

COUNTY OF TULARE

RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard
Visalia, CA 93277

Derrel's Mini Storage Project

Final Environmental Impact Report

May, 2015

Prepared by
County of Tulare Resource Management Agency
Planning Branch
Environmental Planning Division

Derrels Mini Storage Project
Final Environmental Impact Report (SCH No. 2014121067)

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. Corrections made to pages of the Draft EIR, and a summary table of corrections
- IV. Statement of Overriding Consideration
- V. Findings of Fact

INTRODUCTION & RESPONSE TO COMMENTS

Chapter 10

INTRODUCTION

The Draft Environmental Impact Report (Draft EIR or EIR) for the Derrel's Mini Storage Project was made available for public review and comment for a period of 45 days from March 27, 2015 through May 11, 2015. The purpose of this document is to present public comments and responses to comments received on the Derrel's Mini Storage Project Draft Environmental Impact Report (SCH # 2014121067).

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 Derrel's Mini Storage Project (SCH # 2014121067) have been analyzed in a Draft Environmental Impact Report (DEIR) dated January 7, 2015. Consistent with Section 15205 of the State CEQA Guidelines, the DEIR for the Derrel's Mini Storage Project 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 Derrel's Mini Storage Project 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 *Visalia Times Delta*, a newspaper of general circulation, on March 27, 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

Visalia Main Branch Library – Tulare County
200 W. Oak Street
Visalia, CA 93291

In addition, the Derrel's Mini Storage Project 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,

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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 two written comments on the Draft EIR during the designated comment period (between March 27, 2015 and May 11, 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 San Joaquin Valley Unified Air Pollution Control District, May 8, 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 11, 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	San Joaquin Valley Unified air Pollution Control District, May 8, 2015
Comment Letter 2	State of California Department of Transportation (Caltrans)
Comment Letter 3	City of Visalia, May 11, 2015,
Comment Letter 4	City of Visalia, Supplemental, May 11, 2015.

Comments from adjacent property owner's:

None received.

Comments from supporters of the proposed Project:

None received.

COMPREHENSIVE LIST OF RESPONSES

Comment Letter 1 – San Joaquin Valley Unified air Pollution Control District, May 8, 2015

Comments Subject: The Response to San Joaquin Valley Air Pollution Control District Comments, DEIR – Derrel's Mini Storage Project, SCH No. 2014121067; District CEQA Reference No: 20150216, and Attachment "A" "Response to District Comments Date May 12, 2015.

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Comment 1: *“Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.”*

Response 1: We concur. As noted in the DEIR, the potential emissions as a result of the project are below Air District emissions thresholds. (See Table 3.3-7 of the DEIR).

Comment 2: *“As noted in the DEIR, the proposed project will exceed 2,000 square feet of commercial space; therefore, the proposed project is subject to District Rule 9510 (Indirect Source Review).”*

Response 2: We concur. The Applicant is aware that the project is subject to Rule 9510.

Comment 3: *“The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive.”*

Response 3: We concur. A Condition of Approval requires the applicant to comply with all applicable Air District rules and regulations.

Comment Letter 2 – State of California Department of Transportation, from Mr. David Deel, Associate Transportation Planner, IGR & Transit Representative, Dated January 6, 2015.

Comments Subject: The Response to Caltrans Comments DEIR - Derrel's Mini Storage Project, SCH No. 2014121067, Attachment “B”
“Response to District Comments Date May 12, 2015.

Comment 1: *“Caltrans has a “NO COMMENT” on the proposed Derrel's Mini Storage development.”*

Response 1: Staff appreciates Caltrans' “No Comment” regarding the proposed Derrel's Mini Storage. We also appreciate Caltrans making the

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effort to review the proposed project.

Comment Letter 3 City of Visalia, Josh McDonald, Assistant Community Development Director/City Planner,

Comment Subject: The Response to City of Visalia's Comments, DEIR - Derrel's Mini Storage Project, SCH No. 2014121067, APN 119-230-007, Attachment "C", dated May 12, 2015

Comment 1: **RE: Aesthetic, Chapter 3.1:** *"The EIR fails to include buildout and operation of Roeben Road along the project frontage in the analysis of potential light and glare impacts on the residences adjacent to the east of the project. Additionally, Mitigation Measure 1-3 is vague in the specific measures that will be employed regarding on-site lighting to both quantify the potential effects, and to mitigate the effects. It is recommended that a light study be prepared that justifies the conclusion of no significant impacts with mitigation"*

Response 1: It would be speculative to include a discussion in the EIR regarding buildout and operation of Roeben Street to Caldwell Avenue (Avenue 280), as the City's General Plan does not identify a specific year when Roeben Street may be built-out and operational. According to the City of Visalia General Plan "Roadway Classification" (Page 4-5, October 2014), they will be (we assume) completed by year 11 to 25, which represents 2025 to 2040. Several mature trees and setback distances of residences along Road 96 (Roeben Street) provide shielding of potential light/glare from the proposed Project. Glare will be prevented, as the mini storage structures will be surrounded by non-reflective stucco walls and non-reflective roofing material. Further, compliance with the County General Policy ERM-1.15 Minimizing Lighting Impacts; which states, "The County shall ensure that lighting associated with new development or facilities (including street lighting, recreational facilities, and parking) shall be designed to prevent artificial lighting from illuminating adjacent natural areas at a level greater than one foot candle above ambient conditions." provides a clear illumination standard (i.e., one foot candle above ambient conditions) to ensure light does not significantly intrude on adjacent uses. Until such time that the City implements Visalia General Plan policy LU-P-106 which states "Develop performance standards to supplement and augment design standards to minimize the negative impacts (glare, signage, noise, dust, traffic) associated with the establishment of new or expansion of existing service commercial and industrial development;" the County's policies prevail. During evening

hours, lighting from the proposed Project (as indicated in Mitigation Measure 1-3) will be required to deflect beams away from public roadways and adjacent properties. This is also represented in Standard Condition #3. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties. Condition 20 requires that the "Development of the site must adhere to the development standards and infrastructure plan lines for the City of Visalia as required in Policy PF 4.14 and PF 4.19 of the Tulare County General Plan. As such, existing adjacent residential uses and future Roeben Street will not be subject to significant illumination from the proposed Project. Lastly, the Applicant is aware that coordination with the City of Visalia, including compliance with adopted lighting standards, is required. The Applicant will include a project design feature regarding lighting which will result minimize beyond the Project site.

Comment 2: **RE: Agricultural Land and Forestry Resources, Chapter 3.2:**
"The EIR text states the project proponent has voluntarily agreed to enter into a Farmland Preservation Mitigation Program, thus loss of farmland is not significant. However, there is no proposed Mitigation Measure in the EIR that would mandate this action."

Response 2: Pursuant to the discussion in the Draft EIR regarding Project Benefits (Chapter 2) and Agriculture (Chapter 3.2), the Applicant has agreed, as part of Project Design, to purchase a temporary easement followed by a permanent easement for 19.33 acres to be kept in agriculture in perpetuity; and as such, the Applicant will be required to provide a deed restriction as part of the developer agreement to insure compliance consistent with the detail set forth in page 2-4 and pages 3.2 -20 to 3.20-21 of the Draft EIR.

Comment 3: **RE: Regulatory Setting, Page 3.2-8 and thereafter throughout the text:** *"The text erroneously identifies the project site as being within the Airport Industrial Land Use Designation. The site is designated Reserve on the final adopted General Plan Land Use Diagram. The project's compatibility with the Visalia General Plan, and existing and future land uses in the project's immediate area should be re-analyzed in that context."*

Response 3: The correct designation has been included in the Final EIR. The following analysis is also to be included in the FEIR:

The City's General Plan incorporates an Urban Development Boundary (VUDB) and an Urban Growth Boundary (VUGB). Within these two boundaries the City uses a three tier approach to

determine the appropriate timing for expansion and annexation. Tiers I and II are the within the VUDB, whereas Tier III is the VUGB.

The VUDB and VUGB are administrative boundaries beyond which urban development is not allowed during the time periods for which they are effective. (VGP 2-6)

The subject site is currently outside of the VUGB and VUDB of the City, and thus outside of the Tier growth methodology. The site currently remains within the City's Sphere of Influence, which has not been amended to reflect the VUDB or VUGB. Tier III comprises the full build-out of the City of Visalia General Plan (VGP page 2-30).

Though outside of the City's boundaries, the City's General Plan map designates the site as a "Reserve" land use designation, with a brief paragraph description as follows:

"The reserve land use designation applies to lands that are outside of the Urban Growth Boundary for which future planned development may be appropriate under the criteria as stated in LU-P-33. Use of lands in "reserve" designation is anticipated to remain in agriculture." (VGP pg. 2-21)

The Visalia General Plan establishes density/intensity standards for each type of land use except for the Reserve Designation.

The text on page VGP 2-59 indicates that the City's General Plan designates approximately 675 acres of Airport Industrial south of the Visalia Airport for a total of 2,660 industrial acres for immediate use. The following VGP text below also supports airport compatible industrial development south of the airport. However, no Airport Industrial designation is mapped by the Visalia General Plan Land Use Map (VGP pg. 2-18). Instead this area is mapped as "Reserve".

Further insight regarding development of the subject area is provided by the City's General Plan as follows:

"Land around the Airport may be developed with site appropriate industrial uses during the planning period, providing it conforms with the land use compatibility required for the Visalia Municipal environs established by the City." (VGP pg. 2-33)

The General Plan text also states as follows:

“The General Plan proposes to shift focus on industrial development to areas south of State Route 198, particularly around the airport.” (VGP pg. 2-57)

Accordingly, there appears to be a reasonable question regarding the interpretation of the Reserve designation outside of the UGB on the same land that could potentially be developed as Airport Industrial. The following General Plan Policy provides further insight as to how the subject area could potentially be developed:

“Designate land areas for future urban development to be considered (if at all) under separate criteria from City wide growth under Policy LU-P-19 (Urban Boundaries). These areas shall be designated for “reserve”, and remain in agricultural zoning until they are designated and pre-zoned for an appropriate urban land use through the city’s General Plan Amendment and Zone process. These areas may be re-designated and pre-zoned for an appropriate urban use upon the following findings as reviewed by the Planning Commission and decided on by the City Council.

1. The proposed uses and intensity of development are consistent with all applicable policies and constraints as contained in the Visalia Airport Master Plan.
2. Property is adequately served or will be adequately served by public facilities including streets, sewerage, police and fire protection, water supply, and other required facilities’ to be fully funded by the proposed development
3. Properties located within the previous development boundary or under the land use designation being proposed within the area are already developed or do not provide the likelihood of being developed in a timeframe appropriate to meet the needs of the community.
4. Properties are determined to provide a significant social and economic benefit to the community.
5. There is determined to be a Community level need for the proposed use, including lack of sufficient acreage already designated for the proposed scale and intensity of the proposed use.”

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The mini storage facility is considered a compatible use with the County of Tulare's 2012 Comprehensive Airport Land Use Plan (CALUP) including the Land Use Consistency Matrix, which was approved by California Department of Transportation: Division of Aeronautics. Whereas, the 2004 Visalia Municipal Airport Master Plan has some policies which are not compatible with the regulations as applied by the Division of Aeronautics. The CALUP recommended that the city update both the City general plan and the airport master plan to be compatible with the new regulations and thus consistent with the County's CALUP. According to Government Code Regulation 21675-21676.5, the City must update their general plan within six months of adoption by the Airport Land Use Commission or the adopted regulations supersede the City's. At this time the City has not updated their 2004 Visalia Municipal Airport Master Plan in accordance with regulations. Therefore, the County Adopted CALUP regulations supercede the City's Airport Master Plan.

Comment 4:

RE: Air Quality, Chapter 3.3: *"The EIR text cites an approved Tulare County Climate Action Plan (CAP). However, specific references that would typically be attributed to an adopted CAP are absent in the Air Quality [and Greenhouse Gas (GHG)] analysis. Reference to a telephone conversation with Mr. Paul Scheibel of the City of Visalia on January 20, 2015, is unknown to the person referenced (and whose title is incorrectly stated), nor is it attributed in the context of the analysis."*

Response 4:

See pages 3.3-14 and 3.3-15 regarding GHG references in the Air Quality section (Chapter 3.3). It should be noted that GHG and criteria pollutants are entirely different air quality impacts. Where GHG is a global concern, criteria pollutants are explicitly regulated through the 1990 Federal Clean Air Act (as amended) and the California Air Resources Board. Chapter 3.7 contains numerous GHG references on pages 3.7-1 through 3.7-12.

RMA staff stands by its documentation of a conversation with Mr. Paul Scheibel (per a telephone conversation with Mr. Scheibel on January 20, 2015 with Susan Simon, Planner III, RMA staff). As indicated in the EIR, page 3.3-18, the context of the conversation with Mr. Scheibel concerned City-related projects within the vicinity of the proposed Project in order to evaluate cumulative impacts as defined in CEQA Guidelines Section 15355 and consistent with Section 15130 Discussion of Cumulative Impacts. Mr. Scheibel's response was that there are no City jurisdictional projects in the vicinity of the proposed Project.

Mr. Scheibel's title will be corrected per a conversation with Mr. Scheibel on May 11, 2015 with RMA staff Susan Simon, indicating his title as "Principal Planner."

Comment 5: **Hazards and Hazardous Materials, Chapter 3.8** *"...no reference is made of the project's potential to inadvertently serves as a repository for hazardous materials storage or as a clandestine site for processing hazardous materials within the publicly available storage rental units. This risk potential is well documented generally within the public storage industry. Specific measures to screen and safely abate the presence of hazardous materials should be included and fully analyzed in the EIR to justify the conclusion of less than significant impacts."*

Response 5: The potential for the Project to serve as *"a repository for hazardous materials storage or as a clandestine site for processing hazardous materials"* is speculative. The City fails to provide evidence to support its claim that *"This risk potential is well documented generally within the public storage industry"*, in general, and within the City of Visalia, in particular. The City's General Plan EIR (pages 3.11-13 and -14) states; "Compliance with applicable federal, state, regional, and local health and safety laws and regulations by residents and businesses in the city is intended to protect the public health and safety of the public. In determining level of significance, this analysis *assumes* [emphasis added] that development and redevelopment under the proposed Plan would comply with relevant federal, state, regional, and local ordinances and regulations." As noted in the EIR (pages 3.8-14 through -16), the Project site would not include the use of hazardous materials and it would not emit hazardous emission or result in the handling of hazardous materials. It remains speculative if someone were to unlawfully store or process hazardous materials at the proposed Project site. The County maintains that implementation of County and City policies regarding hazardous materials would result in less than significant impacts to this resource.

To address the City's concerns a deed restriction regarding Hazardous Waste has been added to the developer agreement.

Comment 6: **RE: Hydrology and Water Quality, Chapter 3.9:** *"This analysis and potential project conditions to mitigate potential effects on groundwater resources should be included in the EIR."*

"Consideration should be made for precluding paved surface area washing in favor of dry sweeping only, and restrictions on vehicle

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washing in conjunction with the RV storage component of the project.”

“Further, no mention is made in the EIR whether the site is served by an on-site well. If the site contains an on-site well, the project conditions and associated mitigation measures should include the requirement to cap the water well before connection to domestic water service is implemented as provided in the project description and currently proposed mitigation measures.”

Response 6: As noted in the EIR, pages 3.9-19 through 3.9-21, compliance with regulatory requirements (e.g., Central Valley Water Board, Tulare County Health Services Division, Central Valley Regional Water Quality Control Board) and Mitigation Measures 9-1 through 9-6 would result in less than significant impacts to groundwater; no additional analysis is necessary.

Precluding paved surface area washing in favor of dry sweeping only would put the Applicant at risk of violating the Valley Air District's Regulation VIII (Fugitive PM-10 Prohibitions). Further, the City does not identify the benefit of dry sweeping versus paved surface area washing. The Project does not include vehicle washing in conjunction with the RV storage component.

The EIR does not mention an on-site well because the site does not contain an on-site well. The balance of the City's comments regarding an on-site well are subsequently moot.

Comment 7: **RE: Land Use and Planning, Chapter 3.10:** *“...City has particular concerns noted as follows:*

7. A. *“The potential for other retail or industrial uses besides the mini-storage facility on the future phases of the project. The City strongly recommends that the project entitlement and zone change be supplemented with a permanent deed restriction limiting the uses to mini-storage or agriculture, and that the deed restriction should be made a mitigation measure to justify the less than significant determination.”*

7. B. *“An agreement to waive protest of a future annexation action into the City should be made a mitigation measure to justify the determination of less than significant.”*

Response 7 **7. A.** The Conditional Use Permit explicitly limits the Project's use to a mini storage facility with the possibility of permanent RV and boat storage. The future phases are limited a mini storage

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facility and RV and boat storage. No other uses would be allowed and to suggest otherwise is speculative.

7. B. The Applicant will be required to waive protest of future annexation action into the City as a term in the developer agreement. As such, a mitigation measure is not necessary.

Comment 8: **RE: Noise, Chapter 3.12:** *"It is recommended that the Noise Analysis conform to the City of Visalia Noise Element performance standard and criteria."*

Response 8: The proposed Project will not result in operational noise impacts that would exceed either City of Visalia or County of Tulare noise standards. The very nature of mini storage facilities is not conducive to significant operational noise levels. However, it is acknowledged that construction-related activities could result in temporary, short-term noise impacts. As such, the Project will be required to comply with City and County noise policies and standards. Mitigation Measure 12-1 explicitly limits construction-related activities to 7:00 a.m. - 7:00 p.m. Monday-Friday.

As indicated in the Visalia General Plan EIR (see page 3.10-19); "Noise sources associated with industrial, commercial, and construction activities are generally subject to local control through noise ordinances and general plan policies. While local general plans identify general principles intended to guide and influence noise from development and systems operation, it is typically noise ordinances that set forth the specific standards and procedures for addressing particular noise sources and activities." The City's noise ordinance has established exterior and interior noise level standards ranging from 50-70 dBA from 6:00 a.m. to 7:00 p.m. and 45-65 dBA from 7:00 p.m. to 6:00 a.m. for exterior noise (see Table 3.10-9 of the Visalia General Plan EIR). Neither the City General Plan EIR or Noise Ordinance narrative (see Visalia Municipal Code Chapter 8.36 Noise at 8.36.040) explicitly identify the Categories referred to in the EIR or Noise Ordinance. Page 3.10-21 of the City General Plan EIR states; "...Implementation Policy 2.2 states that an acoustical analysis *may* [emphasis added] be required if existing or projected future noise exposure at the exterior of buildings which will contain noise sensitive uses or within proposed outdoor activity areas exceeds 65 dB, Ldn, or if interior noise levels resulting from offsite noise are estimated to exceed 45 dBA." The City's standard of 65 dB Ldn is less stringent than the County's standard of 60 dB Ldn as specified in County General Policies HS 8.2 Noise Impacted Areas and HS-8.3 Noise Sensitive Land Uses (see page 3.12-8 of the Derrel's Mini

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Storage Project EIR). Therefore, by complying with the County's noise standard, the Project would not exceed the City's noise standard.

As contained in the Visalia General Plan EIR; "Construction activities associated with new development would be temporary in nature and related noise impacts would be short-term." and "The potential construction-related noise and vibration impacts depend on the proximity of construction activities to sensitive receptors, the presence of intervening barriers, the number, and the types and duration of construction equipment used." (see page 3.10-24). In addition to the temporary and short-term nature of construction-related activities, Mitigation Measure 12-1 of the EIR limits construction-related activities to 7:00 a.m. - 7:00 p.m. Monday-Friday thereby reducing potential construction-related noise impacts.

Finally, in addition to several mature trees and setback distances of residences along Road 96 (Roeben Road) that would provide shielding and distance from potential noise impacts, the mini-storage structures and wall surrounding the entire perimeter of the Project would reduce potential impacts from operational noise associated with the Project.

Comment 9:

RE: Transportation, Chapter 3.16: *"Analysis of potential impacts to existing and future roadways affecting City of Visalia roads and intersections was noted in the City's June 14, 2014, letter and accompanying technical comments in review of the proposed project"*

Payment of City of Visalia Traffic Impact Fees is not mentioned (or made a mitigation measure) in the analysis to justify the less than significant impact determination for Transportation Impacts. However, it should be acknowledged that the traffic generated by the project will primarily derive from and affect City of Visalia Roadways and intersections since the intended customer base, as stated in the project description, is residences in the Southwest portion of the City of Visalia. The payment of City of Visalia Traffic Impact Fees are critical to the project's compatibility relative to transportation impacts and compatibility with the existing build out environment."

Response 9:

As indicated in the EIR (page 3.16-21 - 22), "The study intersections are expected to operate at acceptable levels of service after construction of the Project. Queuing conditions after construction of the Project will be nearly identical to the existing

conditions. The Project does not cause a significant traffic impact.” “The study intersections are expected to continue to operate at acceptable levels of service after construction of the pending and approved projects and the proposed Project. The pending and approved projects are expected to contribute to slightly longer queues in left-turn lane on the southbound approach to the intersection of Caldwell Avenue and Akers Street. However, the results of the existing-plus-Project analysis indicate that the Project does not contribute to queuing impacts.” (See page 3.16-22 of the DEIR). “The Project does not exacerbate the delays and level of service at the intersection by a significant amount based on the year 2040 analyses and does not cause a significant traffic impact. Calculated 95th-percentile queuing conditions with the Project are nearly identical to the calculated queues without the Project” (see page 3.16-22 of the DEIR). Therefore, based on the Traffic Impact Study included as Appendix “D” of the EIR, the County maintains that mitigation is not necessary, as the Project would not result in significant impacts.

Also, no impact fees are required, particularly traffic impact fees, since adequate mitigation is required to be provided by the Applicant in terms of applicable setback, easement/dedication, irrevocable offer of dedication, and construction of frontage improvements, namely, curb, gutter, and sidewalk including bike path. The Applicant may apply for an encroachment permit to landscape within the right-of-way at the Applicant's sole expense until such time as a Landscape and Lighting District is formed; in which case, the Applicant may elect to continue to maintain the landscaping at the Applicant's sole expense. In any case, however, the Applicant is not allowed to build at any time any improvements within the setbacks or right-of-way associated with this Project.

Comment 10:

RE: Alternatives, Chapter 5: *“The discussion of the project alternatives does not include the 20.03 acre parcel, located on So. Akers, approximately 1,300 ft. south of Caldwell Avenue (approximately ½ mile from the current project site). The site appears to meet the project goals stated in the EIR. Further, the site was previously proposed to be developed as a mini-storage facility by Derrel's Mini-Storage. The City recommends this precise location for Alternative 2, as opposed to the unspecified locations discussed under the Alternative 2 option.”*

Response 10:

The site noted by the City does not meet the Operational Efficiency criteria which affects both operational costs and operational effectiveness through the maximization of equipment on a site and location. Daily vehicle traffic is a factor as pass-by

traffic is exposed to a Derrel's Mini Storage site, as such, the location serves as an important marketing tool. The site suggested by the City does not meet the criteria to Minimize Costs. Rather, the suggested site would result in considerable costs in increased utility costs, additional costs to undertake an entitlement, and cost to initiate a new environmental process. Lastly, the suggested site is owned by Equitybak and the owners have committed to selling the site to the adjacent church.

Comment 11: **RE: Memorandum of Understanding (MOU):** *"The City would like to reiterate its commitment to complying with the City and County MOU, dated November 19, 2012. It is anticipated that the terms and conditions of the MOU are fully applicable to this project in both general terms and in the specific references cited in the EIR review comments. This includes but is not limited to payment of all applicable development impact fees, roadway and infrastructure dedications and improvements to City standards, and application of site development standards"*

Response 11: **Memorandum of Understanding**

Under the Memorandum of Understanding, the County will cooperate with the City to establish a 20 year UDB adopted by both the City and the County, in which the SOI may be coterminous. The project is currently outside of the City's adopted UDB which lies adjacent and to the east. The County's adopted UDB also lies adjacent and to the east. An SOI coterminous to both UDB's would lie to the east of the project site.

Section 4 a) and b) states in the MOU specifically, "a) The County will work with the City and the City will work with the County to consider the adoption, imposition and/or collection for payment to the County and/or the City pursuant to an agreement for Development Impact Fees within the City and/or the City UDB, as may be proposed and adopted by the City or County from time to time to offset the impacts of development on County and/or City facilities. To the extent allowed by law, the same type impact fees proposed by the Party for collection in the other Party's jurisdiction will be equal to or be consistent with the impact fees the Party collects in its own jurisdiction.

b) Each Party will propose, provide evidence to support (including the nexus study), pay the other Party's costs of consideration and adoption (including but not limited to staff time, notice and hearing costs), negotiate and enter into a fee

Final Environmental Impact Report
Derrel's Mini Storage Project

participation agreement with the other Party. The proposing Party will hold harmless, defend and indemnify the other Party in any challenge to that Party's adoption or collection of Development Impact Fees on behalf of the proposing Party."

Specifically, this Project is not located within the City limits or City UDB; and therefore, the language regarding the application of fees is inapplicable. Moreover, the County and City are to work together to consider the adoption, imposition and/or collection of development impact fees pursuant to an agreement for fees within the City and/or the City UDB as proposed by either party (to the extent allowed by law). Each party will propose, provides evidence to support (Nexus Study), and pay the other party's cost of consideration and adoption. At this time no proposal, nexus study or financial considerations have been received by the County to process/adopt the City's development impact fees. Furthermore, the County has not adopted any development impact fees for County projects.

In addition the Memorandum of Understanding stipulates that there may be no General Plan or Zoning Amendments unless appropriate under the RVLP. For projects within the County UAB, the RVLP is one of many factors to be considered, but not the only factor when considering General Plan Amendments. Development in the County may occur subject to Policies PF 4.14 and PF 4.19, as described above under General Plan.

The Project applicant will work with the City of Visalia, and the California Water Company to provide services acceptable to the City during construction of the site or when the services become available. The applicant is required to construct infrastructure to City standards as described in the County's General Plan and Memorandum of Understanding (MOU) with the City.

The applicant will provide an appropriate amount of frontage improvements for Avenue 280 (Caldwell Avenue) and Road 96 (Roeben Street), as per a deferred agreement until the City is ready to build Roeben in the years 2025 through 2040. The applicant will not be required to construct the $\frac{3}{4}$ street for Caldwell Avenue in lieu of the County acquiring the ROW. Section 3.17 of the DEIR analyzes the infrastructure services for the Project including sewer, water, drainage, and solid waste services.

Supplemental Response Concerning Signage to Notice of Availability of Draft Environmental Impact Report, SCH # 2014121067, Derrel's Mini-Storage, APN: 119-230-007

Final Environmental Impact Report
Derrel's Mini Storage Project

Comment 12: *“The City recommends that any signage...be conditioned to comply with the City of Visalia signage allowances for commercial/industrial project in the CSO (Shopping/Office Commercial) Zone District – Design District A.”*

Response 12: We concur. A Condition of Approval will require the Applicant to comply with the City of Visalia signage allowances for commercial/industrial project in the CSO (Shopping/Office Commercial) Zone District – Design District A.

PROJECT SUMMARY

The proposed Project includes a proposed General Plan Amendment (No. GPA 14-007) and proposed Change of Zone (No. PZ 14-001). GPA 14-007, which will amend the Tulare County Land Use Element of the General Plan to change the land use designation on a 19.33-acre parcel from “Agriculture” to “Commercial or Light Industrial.” PZ 14-001, is a request to change from the AE-20 (Exclusive Agricultural-20 acre minimum) Zone to C-3 (Service Commercial) Zone on the same 19.33 acres. The proposed zone change would allow, as noted in the zoning code, Mini-Warehouses – “Storage or warehousing service within a building or buildings primarily for individuals to store personal effects”¹

The proposal for the site consists of the phased construction of 19.33 acre mini- storage facility. Phase 1 consists of 129,550 square feet; Phase 2 consists of 148,950 square feet, and Phase 3 consists of 96,600 square feet. RV storage will be used on the Phase 2 portion of the site, moving to Phase 3 as the earlier phases are constructed with the eventuality of the entire site constructed as mini storage units if necessary to meet market demands. It is possible that Phase 3 will remain as RV storage. The applicant approximates a ten-year full build-out of the entire proposed Project site. It should be noted that the entire Project site perimeter will include a wall around the entire site as part of Phase 1.

PROJECT LOCATION

The Project site is located in Section 3, Township 19 South, Range 24 East, MDB&M and includes Assessor Parcel Number 119-230-007. The site is located at the northwest corner of Avenue 280 (Caldwell Avenue) and South Roeben Street, about 1/2 mile west of Road 100 (Akers Road). The 19.33-acre proposed Project site is located within the unincorporated area of Tulare County adjacent to the City Limits of Visalia. The Project area is situated in relatively level terrain and is predominantly rural to the northwest, west, and southwest; and predominantly urban in nature to the east and southeast. The only natural feature remaining in the area includes Evans Ditch (irrigation ditch) located immediately south of the Project site (south of Avenue 280 (Caldwell Avenue)). The Project site is not located on Williamson Act-contracted land.

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.

¹ Tulare County Zoning Ordinance, page 13

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.”²

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...”³

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

² CEQA Guidelines, Section 15002 (a)

³ CEQA Guidelines, Section 15002 (f)

- “(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.
- (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.”⁴

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.”⁵ (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

⁴ Ibid., Section 15021

⁵ 2013 CEQA Guidelines, Section 15002 (h)

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

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.”⁶

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

⁶ Ibid., Section 15126.2

- 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.
- (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.”⁷

⁷ 2013 CEQA Guidelines, Section 15126.4

ORGANIZATION OF THE EIR

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

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 December 19, 2014 for a 30-day comment period ending January 18, 2015. Tulare County RMA received the following two comments on the NOP. Comments were received from the following agencies, individuals, and/or organizations:

- David Deel, Department of Transportation, District 6, January 6, 2015.

A copy of the NOP is included in **Appendix "A"** of this FEIR, along with copy of the letters received in response to 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."⁸

⁸ CEQA Guidelines, Section 15103

Final Environmental Impact Report
Derrel's Mini Storage Project

A scoping meeting was duly noticed in a newspaper of general circulation (*Visalia Times-Delta*) and held on January 7, 2015. 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 March 27 2015. Following completion of the 45-day public review period ending on May 11, 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

- 1) City of Visalia
- 2) County of Tulare Resource Management Agencies (Planning Branch, Public Works)
- 3) County of Tulare Health and Human Services Agency
- 4) California Department of Fish and Wildlife
- 5) California Department of Transportation
- 6) Regional Water Quality Control Board
- 7) San Joaquin Valley Unified Air Pollution Control District
- 8) Tulare County Airport Land Use Commission
- 9) U.S. Fish and Wildlife Service
- 10) Federal Aviation Administration

ATTACHMENT “A”

Response to Comments – San Joaquin Valley Air Pollution
Control District



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Michael Washam	Planning
Mike Bond	Public Works
Roger Hunt	Administration

MICHAEL C. SPATA, DIRECTOR

May 12, 2015

Arnaud Marjollet, Director of Permit Services
San Joaquin Valley Unified Air Pollution Control District
1990 E. Gettysburg Avenue
Fresno, CA 93726-6061

Subject: Response to Comments, DEIR – Derrel's Mini Storage Project, SCH No. 2014121067; District CEQA Reference No. 20150216

Dear Mr. Marjollet,

Thank you for providing the San Joaquin Valley Unified Air Pollution Control District's (Air District) written comments (see Attachment 13) regarding the DEIR - Derrel's Mini Storage Project (Project), SCH No. 2014121067; District CEQA Reference No. 20150216. The County of Tulare acknowledges and recognizes the Air District's authority and expertise regarding the air quality resource and matters. The Final EIR (Attachment 2) includes responses to Air District Comments 1-3 dated May 8, 2015.

Comment: *"Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality."*

Response: We concur. As noted in the DEIR, the potential emissions as a result of the project are below Air District emissions thresholds. (See Table 3.3-7 of the DEIR).

Comment: *"As noted in the DEIR, the proposed project will exceed 2,000 square feet of commercial space; therefore, the proposed project is subject to District Rule 9510 (Indirect Source Review)."*

Response: We concur. The Applicant is aware that the project is subject to Rule 9510.

Comment: *"The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District*

Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive."

Response: We concur. A Condition of Approval requires the applicant to comply with all applicable Air District rules and regulations.

In closing, we sincerely appreciate the Air District's comments and commend your staff for their professionalism and expertise regarding the air resource in particular and as applied to this Project. Your comments have been very insightful and useful toward ensuring that the proposed Project complies with Air District rules/regulations and with the California Environmental Quality Act.

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

Best Regards,



Michael Washam
Assistant Director Economic Development & Planning

Attachment (1) Air District comment letter dated May 8, 2015; District CEQA Reference No. 20150216

c: file

May 8, 2015

Hector Guerra
County of Tulare
Planning Department
5961 South Mooney Boulevard
Visalia, CA 93277

Project: Draft Environmental Impact Report for GPA 14-007; PZ 14-001- Derrel's Mini-Storage

District CEQA Reference No: 20150216

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the Derrel's Mini Storage Project which includes a General Plan Amendment (GPA 14-007) and a Zone Change (PZ 14-001) to allow a three-phase, 375,000 square-foot mini-storage unit facility on 19.33 acres, located at the Northwest corner of Avenue 280(Caldwell Avenue) and South Roeben Street, in Visalia, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. As noted in the DEIR, the proposed project will exceed 2,000 square-feet of commercial space; therefore, the proposed project is subject to District Rule 9510 (Indirect Source Review).
 - a) District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees.
 - b) Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

for final discretionary approval, and to pay any applicable off-site mitigation fees.

- c) If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.
- 3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please call Cherie Clark at (559) 230-5940.

Sincerely,

Arnaud Marjollet
Director of Permit Services



For:
Chay Thao
Program Manager

AM: cc

ATTACHMENT “B”

Response to Comments – Department of Transportation

From: Hector Guerra
To: Richard Walker; Susan Simon
Date: 01/06/2015 3:55 PM
Subject: Fwd: Derrel's Mini Storage - NOP DEIR - SCH # 2014121067

Please add this to our NOP file.

>>> "Deel, David@DOT" <david.deel@dot.ca.gov> 01/06/2015 3:36 PM >>>
Hector -

Caltrans has a "NO COMMENT" on this Derrel's Mini Storage project.

Respectfully,

DAVID DEEL
Associate Transportation Planner
IGR & Transit Representative - Tulare County
Office of Planning & Local Assistance - North Section
Desk: 559.488.7396

CALTRANS - District 6
P.O. Box 12616
Fresno, CA 93778-2616

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| Caltrans ||_|_|_|
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ATTACHMENT “C”

Response to City of Visalia



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD

VISALIA, CA. 93277

PHONE (559) 624-7000

FAX (559) 730-2653

Michael Washam

Planning

Mike Bond

Public Works

Roger Hunt

Administration

MICHAEL C. SPATA, DIRECTOR

May 15, 2015

Josh McDonnell, Assistant Community Development Director/City Planner
City of Visalia
315 Acequia Avenue
Visalia, CA 93277

Subject: Response to Notice of Availability of Draft Environmental Impact Report, SCH # 2014121067,
Derrel's Mini Storage, APN: 119-230-007

Dear Mr. McDonnell,

Thank you for providing the City of Visalia's (City) written comments (see Attachments 1 and 2) regarding DEIR - Derrel's Mini Storage Project (Project), SCH No. 2014121067. Below are the County of Tulare Resource Management Agency's (County) responses to the City's comment letters dated May 11, 2015.

Comment 1: *RE: Aesthetic, Chapter 3.1: "The EIR fails to include buildout and operation of Roeben Road along the project frontage in the analysis of potential light and glare impacts on the residences adjacent to the east of the project. Additionally, Mitigation Measure 1-3 is vague in the specific measures that will be employed regarding on-site lighting to both quantify the potential effects, and to mitigate the effects. It is recommended that a light study be prepared that justifies the conclusion of no significant impacts with mitigation"*

Response 1: It would be speculative to include a discussion in the EIR regarding buildout and operation of Roeben Street to Caldwell Avenue (Avenue 280), as the City's General Plan does not identify a specific year when Roeben Street may be built-out and operational. According to the City of Visalia General Plan "Roadway Classification" (Page 4-5, October 2014), they will be (we assume) completed by year 11 to 25, which represents 2025 to 2040. Several mature trees and setback distances of residences along Road 96 (Roeben Street) provide shielding of potential light/glare from the proposed Project. Glare will be prevented, as the mini storage structures will be surrounded by non-reflective stucco walls and non-reflective roofing material. Further, compliance with the County General Policy ERM-1.15 Minimizing Lighting Impacts; which states, "The County shall ensure that lighting associated with new development or facilities (including street lighting, recreational facilities, and parking) shall be designed to prevent artificial lighting from illuminating adjacent natural areas at a

level greater than one foot candle above ambient conditions.” provides a clear illumination standard (i.e., one foot candle above ambient conditions) to ensure light does not significantly intrude on adjacent uses. Until such time that the City implements Visalia General Plan policy LU-P-106 which states “Develop performance standards to supplement and augment design standards to minimize the negative impacts (glare, signage, noise, dust, traffic) associated with the establishment of new or expansion of existing service commercial and industrial development;” the County’s policies prevail. During evening hours, lighting from the proposed Project (as indicated in Mitigation Measure 1-3) will be required to deflect beams away from public roadways and adjacent properties. This is also represented in Standard Condition #3. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties. Condition 20 requires that the Development of the site must adhere to the development standards and infrastructure plan lines for the City of Visalia as required in Policy PF 4.14 and PF 4.19 of the Tulare County General Plan. As such, existing adjacent residential uses and future Roeben Street will not be subject to significant illumination from the proposed Project. Lastly, the Applicant is aware that coordination with the City of Visalia, including compliance with adopted lighting standards, is required. The Applicant has already included a project design feature regarding lighting (e.g., hoods, direction and angle of lighting, and candlelight power) which will minimize lighting beyond the Project site.

Comment 2: **RE: Agricultural Land and Forestry Resources, Chapter 3.2:** *“The EIR text states the project proponent has voluntarily agreed to enter into a Farmland Preservation Mitigation Program, thus loss of farmland is not significant. However, there is no proposed Mitigation Measure in the EIR that would mandate this action.”*

Response 2: Pursuant to the discussion in the Draft EIR regarding Project Benefits (Chapter 2) and Agriculture (Chapter 3.2), the Applicant has agreed, as part of Project Design, to purchase a temporary easement followed by a permanent easement for 19.33 acres to be kept in agriculture in perpetuity; and as such, the Applicant will be required to provide a deed restriction as part of the developer agreement to insure compliance consistent with the detail set forth in page 2-4 and pages 3.2 -20 to 3.20-21 of the Draft EIR.

Comment 3: **RE: Regulatory Setting, Page 3.2-8 and thereafter throughout the text:** *“The text erroneously identifies the project site as being within the Airport Industrial Land Use Designation. The site is designated Reserve on the final adopted General Plan Land Use Diagram. The project’s compatibility with the Visalia General Plan, and existing and future land uses in the project’s immediate area should be re-analyzed in that context.”*

Response 3: The correct designation has been included in the Final EIR. The following analysis is also to be included in the FEIR:

The City’s General Plan incorporates an Urban Development Boundary (VUDB) and an Urban Growth Boundary (VUGB). Within these two boundaries the City uses a three tier approach to determine the appropriate timing for expansion and annexation. Tiers I and II are the within the VUDB, whereas Tier III is the VUGB.

“The VUDB and VUGB are administrative boundaries beyond which urban development is not allowed during the time periods for which they are effective. (VGP 2-6)

The subject site is currently outside of the VUGB and VUDB of the City, and thus outside of the Tier growth methodology. The site currently remains within the City’s Sphere of Influence, which has not been amended to reflect the VUDB or VUGB. Tier III comprises the full build-out of the City of Visalia General Plan (VGP page 2-30).

Though outside of the City’s boundaries, the City’s General Plan map designates the site as a “Reserve” land use designation, with a brief paragraph description as follows:

“The reserve land use designation applies to lands that are outside of the Urban Growth Boundary for which future planned development may be appropriate under the criteria as stated in LU-P-33. Use of lands in “reserve” designation is anticipated to remain in agriculture.” (VGP pg. 2-21)

The Visalia General Plan establishes density/intensity standards for each type of land use except for the Reserve Designation.

The text on VGP page 2-59 indicates that the City’s General Plan designates approximately 675 acres of Airport Industrial south of the Visalia Airport for a total of 2,660 industrial acres for immediate use. The following VGP text below also supports airport compatible industrial development south of the airport. However, no Airport Industrial designation is mapped by the Visalia General Plan Land Use Map (VGP pg. 2-18). Instead this area is mapped as “Reserve”.

Further insight regarding development of the subject area is provided by the City’s General Plan as follows:

“Land around the Airport may be developed with site appropriate industrial uses during the planning period, providing it conforms with the land use compatibility required for the Visalia Municipal environs established by the City.” (VGP pg. 2-33)

The General Plan text also states as follows:

“The General Plan proposes to shift focus on industrial development to areas south of State Route 198, particularly around the airport.” (VGP pg. 2-57)

Accordingly, there appears to be a reasonable question regarding the interpretation of the Reserve designation outside of the UGB on the same land that could potentially be developed as Airport Industrial. The following General Plan Policy provides further insight as to how the subject area could potentially be developed:

“Designate land areas for future urban development to be considered (if at all) under separate criteria from City wide growth under Policy LU-P-19 (Urban Boundaries). These areas shall be designated for “reserve”, and remain in agricultural zoning until they are designated and pre-zoned for an appropriate urban land use through the city’s General Plan Amendment and Zone process. These areas may be re-designated and

pre-zoned for an appropriate urban use upon the following findings as reviewed by the Planning Commission and decided on by the City Council.

1. The proposed uses and intensity of development are consistent with all applicable policies and constraints as contained in the Visalia Airport Master Plan.
2. Property is adequately served or will be adequately served by public facilities including streets, sewerage, police and fire protection, water supply, and other required facilities' to be fully funded by the proposed development
3. Properties located within the previous development boundary or under the land use designation being proposed within the area are already developed or do not provide the likelihood of being developed in a timeframe appropriate to meet the needs of the community.
4. Properties are determined to provide a significant social and economic benefit to the community.
5. There is determined to be a Community level need for the proposed use, including lack of sufficient acreage already designated for the proposed scale and intensity of the proposed use."

The mini storage facility is considered a compatible use with the County of Tulare's 2012 Comprehensive Airport Land Use Plan (CALUP) including the Land Use Consistency Matrix, which was approved by California Department of Transportation: Division of Aeronautics. Whereas, the 2004 Visalia Municipal Airport Master Plan has some policies which are not compatible with the regulations as applied by the Division of Aeronautics. The CALUP recommended that the city update both the City general plan and the airport master plan to be compatible with the new regulations and thus consistent with the County's CALUP. According to Government Code Regulation 21675-21676.5, the City must update their general plan within six months of adoption by the Airport Land Use Commission or the adopted regulations supersede the City's. At this time the City has not updated their 2004 Visalia Municipal Airport Master Plan in accordance with regulations. Therefore, the County Adopted CALUP regulations supercede the City's Airport Master Plan.

Comment 4: **RE: Air Quality, Chapter 3.3:** *"The EIR text cites an approved Tulare County Climate Action Plan (CAP). However, specific references that would typically be attributed to an adopted CAP are absent in the Air Quality [and Greenhouse Gas (GHG)] analysis. Reference to a telephone conversation with Mr. Paul Scheibel of the City of Visalia on January 20, 2015, is unknown to the person referenced (and whose title is incorrectly stated), nor is it attributed in the context of the analysis."*

Response 4: See pages 3.3-14 and 3.3-15 regarding GHG references in the Air Quality section (Chapter 3.3). It should be noted that GHG and criteria pollutants are entirely different air quality impacts. Where GHG is a global concern, criteria pollutants are explicitly regulated through the 1990 Federal Clean Air Act (as amended) and the California Air Resources Board. Chapter 3.7 contains numerous GHG references on pages 3.7-1 through 3.7-12.

RMA staff stands by its documentation of a conversation with Mr. Paul Scheibel (per a telephone conversation with Mr. Scheibel on January 20, 2015 with Susan Simon, Planner III, RMA staff). As indicated in the EIR, page 3.3-18, the context of the conversation with Mr. Scheibel concerned City-related projects within the vicinity of the proposed Project in order to evaluate cumulative impacts as defined in CEQA Guidelines Section 15355 and consistent with Section 15130 Discussion of Cumulative Impacts. Mr. Scheibel's response was that there are no City jurisdictional projects in the vicinity of the proposed Project.

Mr. Scheibel's title will be corrected per a conversation with Mr. Scheibel on May 11, 2015 with RMA staff Susan Simon, indicating his title as "Principal Planner."

Comment 5: **RE: Hazards and Hazardous Materials, Chapter 3.8** *"...no reference is made of the project's potential to inadvertently serves as a repository for hazardous materials storage or as a clandestine site for processing hazardous materials within the publicly available storage rental units. This risk potential is well documented generally within the public storage industry. Specific measures to screen and safely abate the presence of hazardous materials should be included and fully analyzed in the EIR to justify the conclusion of less than significant impacts."*

Response 5: The potential for the Project to serve as *"a repository for hazardous materials storage or as a clandestine site for processing hazardous materials"* is speculative. The City fails to provide evidence to support its claim that *"This risk potential is well documented generally within the public storage industry"*, in general, and within the City of Visalia, in particular. The City's General Plan EIR (pages 3.11-13 and -14) states; "Compliance with applicable federal, state, regional, and local health and safety laws and regulations by residents and businesses in the city is intended to protect the public health and safety of the public. In determining level of significance, this analysis *assumes* [emphasis added] that development and redevelopment under the proposed Plan would comply with relevant federal, state, regional, and local ordinances and regulations." As noted in the EIR (pages 3.8-14 through -16), the Project site would not include the use of hazardous materials and it would not emit hazardous emission or result in the handling of hazardous materials. It remains speculative if someone were to unlawfully store or process hazardous materials at the proposed Project site. The County maintains that implementation of County and City policies regarding hazardous materials would result in less than significant impacts to this resource.

To address the City's concerns a deed restriction regarding Hazardous Waste has been added to the developer agreement.

Comment 6: **RE: Hydrology and Water Quality, Chapter 3.9:** *"This analysis and potential project conditions to mitigate potential effects on groundwater resources should be included in the EIR."*

"Consideration should be made for precluding paved surface area washing in favor of dry sweeping only, and restrictions on vehicle washing in conjunction with the RV storage component of the project."

“Further, no mention is made in the EIR whether the site is served by an on-site well. If the site contains an on-site well, the project conditions and associated mitigation measures should include the requirement to cap the water well before connection to domestic water service is implemented as provided in the project description and currently proposed mitigation measures.”

Response 6: As noted in the EIR, pages 3.9-19 through 3.9-21, compliance with regulatory requirements (e.g., Central Valley Water Board, Tulare County Health Services Division, Central Valley Regional Water Quality Control Board) and Mitigation Measures 9-1 through 9-6 would result in less than significant impacts to groundwater; no additional analysis is necessary.

Precluding paved surface area washing in favor of dry sweeping only would put the Applicant at risk of violating the Valley Air District’s Regulation VIII (Fugitive PM-10 Prohibitions). Further, the City does not identify the benefit of dry sweeping versus paved surface area washing. The Project does not include vehicle washing in conjunction with the RV storage component.

The EIR does not mention an on-site well because the site does not contain an on-site well. The balance of the City’s comments regarding an on-site well are subsequently moot.

Comment 7: **RE: Land Use and Planning, Chapter 3.10:** *“...City has particular concerns noted as follows:*

7. A. “The potential for other retail or industrial uses besides the mini-storage facility on the future phases of the project. The City strongly recommends that the project entitlement and zone change be supplemented with a permanent deed restriction limiting the uses to mini-storage or agriculture, and that the deed restriction should be made a mitigation measure to justify the less than significant determination.”

7. B. “An agreement to waive protest of a future annexation action into the City should be made a mitigation measure to justify the determination of less than significant.”

Response 7: **7. A.** The Conditional Use Permit explicitly limits the Project’s use to a mini storage facility with the possibility of permanent RV and boat storage. The future phases are limited a mini storage facility and RV and boat storage. No other uses would be allowed and to suggest otherwise is speculative.

7. B. The Applicant will be required to waive protest of future annexation action into the City as a term in the developer agreement. As such, a mitigation measure is not necessary.

Comment 8: **RE: Noise, Chapter 3.12:** *“It is recommended that the Noise Analysis conform to the City of Visalia Noise Element performance standard and criteria.”*

Response 8: The proposed Project will not result in operational noise impacts that would exceed either City of Visalia or County of Tulare noise standards. The very nature of mini storage facilities is not conducive to significant operational noise levels. However, it is

acknowledged that construction-related activities could result in temporary, short-term noise impacts. As such, the Project will be required to comply with City and County noise policies and standards. Mitigation Measure 12-1 explicitly limits construction-related activities to 7:00 a.m. - 7:00 p.m. Monday-Friday.

As indicated in the Visalia General Plan EIR (see page 3.10-19); “Noise sources associated with industrial, commercial, and construction activities are generally subject to local control through noise ordinances and general plan policies. While local general plans identify general principles intended to guide and influence noise from development and systems operation, it is typically noise ordinances that set forth the specific standards and procedures for addressing particular noise sources and activities.” The City’s noise ordinance has established exterior and interior noise level standards ranging from 50-70 dBA from 6:00 a.m. to 7:00 p.m. and 45-65 dBA from 7:00 p.m. to 6:00 a.m. for exterior noise (see Table 3.10-9 of the Visalia General Plan EIR). Neither the City General Plan EIR or Noise Ordinance narrative (see Visalia Municipal Code Chapter 8.36 Noise at 8.36.040) explicitly identify the Categories referred to in the EIR or Noise Ordinance. Page 3.10-21 of the City General Plan EIR states; “....Implementation Policy 2.2 states that an acoustical analysis *may* [emphasis added] be required if existing or projected future noise exposure at the exterior of buildings which will contain noise sensitive uses or within proposed outdoor activity areas exceeds 65 dB, Ldn, or if interior noise levels resulting from offsite noise are estimated to exceed 45 dBA.” The City’s standard of 65 dB Ldn is less stringent than the County’s standard of 60 dB Ldn as specified in County General Policies HS 8.2 Noise Impacted Areas and HS-8.3 Noise Sensitive Land Uses (see page 3.12-8 of the Derrel’s Mini Storage Project EIR). Therefore, by complying with the County’s noise standard, the Project would not exceed the City’s noise standard.

As contained in the Visalia General Plan EIR; “Construction activities associated with new development would be temporary in nature and related noise impacts would be short-term.” and “The potential construction-related noise and vibration impacts depend on the proximity of construction activities to sensitive receptors, the presence of intervening barriers, the number, and the types and duration of construction equipment used.” (see page 3.10-24). In addition to the temporary and short-term nature of construction-related activities, Mitigation Measure 12-1 of the EIR limits construction-related activities to 7:00 a.m. - 7:00 p.m. Monday-Friday thereby reducing potential construction-related noise impacts.

Finally, in addition to several mature trees and setback distances of residences along Road 96 (Roeben Road) that would provide shielding and distance from potential noise impacts, the mini-storage structures and wall surrounding the entire perimeter of the Project would reduce potential impacts from operational noise associated with the Project.

Comment 9: **RE: Transportation, Chapter 3.16:** *“Analysis of potential impacts to existing and future roadways affecting City of Visalia roads and intersections was noted in the City’s June 14, 2014, letter and accompanying technical comments in review of the proposed project”*

Payment of City of Visalia Traffic Impact Fees is not mentioned (or made a mitigation measure) in the analysis to justify the less than significant impact determination for

Transportation Impacts. However, it should be acknowledged that the traffic generated by the project will primarily derive from and affect City of Visalia Roadways and intersections since the intended customer base, as stated in the project description, is residences in the Southwest portion of the City of Visalia. The payment of City of Visalia Traffic Impact Fees are critical to the project's compatibility relative to transportation impacts and compatibility with the existing build out environment."

Response 9: As indicated in the EIR (page 3.16-21 - 22), "The study intersections are expected to operate at acceptable levels of service after construction of the Project. Queuing conditions after construction of the Project will be nearly identical to the existing conditions. The Project does not cause a significant traffic impact." "The study intersections are expected to continue to operate at acceptable levels of service after construction of the pending and approved projects and the proposed Project. The pending and approved projects are expected to contribute to slightly longer queues in left-turn lane on the southbound approach to the intersection of Caldwell Avenue and Akers Street. However, the results of the existing-plus-Project analysis indicate that the Project does not contribute to queuing impacts." (See page 3.16-22 of the DEIR). "The Project does not exacerbate the delays and level of service at the intersection by a significant amount based on the year 2040 analyses and does not cause a significant traffic impact. Calculated 95th-percentile queuing conditions with the Project are nearly identical to the calculated queues without the Project" (see page 3.16-22 of the DEIR). Therefore, based on the Traffic Impact Study included as Appendix "D" of the EIR, the County maintains that mitigation is not necessary, as the Project would not result in significant impacts.

Also, no impact fees are required, particularly traffic impact fees, since adequate mitigation is required to be provided by the Applicant in terms of applicable setback, easement/dedication, irrevocable offer of dedication, and construction of frontage improvements, namely, curb, gutter, and sidewalk including bike path. The Applicant may apply for an encroachment permit to landscape within the right-of-way at the Applicant's sole expense until such time as a Landscape and Lighting District is formed; in which case, the Applicant may elect to continue to maintain the landscaping at the Applicant's sole expense. In any case, however, the Applicant is not allowed to build at any time any improvements within the setbacks or right-of-way associated with this Project.

Comment 10: **RE: Alternatives, Chapter 5:** *"The discussion of the project alternatives does not include the 20.03 acre parcel, located on So. Akers, approximately 1,300 ft. south of Caldwell Avenue (approximately ½ mile from the current project site). The site appears to meet the project goals stated in the EIR. Further, the site was previously proposed to be developed as a mini-storage facility by Derrel's Mini-Storage. The City recommends this precise location for Alternative 2, as opposed to the unspecified locations discussed under the Alternative 2 option."*

Response 10: The site noted by the City does not meet the Operational Efficiency criteria which affects both operational costs and operational effectiveness through the maximization of equipment on a site and location. Daily vehicle traffic is a factor as pass-by traffic is exposed to a Derrel's Mini Storage site, as such, the location serves as an important marketing tool. The site suggested by the City does not meet the criteria to Minimize Costs. Rather, the suggested site would result in considerable costs in increased utility

costs, additional costs to undertake an entitlement, and cost to initiate a new environmental process. Lastly, the suggested site is owned by Equitybak and the owners have committed to selling the site to the adjacent church.

Comment 11: **RE: Memorandum of Understanding (MOU):** *“The City would like to reiterate its commitment to complying with the City and County MOU, dated November 19, 2012. It is anticipated that the terms and conditions of the MOU are fully applicable to this project in both general terms and in the specific references cited in the EIR review comments. This includes but is not limited to payment of all applicable development impact fees, roadway and infrastructure dedications and improvements to City standards, and application of site development standards”*

Response 11: **Memorandum of Understanding**

Under the Memorandum of Understanding, the County will cooperate with the City to establish a 20 year UDB adopted by both the City and the County, in which the SOI may be coterminous. The project is currently outside of the City’s adopted UDB which lies adjacent and to the east. The County’s adopted UDB also lies adjacent and to the east. An SOI coterminous to both UDB’s would lie to the east of the project site.

Section 4 a) and b) states in the MOU specifically, “a) The County will work with the City and the City will work with the County to consider the adoption, imposition and/or collection for payment to the County and/or the City pursuant to an agreement for Development Impact Fees within the City and/or the City UDB, as may be proposed and adopted by the City or County from time to time to offset the impacts of development on County and/or City facilities. To the extent allowed by law, the same type impact fees proposed by the Party for collection in the other Party's jurisdiction will be equal to or be consistent with the impact fees the Party collects in its own jurisdiction.

b) Each Party will propose, provide evidence to support (including the nexus study), pay the other Party's costs of consideration and adoption (including but not limited to staff time, notice and hearing costs), negotiate and enter into a fee participation agreement with the other Party. The proposing Party will hold harmless, defend and indemnify the other Party in any challenge to that Party's adoption or collection of Development Impact Fees on behalf of the proposing Party.”

Specifically, this Project is not located within the City limits or City UDB; and therefore, the language regarding the application of fees is inapplicable. Moreover, the County and City are to work together to consider the adoption, imposition and/or collection of development impact fees pursuant to an agreement for fees within the City and/or the City UDB as proposed by either party (to the extent allowed by law). Each party will propose, provides evidence to support (Nexus Study), and pay the other party’s cost of consideration and adoption. At this time no proposal, nexus study or financial considerations have been received by the County to process/adopt the City’s development impact fees. Furthermore, the County has not adopted any development impact fees for County projects.

Development in the County may occur subject to Policies PF 4.14 and PF 4.19, as

described above under the General Plan.

The Project applicant will work with the City of Visalia, and the California Water Company to provide services acceptable to the City during construction of the site or when the services become available. The applicant is required to construct infrastructure to City standards as described in the County's General Plan and Memorandum of Understanding (MOU) with the City.

The applicant will provide an appropriate amount of frontage improvements for Avenue 280 (Caldwell Avenue) and Road 96 (Roeben Street), as per a deferred agreement until the City is ready to build Roeben Street in the years 2025 through 2040. The applicant will not be required to construct the $\frac{3}{4}$ street for Caldwell Avenue in lieu of the County acquiring the ROW. Section 3.17 of the DEIR analyzes the infrastructure services for the Project including sewer, water, drainage, and solid waste services.

Supplemental Response Concerning Signage to Notice of Availability of Draft Environmental Impact Report, SCH # 2014121067, Derrel's Mini-Storage, APN: 119-230-007

Comment 12: *"The City recommends that any signage...be conditioned to comply with the City of Visalia signage allowances for commercial/industrial project in the CSO (Shopping/Office Commercial) Zone District – Design District A."*

Response 12: We concur. A Condition of Approval will require the Applicant to comply with the City of Visalia signage allowances for commercial/industrial project in the CSO (Shopping/Office Commercial) Zone District – Design District A.

In closing, we sincerely appreciate the City of Visalia'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,



Hector Guerra, Chief
Environmental Planning Division

Attachment (1) Response to Notice of Availability of Draft Environmental Impact Report, SCH # 2014121067, Derrel's Mini Storage, APN: 119-230-007, dated May 11, 2015
(2) Supplemental Response Concerning Signage to Notice of Availability of Draft Environmental Impact Report, SCH # 2014121067, Derrel's Mini-Storage, APN: 119-230-007, dated May 11, 2015



May 11, 2015

Mr. Hector Guerra, Chief Environmental Planner
Resource Management Agency
County of Tulare
5961 S. Mooney Boulevard
Visalia, CA 93277

RE: Response to Notice of Availability of Draft Environmental Impact Report, SCH #
2014121067, Derrel's Mini-Storage, APN: 119-230-007

Dear Mr. Guerra:

Thank you for the opportunity to review the above-referenced Draft EIR. Reference is also made to the City's previous comments in review of the project proposal, dated June 16, 2014 (Attached with this letter). The City requests that written responses be provided to the comments itemized below. Further, the City respectfully requests written notification of all public hearings related to the project and this associated EIR.

1. Aesthetics, Chapter 3.1: The EIR fails to include buildout and operation of Roeben Road along the project frontage in the analysis of potential light and glare impacts on the residences adjacent to the east of the project. Additionally, Mitigation Measure 1-3 is vague in the specific measures that will be employed regarding on-site lighting to both quantify the potential effects, and to mitigate the effects. It is recommended that a light study be prepared that justifies the conclusion of no significant impacts with mitigation.

2. Agricultural Land and Forestry Resources, Chapter 3.2: The EIR text states the project proponent has voluntarily agreed to enter into a Farmland Preservation Mitigation Program, thus loss of farmland is not significant. However, there is no proposed Mitigation Measure in the EIR that would mandate this action.

3. Regulatory Setting, Page 3.2-8 and thereafter throughout the text: The text erroneously identifies the project site as being within the Airport Industrial Land Use Designation. The site is designated Reserve on the final adopted General Plan Land Use Diagram. The project's compatibility with the Visalia General Plan, and existing and future land uses in the project's immediate area should be re-analyzed in that context.

4. Air Quality, Chapter 3.3: The EIR text cites an approved Tulare County Climate Action Plan (CAP). However, specific references that would typically be attributed to an adopted CAP are absent in the Air Quality [and Greenhouse Gas (GHG)] analysis. Reference to a telephone conversation with Mr. Paul Scheibel of the City of Visalia on January 20, 2015, is unknown to

the person referenced (and whose title is incorrectly stated), nor is it attributed in the context of the analysis.

5. Hazards and Hazardous Materials, Chapter 3.8: The analysis is correct in its conclusion that the project construction and operation in and of itself will not likely produce a significant risk to persons on or near the project site. However, no reference is made of the project's potential to inadvertently serve as a repository for hazardous materials storage or as a clandestine site for processing hazardous materials within the publicly available storage rental units. This risk potential is well documented generally and within the public storage rental industry. Specific measures to screen and safely abate the presence of hazardous materials should be included and fully analyzed in the EIR to justify the conclusion of less than significant impacts.

6. Hydrology and Water Quality, Chapter 3.9: The analysis and potential project conditions to mitigate potential effects on groundwater resources should be included in the EIR. Consideration should be made for precluding paved surface area washing in favor of dry sweeping only, and restrictions on vehicle washing in conjunction with the RV storage component of the project. Further, no mention is made in the EIR whether the site is served by an on-site well. If the site contains an on-site well, the project conditions and associated mitigation measures should include the requirement to cap the water well before connection to domestic water service is implemented as provided in the project description and currently proposed mitigation measures.

7. Land Use and Planning, Chapter 3.10: In addition to the incorrect General Plan Land Use designation noted above (Item 3), the City has particular concerns noted as follows:

A. The potential for other retail or industrial uses besides the mini-storage facility on the future phases of the project. The City strongly recommends that the project entitlement and zone change be supplemented with a permanent deed restriction limiting the uses to mini-storage or agriculture, and that the deed restriction be placed on the entire project site. The requirement for the deed restriction should be made a mitigation measure to justify the determination of less than significant impact.

B. An agreement to waive protest of a future annexation action into the City should be made a mitigation measure to justify the determination of less than significant impact.

8. Noise, Chapter 3.12: It is recommended that the Noise Analysis conform to the City of Visalia Noise Element performance standards and criteria.

9. Transportation, Chapter 3.16: Analysis of potential impacts to existing and future roadways affecting City of Visalia roads and intersections was noted in the City's June 14, 2014, letter and accompanying technical comments in review of the proposed project. The comments contained in that letter are incorporated in the City's comments in review of the EIR, including the conclusions contained in the EIR.

The payment of City of Visalia Traffic Impact Fees is not mentioned (or made a mitigation measure) in the analysis to justify the less than significant impact determination for Transportation impacts. However, it should be acknowledged that the traffic generated by the project will primarily derive from and affect City of Visalia roadways and intersections since the

intended customer base, as stated in the project description, is residences in the Southwest portion of the City of Visalia. The payment of City of Visalia Traffic Impact Fees are critical to the project's compatibility relative to transportation impacts and compatibility with the existing and buildout environment.

10. Alternatives, Chapter 5: The discussion of the project alternatives does not include the 20.03 acre parcel, located on So. Akers, approximately 1,300 ft. south of Caldwell Avenue (approximately ½ mile from the current project site). The site appears to meet the project goals stated in the EIR. Further, the site was previously proposed to be developed as a mini-storage facility by Derrel's Mini-Storage. The City recommends this precise location for Alternative 2, as opposed to the unspecified locations discussed under the Alternative 2 option.

Memorandum of Understanding (MOU): The City would also like to reiterate its commitment to complying with the City and County MOU, dated November 19, 2012. It is anticipated that the terms and conditions of the MOU are fully applicable to this project in both general terms and in the specific references cited in the EIR review comments. This includes but is not limited to payment of all applicable development impact fees, roadway and infrastructure dedications and improvements to City standards, and application of site development standards.

Thank you again for the opportunity to review the Draft EIR for the proposed project. Please contact me with any questions or comments regarding this correspondence.

Regards,



Josh McDonnell, AICP
Assistant Community Development Director/City Planner

cc:

Members, City Council
Mike Olmos, City Manager
Alex Peltzer, City Attorney
Chris Young, Community Development Director

Attachment: Letter, City of Visalia, June 16, 2014, Derrel's Mini-Storage

Attachment A
CITY OF VISALIA - ENGINEERING DIVISION
DEVELOPMENT PLAN REQUIREMENTS



DATE:	<u>JUNE 16, 2014</u>
SITE PLAN NO.:	N/A –SUBMITTAL TO SITE PLAN REVIEW WILL BE REQUIRED
PROJECT:	PROPOSED MINI-STORAGE FACILITY
LOCATION:	NORTH SIDE OF CALDWELL AVE, 2,600' WEST OF AKERS ST
APN:	119-230-007

SITE PLAN REVIEW COMMENTS

- ☒ REQUIREMENTS (indicated by checked boxes)
- ☒ Install curb return with ramp, with **35'** radius; NW corner of Roeben & Caldwell Ave
- ☒ Install curb; ☐ gutter
- ☒ Drive approach size: *36' minimum for two traffic* ☒ Use radius return;
- ☒ Sidewalk: *6' width; 10' parkway width at Caldwell sidewalk to be in 6' easement at front property line per City standards*
- ☐ Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- ☐ Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- ☒ Right-of-way dedication required. A title report is required for verification of ownership. *Caldwell Ave – 110' Arterial; Roeben St – 70' Collector*
- ☐ Deed required prior to issuing building permit;
- ☒ City Encroachment Permit Required.
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit.
- ☐ CalTrans Encroachment Permit required. ☐ CalTrans comments required prior to issuing building permit. Contacts: Al Dias (planning) 488-7306;
- ☐ Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map. Contact Doug Damko, 713-4268, 315 E. Acequia Ave.
- ☐ Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- ☒ Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. ☒ Prepared by registered civil engineer or project architect. ☒ All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) ☐ directed to the City's existing storm drainage system; b) ☐ directed to a permanent on-site basin; or c) ☒ directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: 3:1

maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.

☒ Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.

☒ Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)

☒ Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

☒ All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications. **See additional comments section**

☒ Traffic indexes per city standards:

☒ Install street striping as required by the City Engineer.

☒ Install landscape curbing (typical at parking lot planters).

☒ Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.

☒ Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.

☐ Provide "R" value tests: each at

☐ Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.

☐ Access required on ditch bank, 15' minimum ☐ Provide wide riparian dedication from top of bank.

☒ Show Oak trees with drip lines and adjacent grade elevations. ☒ Protect Oak trees during construction in accordance with City requirements. *If any*

☐ A permit is required to remove oak trees. Contact David Pendergraft at 713-4295 for an Oak tree evaluation or permit to remove. ☐ A pre-construction conference is required.

☒ Relocate existing utility poles and/or facilities.

☒ Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.

☐ Subject to existing Reimbursement Agreement to reimburse prior developer:

☒ Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.

☒ If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.

☒ If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.

☐ Comply with prior comments. ☐ Resubmit with additional information. ☐ Redesign required.

Additional Comments:

1. Caldwell Ave is a 110' major arterial street. Project will be required to dedicate additional right of way (approximated at 15') and improve the site frontage. If full Caldwell Ave improvements are not warranted at time of development, development shall pay the project's respective share of the frontage improvements for curb, gutter, and 6' asphalt.

2. Roeben St is a 70' collector street shown on the City of Visalia Circulation Element along the east side of the subject parcel. Project will be required to dedicate

additional right of way and improve the site frontage. Roeben St alignment needs to be reviewed and accepted by City staff, additional coordination will be necessary at time of development. If full Roeben St improvements are not warranted at time of development, development shall pay the project's respective share of the frontage improvements for curb, gutter, and half of the collector roadway.

- 3. Sewer is currently not available to this site. Project shall stub a sewer lateral to property line for future connection when available. When connecting to sewer, development will be responsible to pay all sewer impact fees (front foot fee, trunk line capacity, and treatment plant fees)*
- 4. Project shall install street lights along Caldwell Ave and Roeben St per City standards. All new street lights will be City owned and maintained. This will require coordination with So Cal Edison for meter and pedestal placement, as well as an electrical plan submittal to the City Engineering Division with permit applications.*
- 5. Dependent upon the timing of Caldwell Ave improvements and the anticipated traffic volumes associated with this project, temporary improvements to Caldwell Ave may be necessary to accommodate deceleration lanes and a left turn pocket into the project site.*
- 6. Site runoff shall be retained onsite in a temporary drainage basin. Storm drain lines shall be stubbed to property line for future connection to City mains when made available.*
- 7. This project will need to be submitted through the City of Visalia Site Plan Review Committee for thorough review by all City Departments. Additional conditions will apply to the project.*

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Summary of applicable Development Impact Fees to be collected at the time of building permit:

Final fees will be based on the development fee schedule in effect at the time of building permit issuance.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	
<input checked="" type="checkbox"/> Trunk Line Capacity and Sewer Treatment Plant Fee	
<input checked="" type="checkbox"/> Sewer Front Foot Fee	
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	
<input checked="" type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	
<input checked="" type="checkbox"/> Public Facility Impact Fee	
<input type="checkbox"/> Parking In-Lieu	

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
NOTICE OF AVAILABILITY OF DRAFT
ENVIRONMENTAL IMPACT REPORT, SCH # 2014121067

Project Title:

Draft Environmental Impact Report (DEIR) for the Derrel's Mini Storage Project: General Plan Amendment (GPA 14-007) and Zone Change (PZ 14-001) State Clearinghouse # 2014121067.

Project Location:

The proposed Project will be located at the northwest corner of Avenue 280 (Caldwell Avenue and Road 96 (Roeben Street alignment), about 1/2 mile west of Road 100 (Akers Road). The 19.33-acre proposed Project site is located within the unincorporated area of Tulare County adjacent to the City Limits of Visalia. Specifically, the proposed Project is located on APN: 119-230-007. The Project is located between the Visalia Urban Area Boundary and the Visalia Urban Development Boundary. Two routes provide regional access to the proposed Project site: Avenue 280 (Caldwell Avenue), located immediately south of the site, and State Route 99, located approximately one mile east of the site.

Description:

The proposed Project includes a proposed General Plan Amendment (No. GPA 14-007) and proposed Change of Zone (No. PZ 14-001). GPA 14-007, which will amend the Tulare County Land Use Element of the General Plan to change the land use designation on a 19.33-acre parcel from "Agriculture" to "Commercial or Light Industrial." PZ 14-001, is a request to change from the AE-20 (Exclusive Agricultural-20 acre minimum) Zone to C-3 (Service Commercial) Zone on the same 19.33 acres. The proposed zone change would allow, as noted in the zoning code, Mini-Warehouses – "Storage or warehousing service within a building or buildings primarily for individuals to store personal effects"¹

The proposal for the site consists of the phased construction of 19.33 acre mini-storage facility. Phase 1 consists of 129,550 square feet; Phase 2 consists of 148,950 square feet, and Phase 3 consists of 96,600 square feet. RV storage will be used on the Phase 2 portion of the site, moving to Phase 3 as the earlier phases are constructed with the eventuality of the entire site constructed as mini storage units if necessary to meet market demands. It is possible that Phase 3 will remain as RV storage. The applicant approximates a ten year full build-out of the entire proposed Project site. It should be noted that the entire Project site perimeter will include a wall around the entire site as part of Phase 1.

Project Objectives & Benefits:

The objectives proposed by the Project developer are (i) Efficient Business Operations, (ii) Minimize Costs, and (iii) Storage Screening.

¹ Tulare County Zoning Ordinance, page 13

The Project will provide the following public and private benefits to Tulare County:

- Using a project design feature, the Project applicant will offset farmland conversion of the site to the proposed mini-storage facility with a 19.33-acre agricultural easement to be maintained in perpetuity;
- Implement Derrel's Mini Storage strategic business plan by planning, designing, constructing, and operating a facility which is economically, technologically and environmentally feasible within Tulare County;
- Minimize Costs by avoiding alternative site acquisition costs, increased utility costs, additional costs to initiate/undertake another entitlement process, and costs to initiate a new environmental process if the Project were to be located in a different location;
- Meets the business needs in serving the southwest Visalia area;
- Creates 6 new permanent jobs and 60 temporary construction-related jobs; and
- Landscaping that beautifies the Road 280 (Caldwell Avenue) corridor.
- Implementation of 219 Countywide 2030 General Plan Policies

Potentially Significant Environmental Impacts:

It is anticipated that potentially affected environmental impacts may include: Aesthetics, Agricultural, Cultural Resources, Noise (temporary), and Traffic. Each of these resources has been analyzed in the Draft Environmental Impact Report.

EIR Availability:

A copy of the DEIR may be obtained and/or reviewed at the following locations:

- Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277
(559)624-7000
- Visalia Main Branch Library – Tulare County
200 W. Oak Street
Visalia, CA 93291
- Tulare County Web Site <http://www.tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/>

Contact for More Information: Hector Guerra, Chief Environmental Planner (559) 624-7121.

The DEIR has a review period of **45** days, starting on **March 27, 2015** and ending **May 11, 2015**, which has been approved by the State of California, Office of Planning and Research. Any written comments on the DEIR should be sent to the Tulare County Resource Management Agency at the address noted above, to the attention of: Hector Guerra, Chief Environmental Planner.

After the close of the public comment review period on the DEIR established by this notice, this matter will be set for public hearing before the Tulare County Planning Commission. Notice of the date, time and place for such public hearing will be published and/or mailed as provided by law.

Please take notice that - pursuant to Public Resource Code Section 21177, Government Code Section 65009, and other applicable law - if you challenge the proposed action described above in court, then you may be limited to raising only those issues or objections you or someone else raised during the public comment period or the public hearing, or in written correspondence delivered to the Tulare County Resource Management Agency within the review period, or to the Planning Commission during the public hearing.

MICHAEL C. SPATA

Director, Environmental Assessment Officer



May 11, 2015

Mr. Hector Guerra, Chief Environmental Planner
Resource Management Agency
County of Tulare
5961 S. Mooney Boulevard
Visalia, CA 93277

RE: Supplemental Response Concerning Signage to Notice of Availability of Draft
Environmental Impact Report, SCH # 2014121067, Derrel's Mini-Storage, APN: 119-230-007

Dear Mr. Guerra:

Please accept the following comment as a supplement to the City's earlier letter in review of the above-referenced Draft EIR:

1. Aesthetics, Chapter 3.1: The level of detail provided in the EIR project description does not specify the signage is being proposed for the project. Consequently, the City is unable to analyze the potential impacts of signage as it might relate to aesthetics of scenic vistas, and potential light intrusion onto adjacent and nearby properties and roadways.

The City recommends that any signage allowed by the project, if approved, be conditioned to comply with the City of Visalia signage allowances for commercial/industrial projects in the CSO (Shopping/Office Commercial) Zone District- Design District A. This is the same signage provisions granted to the Derrell's Mini-Storage at 345 E. Caldwell Avenue within the City of Visalia. Also, please be advised that the City is in the process of revising its signage regulations, and anticipates completing the process in the next 90 to 120 days. The City further recommends that the most current City signage regulations be applied to the project in the event the revised signage regulations are adopted and in effect before the project is approved.

Thank you again for the opportunity to review the Draft EIR for the proposed project. Please contact me with any questions or comments regarding this correspondence.

Regards,

A blue ink signature of Josh McDonnell, written in a cursive style.

Josh McDonnell, AICP
Assistant Community Development Director/City Planner

cc:

Mike Olmos, City Manager
Alex Peltzer, City Attorney
Chris Young, Community Development Director

MITIGATION MONITORING REPORTING PROGRAM

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.) 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
Derrel's Mini Storage Project

MITIGATION MONITORING PROGRAM

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Aesthetics							
1-1	Landscape screening shall be placed and sufficiently maintained along Avenue 280 (Caldwell Avenue) to screen Project activities from the public right-of-way. A landscape plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Issuance of building permits	County of Tulare Planning Department			
1-2	Fencing shall be maintained to preserve appropriate screening of the Project site activities.	Ongoing monitoring	Issuance of building permits	County of Tulare Planning Department			
1-3	All exterior lighting shall be so adjusted as to deflect direct beams away from public roadways and adjacent properties.	Prior to issuance of building permits and Ongoing monitoring	Issuance of building permits	County of Tulare Planning Department			
Cultural Resources							
5-1	In the event that 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 make 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	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/on going monitoring / submittal of Report of Findings, if applicable	County of Tulare Planning Department			

Final Environmental Impact Report
Derrel's Mini Storage Project

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	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 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.	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/on going monitoring / submittal of Report of Findings, if applicable	County of Tulare Planning 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 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:	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/on going monitoring / submittal of Report of Findings, if applicable	County of Tulare Planning Department			

Final Environmental Impact Report
Derrel's Mini Storage Project

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<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: <ol 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 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 						

Final Environmental Impact Report
Derrel's Mini Storage Project

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>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>						
Geology & Soils							
6-1	Comply with construction BMPs for erosion and a SWPPP (if required) during construction-related activities. Provide sound civil design for surface water management, and employ post-construction operational controls to limit erosion, such as measures to effectively control dust.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
6-2	Secure a permit from the Tulare County Environmental Health Department (TCEHD or EHD) for an on-site septic disposal system and comply with permit conditions. The permit application will require an engineered design report. The engineered design report should include percolation testing and address the recommendations of the Geologic and Geotechnical Feasibility Report	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare EHD			
Hazards & Hazardous Materials							
8-1	The contractor implements a health and safety plan prior to initiating construction. The plan will outline measure that will be employed to protect construction workers and the public from exposure to hazardous materials during construction activities.	Prior to issuance of building permits	Ongoing monitoring	County of Tulare EHD			

Final Environmental Impact Report
Derrel's Mini Storage Project

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	The applicant shall prepare and submit a SWPPP to Tulare County prior to the issuance of a building permit. The facility operators shall prepare, retain on site, and implement a SWPPP as part of the General Stormwater Permit.	Prior to issuance of building permits	Permit from Central Valley Water Board	County of Tulare Planning Department			
9-2	If the facility is located within access of a sanitary sewer access point (1320 feet), then the site shall be required to connect to the sanitary sewer for sewage disposal. If the site is not within the 1320 feet of an access point, then an individual sewage disposal system can be utilized.	Prior to issuance of building permits	Permit to Operate from Central Valley Water Board	County of Tulare Environmental Health Department			
9-3	New sewage disposal systems shall be designed by an Engineer, Registered Environmental Health Specialist, Geologist, or other competent persons, all of whom must be registered and/or licensed professionals knowledgeable and experienced in the field of sewage disposal system and design. The specifications and engineering data for the system shall be submitted to the TCEHD for review and approval prior to the issuance of a building permit.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
9-4	Leach fields should not be located under structures, pavement, or areas subject to vehicle traffic.	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Environmental Health Department			

Final Environmental Impact Report
Derrel's Mini Storage Project

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
9-5	The drainage system, including the berms, and the retention pond and drainage swale facilities shall be designed, and the plans stamped by a registered Professional Engineer, of whom must be registered and/or licensed in California, and have professional knowledge and experience in the field of on-site drainage and detention facility design. The specifications and engineering data for the drainage system and detention facilities shall be submitted to the Public Works Department and TCEHSD for review and approval prior to the issuance of a building permit.	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Planning Department			
9-6	The Applicant shall connect to and receive water service from the California Water Service Company.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
9-7	All new construction shall have water conserving fixtures (water closets, low flow showerheads, low flow sinks, etc.) New urinals shall also conserve water through waterless, zero flush, or other water conservation technique and/or technology.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
9-8	The proposed Project shall conform to the Water Efficient Landscaping Ordinance.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
Noise							
12-1	The hours of future construction shall be limited to 7:00	Prior to issuance of	Issuance of	County of			

Final Environmental Impact Report
Derrel's Mini Storage Project

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	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.	building permits	building permits and complaint responsive	Tulare Planning Department			
Utilities							
17-1	The applicant shall prepare a SWPPP prior to construction and keep it on site per the NPDES requirements.	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Environmental Health Department			
17-2	Compliance with the NPDES permit, preparation and implementation of SWPPP, and the filing of a NOI with the CVRWQCB.	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Planning Department			
17-3	Design a retention basin as necessary, sized to retain storm water on site.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			

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

Derrel's Mini Storage Project
Corrections to the DEIR

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Derrel's Mini Storage Project
Corrections to the DEIR

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Hydrology & Water Quality 3.9

Page 3.9-22 & 23; Original:

In a telephone communication with the City of Visalia on January 20, 2015, Mr. Paul Scheibel (Planning Services Manager, City of Visalia Planning Division), January 20, 2015 with Ms. Susan Simon, Planner III, Environmental Planning Division, Tulare County Resource Management Agency – Planning Branch stated, “at this time no current or future projects proposed in the Project area. Therefore, the proposed Project will be ***Less Than Significant Cumulative Impact*** related to this Checklist Item.

Page 3.9-22 & 23; Correction:

In a telephone communication with the City of Visalia on January 20, 2015, Mr. Paul Scheibel (~~Planning Services Manager~~ Principle Planner, City of Visalia Planning

Division), January 20, 2015 with Ms. Susan Simon, Planner III, Environmental Planning Division, Tulare County Resource Management Agency – Planning Branch stated, “at this time no current or future projects proposed in the Project area. Therefore, the proposed Project will be *Less Than Significant Cumulative Impact* related to this Checklist Item.

Page 3.9-23 & 24; Original:

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

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

The Project site is not located along a natural water feature such as a lake, river or stream. There is an irrigation ditch (Evans Ditch) located south and crossed Caldwell Avenue to the site. However, a drainage plan will divert stormwater to a proposed ponding basin. The proposed Project will also be required to implement a Stormwater Pollution Prevention Plan (SWPPP) as part of their National Pollutant Discharge Elimination System (NPDES) permit as contained in Mitigation Measure 9-5. This SWPPP will ensure that potential construction erosion and siltation will not affect offsite drainages. This will inhibit any erosion or siltation from occurring onsite or offsite. As such, Project-specific impacts related to this Checklist item will be *Less Than Significant*.

Cumulative Impact Analysis: *Less Than Significant Impact*

The geographic area of this cumulative analysis is Tulare County. Alteration of a stream or river would be subject to the regulations of the U.S. Army Corps of Engineers and the California Department of Fish and Wildlife. The Project site is not near or in the vicinity of a stream or river under the jurisdiction of either the U.S. Army Corps of Engineers or California Department of Fish and Wildlife nor will any part of the Project be physically sited on or near a stream or river.

As the drainage plan will adequately address potential stormwater impacts, *Less Than Significant Cumulative Impacts* related to this Checklist Item will occur.

Mitigation Measure(s): *See Mitigation Measure 9-5*

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.

Page 3.9-23 & 24; Correction:

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

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

The Project site is not located along a natural water feature such as a lake, river or stream. There is an irrigation ditch (Evans Ditch) located south and crossed Caldwell Avenue to the site. However, a drainage plan will divert stormwater to a proposed ponding basin. The proposed Project will also be required to implement a Stormwater Pollution Prevention Plan (SWPPP) as part of their National Pollutant Discharge Elimination System (NPDES) permit as contained in Mitigation Measure 9-5. This SWPPP will ensure that potential construction erosion and siltation will not affect offsite drainages. This will inhibit any erosion or siltation from occurring onsite or offsite. As such, Project-specific impacts related to this Checklist item will be ***Less Than Significant***.

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

The geographic area of this cumulative analysis is Tulare County. Alteration of a stream or river would be subject to the regulations of the U.S. Army Corps of Engineers and the California Department of Fish and Wildlife. The Project site is not near or in the vicinity of a stream or river under the jurisdiction of either the U.S. Army Corps of Engineers or California Department of Fish and Wildlife nor will any part of the Project be physically sited on or near a stream or river.

As the drainage plan will adequately address potential stormwater impacts, ***Less Than Significant Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation Measure(s): ***See Mitigation Measure 9-1 and 9-5***

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.

Utilities and Service Systems 3.17

Page 3.17-7; Original:

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Project Impact Analysis: ***No Impact***

The Project site will utilize an on-site, new septic system with septic tank and leach lines to accommodate the wastewater resulting from office/residential use. The proposed Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities as the Project would not cause significant environmental effects ***No Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

Derrel's Mini Storage Project
Corrections to the DEIR

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 Project will utilize a new septic system with leach lines, no wastewater treatment provider are proposed. Domestic water service for the site will be provided by California Water Service Company (CalWater) A Will-Serve letter from Calwater is included in as part of Appendix "E" of this DEIR . As such *No Cumulative Impacts* related to this Checklist Item will occur.

Mitigation Measure(s):

17-1 The applicant shall prepare a SWPPP prior to construction and keep it on site per the NPDES requirements.

Also, See Mitigation Measures 6-1, 6-2, and 9-1 through 9-5

Conclusion: *Less Than Significant Impact With Mitigation*

With implementation of the Mitigation Measure 17-1, 6-1, 6-2, and 9-1 through 9-5; potential impacts to this Checklist Item will be reduced to *Less Than Significant Project-specific Impacts* and *Less Than Significant Cumulative Impacts With Mitigation* will occur.

Page 3.17-7; Correction:

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Project Impact Analysis: ~~*No Impact*~~
Less Than Significant Impact With Mitigation

The Project site will utilize an on-site, new septic system with septic tank and leach lines to accommodate the wastewater resulting from office/residential use. The proposed Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities as the Project would not cause significant environmental effects *No Project-specific Impacts* related to this Checklist Item will occur.

Cumulative Impact Analysis: ~~*No Impact*~~
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.

The Project will utilize a new septic system with leach lines, no wastewater treatment provider are proposed. Domestic water service for the site will be provided by California Water Service Company (CalWater) A Will-Serve letter from Calwater is included in as part of Appendix "E" of this DEIR . As such ~~No~~ **Less Than Significant Impact With Mitigation** Cumulative Impacts related to this Checklist Item will occur.

Mitigation Measure(s):

17-1 The applicant shall prepare a SWPPP prior to construction and keep it on site per the NPDES requirements.

Also, See Mitigation Measures 6-1, 6-2, and 9-1 through 9-5

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

With implementation of the Mitigation Measure 17-1, 6-1, 6-2, and 9-1 through 9-5; potential impacts to this Checklist Item will be reduced to ***Less Than Significant Project-specific Impacts*** and ***Less Than Significant Cumulative Impacts With Mitigation*** will occur.

Mandatory Findings 3.18

Page 3.18-7 & 8; Original:

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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

The proposed Project will result in potential impacts to Aesthetics, Geology and Soils, Hazards & Hazardous Materials, Hydrology & Water Quality, Noise, and Utilities and Service Systems which could adversely affect human beings. However, the implementation of Mitigation Measures 1-1 through 1-3 (Aesthetics), 5-1 through 5-3 (Cultural Resources), 6-1 through 6-2 (Geology and Soils), 8-1 (Hazards & Hazardous Material), 9-1 through 9-8 (Hydrology & Water Quality), 12-1 (Noise), and 17-1 through 17-3 (Utilities and Service Systems will reduce the proposed Project's potential impacts to a less than significant level.

Conclusion for adverse effects on human beings, either directly or indirectly to Aesthetics (Chapter 3.1): ***Less Than Significant Impact With Mitigation.***

Conclusion for adverse effects on human beings, either directly or indirectly to Geology and Soils (Chapter 6.1): ***Less Than Significant Impact With Mitigation.***

Conclusion for adverse effects on human beings, either directly or indirectly to Hazards & Hazardous Materials (Chapter 3.8): ***Less Than Significant Impact With Mitigation.***

Conclusion for adverse effects on human beings, either directly or indirectly to Hydrology & Water Quality (Chapter 3.9): The proposed Project will result in ***Less Than Significant Project-specific and Cumulative Impacts With Mitigation Measures*** 9-1 through 9-8 related to this Checklist item.

Conclusion for adverse effects on human beings, either directly or indirectly to Utilities (Chapter 3.17): ***Less Than Significant Impact With Mitigation.***

Page 3.18-7 & 8; Correction:

- c) **Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

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

The proposed Project will result in potential impacts to Aesthetics, Geology and Soils, Hazards & Hazardous Materials, Hydrology & Water Quality, Noise, and Utilities and Service Systems which could adversely affect human beings. However, the implementation of Mitigation Measures 1-1 through 1-3 (Aesthetics), 5-1 through 5-3 (Cultural Resources), 6-1 through 6-2 (Geology and Soils), 8-1 (Hazards & Hazardous Material), 9-1 through 9-8 (Hydrology & Water Quality), 12-1 (Noise), and 17-1 through 17-3 (Utilities and Service Systems) will reduce the proposed Project's potential impacts to a less than significant level.

Conclusion for adverse effects on human beings, either directly or indirectly to Aesthetics (Chapter 3.1): ***Less Than Significant Impact With Mitigation.***

Conclusion for adverse effects on human beings, either directly or indirectly to Cultural Resources (Chapter 3.5): *Less than Significant Impact With Mitigation*

Conclusion for adverse effects on human beings, either directly or indirectly to Geology and Soils (Chapter 6.1): ***Less Than Significant Impact With Mitigation.***

Conclusion for adverse effects on human beings, either directly or indirectly to Hazards & Hazardous Materials (Chapter 3.8): ***Less Than Significant Impact With Mitigation.***

Conclusion for adverse effects on human beings, either directly or indirectly to Hydrology & Water Quality (Chapter 3.9): The proposed Project will result in ***Less***

Than Significant Project-specific and Cumulative Impacts With Mitigation Measures 9-1 through 9-8 related to this Checklist item.

Conclusion for adverse effects on human beings, either directly or indirectly to Noise (Chapter 3.12): *Less Than Significant Impact With Mitigation*

Conclusion for adverse effects on human beings, either directly or indirectly to Utilities (Chapter 3.17): *Less Than Significant Impact With Mitigation*.

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 Derrel's Mini Storage Project Tulare County, California State Clearinghouse Number 2014121067 _____, 2015

CEQA FINDINGS

CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR THE DERREL'S MINI STORAGE PROJECT 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 Derrel's Mini Storage Project ("Project"). The proposed Project includes a General Plan Amendment (GPA 14-007) and Zone Change (PZ 14-001) to allow the construction of a mini-storage facility. GPA 14-007 is proposed to amend the Tulare County Land Use Element of the General Plan by changing the land use designation on the 19.33-acre Project site from "Agriculture" to "Commercial or Light Industrial". PZ 14-001 is proposed to re-zone the AE-20 (Exclusive Agricultural-20 acre minimum) Zone to C-3 (Service Commercial) Zone which, pursuant to the Tulare County Zoning Ordinance (page 13), would allow a mini-warehouse on the same 19.33 acres.

The proposed Project includes the phased construction of a 19.33 acre mini- storage facility. Phase 1 consists of 129,550 square feet; Phase 2 consists of 148,950 square feet, and Phase 3 consists of 96,600 square feet. RV storage will be used on the Phase 2 portion of the site, moving to Phase 3 as the earlier phases are constructed with the eventuality of the entire site constructed as mini storage units if necessary to meet market demands. It is possible that Phase 3 will remain as RV storage. The applicant approximates a ten year full build-out of the entire proposed Project site. It should be noted that the entire Project site perimeter will include a wall around the entire site as part of Phase 1. The Project site (Assessor Parcel Number 119-230-007) is located at the northwest corner of Avenue 280 (Caldwell Avenue) and South Roeben Street, about 1/2 mile west of Road 100 (Akers Road).

To approve this Project, the Board must consider and take action on the Project application for a General Plan Amendment (GPA 14-007) and Zone Change (PZ 14-001). The Board is deemed the final decision-making body with respect to the General Plan Amendment and Zone Change for the Project. In the context of the California Environmental Quality Act ("CEQA"), the County is the "lead agency" and the Regional Water Quality Control Board is a "responsible 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 Derrel's Mini Storage Project Environmental Impact Report (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 a less than significant 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 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 there are no designated state scenic highways or roadways in the Project vicinity and the Project site does not have any trees, rock outcroppings, or historical buildings. As such, the evidence indicates that the proposed Project will not have any significant impacts on identified scenic vistas, and will not impact eligible state scenic highways or scenic county roads. There is no relevant evidence to the contrary in the Public Record of Proceedings.

b. Impact No. 3.1 c) (Visual Character)

Pursuant to the discussion in Section 3.1 c) of the Final EIR, there will be a less than significant impact to the visual character of the Project's surroundings. 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 development of the Project site to a less than significant level.

Mitigation as set forth in Mitigation Measure 1-1, which requires the placement and maintenance of landscape screening, and Mitigation Measure 1-2, which requires the placement and maintenance of fencing, is sufficient to reduce impacts on visual character 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 (RMA).

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the Project site is located in an area with large agricultural fields under cultivation which can be visually pleasing to the scattered rural residences east of the Project site. The applicant shall submit a landscape plant to the County of Tulare Planning Department for review and approval prior to the issuance of building permits. As such, the adopted Mitigation Measures will assure that any visual impacts to neighboring residences and adjacent properties

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.***

c. Impact No. 3.1 d) (Light and Glare)

Pursuant to the discussion in Section 3.1 d) of the Final EIR, there will be a less than significant impact to the environment in the Project's vicinity resulting from the Project's lighting. 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 lighting installed within the Project site to a less than significant level.

Mitigation as set forth in Mitigation Measure 1-3, which requires the adjustment of exterior lighting such that it deflects direct beams away from public roadways and adjacent properties, is sufficient to reduce impacts 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 RMA.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the Project is located in an agricultural area with few sources of outside lighting and could create light and glare sufficient to adversely affect daytime or nighttime views in the Project area. The adopted Mitigation Measures will assure that impacts to nearby residences and passing traffic from nighttime lights would 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.***

d. Impact 3.2 a) – e) (Agricultural Land and Forestry Resources)

Pursuant to the discussions in Sections 3.2 a) – 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 site is not within an Agricultural Preserve or Williamson Act Contract. The applicant will voluntarily purchase an agricultural easement at a ratio of 1 acre of developed property for 1 acre of conserved agricultural land (a 1:1 ratio). The Project site is not forestland. 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.

e. 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 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, and the Public Record of Proceedings that Project qualifies as a small project under the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Small Project Analysis Levels (SPAL) and Project-related construction and operational criteria pollutant emissions are below the SJVAPCD thresholds of significance. As such, the evidence indicates that the proposed Project will not conflict with any air quality plans and will not substantially contribute to an existing or projected air quality violation. There is no relevant evidence to the contrary in the Public Record of Proceedings.

f. 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 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 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, and the Public Record of Proceedings that toxic air contaminant (TAC) emissions from construction and operational activities will not pose a significant health risk to receptors on adjacent properties. There is no relevant evidence to the contrary in the Public Record of Proceedings.

g. 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 odor impact to receptors 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 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, and the Public Record of Proceedings that solid waste at the Project site will be limited to business office-related activity, customers will be prohibited from disposing of solid waste on the Project site, and any potential odors from on-site waste would dissipate prior to reaching nearby receptors. 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.

h. 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 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 candidate, sensitive, or special states species 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 native habitats do not occur in the Project site and, due to the past agricultural activities on the Project site, it is unsuitable for native plant and special status wildlife species. 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.

i. 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 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 on 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 there are no riparian or other sensitive natural communities and no federally protected wetlands on the Project site. There is no relevant evidence to the contrary in the Public Record of Proceedings.

j. 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 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 on 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 due to the lack of native habitats on the Project site, the site is not considered

to be a migratory corridor for native wildlife and provides no nesting habitat for native bird species. There is no relevant evidence to the contrary in the Public Record of Proceedings.

k. 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 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 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 construction and operation of 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 there are no oak woodland on the Project site and there are no other local policies or ordinances protecting biological resources that may be found on the project site. There are two (2) habitat conservation plans in effect in Tulare County; however only the Recovery Plan for Upland Species of the San Joaquin Valley applies to this Project. The evidence indicates that the Project site does not provide a migratory corridor and none of the species identified in the Recovery Plan for Upland Species occur on the Project site. As such, the Project does not conflict with any plan, policy, or ordinance protecting biological species. There is no relevant evidence to the contrary in the Public Record of Proceedings.

l. 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 on 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 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 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 a condition of Project approval. Monitoring shall be the responsibility of the RMA.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that although there is no recorded evidence of cultural, historical, and archeological resources at the Project site, 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 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***.

m. 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 on 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 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 a condition of Project approval. Monitoring shall be the responsibility of the RMA.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that although there is no recorded evidence of paleontological resources at the Project site, 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***.

n. 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 on 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 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 Board 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, Native American Heritage Commission (NAHC), or local Native American organizations, and shall be a condition of Project approval. Monitoring shall be the responsibility of the RMA.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that although there is no evidence of human remains at the Project site, 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***.

o. 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. 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.

p. 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 changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts from soil erosion, loss of topsoil, and unstable or expansive soils resulting from the development of the Project 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 6-1 and 9-1 through 9-4, which require compliance with best management practices (BMPs) and implementation of a Stormwater Pollution Prevention Plan (SWPPP), is sufficient to reduce impacts from soil erosion and loss of topsoil 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 a condition of Project approval. Monitoring shall be the responsibility of the Tulare County Environmental Health Department (EHD) and the RMA.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the soil types found within the Project site are well drained soils with moderate permeability and are not susceptible to subsidence. Construction activities associated with the proposed Project 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. National Pollutant Discharge Elimination System (NPDES) stormwater permitting programs regulate stormwater quality from construction sites, which includes erosion and sedimentation. Under the NPDES permitting program, the preparation and implementation of a SWPPP are required for construction activities that would disturb an area of one acre or more. Furthermore, the Project will implement all applicable requirements of the most recent California Building Standards Code. Therefore, the adopted Mitigation Measures will assure that BMPs and SWPPP are implemented, thereby reducing impacts from soil erosion, loss of topsoil, and unstable and expansive soils 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***.

q. 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 Project's waste water disposal system (septic tank and leach field). 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 proposed septic system to a less than significant level.

Mitigation as set forth in Mitigation Measure 6-2, which requires the applicant to secure a permit for the on-site septic system, is sufficient to reduce potential impacts 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 EHD.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that per Mitigation Measure 6-2, the applicant must submit for County approval a permit application for the septic system. This application must include an engineered design report which includes percolation testing and demonstration that the applicant has addressed the recommendations of the Geologic and Geotechnical Feasibility Report. As such, the adopted Mitigation Measure will assure that potential impacts from the on-site septic system 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***.

r. 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 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, 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.

s. Impact 3.8 a) (Transport 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 implementation of a health and safety plan, 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 construction contractor, and shall be made a condition of Project approval. Monitoring shall be the responsibility of the EHD.

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 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. 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.***

t. Impact 3.8 b) – d) (Hazardous Waste and Risk to Public and Environment)

Pursuant to the discussion in Sections 3.8 b) – d) of the Final EIR, there will no impact to the public or environment 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 material 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 on a site identified in the Cortese List, is not located within one-quarter mile of an existing or proposed school, and Project operations do not require the use of hazardous materials. As such, the evidence indicates that the proposed Project will not have any significant impacts to the public or environment from the release of or exposure to hazardous materials. There is no relevant evidence to the contrary in the Public Record of Proceedings.

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

Pursuant to the discussion in Sections 3.8 e) – f) of the Final EIR, there will be a less than significant impact involving land use plans, airport hazards, 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, 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 Project is not located within the vicinity of a private airstrip, and although the Project is located within the City of Visalia's Municipal Airport Land Use Plan Area, the Project is a compatible use. The Project is consistent with all applicable policies and constraints in the Visalia Airport Master Plan. 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.

v. 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 or 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 Project does not require a change to any emergency response plan and the two (2) driveways proposed by the Project are sufficient for fire trucks and other emergency vehicles. 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.

w. 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. 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 involving groundwater quality standards 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 9-1 through 9-6, which require implementation of a SWPPP, design and installation of an adequate sewage disposal (septic) system, and design and installation of an adequate drainage system (stormwater basin), is sufficient to reduce impacts involving groundwater quality standards 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 a condition of Project approval. Monitoring shall be the responsibility of the RMA and EHD.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that during construction the Project will be subject to various permitting requirements including the Federal Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES), and SWPPP. During operations the Project will be required to comply with all Regional Water Quality Control Board (RWQCB) and EHD requirements. Therefore, the adopted Mitigation Measures will assure that any potential impacts involving groundwater quality standards 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.***

x. 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 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 9-7 and 9-8, 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 RMA.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that annual water usage of the proposed Project will be approximately 27 times less than the current agricultural uses and the Project will conform to the County's Water Efficient Landscaping Ordinance. 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.***

y. Impact 3.9 c) – d) (Alter The Existing Drainage Pattern)

Pursuant to the discussions in Sections 3.9 c) – d) of the Final EIR, there will be a less than significant impact on the existing drainage pattern within the Project site and surrounding area. 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 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 Measures 9-1 and 9-5, which require implementation of a SWPPP and engineer-approved drainage system, 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 RMA.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that there are no natural water features on the Project site. An irrigation ditch is located on an adjacent property south of the Project site. However, the adopted Mitigation Measures will assure that potential construction-related erosion and siltation will not affect the irrigation ditch or other 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.***

z. Impact 3.9 e) – f) (Stormwater Runoff)

Pursuant to the discussions in Sections 3.9 e) – f) of the Final EIR, there will be a less than significant impact to the environment as a result of stormwater runoff. 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 stormwater runoff 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 would result in a minor increase in stormwater runoff as a result of increased impervious surfaces on the Project site. However, the increase in runoff does not exceed the capacity of any existing drainage systems and will not add sources of polluted runoff. The Project does not include elements that could degrade water quality beyond that discussed in Item 3.9 a). As such, the evidence indicates that the proposed Project will not have any significant impacts resulting from stormwater runoff. There is no relevant evidence to the contrary in the Public Record of Proceedings.

aa. Impact 3.9 g) – j) (Flooding)

Pursuant to the discussions in Sections 3.9 g) – j) of the Final EIR, there will be no impact to the public or environment involving flooding. 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 flooding 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 located on a site that would not be impacted by flooding. The Project site is located outside of the 100-year floodplain and would not place any structures that would impede or redirect flood flows within a 100-year flood zone. 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.

bb. Impact 3.10 a) (Divide Established Community)

Pursuant to the discussions in Sections 3.10 a) of the Final EIR, there will no impact on the environment involving the division of an established community. 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 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 entire Project site is located in unincorporated Tulare County and does not include land division, roads, major infrastructure, transportation facility, or off-site construction. As such, the evidence indicates that the proposed Project will not have any significant impacts involving division of an established community. There is no relevant evidence to the contrary in the Public Record of Proceedings.

cc. Impact 3.10 b) – c) (Conflict with Policies and Plans)

Pursuant to the discussions in Sections 3.10 b) – c) of the Final EIR, there will be a less than significant impact on the environment involving 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 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 is located within the Tulare County Urban Area Boundary (UAB), outside and adjacent to the Tulare County Urban Development Boundary (UDB), partially within the City of Visalia Urban Growth Boundary (UGB), and entirely within the City of Visalia Sphere of Influence (SOI). A Rural Valley Lands Plan (RVLP) analysis was completed for the Project. The Project is consistent with the City of Visalia General Plan land use designation of “Airport Industrial”, and per the County’s General Plan and Memorandum of Understanding (MOU) with the City the applicant is required to construct infrastructure to City standards. The general plan amendment and zone change will enable internal consistency between the General Plan and Zoning Ordinance. The Project site does not have natural drainages or habitats conducive to migratory corridors and the Project does not conflict with the Recovery Plan for Upland Species in the San Joaquin Valley. As such, the evidence indicates that the proposed Project will not have any significant impacts involving 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.

dd. 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.

ee. 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 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, and the Public Record of Proceedings that impacts from construction-related noise and groundborne vibration will not generate long-term impacts. As Project operations would generate less than 500 annual daily trips to nearby roadways, Project-related traffic noise will not significantly add to ambient noise levels in the Project vicinity. 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.

ff. 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 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 RMA.

In support of this finding, evidence is contained in the Final EIR 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.***

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

Pursuant to the discussion in Sections 3.12 e) – f) of the Final EIR, there will be a less than significant 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 noise contours from the Visalia Municipal Airport do not encompass any portion of the Project site and existing noise levels are below the City and County noise thresholds. 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.

hh. 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 environment 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 construction of the Project will require approximately 60 temporary construction workers and Project operations will require approximately 6 employees. Workers and employees are anticipated to be part of the existing workforce in Tulare County. The Project site is agricultural land with no on-site development. As such, the evidence indicates that the proposed Project will not induce substantial population growth in the area or displace existing housing or residents. There is no relevant evidence to the contrary in the Public Record of Proceedings.

ii. 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, schools, 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 school, park, or library facilities. As such, 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.

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

Pursuant to the discussion in Sections 3.15 a) – b) of the Final EIR, there will be 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 absence of population growth and distance to existing recreational

facilities would not have an impact on existing facilities and would not result in the need for new facilities. There is no relevant evidence to the contrary in the Public Record of Proceedings.

kk. 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 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, and the Public Record of Proceedings that although the Project would result in a decreased LOS E at the intersection of Caldwell Avenue and Akers Street in the Year 2040 with or without the Project, the average delay with the Project would be less than one (1) second than the delay without the Project. As such, the Project would not exacerbate the existing or future LOS of the intersection. Therefore, 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.

ll. Impact 3.16 c) (Air Traffic)

Pursuant to the discussion in Sections 3.16 c) of the Final EIR, there will be a less than significant impact to changes in 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 City of Visalia's Municipal Airport Land Use Plan. 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.

mm. 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 no 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 Project does not include sharp curves or dangerous intersections, will 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.

nn. Impact 3.16 f) (Bicycle Traffic)

Pursuant to the discussion in Section 3.16 f) of the Final EIR, there will be a less than significant impact involving bicycle and pedestrian traffic. 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 bicycle and pedestrian traffic 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 Association of Governments (TCAG) Regional Transportation Plan and will not result in an increased demand for bicycle or pedestrian facilities. There is no relevant evidence to the contrary in the Public Record of Proceedings.

oo. Impact 3.17 a), b), d) and e) (Wastewater Treatment and Water Supplies)

Pursuant to the discussions in Sections 3.17 a), b) and e) of the Final EIR, there will be a less than significant impact to the environment involving wastewater treatment requirements, water supplies, and wastewater treatment capacity. 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 involving wastewater treatment and water supplies 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 17-1, which requires the preparation of a SWPPP, as well as Mitigation Measures 6-1 through 6-2, 9-1 through 9-5, and 9-7 through 9-8, are sufficient to reduce impacts involving wastewater treatment to a less than significant level. 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 EHD and RMA.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the Project includes an on-site septic system and will not connect to or require construction of a wastewater treatment facility. As such, the adopted Mitigation Measures will assure that potential impacts from the on-site septic system have been addressed and have been mitigated to a less than significant level. The California Water Service Company will provide domestic water to the Project site. As such, no mitigation is necessary in regards to potable water service. 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.***

pp. Impact 3.17 c) (Proposed Drainage Facilities)

Pursuant to the discussion in Section 3.17 c) of the Final EIR, there will be a less than significant impact to the environment involving drainage facilities. 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 involving drainage facilities 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 17-2 and 17-3, which require the preparation and implementation of a SWPPP and the use of an on-site storm water retention basin, is sufficient to reduce impacts from drainage facilities 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 EHD and RMA.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that a drainage basin will be included as part of the Project. As such, the Project will not require construction of new or expanded drainage facilities. The adopted Mitigation Measures will assure that impacts involving drainage facilities 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.***

qq. Impact 3.17 f) – g) (Solid Waste)

Pursuant to the discussion in Sections 3.17 f) – g) of the Final EIR, there will be no impact involving solid waste 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 solid waste 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 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. Waste disposal will be provided by the City of Visalia and deposited at the Visalia Land Fill. Therefore, the evidence indicates that the proposed Project will not have any significant impacts involving solid waste facilities. There is no relevant evidence to the contrary in the Public Record of Proceedings.

rr. 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, there will be a less than significant impact to wildlife species or historical resources by this 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 wildlife species or historical resources to a less than significant level.

Mitigation as set forth in Mitigation Measures 5-1 through 5-3 is sufficient to reduce impacts from drainage facilities 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, Native American Heritage Commission (NAHC), or local Native American organizations, and shall be a condition of Project approval. Monitoring shall be the responsibility of the EHD and RMA.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that there could be a disturbance or destruction of cultural or historical resources resulting from further construction activities associated with the Project. However, there is no recorded evidence of archeological or paleontological sites at the Project site. The adopted Mitigation Measures will assure that any Native American burial sites or unidentified skeletal remains encountered are either avoided, treated in accordance with the recommendations of 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. The adopted Mitigation Measures will assure that potential, unforeseen impacts will be addressed and 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.***

ss. Impact 3.18 b) (Cumulative Impacts)

See Section IV Cumulative Impacts below.

tt. Impact 3.18 c) (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. 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 1-1 through 1-3 (Aesthetics), 5-1 through 5-3 (Cultural Resources), 6-1 through 6-2 (Geology and Soils), 8-1 (Hazards & Hazardous Material), 9-1 through 9-8 (Hydrology & Water Quality), 12-1 (Noise), and 17-1 through 17-3 (Utilities and Service Systems) 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 EHD and RMA.

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. Aesthetic Impacts

Pursuant to the discussion in Section 3.1 a) through d) of the Final EIR, the incremental impact of the Project, if not mitigated, may cause a potentially cumulatively significant impact on the visual character and nighttime views of the Project site. 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 Measures 1-1 through 1-3 will lessen any significant impacts to cumulative aesthetic resources to a level of insignificance.

In support of this finding, the evidence indicates that the direct impacts are not significant. The Project site is located in an area with large agricultural fields under cultivation which can be visually pleasing to the scattered rural residences east of the Project site. To reduce impacts to the visual character of the Project’s surroundings, the applicant is required to have a landscape plan, including the placement and maintenance of fencing and landscape screening, approved by the RMA prior to the issuance of building permits. Glare is typically a daytime occurrence caused by light reflecting off highly polished surfaces such as window glass or polished metallic surfaces. The Project will be designed such as to reduce glare. The Project is located in an agricultural area with few sources of outside lighting. To reduce impacts from nighttime lighting, Project exterior lighting will be adjusted such that it deflects direct beams away from public roadways and adjacent properties. With implementation of Mitigation Measures 1-1 through 1-3, 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.

C. Geology and Soil Impacts

Pursuant to the discussions in Section 3.6 a) through e) of the Final EIR, the incremental impact of the Project, if not mitigated, may cause a potentially cumulatively significant impact on soil erosion, loss of topsoil, and soil stability. 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 6-1 and 6-2 will reduce all cumulative impacts to geology and soil resources to a level of insignificance.

In support of this finding, the evidence indicates that there are no substantial faults within Tulare County and the Project site consists of well drained soils that are not susceptible to ground failure, subsidence, or liquefaction. Construction activities associated with the proposed Project 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. National Pollutant Discharge Elimination System (NPDES) stormwater permitting programs regulate stormwater quality from construction sites, which includes erosion and sedimentation. Under the NPDES permitting program, the preparation and implementation of a SWPPP are required for construction activities that would disturb an area of one acre or more. Furthermore, the Project will implement all applicable requirements of the most recent California Building Standards Code and the applicant must submit for County approval a permit application for the septic system. With implementation of Mitigation Measures 6-1 and 6-2, 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 h) 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. 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 the Project is not a site identified on the Cortese List, is a compatible use in the Visalia and County Airport Land Use Plans, and will not have an impact on emergency responses in the Project area. Project construction-related activities may involve the use and transport of hazardous materials; however, transportation, storage, use, and disposal of hazardous materials during construction activities must comply with applicable federal, state, and local statutes and regulations and is regulated by the Department of Transportation and Caltrans. 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 Section 3.9 a) through j) of the Final EIR, the incremental impact of the Project, if not mitigated, may cause a potentially cumulatively significant impact on water quality. 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 groundwater resources 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 Federal Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES), Storm Water Pollution Prevention Plan (SWPPP), and the County's Water Efficient Landscaping Ordinance. During operations the Project will be required to comply with all Regional Water Quality Control Board (RWQCB) and EHD requirements. 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, appropriate corrective action will be required. With implementation of Mitigation Measures 9-1 through 9-6 potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

G. Noise Impacts

Pursuant to the discussions in Sections 3.12 a) through f) 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.

H. Utilities and Service Systems Impacts

Pursuant to the discussions in Section 3.17 a) through g) of the Final EIR, the incremental impact of the Project, if not mitigated, may cause a potentially cumulatively significant impact on utilities and service systems. 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 Measures 17-1 through 17-3, as well as Measures 6-1 through 6-2, 9-1 through 9-5, and 9-7 through 9-8, will reduce all cumulative impacts on utilities and service systems to a level of insignificance.

In support of this finding, the evidence indicates that the Project includes an on-site septic system and an on-site storm water retention basin, and will not connect to or require construction of new or expanded wastewater treatment or drainage facilities. The California Water Service Company will provide domestic water to the Project site. With implementation of Mitigation Measures 17-1 through 17-3, 6-1 through 6-2, 9-1 through 9-5, and 9-7 through 9-8 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 development of the Project is unlikely to result in or contribute to population growth inducement because the Project does not include new homes, and the proposed facility will result in limited employment opportunities. The proposed Project involves a mini-storage facility that is more similar to a mini-warehousing facility than a high volume commercial use. The proposed Project is estimated to result in six (6) new permanent jobs once the facility is operational and 60 temporary construction-related jobs during the estimated 18-month construction period. As these jobs typically do not require high skilled labor, it will not be necessary to recruit higher skilled persons beyond the region of the Project and it is anticipated that the majority of temporary employees will be current residents within or near the Visalia area. In addition, the Project site will not induce nearby parcels to build new residences or create new businesses. As such, the proposed Project does not have the potential to induce significant growth in Tulare County.

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) to establish and operate an economically viable and competitive Project in compliance with applicable laws and regulations; (2) to optimally utilize available land resources; and (3) to mitigate environmental impacts to the extent feasible. In addition, alternative designs or locations that would possibly achieve these objectives would not reduce the identified cumulative impacts to a level of less than significant. 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 Proposed Project consists of the construction and operation of a 19.33-acre mini-storage facility. The basic objectives of the Project, as described in the EIR, are: to implement Derrel's Mini Storage strategic business plan by planning, designing, constructing, and operating a facility which is economically, technologically and environmentally feasible within Tulare County; minimize land costs; and provide adequate landscaping and screening of the Project site to minimize visual impacts of the facility. 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 1: No Project
- Alternative 2: Alternative Location
- Alternative 3: Reduced Size of the Entire Project Site
- Alternative 4: Alternative Configuration

The No Project Alternative was identified as the environmentally superior alternative as no physical changes would occur, resulting in no impacts to any of the resources contained in the environmental Checklist. 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) provides matrices that compares the environmental impacts of differing Project Alternatives against the Project.

**Table 5-1
Alternatives Potential Impact Analysis**

	No Project #1	Alternative Location #2	Reduced Size #3	Alternative Configuration #4
Aesthetics	Less	Similar	Similar	Similar
Agriculture and Forestry Resources	Less	Similar	Less	Similar
Air Quality	Less	Similar	Less	Similar
Biological Resources	Less	Similar	Similar	Similar
Cultural Resources	Less	Similar	Similar	Similar
Geology and Soils	Less	Similar	Similar	Similar
Greenhouse Gas Emissions	Less	Similar	Less	Similar
Hazards and Hazardous Materials	Less	Similar	Similar	Similar
Hydrology and Water Quality	Less	Similar	Similar	Similar
Land Use and Planning	Less	Similar	Similar	Similar
Mineral Resources	Less	Similar	Similar	Similar

Noise	Less	Similar	Less	Similar
Population and Housing	Less	Similar	Similar	Similar
Public Services	Less	Similar	Similar	Similar
Recreation	Less	Similar	Similar	Similar
Transportation and Traffic	Less	Similar	Similar	Similar
Utilities and Service Systems	Less	Similar	Similar	Similar
Mandatory Findings of Significance	Less	Similar	Similar	Similar
Cumulative Impacts	Less	Similar	Similar	Similar
Impact Reduction	Yes	Yes & No	Yes & No	No

**Table 5-2
Alternatives Evaluation Criteria**

	No Project #1	Alternative Location #2	Reduced Size #3	Alternative Configuration #4
1. Project Specific Elements	No	Yes	Yes	Yes
2. Project Objectives	No	Yes	No	Yes
3. Operational Efficiency	No	Yes	No	Yes
4. Lessen Significant Impacts	Yes	Unknown	Yes	No
5. Physical Feasibility	No	Yes	No	No

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.

As previously discussed, the No Project Alternative was identified as the environmentally superior alternative; however, this alternative would not meet the objectives of establishing efficient business operations through implementation of Derrel's Mini Storage strategic business plan by planning, designing, constructing, and operating a facility which is economically, technologically and environmentally feasible and minimization of costs such as site acquisition costs, increased utility costs, additional costs to undertake an entitlement and cost to initiate a new environmental process.

As compared above, the Alternative Location and Alternative Configuration Alternatives result in similar impacts for all resources contained in the EIR. The Reduced Size Alternative identified less impact for Agriculture and Forestry Resources, Air Quality, Greenhouse Gas Emissions, and Noise. However, it would be accurate to say that most of the Alternatives have Greenhouse Gas impacts.

None of the Alternatives would result in meeting the overall Evaluation Criteria; as such, none of the Alternatives would fully meet the overall business objectives of the proposed Project. After this full, substantial, and deliberate analysis the proposed Project remains the preferred alternative.

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.