Avenue lie with Flood Zone “A” (which is identified as an area inside the 100-year floodplain); while all other areas lie within Flood Zone “X”. As such, project design features (such as grading to raise elevations above flood plain levels) will be required to effectively reduce potential for flooding in Flood Zone “A” areas.

Less Than Significant Project-specific Impacts With Mitigation Less Than Significant Project-specific Impact related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

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The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

As future development occurs within the proposed Community Plan Update area, project design features (such as grading to raise elevations above flood plain levels) will be required to effectively reduce potential for flooding in Flood Zone “A” areas. As such, future stormwater would be diverted to prevent off-site impacts related to flooding. ***Less Than Significant Cumulative Impacts With Mitigation*** related to this Checklist Item will occur.

Mitigation Measure(s): ***~~None Required.~~ See Mitigation Measure 9-8***

Conclusion: ***Less Than Significant Impact With Mitigation***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

Noise 3.12

Page 3.12-21; Original:

A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Project Impact Analysis: ***Significant Impact***

“Table 5 [Table 3.12-5 of this DEIR] provides a comparison of existing noise levels to the estimated future year noise levels. Results show that the greatest increase between existing conditions and future conditions is 1.5 dB’s, which occurs at Receptors 3, 7, and 8. A change in level of at least 5 dB is required before any noticeable change in community response would be expected and a 10 dB change is subjectively heard as approximately a doubling in loudness. Therefore, the increase in traffic volumes as a result of population and employment increase in the Tulare County General Plan would not cause potentially significant impacts at Receptor 10, which is currently experiencing a noise level of 59.2 Ldn dB and is projected to experience a noise level of 60.5 Ldn dB in the future.”¹

Therefore, consistent with Item a., above, the Project will result in ***Less Than Significant Impacts***.

¹ Op. Cit. 24

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Cumulative Impact Analysis: ***Less Than Significant***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

Therefore, consistent with Item a., above, the Project will result in ***Less Than Significant Cumulative Impacts***.

Mitigation Measure(s): ***None Required.***

Conclusion: ***Less Than Significant Impact***

Consistent with Item a., above, the Project will result in ***Less Than Significant Impact***.

Page 3.12-21; Correction:

A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Project Impact Analysis: ***~~Significant Impact~~ Less Than Significant Impact***

“Table 5 [Table 3.12-5 of this DEIR] provides a comparison of existing noise levels to the estimated future year noise levels. Results show that the greatest increase between existing conditions and future conditions is 1.5 dB’s, which occurs at Receptors 3, 7, and 8. A change in level of at least 5 dB is required before any noticeable change in community response would be expected and a 10 dB change is subjectively heard as approximately a doubling in loudness. Therefore, the increase in traffic volumes as a result of population and employment increase in the Tulare County General Plan would not cause potentially significant impacts at Receptor 10, which is currently experiencing a noise level of 59.2 Ldn dB and is projected to experience a noise level of 60.5 Ldn dB in the future.”²

Therefore, consistent with Item a., above, the Project will result in ***Less Than Significant Impacts***.

Cumulative Impact Analysis: ***Less Than Significant***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

² Op. Cit. 24

Therefore, consistent with Item a., above, the Project will result in *Less Than Significant Cumulative Impacts*.

Mitigation Measure(s): *None Required.*

Conclusion: *Less Than Significant Impact*

Consistent with Item a., above, the Project will result in *Less Than Significant Impact*.

Transportation 3.16

Page 3.16-1; Original:

SUMMARY OF FINDINGS

The proposed Project will result in *Less Than Significant Impacts With Mitigation* related to Transportation and Traffic.

Page 3.16-1; Correction:

SUMMARY OF FINDINGS

The proposed Project will result in *Less Than Significant Impacts ~~With Mitigation~~* related to Transportation and Traffic.

Utilities 3.17

Page 3.17-1; Original:

SUMMARY OF FINDINGS

The proposed Project will result in *Less Than Significant* impacts to Utilities and Service Systems with mitigation.

Page 3.17-1; Correction:

SUMMARY OF FINDINGS

The proposed Project will result in *Less Than Significant* impacts to Utilities and Service Systems. ~~with mitigation.~~

Chapter 8 MMRP

Pixley Community Plan
Corrections Made To DEIR

Page 8-1; Original:

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No.) prepared for the project by the County of Tulare.

Page 8-1 MMRP; Correction:

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No. 2014021059) prepared for the project by the County of Tulare.

Pixley Community Plan
Corrections Made To DEIR

MMRP

Page 8-1 through 8-17; Corrections:

Mitigation Monitoring and Reporting Program Chapter 8

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No. 2014021059) prepared for the project by the County of Tulare.

The California Environmental Quality Act (CEQA) Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment.³ The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

³ Public Resource Code §21081.6

**Table 8-1
Mitigation Monitoring Reporting Program**

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Biological							
San Joaquin Kit Fox							
4-1	(Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS Standard Recommendations. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately.	Prior to a project's initiation	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4-2	(Avoidance). Should an active kit fox den be detected within or immediately adjacent to the area of work, a disturbance-free buffer will be established around the den in consultation with the USFWS and CDFW, to be maintained until a	Prior to initiation of construction	Issuance of building permit				

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	qualified biologist has determined that the den is no longer occupied. Known kit fox dens may not be destroyed until they have been vacant for a period of at least three days, as demonstrated by use of motion-triggered cameras or tracking medium, and then only after obtaining take authorization from the USFWS.						
4-3	(Minimization). Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash. Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.						
4-4	(Employee Education Program). Prior to the start of construction the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4-5	(Mortality Reporting). The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
Burrowing Owl							
4-6	(Pre-construction Surveys). A pre-construction survey for burrowing owls will be conducted by a qualified biologist within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-7	(Avoidance of Active Nests). If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	31) and active nest burrows are located within or near project impact areas, a 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW. The buffer areas will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.			Public Works Department and Cal Fish and Wildlife Service			
4-8	<i>Passive Relocation of Resident Owls).</i> During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer.						
American Badger							
4-9	(Preconstruction Surveys). A preconstruction survey for American badgers will be conducted by a qualified biologist within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. Preconstruction surveys will be conducted in all suitable denning habitat of the individual project area.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4-10	(<i>Avoidance</i>). Should an active natal den be identified during the preconstruction surveys, a disturbance-free buffer will be established around the den and maintained until a qualified biologist has determined that the cubs have dispersed or the den has been abandoned.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
<i>Nesting Raptors and Migratory Birds (including Swainson's Hawk, White-tailed Kite, and Loggerhead Shrike)</i>							
4-11	(<i>Avoidance</i>). In order to avoid impacts to nesting raptors and migratory birds, individual projects within the PPSA will be constructed, where possible, outside the nesting season, or between September 1 st and January 31 st .	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-12	(<i>Preconstruction Surveys</i>). If project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	within 500 feet. If no nesting pairs are found within the survey area, no further mitigation is required.						
4-13	(Establish Buffers). Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
Roosting Bats							
4-14	(Temporal Avoidance). To avoid potential impacts to maternity bat roosts, removal of buildings and trees should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-15	Preconstruction Surveys). If removal of buildings or trees is to occur between April 1 and September 30 (general maternity bat			County of Tulare Economic Development &			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	roost season), then within 30 days prior to these activities, a qualified biologist will survey affected buildings and trees for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.			Planning and Public Works Department and Cal Fish and Wildlife Service			
4-16	(Minimization). If a non-breeding bat colony is detected during preconstruction surveys, the individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			
4-17	(Avoidance of Maternity Roosts). If a maternity colony is detected during preconstruction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer will range from 50 to 100 feet as determined by the biologist.	Prior to initiation of construction	Issuance of building permit	County of Tulare Economic Development & Planning and Public Works Department and Cal Fish and Wildlife Service			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Cultural Resources							
5-1	In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.		Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Economic Development & Planning and Public Works Department			
5-2	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all	Prior to issuance of grading permits	Retention of professional paleontologist/ ongoing monitoring/	County of Tulare Economic Development & Planning and Public Works			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the Project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the Project.	Ongoing monitoring during subsurface excavation	submittal of Report of Findings, if applicable	Department			
5-3	Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply	Prior to issuance of grading permits Ongoing	Retention of professional paleontologist/ ongoing monitoring/ submittal of	County of Tulare Economic Development & Planning and Public Works Department			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <p>2. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</p> <p>b. If the coroner determines the remains to be Native American:</p> <p>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</p> <p>ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most</p>	monitoring during subsurface excavation	Report of Findings, if applicable				

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>likely descended from the deceased Native American.</p> <p>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or</p> <p>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p>						

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.						
Hazards & Hazardous Material							
8-1	Prior to issuance of building permits for any new use within the Project area that proposes to use large quantities of hazardous materials, the County of Tulare shall review the project application for compatibility with existing and planned land uses. The review process shall focus on the location of existing and planned sensitive receptors (e.g., residential uses and schools) and whether the proposed hazardous material usage would expose such uses to unacceptable safety risks. If necessary, the County of Tulare will condition the proposed hazardous materials user to incorporate appropriate protection measures (e.g., containment facilities)	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare <u>Economic Development & Planning and Public Works Department</u>			
Hydrology & Water Quality							
9-1	Continue to require metering of all domestic and commercial connections. Develop and maintain	Prior to issuance of grading	Issuance of building permit.	County of Tulare Economic Development &			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	a progressive, tiered water rate to encourage water conservation.	permits.		Planning and Public Works Department			
9-2	Retrofit homes with water-efficient faucets, showers and toilets.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-3	Limit permissible landscape area for each residence to 2,500 square feet or less.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-4	Adopt limited outdoor watering days and hours (now in force statewide, as of August 1, 2014, by order of the Department of Water Resources) Adopt limited outdoor watering days and hours (now in force statewide, as of August 1, 2014, by order of the Department of Water Resources)	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-5	Mandate use of native and drought-tolerant species for all landscaping.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
9-6	Acquire a new surface water supply that could be shown to benefit the basin and offset the pumping that comes with growth.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-7 9-6	Where applicable, future developments within the Project area shall obtain a General Stormwater Industrial Facility Permit from the Central Valley Water Board, prior to obtaining building permits for construction or expansion. The facility operator(s) shall prepare, retain on site, and implement a SWPPP as part of the General Stormwater Industrial Facility Permit.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
9-7	<u>Build engineered certified residential building pads to 1 foot above flood condition and or water sealing commercial and industrial buildings within flood plane.</u>	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			
		Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			

Pixley Community Plan
Corrections Made To DEIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Noise							
12-1	The hours of future construction shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday or weekends (if allowed by the County) where residential uses are within 200 feet of where the activity is taking place. If residential uses are beyond 300 feet limited work hours are not required.	Prior to issuance of grading permits and on-going monitoring. Citizen reports of noise beyond hours of construction allowance.	Issuance of building permit.	County of Tulare Economic Development & Planning and Public Works Department			

Pixley Community Plan
Corrections Made To DEIR

STATEMENT OF OVERRIDING CONSIDERATIONS

As the Project will have no significant and unavoidable effects; a Statement of Overriding Consideration is not necessary or required as part of this Final EIR

Findings of Fact

EXHIBIT B

FINDINGS OF FACT
Pixley Community Plan Update
General Plan Amendment (GPA 14-002)
Change of Zone (PZ 15-010)
Zoning Ordinance Amendment (PZ 15-011)
Tulare County, California
State Clearinghouse Number 2014021059
_____, 2015

CEQA FINDINGS

CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PIXLEY COMMUNITY PLAN AS BEING IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING PROJECT FINDINGS; ADOPTING A MITIGATION MONITORING PLAN; AND APPROVING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT

I

INTRODUCTION

The Tulare County ("County") Board of Supervisors ("Board") intends to approve this Project identified as the Pixley Community Plan ("Project"). The primary purpose of the Project is to outline Community goals regarding physical development and to promote the general welfare of the Community. This Plan serves as a general guide for both public and private sector decisions affecting the Community and provides for the overall direction, density, and type of growth consistent with, and to meet with, the needs of the Community.

The proposed Project includes a General Plan Amendment (GPA 14-002), a Change of Zone (PZ 15-010), and Zoning Ordinance Amendment (PZ 15-011) allowing the Pixley Community Plan to become consistent with the Tulare County General Plan 2030 Update. The Urban Development Boundary (UDB) is proposed for northward expansion to include approximately +/- 280 acres of the 3 R Land's Parcels (6 parcels) and +/- 20 acres of the CDI expansion are. The UDB southerly expansion includes areas south of Terra Bella Ave., north of Sierra Ave. between Road 128 and Road 120 representing, +/- 200 acres. In total, this represents a UDB expansion of 504 acres, or 23%, which as part of the Community Plan process is expected and consistent with the General Plan and the General Plan Policies related to UDB's. The Project includes the following goals and objectives.

- 1) Land Use and Environmental Planning - Promote development within planning areas next to the Regional Highway 99 Corridor in order to implement the following General Plan goals:
 - a) Update the affected Urban Development Boundaries to include newly expanded Enterprise Zone areas;
 - b) Ensure that the text and mapping of the Community Plan Designations and Zoning Reclassifications address various development matters such as encouraging

Agricultural Adaptive Reuse activities, recognizing Non-Conforming Use activities, and facilitating Ministerial Permit approvals;

- c) Encourage infill development within Urban Development Boundaries, thereby discouraging leapfrog development within Tulare County;
 - d) Reduce development pressure on agriculturally-designated lands within the Valley Floor, thereby encouraging agricultural production to flourish;
 - e) Reduce vehicle miles travelled throughout the County, thereby positively affecting air quality and greenhouse gas reduction; and
 - f) Help to improve the circulation, transit and railroad transportation system within this community, including, but not limited to, laying the groundwork for the construction of key projects such as Safe Routes to Schools, Complete Streets, and Bike Lanes/Pedestrian Paths.
- 2) Improvements for a “disadvantaged community” - It is expected that the community planning areas will be improved for the following reasons:
- a) With faster project processing resulting from an updated community plan, increased employment opportunities are more likely to be provided by the private sector as proposed project developments can be approved as expeditiously as possible;
 - b) Increased housing grant awards are more likely to occur based on updated community plans that are consistent with the policies of the recently adopted (August 2013) General Plan Update and Housing Element; and
 - c) With updated community plans, enhanced infrastructure grant awards are more likely, thereby providing access to funding to install or upgrade road, water, wastewater, and storm water facilities.
- 3) Strengthening Relationship with TCAG - An important benefit of this expedited community plan process will be the opportunity for RMA to strengthen the County’s relationship with the Tulare County Association of Governments (TCAG) in that this and other community plans will help to facilitate the funding and implementation of several key transportation programs such as Safe Routes to Schools, Complete Streets, and Bike/Pedestrian Projects.

By pursuing these transportation programs through a heightened collaborative process, the likelihood of getting actual projects in the ground will be realized faster than historically achieved. In doing so, these communities and others can become safer and healthier by providing a more efficient transportation network.

Pixley is a rural unincorporated community of 3,310 persons (as of the 2010 US Census) located in the southwest portion of Tulare County, approximately 25 miles south of the City of Visalia and approximately 63 miles south of Fresno adjacent to State Route (SR) 99. The community is predominantly a rural, agriculturally-related service center. It not only serves as an area where agriculturally oriented enterprises are located, it also serves as a bedroom community where area farm workers reside.

Pixley is located in the southwest portion of Tulare County between the communities of Tipton and Earlimart adjacent to State Route (SR) 99. Pixley is generally square in shape and is bisected in a north-south direction by SR 99, which runs east of and parallel to the Southern Pacific Railroad (SPRR) tracks. Local roads that provide access across SR 99 include East Court Avenue, Davis Avenue, and Terra Bella Avenue (interchange). Local railroad crossings are located at Davis Avenue and Terra Bella Avenue. Pixley is an agriculturally oriented service community surrounded on all sides by lands in agricultural production, scattered rural residential uses, and vacant land. There is also a non-operational public airport (Harmon Field) southwest of the community. Industrial development is present north and south of the community. Most of the commercial development within Pixley is located between the SPRR tracks and SR 99.

To approve this Project, the Board must consider and take action on the Project application for the General Plan Amendment (GPA 14-002). The Board is deemed the final decision-making body with respect to the General Plan Amendment. In the context of the California Environmental Quality Act ("CEQA"), the County is the "lead agency" in consideration and approval of this Project.

II

CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR THE DERREL'S MINI STORAGE PROJECT

The Board hereby certifies and finds that it has considered the information presented in the Final EIR and other relevant evidence to determine compliance with CEQA, and the State CEQA Guidelines. The Board further certifies and finds that prior to taking action on the Project; the Board independently reviewed and considered the information contained in the Final EIR and other relevant evidence presented thereto. Accordingly, based on the Board's exercise of its independent judgment when reviewing and considering the Final EIR, and other relevant evidence presented thereto, the Board further certifies and finds that the Final EIR required for the Project is adequate, and has been prepared and completed in compliance with CEQA and the State CEQA Guidelines.

III

FINDINGS REQUIRED CONCERNING ENVIRONMENTAL IMPACTS UNDER CEQA

The recitals contained in the accompanying Resolution No. _____ have been independently reviewed and considered by the Board, are found to be true, and are hereby adopted in support of approval of the Project.

CEQA requires that certain findings be made with respect to significant environmental impacts, Mitigation Measures, and alternatives. To satisfy this requirement, the Board hereby adopts and incorporates by reference the Pixley Community Plan EIR, which includes the Final EIR, the Draft EIR, and the Technical Appendices thereto, the Comments to the Draft EIR, and the Responses to Comments and related appendices thereto.

In approving these findings, the Board has independently reviewed, considered, and relied on (1) the information contained in the EIR and appendices thereto; (2) the various reports (both oral

and written) provided by County Staff to the Board; (3) the information submitted during the public comment period; and (4) other evidence contained in the public record. In doing so, the Board finds and declares that the factual discussion and analysis contained in the EIR, the staff reports, and other evidence in the Public Record of Proceedings provide a sufficient basis for approval of the Project pursuant to CEQA.

A. Environmental Impacts and Mitigation Measures

As to any potentially significant environmental impacts identified in the EIR, the Board finds either that: (1) changes or alterations have been required in, or incorporated into the Project that mitigate, avoid, or substantially lessen the significant environmental impacts identified in the EIR; (2) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes or alterations have been or can be and should be adopted by such agencies; and (3) specific economic, legal, social, technological, or other considerations make the Mitigation Measures or Project alternatives identified in the EIR infeasible.

1. Project Impacts.

Consistent with Public Resource Code section 21081 and Guidelines sections 15091 through 15093 (including Public Resources Code section 21061.1 and Guidelines section 15364 relating to the definition of "feasibility"), the Board hereby makes various findings relating to the significant effects identified in the Final EIR for the Project.

a. Impact 3.1 a) – b) (Scenic Vistas and Highways)

Pursuant to the discussions in Sections 3.1 a) – b) of the Final EIR, there will be no impact to scenic resources including scenic vistas, scenic roadways, and historic buildings within the Project's vicinity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts on scenic vistas or roadways due to Project implementation to a less than significant level.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that there are no designated state scenic highways or roadways or other significant scenic resources in the Project vicinity. As such, the evidence indicates that the proposed Project will not have an impact on scenic resources including scenic vistas, trees, rock outcroppings, or historical buildings. There is no relevant evidence to the contrary in the Public Record of Proceedings.

b. Impact No. 3.1 c) and d) (Visual Character, Light and Glare)

Pursuant to the discussions in Sections 3.1 c) and d) of the Final EIR, there will be a less than significant impact to the Project's surroundings involving degradation of visual character, nighttime light and daytime glare. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate

or substantially lessen any impacts involving visual character, light, and glare due to Project implementation to a less than significant level.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the Project will result in a gradual net increase in forecasted land demand and additional lighting from future development projects. The Project and the County's General Plan include policies that minimize impacts from growth and development. As such, the evidence indicates that the proposed Project will have a less than significant impact involving visual character, light, and glare. There is no relevant evidence to the contrary in the Public Record of Proceedings.

c. Impact 3.2 a) – b) (Agricultural Resources)

Pursuant to the discussions in Sections 3.2 a) – b) of the Final EIR, there will be a less than significant impact to the environment involving the loss of farmland. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from the loss of farmland within the Project site to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project site does include properties designated Prime Farmland and/or under Williamson Act Contracts. However, the Project does not include specific development projects and brings the Pixley Community Plan to into consistency with the Tulare County General Plan 2030 Update, including policies AG-1.3, AG-1.4, AG-1.7, and AG-1.8 which guide development in respect to Williamson Act and agricultural lands with urban boundaries. As such, the evidence indicates the proposed Project will not have any significant impacts resulting from the loss of farmland. There is no relevant evidence to the contrary in the Public Record of Proceedings.

d. Impact 3.2 c) – d) (Forestry Resources)

Pursuant to the discussions in Sections 3.2 c) – d) of the Final EIR, there will be no impact to the environment involving the loss of forestland. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from the loss of forestland within the Project site to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that no land within or adjacent to the Project site is designated as forest or timberland. As such, the evidence indicates the proposed Project will not have any significant impacts resulting from the loss of forest or timberland. There is no relevant evidence to the contrary in the Public Record of Proceedings.

e. Impact 3.2 e) (Other Agricultural and Forestry Resources)

Pursuant to the discussions in Sections 3.2 e) of the Final EIR, there will be a less than significant impact to the environment involving the loss of farmland or forestland. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from the loss of farmland or forestland within the Project site to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project will not result in the loss of forestland or conversion of forestland to non-forest use, nor will it involve other changes in the existing environment which, due to their location or nature, could result in conversion of forestland to non-forest use. The Project could, during its lifetime, result in conversion of farmland to future non-agricultural use (industrial, commercial, and residential). However, no specific development proposals are part of this Community Plan Update. As such, the evidence indicates the proposed Project will not have any significant impacts resulting from the loss of farmland or forestland. There is no relevant evidence to the contrary in the Public Record of Proceedings.

f. Impact 3.3 a) – c) (Air Quality Criteria Pollutant Emissions)

Pursuant to the discussions in Sections 3.3 a) – c) of the Final EIR, there will be a less than significant impact to the environment resulting from Project-related construction and operational criteria pollutant emissions. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, an Air Quality Analysis Technical Study (Appendix “A” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any air quality impacts from criteria pollutant emissions to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, an Air Quality Analysis Technical Study (Appendix “A” of the DEIR), and the Public Record of Proceedings that the Project will not conflict with any federal, state, regional, or local air quality plans and will not substantially contribute to an existing or projected air quality violation. Project-related construction and operational criteria pollutant emissions are below the San Joaquin Valley Unified Air Pollution Control District (Air District) thresholds of significance. The Project will not create significant project-level impacts and, therefore, will not result in cumulatively significant impacts on air quality. As such, the evidence indicates that the proposed Project will not have any significant impacts on air quality from criteria pollutant emissions. There is no relevant evidence to the contrary in the Public Record of Proceedings.

g. Impact 3.3 d) (Expose Sensitive Receptors to Substantial Pollutant Concentrations).

Pursuant to the discussion in Section 3.3 d) of the Final EIR, there will be a less than significant impact to sensitive receptors within or in close proximity to the Project site from toxic air contaminant (TAC) emissions, exposure to Valley Fever, and exposure to asbestos emissions. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, an Air Quality Analysis Technical Study (Appendix “A” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any health impacts from construction or operation of the proposed Project to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, an Air Quality Analysis Technical Study (Appendix “A” of the DEIR), and the Public Record of Proceedings that TAC emissions from construction and operational activities will not pose a significant health risk to receptors on adjacent properties. Project-related construction activities would result in TAC emissions from diesel exhaust from construction equipment and fumes from architectural coatings. However, construction activities are short-term and would not result in significant impacts on nearby receptors. Project-related operational activities could result in TAC emissions from mobile and stationary sources. Stationary source emissions, such as those from industrial uses, are under the jurisdiction of the Air District and potential health risk would be evaluated as part of the Air District permitting process. Mobile source emissions are under the jurisdiction of the California Air Resources Board; however, the County will consult with the Air District for any project exceeding the Air District’s health risk screening criteria. Therefore, compliance with existing rules and regulations, and cooperation with the Air District during the CEQA process would reduce potential Project-related health risks from TAC emissions to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, an Air Quality Analysis Technical Study (Appendix “A” of the DEIR), and the Public Record of Proceedings that exposure to Valley Fever would have a less than significant health risk to receptors in the Project area. Valley fever is an infection caused by inhalation of the spores of the fungus, *Coccidioides immitis* (*C. immitis*). Construction activities would generate fugitive dust emissions that could contain the spores of *C. immitis*. The Project is located in an area with low probability of having *C. immitis*. Furthermore, compliance with Air District regulations on fugitive dust during construction activities would reduce potential risks from exposure to Valley Fever to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, an Air Quality Analysis Technical Study (Appendix “A” of the DEIR), and the Public Record of Proceedings that exposure to asbestos would have a less than significant health risk to receptors in the Project area. Exposure to asbestos could occur during construction-related earthmoving activities (such as grading and trenching) and demolition of buildings in which asbestos-containing materials (such as building insulation and ceiling tiles) were used. The Project is not located within an area known to contain naturally occurring asbestos. Compliance with Air District regulations on demolition activities would reduce potential risks from exposure to asbestos to a less than significant level.

The evidence indicates that the Project will not pose a significant health risk to receptors within or in close proximity to the Project site. There is no relevant evidence to the contrary in the Public Record of Proceedings.

h. Impact 3.3 e) (Objectionable Odors)

Pursuant to the discussion in Section 3.3 e) of the Final EIR, there will be a less than significant impact to receptors within or in close proximity to the Project site from objectionable odors. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, an Air Quality Analysis Technical Study (Appendix “A” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen odor impacts from construction or operational activities within the Project site to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, an Air Quality Analysis Technical Study (Appendix “A” of the DEIR), and the Public Record of Proceedings that the potential for odor impacts exists as the Community Plan is built out. However, the County will evaluate the potential for odor impacts as each future development is identified. The County will consult with the Air District for any project that proposes receptors to be located within the screening distances identified in the Air District’s *Guidance for Assessing and Mitigating Air Quality Impacts* (GAMAQI). As such, the evidence indicates that the Project will not generate odors affecting a substantial number of people. There is no relevant evidence to the contrary in the Public Record of Proceedings.

i. Impact 3.4 a) (Habitat Modification and Special Status Species)

Pursuant to the discussion in Section 3.4 a) of the Final EIR, there will be a less than significant impact to candidate, sensitive, or special status species. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR a Biological Evaluation Technical Study (Appendix “B” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to candidate, sensitive, or special status species to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency.

Mitigation as set forth in Mitigation Measures 4-1 through 4-17 is sufficient to reduce impacts to candidate, sensitive, or special status species to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be implemented by the applicant and construction contractors, and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches, and the California Department of Fish and Wildlife.

In support of this finding, evidence is contained in the Final EIR, a Biological Evaluation Technical Study (Appendix “B” of the DEIR), and the Public Record of Proceedings that potentially significant impacts associated with future development of the Project site include construction mortality of the San Joaquin kit fox, burrowing owl, American badger, nesting raptors and migratory birds including the Swainson’s hawk, loggerhead shrike, and tricolored blackbird, and colonially roosting bats. Project avoidance of active nests, dens, and roost sites identified during preconstruction surveys and implementation of minimization measures consistent with the US Fish and Wildlife Service (USFWS) standards and requirements will ensure that impacts to all special status animal species are reduced to a less than significant level. As such, the evidence indicates that the proposed Project will not have any significant impacts on identified candidate, sensitive, or special states species. There is no relevant evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation.***

j. Impact 3.4 b) – c) (Riparian Habitat and Wetlands)

Pursuant to the discussions in Sections 3.4 b) – c) of the Final EIR, there will be no impacts to riparian or other sensitive natural communities and federally protected wetlands. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR a Biological Evaluation Technical Study (Appendix “B” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen impacts on riparian habitats and wetlands from construction and operational activities within the Project site to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Biological Evaluation Technical Study (Appendix “B” of the DEIR), and the Public Record of Proceedings that there are no riparian or other sensitive natural communities and no federally protected wetlands within the Project site. The only hydrologic feature within the Project site is a 200 linear foot stretch of an unnamed irrigation ditch. The ditch would likely be considered jurisdictional by the US Army Corps of Engineers (USACE); however, the jurisdictional status of water features is determined by the USACE upon review and verification of a wetland delineation prepared for the Project site. As such, the evidence indicates that the Project will have no significant impacts to riparian or other sensitive natural communities and federally protected wetlands. There is no relevant evidence to the contrary in the Public Record of Proceedings.

k. Impact 3.4 d) (Migratory Fish and Wildlife)

Pursuant to the discussion in Section 3.4 d) of the Final EIR, there will be no impact on migratory fish or wildlife species within the Project's vicinity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR a Biological Evaluation Technical Study (Appendix “B” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen impacts on migratory species from construction and operational activities within the Project site to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Biological Evaluation Technical Study (Appendix “B” of the DEIR), and the Public Record of Proceedings that the Project site consists of and is surrounded by developed and/or highly disturbed lands that do not contain important migratory corridors for native wildlife. Birds will continue to utilize the Project site following development of the Project site. As such, the evidence indicates the proposed Project will not have any significant impacts on migratory species. There is no relevant evidence to the contrary in the Public Record of Proceedings.

l. Impact 3.4 e) – f) (Biological Resource Plans, Policies, and Ordinances)

Pursuant to the discussions in Sections 3.4 e) – f) of the Final EIR, there will be no impact to biological resources due to conflict with local policies, ordinances, or habitat conservation plans protecting biological resources. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR a Biological Evaluation Technical Study (Appendix “B” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts on biological species from the construction and operation of Project to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Biological Evaluation Technical Study (Appendix “B” of the DEIR), and the Public Record of Proceedings that no trees will be removed as a result of the Project and future development projects would be developed in accordance with the General Plan 2030 Update. There are two habitat conservation plans that apply to Tulare County; however, neither of these plans are applicable to the Project site. As such, the evidence indicates the proposed Project will not have any significant impacts resulting from conflict with any plan, policy, or ordinance protecting biological species. There is no relevant evidence to the contrary in the Public Record of Proceedings.

m. Impact 3.5 a) – b) (Historical and Archaeological Resources)

Pursuant to the discussions in Sections 3.5 a) – b) of the Final EIR, there will be a less than significant impact on historical and archaeological resources within the Project site. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Cultural Technical Study (Appendix “C” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to the environment from disturbance of historical and archaeological resources.

Mitigation as set forth in Mitigation Measure 5-1, which in the event that historical or archaeological resources are discovered during construction activities requires all construction activity to cease until appropriate measures to protect the resources are identified by a qualified archaeologist, is sufficient to reduce impacts on historical and archaeological resources to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be implemented by the applicant, construction contractor, and the County Environmental Assessment Officer, and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR, a Cultural Technical Study (Appendix “C” of the DEIR), and the Public Record of Proceedings that there is no recorded evidence of cultural, historical, and archeological resources within the Project site; however, there could be a disturbance or destruction of said resources resulting from construction activities associated with the Project. The adopted Mitigation Measure will assure that any historical and archaeological resources encountered are properly evaluated and either avoided or treated in accordance with the recommendations of a qualified archaeologist, and will assure that any impacts to cultural, historical, and archaeological resources are reduced to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation.***

n. Impact 3.5 c) (Paleontological Resources)

Pursuant to the discussion in Section 3.5 c) of the Final EIR, there will be a less than significant impact on paleontological resources within the Project site. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Cultural Technical Study (Appendix “C” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts on paleontological resources to a less than significant level.

Mitigation as set forth in Mitigation Measure 5-2, which in the event that paleontological resources are discovered during construction activities requires all construction activity to cease within 100-feet until appropriate measures to protect the resources are identified by a qualified paleontologist, is sufficient to reduce impacts on paleontological resources to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be implemented by the applicant, construction contractor, and the County Environmental Assessment Officer, and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR, a Cultural Technical Study (Appendix “C” of the DEIR), and the Public Record of Proceedings that there is no recorded evidence of paleontological resources within the Project site; however, there could be a disturbance or destruction of said resources resulting from construction activities associated with the Project. The adopted Mitigation Measures will assure that any paleontological resources encountered are properly evaluated and either avoided or treated in accordance with the recommendations of a qualified paleontologist, and will assure that any impacts to paleontological resources are reduced to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation.***

o. Impact 3.5 d) (Human Remains)

Pursuant to the discussion in Section 3.5 d) of the Final EIR, there will be a less than significant impact to the environment resulting from disturbance of human remains within the Project site. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Cultural Technical Study (Appendix “C” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts from disturbance to human remains to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency.

Mitigation as set forth in Mitigation Measure 5-3, which in the event that human remains are discovered during construction activities requires all construction activity to cease until the County Coroner and the Native American Heritage Commission (NAHC) are consulted, is sufficient to reduce impacts to human remains to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be implemented by the applicant,

construction contractor, the County Environmental Assessment Officer, County Coroner, NAHC, or local Native American organizations, and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR, a Cultural Technical Study (Appendix “C” of the DEIR), and the Public Record of Proceedings that there is no evidence of human remains within the Project site; however, there could be a disturbance or destruction of said resources resulting from construction activities associated with the Project. The adopted Mitigation Measure will assure that any unidentified skeletal remains are properly evaluated, and that any Native American burial sites encountered are either avoided, treated in accordance with the recommendations of the most likely descendant, or relocated, thereby reducing this impact to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation.***

p. Impact 3.6 a) i) – iv) (Seismic Activity)

Pursuant to the discussions in Sections 3.6 a) i) – iv) of the Final EIR, there will be a less than significant impact to the environments involving seismic activity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from seismic activity to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that because there are no substantial faults in Tulare County impacts from strong ground shaking, including ground failure, liquefaction, and landslides are unlikely. Furthermore, future development projects within the Project site will be subject to the Uniform Building Code. As such, the evidence indicates that the proposed Project will not have any significant impacts on the environment due to seismic activity. There is no relevant evidence to the contrary in the Public Record of Proceedings.

q. Impact 3.6 b) – d) (Soil Erosion, Loss of Topsoil, and Unstable or Expansive Soils)

Pursuant to the discussions in Sections 3.6 b) – d) of the Final EIR, there will be a less than significant impact to the environment resulting from soil erosion and loss of topsoil during earthmoving construction activities and from unstable or expansive soils within the Project site. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from soil erosion, loss of topsoil, and unstable or expansive soils resulting to a less than significant level.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the Project site is primarily flat with soils having a moderate shrink-swell potential not subject to lateral spreading.. Construction activities associated with future development of the Project site would involve grading and excavation activities that could expose

barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the project site. To prevent water and wind erosion during construction-related activities, a Storm Water Pollution Prevention Plan (SWPPP) will be implemented for developments which disturb more than one acre in size. Furthermore, future developments will implement all applicable requirements of the most recent California Building Standards Code. As such, the evidence indicates the proposed Project will not have any significant impacts on the environment resulting from soil erosion, loss of topsoil, and unstable and expansive soils. There is no relevant evidence to the contrary in the Public Record of Proceedings

r. Impact 3.6 e) (Domestic Waste Water Disposal)

Pursuant to the discussion in Section 3.6 e) of the Final EIR, there will be a less than significant impact to the environment resulting from the use of septic tanks or alternative waste water disposal systems. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from the use of septic tanks or alternative waste water disposal systems to a less than significant level.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the Pixley Public Utility District (Pixley PUD) has adequate capacity for the future growth within the Project site. New development projects will be required to connect to the existing wastewater treatment system. As such, the evidence indicates the proposed Project will not have any significant impacts resulting from use of septic tanks or alternative waste water disposal systems. There is no relevant evidence to the contrary in the Public Record of Proceedings.

s. Impact 3.7 a) – b) (Greenhouse Gas Emissions)

Pursuant to the discussion in Sections 3.7 a) – b) of the Final EIR, there will be a less than significant impact to the environment from Project-related greenhouse gas (GHG) emissions. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Greenhouse Gas Analysis Technical Study (Appendix “G” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any direct or indirect impacts from GHG emissions to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Greenhouse Gas Analysis Technical Study (Appendix “D” of the DEIR), and the Public Record of Proceedings that the Project is consistent with General Plan policies to reduce overall GHG emissions and does not conflict with the Tulare County Climate Action Plan or the goals of Assembly Bill 32. As such, the evidence indicates that the proposed Project will not have any significant impacts on the environment from GHG emissions. There is no relevant evidence to the contrary in the Public Record of Proceedings.

t. Impact 3.8 a) (Transport, Use or Disposal of Hazardous Materials)

Pursuant to the discussion in Section 3.8 a) of the Final EIR, there will be a less than significant impact to the environment or public resulting from the routine transport, use or disposal of hazardous material. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts from the routine transport, use or disposal of hazardous material to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency.

Mitigation as set forth in Mitigation Measure 8-1, which requires the review of project applications for compatibility with existing land uses, is sufficient to reduce potential impacts from hazardous materials to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be implemented by the applicant and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that construction-related activities may involve the use and transport of hazardous materials, including fuels, oils, mechanical fluids, and other chemicals. Transportation, storage, use, and disposal of hazardous materials during construction activities must comply with applicable federal, state, and local statutes and regulations. Transportation of hazardous materials and is regulated by the Department of Transportation and Caltrans. The use of hazardous materials during facility operations is regulated by the Division of Occupational Safety and Health (Cal/OSHA) which is responsible for developing and enforcing workplace safety standards, including the handling and use of hazardous materials. The California Public Utilities Code regulates the safety of gas transmission pipelines. Projects will comply with the California fire code which is enforced by the Tulare County Fire Department. Therefore, the adopted Mitigation Measure will assure that potential impacts from the transport, use, and disposal of hazardous materials will be reduced to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation.***

u. Impact 3.8 b) (Accidental Release of Hazardous Materials)

Pursuant to the discussion in Section 3.8 b) of the Final EIR, there will be a less than significant impact to the environment or public resulting from the accidental release of hazardous materials. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts from the accidental release of hazardous materials to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency.

Mitigation as set forth in Mitigation Measure 8-1, which requires the review of project applications for compatibility with existing land uses, is sufficient to reduce potential impacts

from hazardous materials to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be implemented by the applicant and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that all new development projects within the Project site will be subject to independent environmental review and all applicable regulations to minimize any potential health risks associated with exposure to hazardous materials. Therefore, the adopted Mitigation Measure will assure that potential impacts from the accidental release of hazardous materials will be reduced to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation***.

v. Impact 3.8 c) (Exposure Risk to Public Schools)

Pursuant to the discussion in Sections 3.8 c) of the Final EIR, there will be no impact to the public at school sites from the release of or exposure to hazardous materials. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any potential impacts from the release of or exposure to hazardous materials or waste to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that all new development projects within the Project site will be subject to independent environmental review and will comply with all applicable regulations to minimize any potential health risks. As such, the evidence indicates that the proposed Project will not have any significant impacts to the public at school sites from the release of or exposure to hazardous materials. There is no relevant evidence to the contrary in the Public Record of Proceedings.

w. Impact 3.8 d) (Exposure Risk From Soil Contamination)

Pursuant to the discussion in Sections 3.8 d) of the Final EIR, there will be a less than significant impact to the public or environment from the exposure to contaminated soils. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any potential impacts from exposure to contaminated soils to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that a portion of the Project site, Harmon Field, was added to the Department of Toxic Substance Control (DTSC) list of hazardous materials sites. However, the site is currently undergoing soil remediation pursuant to the Tulare County-Harmon Field Low Temperature Thermal Desorption (LTD) Soil Remediation Project. As such, the evidence indicates that the proposed Project will not have any significant impacts to the public or environment from exposure to contaminated soils. There is no relevant evidence to the contrary in the Public Record of Proceedings.

x. Impact 3.8.e) – f) (Airport Land Use Plan and Hazards).

Pursuant to the discussions in Sections 3.8 e) – f) of the Final EIR, there will be no impact involving land use plans, airport hazards, and public or private air strips. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving land use plans, airport hazards, and public or private air strips to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the nearest operational airport is located 10 miles north of the Project site and will not result in a safety hazard for people working or residing within the Project site. As such, the evidence indicates that the proposed Project will not have any significant impacts involving land use plans, airport hazards, or private air strips. There is no relevant evidence to the contrary in the Public Record of Proceedings.

y. Impact 3.8. g) – h) (Emergency Response or Evacuation and Wildland Fires).

Pursuant to the discussion in Sections 3.8 g) – h) of the Final EIR, there will be a less than significant impact to the public and environment involving emergency response or evacuation and wildland fires. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving emergency response or evacuation and wildland fires to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the County has an emergency plan in place to cope with natural disasters. This plan includes hospitals, county dispatch facilities, electrical, gas, and telecommunication facilities, water storage and treatment systems, wastewater treatment systems, schools, and other government facilities, and addresses evacuation routes outside of the 100-year flood plain. The Project does not require any changes to the existing emergency response plan. The Project is located in an agricultural area and there are no wildlands in the Project vicinity. As such, the evidence indicates that the proposed Project will not have any significant impacts involving emergency response or evacuation and wildland fires. There is no relevant evidence to the contrary in the Public Record of Proceedings.

z. Impact 3.9 a) (Water Quality Standards and Waste Discharge Requirements)

Pursuant to the discussion in Sections 3.9 a) of the Final EIR, there will be a less than significant impact to the environment involving groundwater quality standards and waste discharge requirements. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings, the Board finds

and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving groundwater quality and waste discharge requirements to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings that future development projects within the Project site will be required to comply with all water quality standards and waste discharge requirements as set forth by the Regional Water Quality Control Board (RWQCB) and the Tulare County EHD. As such, the evidence indicates that the proposed Project will not have any significant impacts to the environment involving groundwater quality standards and waste discharge requirements. There is no evidence to the contrary in the Public Record of Proceedings.

aa. Impact 3.9 b) (Groundwater Supplies and Recharge)

Pursuant to the discussion in Section 3.9 b) of the Final EIR, there will be a less than significant impact on groundwater supplies and recharge. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts on groundwater supplies and recharge to a less than significant level.

Mitigation as set forth in Mitigation Measures 9-1 through 9-5 which require water conserving design features, is sufficient to reduce impacts on groundwater supplies and recharge to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be implemented by the applicant and construction contractor, and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings that the Pixley PUD has the capability to meet future water supply needs from future development of the Project site. Furthermore, the design features required in Mitigation Measures 9-1 through 9-5 could reduce per-unit water consumption by an additional 15-20 percent beyond the 8-10 percent reductions already realized through implementation of water meters. Therefore, the adopted Mitigation Measures will assure that impacts on groundwater supplies and recharge are reduced to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation.***

bb. Impact 3.9 c) – e) (Alter The Existing Drainage Pattern and Stormwater Runoff)

Pursuant to the discussions in Sections 3.9 c) – e) of the Final EIR, there will be a less than significant impact on the existing drainage pattern within and surrounding the Project site. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project

which will avoid, mitigate or substantially lessen any impacts on the existing drainage pattern within the Project site and surrounding area to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency.

Mitigation as set forth in Mitigation Measure 9-6, which requires implementation of a SWPPP as part of the General Stormwater Industrial Facility Permit, is sufficient to reduce impacts on the drainage pattern within the Project site to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be implemented by the applicant and construction contractor, and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings that there are no natural water features within or near the Project site. The Project will not add a significant amount of impervious areas that would result in substantial erosion or siltation. Future development projects within the Project site will be developed to minimize flood risks and will be required to divert stormwater to on-site detention facilities and comply with or implement a SWPPP as part of their National Pollutant Discharge Elimination System permit. The adopted Mitigation Measure will assure that potential construction-related erosion and siltation will not affect offsite drainages, thereby reducing potential impacts to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation***.

cc. Impact 3.9 f) (Water Quality)

Pursuant to the discussions in Sections 3.9 f) of the Final EIR, there will be a less than significant impact to the environment resulting from the degradation of groundwater quality. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from the degradation of groundwater quality to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings that the Project does not include specific development projects that could degrade water quality beyond that discussed in Item 3.9 a). Future developments within the Project site will be required to comply with all applicable County Health and Human Services Agency (HHSA) and RWQCB regulations. As such, the evidence indicates that the proposed Project will not have any significant impacts resulting from the degradation of groundwater quality. There is no relevant evidence to the contrary in the Public Record of Proceedings.

dd. Impact 3.9 g) – j) (Flooding)

Pursuant to the discussions in Sections 3.9 g) – j) of the Final EIR, there will be a less than significant impact to the public and environment involving flooding. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to the public and environment involving flooding to a less than significant level.

Mitigation as set forth in Mitigation Measure 9-7, which requires residential building pads to be one foot above flood conditions and non-residential buildings to be sealed when located within the flood plan, is sufficient to reduce impacts from flooding to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be implemented by the applicant and construction contractor, and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings that the Project site is located within Flood Zones “A” and “X”. The Project does not include the construction of housing units. As future developments are proposed, project design features, such as grading to raise elevations and retention basins or swales, will be required to prevent and/or reduce the potential for flooding. The Project site is not located near a dam or levee and does not include water storage or alignment of a watercourse. The Project site is flat and not located near areas subject to inundation by seiche, tsunami, or mudflow. As such, the evidence indicates that the proposed Project will not have any significant impacts involving flooding. There is no relevant evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation.***

ee. Impact 3.10 a) – c) (Divide Established Community or Conflict with Policies and Plans)

Pursuant to the discussions in Sections 3.10 a) –c) of the Final EIR, there will be a less than significant impact on the environment involving the division of an established community or conflict with land use plans, policies, or regulations of agencies with jurisdiction over the Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving the division of an established community or conflict with land use plans, policies, or regulations of agencies with jurisdiction over the Project to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project will not disrupt or divide the established community. The Project will increase opportunities in the community by expanding the Urban Development Boundary (UDB) to be consistent with the jurisdictional boundaries of the Pixley PUD and Pixley Irrigation District. The Project will allow a Mixed Use Zoning District consistent with the new Mixed Use land designation in the General Plan. There are no habitat conservation or natural community plans applicable to the Project site. As such, the evidence indicates that the proposed Project will not have any significant impacts on the environment involving the division of an established community or conflict with land use plans, policies, or regulations of agencies with jurisdiction over the Project. There is no relevant evidence to the contrary in the Public Record of Proceedings.

ff. Impact 3.11 a) – b) (Statewide or Local Mineral Resources)

Pursuant to the discussion in Sections 3.11 a) – b) of the Final EIR, there will be no impacts resulting from the loss of known mineral resources of local and statewide importance. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from loss of mineral resources to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project site is not located on or near a known mineral resource zone and, as such, will not have any significant impacts resulting from the loss of known mineral resources of local and statewide importance. There is no relevant evidence to the contrary in the Public Record of Proceedings.

gg. Impact 3.12 a) – c) (Noise in Excess of Standards)

Pursuant to the discussion in Sections 3.12 a) – c) of the Final EIR, there will be a less than significant impact to the public involving excessive noise, groundborne vibration, and ambient noise levels. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Noise Study Report (Appendix “E” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from noise, groundborne vibration, and ambient noise levels to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Noise Study Report (Appendix “E” of the DEIR), and the Public Record of Proceedings that future increases in traffic volumes would not result in an increase of noise exceeding 5 dB, which is the limit at which any noticeable change in community response is expected. Temporary vibration from earthmoving and other construction-related activities are anticipated to be below the 0.01 inch per-second perception threshold at nearby properties and would not result in permanent increases in ambient noise. As such, the evidence indicates that the proposed Project will not have any significant impacts to the public involving excessive noise, groundborne vibration, and ambient noise levels. There is no relevant evidence to the contrary in the Public Record of Proceedings.

hh. Impact 3.12 d) (Increase in Noise Levels Above No-Project)

Pursuant to the discussion in Section 3.12 d) of the Final EIR, there will be a less than significant impact from temporary increases in ambient noise levels above the existing (no-project) levels. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR a Noise Study Report (Appendix “E” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts from temporary increases in ambient noise levels to a less than significant level.

Mitigation as set forth in Mitigation Measure 12-1, which requires daily construction activity to occur only between 7:00 a.m. and 7:00 p.m. on weekdays only, is sufficient to reduce impacts from increases in ambient noise levels to a level considered less than significant. Mitigation shall be implemented by the applicant and construction contractor, and shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR a Nosie Study Report (Appendix “E” of the DEIR), and the Public Record of Proceedings that construction-related activity will involve intermittent, short-term, and temporary noise and will not generate long-term impacts. The adopted Mitigation Measure will assure that potential impacts from temporary increases in ambient noise levels will be reduced to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation.***

ii. Impact 3.12 e) – f) (Airport Noise)

Pursuant to the discussion in Sections 3.12 e) – f) of the Final EIR, there will be no impact to the public from exposure to excessive airport noises. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts from exposure to airport noises to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project is not located within an airport land use plan or within two miles of a public airport or private airstrip and would not expose people residing or working in the Project site to excessive noise levels. As such, the evidence indicates that the proposed Project will not have any significant impacts on the public from exposure to excessive airport noises. There is no relevant evidence to the contrary in the Public Record of Proceedings.

jj. Impact 3.13 a) – c) (Population and Housing)

Pursuant to the discussion in Sections 3.13 a) – c) of the Final EIR, there will be a less than significant impact to the environmental involving population and housing. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving population and housing to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project will have a direct, growth inducing impact on the community. However, the Project does not include the designation of additional land for residential development beyond the existing areas designated as such. The Project would not accelerate unplanned population growth in the Project site and is consistent with the Tulare County General Plan 2030 Update. The Project does not include the removal of any residences or conversion of homes to non-residential uses. As such, the evidence indicates that the proposed Project will not

induce substantial population growth in the site or displace existing housing or residents. There is no relevant evidence to the contrary in the Public Record of Proceedings.

kk. Impact 3.14 a) (Public Services – Fire, Police, and Public Facilities)

Pursuant to the discussion in Sections 3.14 a) of the Final EIR, there will be a less than significant impact on public services. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts on public services to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that existing fire and police protection services, parks and libraries are sufficient to support the proposed Project. The Project will not result in increased response time of fire and police protection services. The Project will not result in substantial population growth requiring new park or library facilities. The Project considers the need to accommodate new or expanded school facilities. As such, the evidence indicates that the Project will not have any significant impacts on public services. There is no relevant evidence to the contrary in the Public Record of Proceedings.

ll. Impact 3.15 a) – b) (Recreational Facilities)

Pursuant to the discussion in Sections 3.15 a) – b) of the Final EIR, there will be a less than significant impact to recreational facilities within the Project's vicinity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts on recreational facilities to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project does not include new recreational facilities or the expansion of recreational facilities nor does it include any development proposal that would result in additional population which would increase the use of existing neighborhood and regional parks or other recreational facilities. As such, the evidence indicates that the Project will not have any significant impacts on recreational facilities. There is no relevant evidence to the contrary in the Public Record of Proceedings.

mm. Impact 3.16 a) – b) (Conflict with County Traffic Levels of Service)

Pursuant to the discussions in Sections 3.16 a) – b) of the Final EIR, there will be a less than significant impact to the environment involving traffic increases or level of service (LOS) standards. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Traffic Impact Assessment (Appendix “F” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving traffic increases or LOS standards to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Traffic Impact Assessment (Appendix “F” of the DEIR), and the Public Record of Proceedings that the Project does not include specific development projects and future developments will be evaluated on a case-by-case basis to determine the need for transportation and/or traffic improvements. Increases in traffic related to the growth anticipated by the Project would not result LOS changes below LOS D. As there are no congestion management programs in Tulare County or through the Tulare County Association of Governments, the Project will not conflict with any applicable congestion management programs. As such, the evidence indicates that the proposed Project will not have any significant impacts involving traffic increases or LOS standards. There is no relevant evidence to the contrary in the Public Record of Proceedings.

nn. Impact 3.16 c) (Air Traffic)

Pursuant to the discussion in Sections 3.16 c) of the Final EIR, there will be no impact on air traffic patterns within the Project's vicinity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts to air traffic patterns to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project will not conflict with the Tulare County Airport Land Use Plan or the General Plan 2030 Update. As such, the evidence indicates that the proposed Project will not result in a change in air traffic patterns, increase air traffic levels, or air traffic-related safety risks. There is no relevant evidence to the contrary in the Public Record of Proceedings.

oo. Impact 3.16 d) – e) (Design Features and Emergency Access)

Pursuant to the discussions in Sections 3.16 d) – e) of the Final EIR, there will be a less than significant impact involving Project design features or emergency access. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving Project design features or emergency access to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the existing roadway system was designed in accordance with County roadway standards to avoid roadway hazards and other traffic-related hazardous features. Future development will be constructed as to be consistent with County General Plan policies and the Tulare County Pixley Complete Streets plan. Future developments will be assessed on a case-by-case basis as not conflict with incompatible land uses or impede emergency access to the Project site. As such, the evidence indicates that the proposed Project will not have any significant impacts involving design features or emergency access. There is no relevant evidence to the contrary in the Public Record of Proceedings.

pp. Impact 3.16 f) (Public Transit and Bicycle Traffic)

Pursuant to the discussion in Section 3.16 f) of the Final EIR, there will be a no impacts involving public transit or bicycle and pedestrian traffic. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Traffic Impact Assessment (Appendix “F” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving public transit or bicycle and pedestrian traffic to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Traffic Impact Assessment (Appendix “F” of the DEIR), and the Public Record of Proceedings that the Project site is located in a rural area that includes public transit system alternative transportation. The Project does not include facilities that would increase hazards or create barriers for pedestrians or bicyclists. The Project will not conflict with the Tulare County Association of Governments Regional Transportation Plan. As such, the evidence indicates that the proposed Project will not have any significant impacts involving public transit or bicycle and pedestrian traffic. There is no relevant evidence to the contrary in the Public Record of Proceedings.

qq. Impact 3.17 a) (Wastewater Requirements, and Wastewater and Storm Water Drainage Facilities)

Pursuant to the discussions in Sections 3.17 a) – c) of the Final EIR, there will be a less than significant impact to the environment involving exceedance of wastewater treatment requirements, wastewater treatment facilities, and drainage facilities. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving exceedance of wastewater treatment requirements, wastewater treatment facilities, and drainage facilities to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project does not include specific development projects and will not require construction of new or expanded wastewater treatment or storm water drainage facilities. The Pixley PUD provides wastewater treatment services to residents within its boundary for the Pixley Community Planning area. As future development occurs, development proposals will be evaluated on a case-by-case basis to ensure adequate wastewater and storm water capacity, and if necessary, require proponents to accommodate their wastewater and storm water needs. As such, the evidence indicates that the proposed Project will not have any significant impacts involving exceedance of wastewater treatment requirements, wastewater treatment facilities, and drainage facilities. There is no evidence to the contrary in the Public Record of Proceedings.

rr. Impact 3.17 d) and e) (Water Supplies and Treatment Capacity)

Pursuant to the discussions in Sections 3.17 d) and e) of the Final EIR, there will be a less than significant impact to the environment involving water supplies and wastewater treatment capacity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings, the Board finds

and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving water supplies and wastewater treatment capacity to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, a Water Supply and Quality Analysis (Appendix “G” of the DEIR), and the Public Record of Proceedings that the Project does not include specific development projects, and will not immediately result in an increased need for water supplies from existing entitlements and resources or require a determination by the wastewater treatment provider that it has adequate treatment capacity. As future development occurs, development proposals will be evaluated on a case-by-case basis to ensure adequate water supplies and wastewater treatment are available, and if necessary, require proponents to accommodate their water supply and wastewater treatment needs. As such, the evidence indicates that the proposed Project will not have any significant impacts involving water supplies and wastewater treatment capacity. There is no evidence to the contrary in the Public Record of Proceedings.

ss. Impact 3.17 f) – g) (Solid Waste Disposal)

Pursuant to the discussions in Sections 3.17 f) – g) of the Final EIR, there will be a less than significant impact involving solid waste disposal. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any impacts involving solid waste disposal to a less than significant level.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project will be served by an existing landfill with sufficient permitted capacity and will adhere to all federal, state, and local regulations related to solid waste. As such, the evidence indicates that the proposed Project will not have any significant impacts involving solid waste disposal. There is no relevant evidence to the contrary in the Public Record of Proceedings.

tt. Impact 3.18 a) (Mandatory Findings of Significance: Wildlife Species or Historical Impacts)

Pursuant to the discussion in Section 3.18 a) of the Final EIR, the Project will result in a less than significant impact to wildlife species and historical resources. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, a Biological Evaluation Technical Study (Appendix “B” of the DEIR), a Cultural Technical Study (Appendix “C” of the DEIR), and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to wildlife species or historical resources to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency.

Mitigation as set forth in Mitigation Measures 4-1 through 4-17 (Biological Resources and 5-1 through 5-3 (Cultural Resources) is sufficient to reduce impacts to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of

Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR, a Biological Evaluation Technical Study (Appendix “B” of the DEIR), a Cultural Technical Study (Appendix “C” of the DEIR), and the Public Record of Proceedings that the adopted Mitigation Measures will assure that impacts have been addressed and have been mitigated to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation***.

uu. Impact 3.18 b) (Mandatory Findings of Significance: Cumulative Impacts)

See Section IV Cumulative Impacts below.

vv. Impact 3.18 c) (Mandatory Findings of Significance: Substantial Adverse Effects)

Pursuant to the discussion in Sections 3.18 c) of the Final EIR, there will be a less than significant direct or indirect impacts to humans by the Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to humans to a less than significant level.

Mitigation as set forth in Mitigation Measures 8-1 (Hazards & Hazardous Material), 9-1 through 9-7 (Hydrology & Water Quality), and 12-1 (Noise) is sufficient to reduce impacts to a level considered less than significant. Such mitigation is hereby adopted for this Project. Mitigation shall be made a condition of Project approval. Monitoring shall be the responsibility of the County of Tulare Resource Management Agency Economic Development & Planning and Public Works Branches.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the adopted Mitigation Measures will assure that impacts have been addressed and have been mitigated to a less than significant level. There is no evidence to the contrary in the Public Record of Proceedings. Therefore, the Project will have a ***Less Than Significant Impact with Mitigation***.

IV

CUMULATIVE IMPACTS

“CEQA Guidelines Section 15130 (a) requires that an EIR discuss the cumulative impacts of a Project when the Project’s incremental effect is “cumulatively considerable,” meaning that the Project’s incremental effects are considerable when viewed in connection with the effects of past, current, and probable future Projects. A consideration of actions included as part of a cumulative impact scenario can vary by geographic extent, time frame, and scale. They are defined according to environmental resource issue and the specific significance level associated with

potential impacts. CEQA Guidelines 15130(b) requires that discussions of cumulative impacts reflect the severity of the impacts and their likelihood of occurrence. The CEQA Guidelines note that the cumulative impacts discussion does not need to provide as much detail as is provided in the analysis of Project-only impacts and should be guided by the standards of practicality and reasonableness and focus on the cumulative impact to which the identified other Projects contribute rather than the attributes of other Projects which do not contribute to the cumulative impacts."

A. Biological Resources Impacts

Pursuant to the discussion in Section 3.4 a) of the Final EIR, Project construction-related activities, if not mitigated, may cause a potentially cumulatively significant impact on biological resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency. Mitigation Measures 4-1 through 4-17 will reduce all cumulative impacts to biological resources to a level of insignificance.

In support of this finding, the evidence indicates that the direct impacts are not significant. The Project would only contribute to cumulative impacts if Project-specific impacts were to occur. The Project does not result in significant loss of habitat or direct impacts to special status species. With implementation of Mitigation Measures 4-1 through 1-17, potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

B. Cultural Resources Impacts

Pursuant to the discussion in Section 3.5 a) through d) of the Final EIR, Project construction-related activities, if not mitigated, may cause a potentially cumulatively significant impact to cultural resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency. Mitigation Measures 5-1 through 5-3 will reduce all cumulative impacts to cultural resources to a level of insignificance.

In support of this finding, the evidence indicates that there is no recorded evidence of archeological or paleontological sites within the Project site. The adopted Mitigation Measures will assure that any paleontological sites, Native American burial sites, or unidentified skeletal remains encountered are either avoided, treated in accordance with the recommendations of archaeologist/paleontologist and/or the most likely descendant, or relocated, and will assure that any historical or cultural resources are properly evaluated, thereby reducing this impact to a less than significant level. With implementation of Mitigation Measures 5-1 through 5-3, potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

D. Greenhouse Gas Emissions

Pursuant to the discussion in Section 3.7 a) and b) of the Final EIR, the incremental impact of the Project will not cause a potentially cumulatively significant impact on Greenhouse Gas (GHG) Emissions. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that Mitigation Measures are not required to mitigate or substantially lessen any significant impacts to cumulative GHG emissions.

In support of this finding, the evidence indicates that the Project is consistent with General Plan policies to reduce overall GHG emissions and does not conflict with the Tulare County Climate Action Plan or the goals of Assembly Bill 32. Less than significant cumulative impacts related to this Checklist item will occur without mitigation.

E. Hazards and Hazardous Materials Impacts

Pursuant to the discussion in Section 3.8 a) through b) of the Final EIR, the incremental impact of the Project, if not mitigated, may cause a potentially cumulatively significant impact on the public from exposure to hazards or hazardous materials during the transport, use, and disposal of hazardous materials. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency. Mitigation Measure 8-1 will reduce all cumulative impacts to from hazards and hazardous materials to a level of insignificance.

In support of this finding, the evidence indicates that development within the Project site and its vicinity will cumulatively increase the potential for exposure to existing hazards associated with State Route 99. The transportation of hazardous materials will continue to be regulated by federal, state, and regional agencies, and all new development projects within the Project site will be subject to independent environmental review and all applicable regulations to minimize any potential health risks associated with freeways. With implementation of Mitigation Measure 8-1 potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

F. Hydrology and Water Quality Impacts

Pursuant to the discussion in Sections 3.9 b), c), e), g) and h) of the Final EIR, the incremental impact of the Project, if not mitigated, may cause a potentially cumulatively significant impact on water resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to a less than significant level. The Board also finds and declares that such changes or alterations are within the responsibility and jurisdiction of another public agency. Mitigation Measures 9-1 through 9-6 will reduce all cumulative impacts to water resources involving depletion of groundwater supplies to a level of insignificance. Mitigation Measure 9-7 will reduce all cumulative impacts to water resources involving drainage patterns and runoff water to a level of insignificance. Mitigation Measure 9-8 will reduce all cumulative impacts involving flooding to a level of insignificance.

In support of this finding, the evidence indicates that Project construction-related activities will be subject to various federal, state, and local permitting requirements including the National Pollutant Discharge Elimination System (NPDES), Storm Water Pollution Prevention Plan (SWPPP), and the County's Water Efficient Landscaping Ordinance. By following these requirements, there will not be any Project-level significant impacts and, therefore, no cumulative groundwater quality impacts. If any groundwater quality impacts are identified on a project-by-project basis, appropriate corrective action will be required. With implementation of Mitigation Measures 9-1 through 9-8 potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

G. Noise Impacts

Pursuant to the discussion in Section 3.12 d) of the Final EIR, the incremental impact of the Project, if not mitigated, may cause cumulatively significant and unavoidable noise impacts in the Project vicinity. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to a less than significant level. Mitigation Measure 3.12-1 will reduce all cumulative noise impacts to a level of insignificance.

In support of this finding, the evidence indicates that long-term, ongoing Project operations and Project-related traffic will not generate noise or groundborne vibrations sufficient to significantly impact residences in the Project vicinity. Project construction-related activities would result in a short-term, temporary increase in ambient noise levels in the Project vicinity. With implementation of Mitigation Measure 12-1 potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

I. Conclusion

In further support of the foregoing discussion, the applicant complies with Mitigation Measures outlined in the Mitigation Monitoring and Reporting Program.

V

GROWTH INDUCING IMPACTS

Pursuant to the discussion in Chapter 6 of the EIR and consistent with Public Resources Code Section 21100(b)(5) and CEQA Guidelines Section 15126.2(b), the Board finds and declares that the proposed Project will result in Less Than Significant environmental impacts, either individually or cumulatively, caused by growth inducing effects.

Based on substantial evidence in the EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant growth inducing impact, and as such, no mitigation is necessary or required. There is no evidence to the contrary in the Public Record of Proceedings.

In support of this finding, the evidence indicates that the intent of the Project is to provide opportunities to stimulate economic development to meet the needs of existing and future community and nearby residents. The Project allows for highway commercial land uses with a mixed use zoning overlay, designates some existing industrial uses as heavy industrial, adds light industrial acreage in the North Pixley area, and re-designates the former Harmon Airport area as

Mixed Use. Development along the State Route 99 Corridor is anticipated to capture pass through traffic. The Project does not include designating additional land for residential development beyond the existing areas designated as such and, as such will not result in new housing. The Project itself would also not induce substantial population growth beyond anticipated levels which are envisioned by the Tulare County General Plan. Therefore, the Project will result in Less Than Significant Program-specific and Less than Significant Cumulative Growth Inducing Impacts.

VI

SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROJECT

Pursuant to the discussion in Chapter 7 of the EIR and consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the Board finds and declares that there are no significant environmental impacts that cannot be avoided, including Project-related and cumulative air quality impacts.

In support of this finding, the evidence indicates that there are various implications from the significant environmental impacts. There are no feasible Mitigation Measures that are necessary or required, other than those required and adopted for this Project, which could further reduce these impacts to a level of less than significant.

As there are no significant and unavoidable environmental impacts, the Project is proposed and approved to enable the applicant to achieve the Project's basic objectives, including: (1) promoting development within planning areas next to the Regional highway 99 Corridor; (2) making improvements for a “disadvantaged community”; and (3) aiding in facilitating the funding and implementation of several key transportation programs such as Safe Routes to Schools, complete Streets, and Bike/Pedestrian Projects. Feasible Mitigation Measures have been required for this Project, and with the imposition of feasible Mitigation Measures, there will be no cumulative environmental impacts that remain significant and unavoidable.

VII

ANALYSIS OF ALTERNATIVES

In connection with alternatives, CEQA and the State CEQA Guidelines require that an EIR provide a reasonable range and discussion of alternatives (Public Resources Code §§ 21002, 21002.1; Guidelines § 15126.6).

A. Alternatives:

The primary purpose of the Project is to outline Community goals regarding physical development and to promote the general welfare of the Community. This Plan serves as a general guide for both public and private sector decisions affecting the Community and provides for the overall direction, density, and type of growth consistent with, and to meet with, the needs of the Community. The basic objectives of the Project, as described in the EIR, are:

- 1) Land Use and Environmental Planning - Promote development within planning areas next to the Regional Highway 99 Corridor in order to implement the following General Plan goals:
 - a) Update the affected Urban Development Boundaries to include newly expanded Enterprise Zone areas;
 - b) Ensure that the text and mapping of the Community Plan Designations and Zoning Reclassifications address various development matters such as encouraging Agricultural Adaptive Reuse activities, recognizing Non-Conforming Use activities, and facilitating Ministerial Permit approvals;
 - c) Encourage infill development within Urban Development Boundaries, thereby discouraging leapfrog development within Tulare County;
 - d) Reduce development pressure on agriculturally-designated lands within the Valley Floor, thereby encouraging agricultural production to flourish;
 - e) Reduce vehicle miles travelled throughout the County, thereby positively affecting air quality and greenhouse gas reduction; and
 - f) Help to improve the circulation, transit and railroad transportation system within this community, including, but not limited to, laying the groundwork for the construction of key projects such as Safe Routes to Schools, Complete Streets, and Bike Lanes/Pedestrian Paths.
- 2) Improvements for a “disadvantaged community” - It is expected that the community planning areas will be improved for the following reasons:
 - a) With faster project processing resulting from an updated community plan, increased employment opportunities are more likely to be provided by the private sector as proposed project developments can be approved as expeditiously as possible;
 - b) Increased housing grant awards are more likely to occur based on updated community plans that are consistent with the policies of the recently adopted (August 2013) General Plan Update and Housing Element; and
 - c) With updated community plans, enhanced infrastructure grant awards are more likely, thereby providing access to funding to install or upgrade road, water, wastewater, and storm water facilities.
- 3) Strengthening Relationship with TCAG - An important benefit of this expedited community plan process will be the opportunity for RMA to strengthen the County’s relationship with the Tulare County Association of Governments (TCAG) in that this and other community plans will help to facilitate the funding and implementation of several key transportation programs such as Safe Routes to Schools, Complete Streets, and Bike/Pedestrian Projects.

By pursuing these transportation programs through a heightened collaborative process, the likelihood of getting actual projects in the ground will be realized faster than historically achieved. In doing so, these communities and others can become safer and healthier by providing a more efficient transportation network.

CEQA requires that an EIR analyze a reasonable range of alternatives. (Public Resources Code Sections 21102, 21002.1 and Guidelines Section 15126.6.) The alternatives to the Project that were considered in the EIR are described as:

- Alternative A: No Project;
- Alternative B: Larger UDB Expansion;
- Alternative C: No Expansion of UDB; and
- Alternative D: Proposed UDB.

Alternative C (No Expansion of UDB) was identified as the environmentally superior alternative. The comparison of various factors was considered in Chapter 5 of the EIR. Tables 5.1 and 5.2 of the EIR (made a part hereof) provide matrices that compare the environmental impacts of differing Project Alternatives against the Project.

Table 5-1 Alternatives Potential Impact Analysis				
	<i>Alternative A No Project</i>	<i>Alternative B Larger UDB Expansion</i>	<i>Alternative C No Expansion of UDB</i>	<i>Alternative D Proposed UDB</i>
Aesthetics	Similar	More	Similar	More
Agriculture and Forestry Resources	Similar	More	Similar	Similar
Air Quality	Similar	More	Similar	Similar
Biological Resources	Similar	More	Similar	More
Cultural Resources	Similar	More	Similar	Similar
Geology and Soils	Similar	More	Similar	Similar
Greenhouse Gas Emissions	Similar	More	Similar	More
Hazards and Hazardous Materials	Similar	More	Similar	Similar
Hydrology and Water Quality	Similar	More	Similar	Similar
Land Use and Planning	Similar	More	Similar	Similar
Mineral Resources	Similar	More	Similar	Similar
Noise	Similar	Similar	Similar	Similar
Population and Housing	Similar	More	Similar	More
Public Services	Similar	More	Similar	More
Recreation	Similar	More	Similar	More
Transportation and Traffic	Similar	More	Similar	More
Utilities and Service Systems	Similar	More	Similar	More
Mandatory Findings of Significance	Similar	More	Similar	More
Cumulative Impacts	Similar	More	Similar	More

Table 5-1 Alternatives Potential Impact Analysis				
Impact Reduction	Yes	No	Yes	Same

Table 5-2
Summary of the Alternatives Ability to Meet the Proposed Project Objectives

	<i>Alternative A No Project</i>	<i>Alternative B Larger UDB Expansion</i>	<i>Alternative C No Expansion of UDB</i>	<i>Alternative D Proposed UDB.</i>
1. Land Use and Environmental Planning	No	Yes	Yes	Yes
2. Improvements for a “disadvantaged community	No	No	No	Yes
3. Strengthening Relationship with TCAG	No	No	Yes	Yes

B. Environmentally Superior Alternative:

CEQA requires that, in addition to the analysis of individual Alternatives, the Alternatives must be ranked according to which Alternatives have the lesser environmental effects. This ranking is shown above in Tables 5-1 & 5-2.

Alternative C (No Expansion of UDB) was identified as the environmentally superior alternative. Other than Alternative A (No Project), Alternative C is the only alternative that would reduce the significance of most environmental impacts associated with the proposed Project. As described above, build-out of Alternative C (No Expansion to UDB) would convert less open space and prime agricultural farmland than the proposed project. Alternative C also has the potential to result in fewer impacts to water and sewer; however, it does not meet the economic development objectives of the draft Pixley Community Plan. As such, although Alternative C is the environmentally superior alternative, it is not the environmentally preferred alternative. As discussed below, the proposed Project (Alternative D) is the environmentally preferred alternative.

A summary of Alternative C’s (No Expansion of UDB) ability to meet each of the proposed project objectives is provided in Table 5-2. Under Alternative C, the County would adopt a comprehensive update of the Pixley Community Plan that includes updated goals and policies to help incorporate current planning, environmental, and regulatory trends and objectives. Alternative C however; would not meet the all Project objectives identified in Table 5-2 as no UDB expansion is proposed. Lower levels of anticipated growth and development associated with this Alternative may make it more difficult to achieve the desired level of investment and reinvestment within the existing Pixley Community Plan area. Consequently, Alternative C would not fully meet Project objectives that encourage additional opportunities for small unincorporated communities like Pixley to grow, address public health and safety concerns, and improve their quality of life as compared to Alternative D. With the absence of an expanded UDB, more growth would most likely be directed to other unincorporated communities further north or south versus within Pixley. As with all the Alternatives, it is assumed that the County

would still continue to coordinate and cooperate with other local agencies and organizations on a variety of relevant land use or other issues regardless of whether the Pixley Community Plan Update is adopted.

A summary of Alternative D's (Proposed UDB) ability to meet each of the proposed project objectives is provided in Table 5-2. Under Alternative D, the County would adopt the Pixley Community Plan Update that would focus growth within the proposed UDB for Pixley. Because this alternative would include adoption of a comprehensive Community Plan Update that includes updated goals and policies to transition into current planning, environmental, and regulatory trends and objectives, Alternative D would meet all objectives identified in Table 5-2. Additionally, higher levels of anticipated growth and development would help to promote the desired level of investment and reinvestment within the Pixley Community Plan area. Alternative D fully meets all of the Project objectives and provides additional opportunities for small unincorporated communities like Pixley to grow, address public health and safety concerns, and improve their quality of life when compared to Alternative C. As with all the Alternatives, it is assumed that the County would still continue to coordinate and cooperate with other local agencies and organizations on a variety of relevant land use and other issues regardless of whether the Pixley Community Plan is Update is adopted.

After this full, substantial, and deliberate analysis the recommended Project is Alternative D (Proposed UDB).

The Board finds that the County has required the applicant to undertake Mitigation Measures. These Measures are restrictive and enforceable. Thus, it is in the public interest for the County to advance socially desirable, necessary and enlightened progress, which is both environmentally and economically sound. The Board also finds that, as discussed in Chapter 7 of the DEIR, there are no environmental impacts that cannot be avoided and there are no irreversible impacts; therefore, a Statement of Overriding Considerations is not necessary. In light of the foregoing discussion, and when balancing these interests, the Board finds and concludes that these considerations and benefits are deemed to be substantial, that the Project will not cause a significant or unavoidable environmental impact, and that the Project should be approved.

The EIR is available at Tulare County Resource Management Agency at 5961 South Mooney Boulevard, Visalia, California 93277 (Telephone No. (559) 624-7000). The custodian for these documents and other materials is Mr. Hector Guerra, Chief Environmental Planner, and Environmental Planning Division.