COUNTY OF TULARE
RESOURCE MANAGEMENT AGENCY

5961 South Mooney Boulevard
Visalia, CA 93277

Hash Farms (Andersen Village) Development Project

Final Environmental Impact Report
SCH No. 2016091017

May 2018

Prepared by:
County of Tulare Resource Management Agency
Economic Development and Planning Branch
Environmental Planning Division

Hash Farms (Andersen Village) Development Project
Final Environmental Impact Report (SCH#2016091017)

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

I. Responses to Comments (Chapter 11 of the FEIR)

II. Mitigation Monitoring and Reporting Program (Chapter 8 of the FEIR)

III. Errata (Corrections made to pages of the Draft EIR)

INTRODUCTION & RESPONSE TO COMMENTS Chapter 11

INTRODUCTION

The Draft Environmental Impact Report (Draft EIR or EIR) for the Hash Farms (Andersen Village) Development Project (Project) was made available for public review and comment for a period of 45 days starting on December 22, 2017 and ending February 5, 2018. The purpose of this document is to present public comments and responses to comments received on the Project's Environmental Impact Report (SCH # 2016091017).

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 TO THE PROJECT

Revisions and clarifications to the DEIR made in response to comments and information received on the DEIR are indicated by strikeout text (e.g. ~~strikeout~~), indicating deletions, and underline text (e.g. underline), indicating additions. Corrections of typographical errors that have been made throughout the document are not indicated by ~~strikeout~~ or underline text. The specific revisions and clarifications are included as Errata pages within this FEIR. However, for clarification purposes, the following information is provided as background information pertaining to the project description. Where there are differences in the project description analyzed in the DEIR and the "new" project description, that information is provided herein. It should be noted that the DEIR analyzed a larger project than what will ultimately be built out. Therefore, even though the current iteration of the project is somewhat smaller (e.g. less

residential units) than analyzed in the DEIR, the analysis, mitigation measures and conclusions of the DEIR remain valid and relevant to the current project description.

During and subsequent to the Draft EIR review period a number of hearings were conducted on the project, primarily at the City of Kingsburg. As a result of those hearings and meetings, certain changes were made to the project that address many of the environmental issues identified during the review process. These changes are now part of the Public Hearing Draft of the Specific Plan and are illustrated on Figure 11-1 and include, but are not limited to, the following:

1. The total number of dwelling units was reduced to a total of 182, including 32 multifamily units along the Kern Street frontage and 150 single family units. This is an approximate 15 percent reduction below the level assumed in the EIR traffic study. This will result in a 14.4% reduction in average daily trips, a 16% reduction in AM Peak Hour trips, and a 14 percent reduction of PM Peak Hour trips according to factors used in the traffic study.

2. The Specific Plan and the Memorandum of Understanding have been modified to more clearly identify that Phase 4 of the project is to be donated to the City or a non-profit for usage as a recreational facility in conjunction with the existing Little League Field. This change resulted in the elimination of nine (9) single family units and eight (8) multifamily units.

3. In order to address project impacts and comments from the City of Kingsburg, the Specific Plan has been modified to include the most current impact fee schedule, and more specifically deal with financing project improvements. Dwelling units in the project will now pay the fees based on the fee schedule in place as of April 2018, including traffic fees totaling $276,100, an increase in traffic fees of $123,000. This fee payment eliminates the need for the supplemental traffic fee identified in the Draft EIR.

4. The connection from the project to Mariposa Street has been eliminated and a new connection has been made from Lake Street to Madsen Avenue. This will route project traffic to the perimeter roadways (Madsen Avenue and Kern Avenue) and will reduce traffic through the residential neighborhood to the west. This change addresses comments from neighbors who commented (accurately) that the portion of Mariposa Street east of 21st Street was not a complete city or county road right of way. A pedestrian connection has been shown subject to further right of way research, but will be eliminated if there is no existing County or City rights of way that permits that connection.

5. Traffic calming bulbouts have been identified for Lindquist/22nd Street and Lindquist/23rd Street.

6. Limitation for one-story units only along the westerly and southerly project boundaries to address visual concerns and aesthetics.

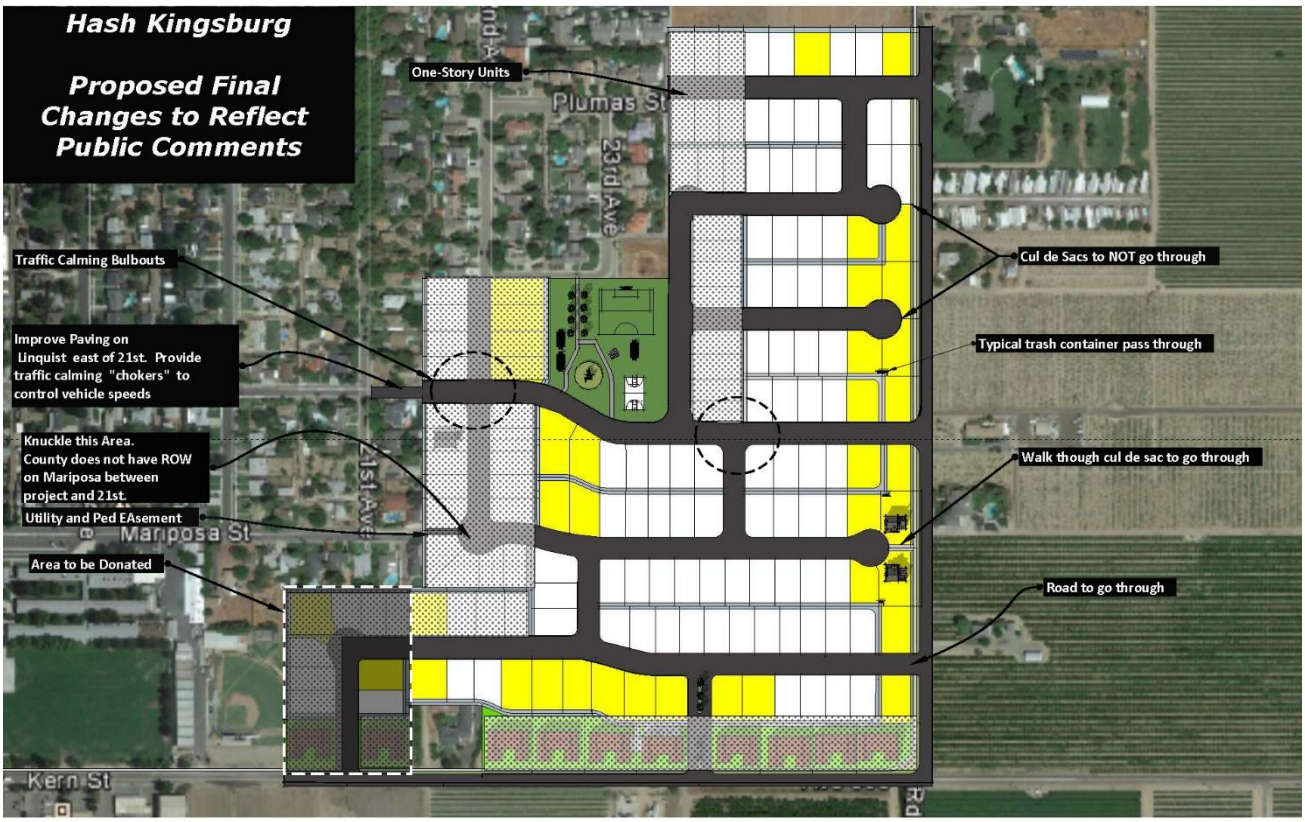
7. Participation with Consolidated Irrigation District (CID) in a groundwater recharge program. The developer will pay a fee to CID for each phase of development or construct

improvements with CID in lieu of supplemental water bill payments. This will front-load the improvements and would be in lieu of supplemental charges on the City water bills.

8. A definitive "Memorandum of Understanding and Joint Planning and Development Agreement By and Between the City of Kingsburg and the County of Tulare Regarding the Development of the Hash Subdivision and Development Project, and the Establishment of a Specific Plan for the Project Area" (MOU) has been reviewed and adopted by the City of Kingsburg City Council to more clearly and completely identify the fiscal, administrative, and service issues to address the implementation of the project. The MOU is part of the Specific Plan and the Specific Plan has been modified to reflect its terms.

9. The revision to the subdivision design has enhanced the pedestrian connectivity and compliance with adopted standards for vehicle and pedestrian connectivity. The project retains several key features including a bicycle/pedestrian path along the Madsen and Kern, and extension of sidewalks from the northern terminus of the Project along Madsen Avenue to Sierra Street and from the western terminus of the project along Kern Street to 18th Street. The calculated connectivity for the project is still superior to that of "average" project with the equivalent of 125 intersections per square mile compared to 36 intersections per square mile for an "average" or "standard" project, (according to the California Air Pollution Control Officers Association's standards and methodologies). Project design changes have preserved and improved this connectivity. These types of improvements are known to decrease vehicle trips and vehicle miles travelled by 6% to 26%, depending on local circumstances. Because of the nearby location of significant pedestrian destinations (such as Lincoln Elementary School, Kingsburg High School, and the Central Business District) (which would account for 30%-40% of household trips), it is anticipated that the pedestrian improvements in the initial and final design will reduce vehicle trips by an additional 5%-8% overall (or by an additional 120 daily trips, and 12 peak hour trips) as identified in the traffic study.

Figure 11-1



PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of the Hash Farms (Andersen Village) Development Project have been analyzed in a Draft Environmental Impact Report (DEIR, SCH# 2016091017) dated December 2017. Consistent with Section 15205 of the State CEQA Guidelines, the Draft EIR for the Hash Farms (Andersen Village) Development Project is subject to a public review period. Section 21091(e) of the Public Resources Code specifies a minimum 30-day shortened review period for an EIR. Pursuant to approval by the Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), the County of Tulare provided a 45-day review period.

The Hash Farms (Andersen Village) Development Project Draft EIR was distributed to responsible and trustee agencies, other affected agencies/departments/branches within the County of Tulare and 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*. As required by CEQA, a Notice of Availability (NOA) for the Draft EIR was published in the *Visalia Times Delta* and

Fresno Bee (newspapers of general circulation) on December 22, 2017, and the *Kingsburg Recorder*, (also a newspaper of local circulation), on December 20, 2017.

During the 45-day review period, the Draft EIR and technical studies were also made available at the following locations:

Tulare County RMA 5961 South Mooney Boulevard Visalia, CA 93277 (559)624-7000	Monday – Thursday: 9:00 a.m. to 4:30 p.m.; Friday: 8:00 a.m. to 12:00 p.m.
Visalia Branch Library 200 West Oak Avenue Visalia, CA 93291	Tuesday through Thursday: 09:00 a.m. – 8:00 p.m. Friday: 12:00 p.m. – 6:00 p.m. Saturday: 9:00 a.m. – 5:00 p.m.
Kingsburg Branch Library 1399 Draper Street Kingsburg, CA 93631	Monday through Wednesday: 10:00 a.m. – 6:00 p.m. Thursday: 12:00 p.m. – 8:00 p.m. Friday: 1:00 p.m. – 5:00 p.m. Saturday: 10:00 a.m. – 2:00 p.m.

In addition, the Draft EIR was posted on the Tulare County website at: http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/hash-farms-development-project/.

RELEVANT CEQA SECTIONS (SUMMARY)

Following is a summary of CEQA Sections 15088-15384, et. seq. The complete CEQA Guidelines can be accessed at: 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 added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR; and

(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 that 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.

(b) The findings required by subdivision (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:

(1) The project as approved will not have a significant effect on the environment, or

(2) The agency has

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(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 decision makers 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. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

RESPONSES TO COMMENTS

COMMENT LETTERS RECEIVED ON THE DRAFT EIR

The County of Tulare received twelve (12) comment letters (see Attachments 1 through 12) on the Draft EIR. In addition, any correspondence or conversations regarding comments from the public are also provided in this document. Each comment letter is also numbered. For example, comment letter "2" is from the Tulare County Health and Human Services Agency (HHSA), December 28, 2017.

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 February 5, 2018.

Comments were received from or conversations occurred with the following individuals:

No Comments were received.

Comments from Federal, State, or County Agencies:

Comment Letter 1	*Selma-Kingsburg-Fowler County Sanitation District (SKF), October 23, 2017 (See Attachment 1)*
Comment Letter 2	*Tulare County Health and Human Services Agency (HHSA), December 28, 2017 (See Attachment 2)*
Comment Letter 3	*Fresno County Local Agency Formation Commission (Fresno LAFC0), January 3, 2018(See Attachment 3)*
Comment Letter 4	*California Department of Transportation (Caltrans), January 10, 2018 (See Attachment 4) (pertaining to Site Map only)*
Comment Letter 5	*California Department of Transportation (Caltrans), February 8, 2018 (See Attachment 5)*
Comment Letter 6	*Table Mountain Rancheria, January 12, 2018 (See Attachment 6)*
Comment Letter 7	*City of Kingsburg, February 2, 2018 (See Attachment 7)*
Comment Letter 8	*State of California Governor's Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), February 6, 2018 (See Attachment 8)*
Comment Letter 9	*San Joaquin Valley Unified Air Pollution Control District (Air District), February 7, 2018 (See Attachment 9)*
Comment Letter 10	*Consolidated Irrigation District (CID), February 8, 2018 (See Attachment 10)*

Comments from adjacent property owners:

Comment Letter 11 *Steven & Deirdre Bolm, January 18, 2018 (See Attachment 11)*

Comment Letter 12 *Bidal Betancourt, February 1, 2018 (See Attachment 12)*

In addition to the comment letters received, this chapter concludes with a list of agencies, tribes, and other interested persons whom were notified during the Notice of Preparation process and/or received a copy of the NOA for the Draft EIR.

COMPREHENSIVE LIST OF RESPONSES

Comment Letter 1 – Selma-Kingsburg-Fowler County Sanitation District (SKF), October 23, 2017

Comment Subject 1: The Commenter acknowledges it received a "will-serve" request from the project Applicant. Commenter notes that the project will be required to comply with SKF's plan preparation and approval requirements.

Response: Comment noted. The EIR clearly indicates that applicable SKF processes (such as approvals) will be accomplished. As such, no additional changes needed to the DEIR.

Comment Letter 2 – Tulare County Health and Human Services Agency (HHSA), December 28, 2017

Comment Subject 1: *1. Domestic water for the project will be provided by the City of Kingsburg. A ' will-serve' letter from that city shall be provided prior to project approval. 2. Sewer service will be provided by the Selma-Kingsburg-Fowler Sanitation District. A ' will-serve' letter from the district shall be provided prior to project approval.*

Response: The water and sewer "will serve" letters are included in Appendix I of the Draft EIR. The City of Kingsburg approved the MOU (on April 18, 2018) which formalizes their conditions for service and those conditions have been agreed to by the developer and applicant.

Comment Letter 3 – Fresno County Local Agency Formation Commission (Fresno LAFCo), January 3, 2018

Comment Subject 1: *Fresno LAFCo should be identified in the Final EIR as a Responsible Agency under CEQA whose role is to consider changes of organizations and spheres of influence. To the extent possible, the EIR should identify potential Commission actions related to the project.*

Response: A list of the Responsible and Trustee agencies, including Fresno LAFCo has been added to the FEIR errata section. See page Errata 1-2.

Comment Subject 2: *An out of City/District inter-territorial agreement to provide water and wastewater services by the City of Kingsburg and SKF sanitation District were referenced in the project description. The formal application should include a service plan that evaluates all municipal services expected to be needed by the proposal, what agency or company will provide the services, and what agreements will be needed to provide services given the proposal's unique relationship to the City of Kingsburg and Tulare County. Fresno LAFCo recommends that the levels of services be described in the formal project description in order to inform parties of the possible terms and conditions of these agreements.*

Response: This information is contained in Parts 5, 6 and 8 of the Specific Plan.

Comment Subject 3: *The Final EIR's project description is recommended to identify all local agencies that will be affected by the proposal such as agencies that will be detached upon annexation or will be expected to continue to serve this territory within the Kingsburg SOI.*

Response: A list of local agencies affected by the project, including attachments/detachments and annexations is included on pages 2-1 and 2-2 of the DEIR under the Project Description heading.

Comment Letter 4 – California Department of Transportation (Caltrans) January 10, 2018 (Pertaining to the revised map only)

Comment Subject 1: *Caltrans has no comment on the proposed revised map for the Hash Farms Subdivision. The total number of lots have not changed per the original number of lots in the TIS.*

Response: Comments noted. However, the project considered in the Draft EIR contains a total of 200 dwelling units (as summarized on Page 2-4 of the DEIR). The final project description includes 18 fewer units as a result of the donation of Phase 4 properties for recreational purposes.

Comment Letter 5 – California Department of Transportation (Caltrans), February 8, 2018

Comment 1 : *Page ES-2 of the DEIR, the 1st paragraph of the Project Description states the project will be "…on a total of 54 acres…", whereas the Introduction of the TIS in the Appendix E of the DEIR, states "proposed 46-acre residential development…" Please review and correct.*

Response: The project description in the DEIR is the correct project description. The description used in the TIS was based on a previous site plan (the site plan was revised after issuance of the NOP). The actual changes in number of units is non-substantial between the original project description and the current DEIR project description (although the TIS overstates the number of units). The following is a comparison:

The TIS analyzed 185 single-family and 28 multi-family dwelling units = 213 total units. The DEIR project description includes 160 single-family and 40 multi-family dwelling units = 200 total units. The final project description contained in the Public Hearing Draft of the Specific Plan shows a total buildout of 182 total units, including 150 single family detached units and 32 multifamily units, for a total reduction of approximately 15 percent from the TIS. The TIS does not include some beneficial traffic features of the project, including enhanced connectivity, bicycle and pedestrian facilities, offsite sidewalks and walkable destinations such the elementary school, high school and the central business district. The impacts identified in the TIS are considered to be overstated by 20% to 25% versus the actual buildout of the project due to the reduced number of units and other factors described herein. Table 11-1 below provides a comparison of trip generation numbers. Therefore, the inconsistency between the TIS, the DEIR and the Public Hearing Draft of the Specific Plan does not result in any additional significant impacts or thresholds because the currently proposed project will result in less impacts than shown in the TIS. As such, the comment is noted, and no revisions or corrections are necessary.

Table 11-1 Comparison of Project Traffic Impacts

	Number	ADT	AM Peak			PM Peak		
			In	Out	Total	In	Out	Total
Single Family Detached	150	1,500	28	84	112	93	55	148
Multifamily (Apartment)	32	335	3	16	19	24	14	38
TT Total-Revised Project	182	1,835	31	100	131	117	69	186
Estimated Reductions[1] @ 15%		-275	-5	-15	-20	-18	-10	-28
Net Trip Generation		1,560	26	85	111	99	59	158
Total-Traffic Study	213	2,143	38	118	156	136	80	216
Change	-31	-583	-12	-33	-45	--37	-21	-58
Percentage Change	-14.6%	-27.2%	-31.6%	-27.9%	-28.8%	-27.2%	-26.3%	-26.9%

Comment 2 : *Page 2-9 of the DEIR, Figure 2-2 (Site Aerial) does not match Figure 2-3 (Proposed Site Plan) on page 2-10. Please review and correct.*

Response: Comment noted. Figure 2-2 (Site Aerial) has been corrected. See page Errata 1-6.

Comment 3: *Page 3.16-14 of the DEIR, 3rd paragraph states "Under the final configuration…average daily trips for the Project is estimated to be 2,019 compared to the Traffic Report…"*

- *Please provide additional clarification to better explain why there is a reduction in the total average daily trips as well as peak hour trips.*
- *Caltrans recommends reiterating the new project description and adding a new project trip generation table based on the new project description (See comment #4).*

Response: See Response #1 above. The Public Hearing Draft of the Specific Plan shows a total buildout of 182 total units, including 150 single family detached units and 32 multifamily units, for a total reduction of approximately 15 percent from the TIS. The TIS does not include some beneficial traffic features of the project, including enhanced connectivity, bicycle and pedestrian facilities, offsite sidewalks and walkable destinations such the elementary school, high school and the central business district. The impacts identified in the TIS are considered to be overstated by 20% to 25% versus the actual buildout of the project according to the following table.

Comment 4: *Page 3.16-14 of the DEIR, Caltrans recommends that a new trip generation table be created based on the new project description to replace the existing Table 3.16-1 or added as a new table for comparison to Table 3.16-1.*

Response: See Response #1 and #3 above. A new trip generation table (Table 11-1) is provided herein. No additional analysis is necessary as the impacts described in the TIS and the Draft EIR overstates the estimated impacts.

Comment 5: *Page 3.16-16 of the DEIR, Regarding intersection #6 (18th Avenue at SR 99 NB ramps) in Table 3.16-+2 or Table 3a in the Appendix for the TIS, the Synchro printout sheet(s) for scenarios "2035 AM" and "2035 AM + Project" indicate LOS E for the westbound approach while Table 3.16-2 shows LOS C for the same approach in the same scenarios, please clarify or explain this discrepancy.*

Response: The overall WB approach level of service is "C" as reported in Table 3a. The level of service "E" shown in the Synchro appendix sheet is the level of service for the westbound left turn lane only.

Comment 6: *Page 3.16-19 of the DEIR, states that the "Estimate costs for the improvements…" are identified in Table 3.16-11. Table 3.16-11 is not found in the DEIR document nor is it included in the Table of Contents or as an Appendix.*

Response: Comment noted. This was a typographical error. There is no table, however, the cost estimates are accurate and remain pertinent. The reference to the table has been removed. See page Errata 1-7.

Comment 7: *Page 3.16-19 of DEIR, Tables 3.16-7 & Table 3.16-8, please note that for intersection #6 (18th Avenue at SR 99 NB Off Ramp) the signal warrant is achieved for both the AM and PM peak hour periods for the 2020+Project, 2035 and 2035+Project scenarios. Please review and provide clarification as to why intersection #6 is not included in Table 3.16-9 (Project Percentage Share for Local Mitigation).*

Response: While Intersection #6 meets signal warrant criteria, it operates at an acceptable level of service, and therefore does not require mitigation. As such, it was not included in Table 3.16-9.

Comment 8: *Page 3.16-20 of DEIR, for better clarification please label paragraph 16-1 under table 3.16-9 as "Mitigation Measure 16-1".*

Response: Comment noted. The correction has been made. See page Errata 1-7.

Comment 9: *Page 3.16-20 of DEIR, please be advised that the mitigation measure for the SR 99 Southbound (SB) off ramp intersection at 18th Avenue may also need to include intersection widening (safety & operational improvement) to include a left turn lane due to the high left-turn volumes going north on 18th Avenue. This additional improvement was not identified nor mentioned in the analysis of the traffic study. Traffic signalization without the left turn lane may not be the optimum solution to mitigate impacts.*

Response: Comment is noted. The mitigation identified in the traffic study improved the level of service to acceptable levels.

Comment 10: *Page 3.16-20 of DEIR, please be advised that the SR 99 Northbound (NB) off ramp at 18th Avenue may also need to include the re-alignment of the minor legs to convert this intersection to a standard 90 degree angle intersection. This additional improvement was not identified nor mentioned in the analysis of the traffic study. Traffic signalization without the intersection 90 degree realignment may not be the optimum solution to mitigate impacts.*

Response: Comment is noted. The mitigation identified in the traffic study improved the level of service to acceptable levels.

Comment 11: *Page 3.16-20 of the DEIR, Table 3.16-9 (Project Percentage Share for Local Mitigation), if the intersection of 18th Avenue at SR 99 NB ramps is expected to operate at*

LOS E (See comment #5) in the future scenarios, mitigation improvements for this intersection should be included in Table 3.16-9. Please provide clarification.

Response: See Response #5. The overall WB approach level of service is "C" as reported in Table 3a. The level of service "E" shown in the Synchro appendix sheet is the level of service for the westbound left turn lane only.

Comment 12: *Page 3.16-20 of DEIR, Table 3.16-9: Project Percent Share for Local Mitigation, please verify if the project percentages have changed due to the new project description.*

Response: See Response #1 and #3 above. The project percentages have not changed. Caltrans approved the allocation for 18th Avenue and SB SR 99 Ramps.

Comment 13: *Please be advised of the new Traffic Operations Policy Directive (TOPD) #13-02, describing the Intersection Control Evaluation (ICE) process. Any new project that may require employing full control at state highway intersections (i.e. to control all approaching traffic via use of signal, stop or yield control) must consider all three intersection control strategies (stop, roundabout and signal) and the supporting design configurations per the Intersection Control Evaluation (ICE) guidelines. ICE establishes a context and performance based evaluation process to produce engineering recommendations on intersection traffic control strategies and geometric configurations for location specific needs and conditions. The first step of the ICE process will constitute conceptual approval by Caltrans Traffic Operations Office. The project opening day mitigation at an intersection must be evaluated per the ICE procedure. This new policy will affect the engineering process to determine the intersection improvement on State Route (SR) 99.*

The TOPD #13-02 can be found at http://www.dot,ca,gov/hq/traffops/policy/13-02.pdf. The ICE requirements can be found on the Caltrans website http://www.dot.ca.gov/hq/traffops/liaisons/ice.html.

Response: Comment noted. The County appreciates the information and will apply when applicable.

Comment 14: *Page 1 of the TIS, the second paragraph under the Study Area states "A total of 7 intersections are included in the study, 7 of which are stop controlled and 1 that is signalized." Please change the "7 of which" to "6 of which are stop controlled…."*

Response: Comment noted. The change has been made.

Comment 15: *Page 19 of the TIS, first paragraph under the Summary and Conclusions, please clarify the size of the development (See comment #1).*

Response: See Responses #1 and #3 above. The EIR correctly described the project as of the issuance of the DEIR. The Public Hearing Draft of the Specific Plan includes 182 total

dwelling units, a 15 percent reduction from the level analyzed in the TIS. With the final project features, the impacts identified in the TIS are considered to be overstated by 20% to 25% versus the actual buildout of the project according to the following table. Project mitigations and mitigation allocations have not been adjusted for these project modifications.

Comment 16: *Page 16 of the TIS, under the Summary and Conclusions, Caltrans anticipates that the ramp intersections will be improved by signalization and widening due to cumulative and future development in the area. The output of the TIS Synchro runs seems to yield an acceptable LOS for signalization. However, the expected queue length is not shown in the output printout. Caltrans predicts that the queue length may be an issue if no left turn channelization is installed (See comment #8).*

- *Please provide Synchro run outputs with the queue length indicated for Caltrans review.*

Response: Synchro queue length results are attached to the updated TIS.

Comment 17: *Caltrans previous comments on the TIS (February 2017) included a comment on the realignment of the offset intersections of SR 201 at Road 16 and SR 201 at Madsen Avenue. This intersection offset issue is not identified in this TIS. Caltrans anticipates that the intersection will need to be realigned in the future when new development occurs at southeast quadrant of the intersection. Caltrans believes the DEIR should identify and address this issue.*

Response: A mitigation scenario was analyzed with the realigned intersection and is included in the updated traffic impact study in Tables 3a and 3b. The intersection operates at an acceptable level of service under all scenarios.

Comment 18: *In the TIS Appendix, the Signal Warrant printouts for the SR 99 SB off-ramp intersection (intersection #7) indicates traffic volumes "approaching" the intersection from the on-ramp. Approaching or entering traffic volume would be for the off-ramp only. There should be no approach volume for the on-ramp. Please revise.*

Response: This is a labeling error. The labels in the updated TIS have been updated to reflect the proper roadway designations which are correct for the turning movements shown.

Comment 19: *In the TIS Appendix, regarding the HCM two-lane highway printout sheets for SR 201 (Sierra Street):*

- *Please verify and correct the parameters used in the analysis such as "% no passing zone", "segment length", and "base free-flow speed" (BFFS).*
- *Please be advised that the existing study segment of SR 01 is a two-way-left-turn lane (TWLTL) with no passing zone (see striping detail).*

- *Kingsburg High School is located on the northeast corner of SR 201 and 18th Avenue of the study limit with a speed limit of 35 mph (25 mph when students are present). The speed limit of 55 mph is posted on SR 201, east of Madsen Avenue.*
- *As a point of information, the above comments are the same for the analysis on 18th Avenue. Please verify and correct the parameters used in the analysis for 18th Avenue. An elementary school is located on the southeast corner of 18th Avenue and Mariposa Street. The existing study segment of 18th Avenue has a two-way-left-turn lane (TWLTL) with no passing zone (see striping detail) along the school's western boundary.*

Response: The analysis has been revised with updated parameters as noted in the comments. It should be noted that while the speed limits for the study roadway segments have been updated, the minimum allowable "base free-flow speed" (BFFS) allowed by the HCS software is 45 mph.

Comment Letter 6 – Table Mountain Rancheria, January 12, 2018

Comment Subject: *The Project is outside of the Tribe's scope of interest.*

Response: No response is necessary as no DEIR/CEQA comments were received.

Comment Letter 7– City of Kingsburg, February 2, 2018

Comment Subject: Specific Plan. The following comments from the City of Kingsburg related the Specific Plan for the project. The Specific Plan was reviewed by and conditionally approved by the City of Kingsburg on April 18th. Responses are provided to the following comments for information purposes are not necessarily, unless noted otherwise, comments on the DEIR, or environmental issues.

Comment 1: *[Specific Plan Section] 3.3.1 R-1-7 Zone (page 21): currently indicates 20 percent of lots above 10,000 sq. ft. Under the North Kingsburg Specific Plan, 25 percent of the single-family residential lots should be 10,000 square feet or larger; the balance should be 7,000 square feet (or higher) in size.*

Response: The Public Hearing Draft of the Specific Plan and the revised vesting tentative map show that the project single family lots are 10, 000 SF or greater.

Comment 2: *[Specific Plan Section] 4.3 Road Maintenance (page 34):, Document references the possibility of the County and City not reaching an agreement for maintenance. City will require an agreement for project to continue. Verbiage stating otherwise should be removed.*

Response: This change has been made to the Specific Plan.

Comment 3: *[Specific Plan Section] 5.1.3 Existing Wells (page 36): City has seven existing wells.*

Response: Comment noted. This change has been made.

Comment 4: *[Specific Plan Section] 5.1.4 Storage Tanks (page 36): City water tower no longer holds water (non-functional).*

Response: Comment noted. This change has been made.

Comment 5: *[Specific Plan Section] 6.2 Police: Document references an amount to fund .50 FTE -this amount should be .75 FTE. [Specific Plan Section] 6.3 Fire: Document references an amount to fund .25 FTE - this amount should be .75 FTE.*

Response: These have been corrected. See revised Sections 6.2 and 6.3 of the Public Hearing Draft of the Specific Plan.

Comment 6: *[Specific Plan Section] 8.3.2 Community Facilities District (page 55): City desires to either administer CFD or have representation with regards to levying future taxes.*

Response: This has been addressed in the City adopted MOU and in the Public Hearing Draft of the EIR.

Comment 7: *[Specific Plan Section] 10.5 Building Permits: City to have role related to building permitting process (back check) to ensure proper lot siting, architecture, etc.*

Response: Part 10 of the Public Hearing Draft of the Specific Plan on Implementation includes the requested plan check protocols and amendment procedures.

Comment 8: *Table 10-1 (page 67): City would like neighborhood park improvement to occur during Phase 1.*

Response: The Applicant cannot accommodate this request, as the park is in development phase 2 and it would not have adequate road access until phase 2 is developed. Also, it would prematurely disrupt ongoing active agricultural operations.

Comment 9: *The city concurs with the process for ensuring that the design of single-family homes and multifamily dwellings to be constructed meet the architectural and design standards of the North Kingsburg Specific Plan.*

Response: Comment noted. The Applicant is making every effort to remain consistent with previously applied City of Kingsburg standards.

Comment 10: *Consider utilizing agricultural mitigation fees to purchase agricultural easements on land around Kingsburg in order to buffer the city from unwanted land use.*

Response: The project will pay an agricultural land conversion mitigation fee. That will be administered in conformance with the County of Tulare's implementation policies. Lands to the east are controlled by the Kings River Plan and do not permit development easterly of Madsen Avenue.

The following comments are comments on specific provisions of the Draft EIR for the project.

Comment : *1. Paragraph (d) on page 3.18-7 should be amended to include the need for a City of Kingsburg Water Master Plan amendment. The amendment will include addition of the subdivision into the water model and subsequent analysis to determine appropriate pipeline sizes. This effort will also verify whether the existing sources within the municipal system are adequate to meet fire flows within the development or if additional sources or infrastructure is necessary. Any additional water sources or infrastructure require to meet fire flows will be the responsibility of the developer.*

Response: Comment noted. The project will process an amendment of the Urban Water Management Plan, and the Water Service Master Plan as part of the improvement plans for the project.

Comment Subject: Traffic Study. The following comments from the City of Kingsburg are on the supporting traffic study for the project. The traffic study was developed in consultation with the City of Kingsburg, County of Tulare and Caltrans. The County of Tulare, as Lead Agency, determined the final scope of the document after consultation with the affected agencies.

The TIS was originally scoped out to include 185 single-family and 28 multi-family dwelling units = 213 total units. After the Notice of Preparation (NOP) was circulated, the Applicant revised the site plan to include 160 single-family and 40 multi-family dwelling units = 200 total units. The final project description contained in the Public Hearing Draft of the Specific Plan shows a total buildout of 182 total units, including 150 single family detached units and 32 multifamily units, for a total reduction of approximately 15 percent from the TIS. The TIS does not include some beneficial traffic features of the project, including enhanced connectivity, bicycle and pedestrian facilities, offsite sidewalks and walkable destinations such the elementary school, high school and the central business district. The impacts identified in the TIS are considered to be overstated by 20% to 25% versus the actual buildout of the project due to the reduced number of units and other factors described herein. Table 11-1 below provides a comparison of trip generation numbers. Therefore, the inconsistency between the TIS, the DEIR and the Public Hearing Draft of the Specific Plan does not result in any additional significant impacts or thresholds because the currently proposed project will result in less impacts than shown in the TIS. However, to be on the conservative side, this reduction in units and trip reduction features were not factored into the impact analysis.

Table 11-1 Comparison of Project Traffic Impacts

	Number	ADT	AM Peak			PM Peak		
			In	Out	Total	In	Out	Total
Single Family Detached	150	1,500	28	84	112	93	55	148
Multifamily (Apartment)	32	335	3	16	19	24	14	38

Table 11-1 Comparison of Project Traffic Impacts								
TT Total-Revised Project	182	1,835	31	100	131	117	69	186
Estimated Reductions[1] @ 15%		-275	-5	-15	-20	-18	-10	-28
Net Trip Generation		1,560	26	85	111	99	59	158
Total-Traffic Study	213	2,143	38	118	156	136	80	216
Change	-31	-583	-12	-33	-45	--37	-21	-58
Percentage Change	-14.6%	-27.2%	-31.6%	-27.9%	-28.8%	-27.2%	-26.3%	-26.9%

When developing the initial scope of the TIS, Ruettgers & Schuler (R&S) reached out to Tulare County, the City of Kingsburg and Caltrans to determine which intersections should be included. At that time R&S also had discussions with the City of Kingsburg and Tulare County regarding a horizon analysis and a growth rate of 1%. It was determined that a growth rate of 1% would be a reasonable assumption. If a 2% growth rate was used, the project's contribution to the impacts would actually be smaller than what is shown in the TIS. The 1% growth rate is a worst case scenario and assigns a greater share of percentage impact on the Applicant. Therefore, it is not necessary to conduct a revised traffic study assuming a 2% growth under cumulative conditions.

The use of a 1% background increase was reviewed and supported by a number of factors. First, whereas the SR 99 mainline has increased between 1.5% and 2% per year, the traffic on smaller state highways has been significantly less. The traffic on SR 201 in Kingsburg, for example has remained relatively unchanged over the last 10 years. Further, the TIS considered that none of the typical reductions in vehicle trips from the project were accounted for which would provide a significant conservative estimate. Finally, Caltrans noted in their March 10, 2017 correspondence, that the difference between the 1 percent and 2 percent growth scenarios would only produce "slightly higher" traffic counts, it may not materially affect the conclusions or recommendations. As requested by Caltrans, a cursory review by R&S of the impact to state routes was made using the 2 percent growth factor (which appears most applicable to the SR 99 mainline), and no changes in the recommended conclusions or mitigations was found. R&S provided the following information pertaining to this comment (via email correspondence 5/8/18):

> "An increase in the growth rate for ambient traffic from 1% to 2% is not anticipated to create any further impacts. Of the studied intersections, only one operated at a level of service requiring investigation with regards to an increase in ambient traffic. All other intersections either, operated well above the threshold for significant impacts, or were already impacted and mitigated as shown in the study.
>
> The intersection of 18th Avenue and State Route 99 (northbound off ramp) operates at a level of service "D" in the eastbound direction for the 2035+Project AM peak hour (worst case scenario). The delay for this movement is 25.8 seconds. The threshold for determining if there is a significant impact for an unsignalized intersection is a delay of or greater than 35 seconds. It is not anticipated that an increase in the growth rate from 1% to 2% will increase the delay enough to create an impact at this intersection.

> Based on the HCS analysis for the roadway segments within the study area, the highest vehicle to capacity ratio was determined to be along the segment of 18th Avenue from Kern Street to State Route 99. The volume to capacity ration here is 0.36 (level of service "D"). Similar to the intersection analysis, the roadway operates at a "good" LOS D and the small increase in background traffic using 2% instead of 1% growth rate would not cause a significant impact."

The City adopted a Development Impact Fee Justification Study ibn 2016 to document facility needs in the community to the year 2035, considered to be full buildout of the General Plan. Traffic facilities in the nexus study include 22 projects including roadway improvements and intersection improvements. Fees were new development were identified that apportioned the fair share of these improvements to new development. Payment of these fees by new development are considered to be full mitigation for any project impacts on these facilities.

Several facilities potentially impacted by the project are not included in the traffic facilities list and were therefore specifically analyzed for any fair share that the project may have on those facilities. Those several facilities include intersection control at northbound and southbound 99 ramp intersections with 18th Street, and 18th and Kern Streets. As a result, the traffic impact study as determined the project's fair of these facilities. The discussion in the Draft EIR inadvertently assumed that these facilities were included in the list of projects eligible for funding under the City's TIF program, in which the project is participating. The EIR has been corrected to state that the project will pay fees for the multifamily and single family uses equal to $1,400.42 per dwelling unit, and additional fees of $930.41 per dwelling unit to the City for intersection and lane improvements to Kern Street and 18th Street, and $358.46 per dwelling unit to the County for improvements to the SR 99/18th ramp intersection improvements. The Final EIR and the Public Hearing Draft of the Specific Plan reflect these changes and corrections.

The horizon year for the project was determined to be 2035. Caltrans provided a comment letter on the traffic study and they did not request the use of a 2040 horizon year. Therefore, it is not deemed necessary to conduct a revised traffic study assuming a 2040 horizon year instead of a 2035 horizon year. Neither the Kingsburg General Plan or the Tulare County General Plan have horizon years beyond 2035 and the 2035 horizon year is therefore considered to be the full buildout scenario for the project analysis. The usage of the 2035 Horizon Year is also consistent with the City's Development Impact Fee Justification Study which uses that year for determining needed facilities to support full buildout of the City. Usage of a different horizon year would provide inconsistent conclusions and assumptions.

Standard peak hour assumptions included hours that are typical of similar sized cities regarding school hours, commuters, etc. It is not anticipated that revisions of the peak hours in the traffic study would make a significant difference in the calculated levels of service or mitigation requirements that would result from the proposed project. Therefore, it is not deemed necessary to revise the traffic study to incorporate alternate peak hours.

Bicycles and pedestrians are accounted for in the TIS and the DEIR. Where signals and/or crosswalks are needed, the Applicant will pay the fair share of improvements as identified in the TIS and other documents. The project will also result in development of offsite sidewalk connections from the project to 18th Street along Kern Street, and along Madsen Street from the project to the Sierra Street. These improvements (along with the project's internal sidewalk system) provide full pedestrian and bicycle connectivity to the elementary school, adjacent neighborhood, high school, and central business district. The project also includes pedestrian and bicycle connections from inside the project to the perimeter bicycle/pedestrian path. No additional bicycle or pedestrian improvements were analyzed because the project is providing full connectivity. When the various intersections are improved, they will be designed and constructed in accord with the improvement plans of the respective agencies to ensure pedestrian safety and ADA access. As such, the project's fair share contribution includes bicycle, pedestrian, and intersection improvements.

Comment 1: *Table 1: "eq" should be defined and any equations used to calculate trip generation should be presented.*

Response: The ADT rate for single family residential uses is 10 trips per day. The ADT rate for multifamily uses is 10.46 trips per day. The AM Peak hour rate for single family is 0.75 trips per unit; the PM Peak hour rate for single family is 0.99 trips per unit. The AM Peak Hour rate for multifamily is 0.61 trips per unit, and the PM Peak Hour rate for multifamily is 1.18 trips per unit. These rates are higher than the 0.92 "default" rate and are customized to the size and location of the project. Peak hour factors from the Existing Conditions was not considered a reliable predictor of project peak hour generation because the existing traffic is a more diverse combination of industrial, commercial, residential, and through traffic. The Peak Hour traffic analysis is appropriate for the project.

Comment 2. *The horizon analysis year of 2040 should be analyzed instead of 2035 to provide a 20-year analysis. Caltrans usually requires a 20-year analysis as well.*

Response: Caltrans, the City of Kingsburg and the County of Tulare agreed that the 2035 horizon year based on the buildout the respective of General Plans is appropriate for this project. Caltrans March 10, 2017 review letter on the TIS did not comment on this factor. The 2035 horizon year is also consistent with the horizon year used in the City's Nexus Study.

Comment 3. *The Consultant should confirm whether Caltrans has agreed to consider LOS D as acceptable on State facilities. Typically, LOS C is required unless specifically discussed with Caltrans.*

Response: Caltrans has reviewed the project TIS and did not object to this assessment.

Comment 4. *Pending projects (including Grace Church) should be considered in the analyses.*

Response: No pending projects were identified by the County or City as of the date of the Notice of Preparation (9/7/16).

Comment 5. *The reported peak hours may not be reliable. Traffic counts typically begin no later than 7:00 a.m. and no later than 4:00 p.m. The traffic counts for the Hash traffic study began at 7 :30 a.m. and at 4:30 p.m. Therefore, any peak hours that are reported as beginning at 7:30 a.m. or at 4:30 p.m. may not be the actual peak hours since data were not available for the adjacent time periods leading up to the beginning of the count. For example, the actual peak hour may begin at 7:15 a.m. and no one would know. Furthermore, we are familiar with instances in which Caltrans has requested that counts begin at 6:30 a.m. at some County locations with longer commutes to Fresno or Visalia. The required peak hour count periods should be discussed with Caltrans and the City of Kingsburg and counts beginning no later than 7 :00 a.m. and no later than 4:00 p.m. should be performed.*

Response: Standard peak hour assumptions included hours that are typical of similar sized cities regarding school hours, commuters, etc. It is not anticipated that revisions of the peak hours in the traffic study would make a significant difference in the calculated levels of service or mitigation requirements that would result from the proposed project. Peak hour trip generation used in the TIS were 7.5% higher than the "default" rate for single family uses and 28 percent higher than the "default" rate for multifamily uses. Consequently, peak hour trip generation was 11.1 percent higher than the "default" rate which more than compensates for any potential variation. Therefore, it is not deemed necessary to conduct a revised traffic study incorporating alternate peak hours.

Comment 6. *The existing peak hour factors obtained from the traffic counts should be used in the analyses (including future analyses), particularly where intersections may be affected by school trips. A default peak hour factor of 0. 92 should be justified if used.*

Response: The TIS AM Peak hour rate for single family is 0.75 trips per unit; the PM Peak hour rate for single family is 0.99 trips per unit. The AM Peak Hour rate for multifamily is 0.61 trips per unit, and the PM Peak Hour rate for multifamily is 1.18 trips per unit. These rates are higher than the 0.92 "default" rate and are customized to the size and location of the project. Peak hour factors from the Existing Conditions were not considered a reliable predictor of project peak hour generation because the existing traffic is a more diverse blend of industrial, commercial, residential, and through traffic. The Peak Hour traffic analysis is considered appropriate for the project.

Comment 7. *Queuing should be reported and discussed in the body of the report per the City of Kingsburg Traffic Impact Study Report Guidelines.*

Response: The project complies with the County TIS Guidelines and the queuing is reported in the Synchro printouts for the project. There are no excessive ques according to the report.

Comment 8. *Bikes and pedestrians should be considered in the intersection analyses, particularly adjacent to schools or where the traffic counts reveal a substantial pedestrian volume.*

Response: Bicycles and pedestrians are accounted for in the TIS and the DEIR. Where signals and/or crosswalks are needed, the Applicant will pay the fair share of improvements as identified in the TIS and other documents. The project will also result in development of offsite sidewalk connections from the project to 18th Street along Kern Street, and along Madsen Street from the project to the Sierra Street. These improvements (along with the project's internal sidewalk system) provide full pedestrian and bicycle connectivity to the elementary school, adjacent neighborhood, high school, and central business district. The project also includes pedestrian and bicycle connections from inside the project to the perimeter bicycle/pedestrian path. No additional bicycle or pedestrian improvements were analyzed because the project is providing full connectivity. When the various intersections are improved, they will be designed and constructed in accord with the improvement plans of the respective agencies to ensure pedestrian safety and ADA access. As such, the project's fair share contribution includes bicycle, pedestrian, and intersection improvements.

Comment 9. *The actual heavy vehicle percentages obtained from the traffic counts should be utilized in the analyses.*

Response: The TIS used standard default rates for heavy vehicle (truck) portion of traffic.

Comment 10. *The study assumed an annual growth rate of 1% to forecast future traffic volumes. The Grace Church traffic study assumed 2% annual growth as approved by Caltrans and the City of Kingsburg. The Hash traffic study should be revised with an assumption that traffic volumes would increase at a rate of 2% per year.*

Response: Please refer to the general introductory response at the beginning of this statement, which describes in detail the methodology behind using the 1% growth rate. Due to the length of the response, it is no duplicated here.

Comment 11. *Based on the Grace Church traffic study, a near-term significant impact is expected at the intersection of 18th and Kern. Grace Church was to participate in restriping of 18th Avenue with a two-way left turn lane by paying City fees. The Hash project did not analyze a near term condition with pending projects, but it is expected that Hash should also participate in paying for the two-way left-turn lane. Consider requiring payment of City fees.*

Response: This impact was not identified for the project, due to varying peaking characteristics, size of project, and/or other factors. The project description and the Specific Plan have indicated that the project Applicant will pay standard City impact fees as of April 2018 (See Public Hearing Draft of Specific Plan). The project's share of the referenced improvements will be paid for by impact fees as has been proposed by the project Applicant from the start. Based on trip generation rates contained in the TIS (and not speculatively lower "default" or standard ITE trip

generation rates), the Project will result in payment of City of Kingsburg traffic fees as noted above. The project's payment of city standard traffic fees and the special ad hoc fees identified herein and in master response will mitigate all project traffic impacts.

Comment Subject: Tentative Tract Map (proposed). The following comments and responses from the City of Kingsburg relate the Tentative Tract Map for the project that was included in the EIR. The Tract Map was reviewed by and conditionally approved by the City of Kingsburg on April 18th. Responses are provided to the following comments for informational purposes only and are not necessarily, unless noted otherwise, comments on the DEIR, or environmental issues.

Comment 1: *Lot areas should be calculated excluding the alley area, which result in some lots dropping below 7,000 SF. All lots should meet the 7,000 SF minimum lot size not including alley area.*

Response: The North Kingsburg Specific Plan allows lots smaller than the R-1-7 based on a finding that other equivalent areas are provided such as parks and open space. The definition of lot size in the City's Zoning Ordinance also does not require the exclusion of alley areas in determining lot size. The Applicant has confirmed this City staff and the project Tract Map is in conformance with all City regulations.

Comment 2: *Lots 65, 72, 79, and 118 have limited alley access. Verify that the alley access is sufficient for waste container passage.*

Response: Alley access is sufficient for solid waste collection on all lots.

Comment 3: *Rename streets to be consistent with existing surrounding street names. For example, Bergman Avenue lines up with 24th Avenue and Gunnar Street lines up with Laker Street.*

Response: All street names are now consistent with other City streets along the same alignment. "Laker" Street is actual "Lake" Street. The corrected street names are shown in the revised Tract Map.

Comment 4: *Multi-family units along Kern Street shall be alley loaded to prevent vehicular access from Kern Street.*

Response: The design guidelines in the Specific Plan and the Tract Map show only alley access for the multifamily units fronting on Kern Street.

Comment 5: *Kern Street and Road 16 shall be constructed with minimum 4-foot paved shoulders in accordance with SJVAPCD Rule 8061.*

Response: Section 5.1.1.1.1 of Rule 8061 requires that roadways which carry 500 to 3,000 ADT have paved shoulders that are "…4 feet or limit of right-of way, whichever is the lesser" or, provide paved shoulders of eight feet for roads carrying 3,000 ADT. Both Madsen Avenue and Kern Street will have additional paveout in the future on the east and south sides of the road, respectively. Madsen Avenue is projected to carry 900 to 1,000 ADT in the 2035+Project scenario, and Kern Street is projected to carry 1,300 to 1,500 ADT in the 2035+Project scenario. The ROW for Kern Street and Madsen Avenue are estimated to be 40 feet each. The project will comply with the applicable requirement and the road section will be modified to add a 4-foot paved should on the east side of Madsen Avenue and on the south side of Kern Street, subject to existing ROW.

Comment 6: *Kern Street frontage improvements shall be constructed across the existing residential lot.*

Response: The revised Tract Map shows the street improvements across the "Not a Part" parcel along the Kern Street frontage.

Comment 7: *The bulb out design shown on page 2 does not appear to be reflected on the TIM layout (sheet 1). Verify if this feature is included in the project.*

Response: The bulbout design is shown in the Public Hearing Draft of the Specific Plan and the revised Tract Map to apply at 22nd Avenue and Lindquist Street, and at 24th Avenue and Lindquist Street.

Comment 8: *Fence along Road 16 shall be a decorative masonry block wall.*

Response: The fence or wall along the Kern Street will comply with the design guidelines in the Specific Plan.

Comment 9: *Bridge along Kern Street at Road 16 shall be replaced or widened to match proposed roadway width (including shoulders).*

Response: The bridge will be widened as part of Phase 2 of the project.

Comment Subject: MOU. The referenced "MOU" is the Memorandum of Understanding and Joint Planning and Development Agreement By and Between the City of Kingsburg and the County of Tulare Regarding the Development of the Hash Subdivision and Development Project, and the Establishment of a Specific Plan for the Project Areas. This is essentially a document that summarizes the conditions of approval by and between the City and County and includes financial terms, administrative terms, and implementation terms. The MOU was considered by the Kingsburg City Council on three separate occasions, including a joint meeting with Kingsburg Planning Commission. A revised MOU was conditionally approved by the Kingsburg City Council on April 18, 2018 and is included in the Public Hearing Draft of the Specific Plan.

Comments on the MOU are not comments on the Draft EIR and provided here for informational purposes only.

Comment 1: *The long-term maintenance Kern and Madsen should be properly financed and included in the county's Community Services District (CFD).*

Response: The maintenance of Kern Street and Madsen Avenue, as well as other project roadways, are to be maintained by a combination of property tax sharing and the Community Facilities District (CFD) as shown in Part 8 of the Public Hearing Draft of the Specific Plan.

Comment 2: *Our City Attorney, Mike Noland, has had an opportunity to provide an in-depth review of the MOU document. His comments are included as separate documents with track changes and a clean version.*

Response: These comments have been addressed in the revised MOU and the Public Hearing Draft of the Specific Plan.

Comment Letter 8 – State of California Governor's Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), February 6, 2018

Comment Subject: *The commenting period has ended, and no State agencies submitted comments by the closing date of February 5, 2017.*

Response: No response is necessary as no comments were received. The County has considered the late comments provided by OPR and has provided responses to the Commenters.

Comment Letter 9 – San Joaquin Valley Unified Air Pollution Control District (Air District), February 7, 2018

Comment 1: *The proposed Project would have a less than significant impact on air quality when compared to the District's annual criteria pollutant emissions significance thresholds.*

Response: As the agency with the foremost authority regarding the air quality resource, RMA Staff appreciates the Air District's evaluation of Project-related impacts on air quality. The County agrees with the Air District's determination that the Project will not exceed the Air District's criteria pollutant thresholds.

Comment 2: The proposed Project is subject to Rule 9510 Indirect Source Review (ISR) and requires the submittal of an Air Impact Assessment (AIA) application no later than applying for final discretionary approval with the public agency.

Response: The County agrees with this assessment. The description of the applicability of the Rule 9510 was misstated in the DEIR. Rule 9510 applies to projects that add a threshold level of capacity or activity. The relevant paragraph on the applicability of Rule 9510 has been amended in the errata section of the Final EIR. See page Errata 1-7. The applicability of Rule 9510 does not change the conclusions of the project that there is a less than significant air quality impact.

Comment 3: *The District provides the following clarification for the definition of a "Development Project" defined under Rule 9510.*

Response: The County agrees with this assessment and definition. The relevant portions of the DEIR have been modified as noted in the response the APCD Comment 2.

Comment Letter 10 – Consolidated Irrigation District (CID), February 8, 2018

The Draft EIR was prepared to analyze the impacts of the project to local groundwater resources. The City of Kingsburg has an agreement with CID for the mitigation of local groundwater impacts. The EIR analysis in Section 3.9 concluded on Page 3.9-25 that when compared to existing groundwater usage on the site and the water usage characteristics described in the Tulare County General Plan (approximately 196 gallons per day per person) and Kingsburg's Urban Water Master Plan (which results in an assumption for 199 gallons per day per person), that "…that the current farming of the 38 acres on site requires approximately 121 acre feet per year which is slightly less than Project water demands as calculated using the assumptions in Kingsburg's UWMP and slightly more than the Project water demands as calculated using the assumptions in the Tulare County General Plan. In order to further reduce the demand for water from the proposed Project the following Mitigation Measures have been established to limit flows for human consumption and landscaping. Standard water conservation measures have been added as Mitigation Measures 9-9 through 9-11. In addition, per Tulare County Ordinance 3029, water efficient landscaping is required to conserve water. As noted in the Mitigation Measures 9 and10, the proposed Project shall conform to this Water Efficient Landscaping Ordinance. With the implementation of these Mitigation Measures, proposed Project impacts related to this Checklist Item (specific to the facility expansion) will be reduced to a *Less Than Significant Impact With Mitigation*."

The commenter questions the water usage calculations in the EIR and in the supporting technical memorandum in Appendix D of the Draft EIR. The County maintains that the calculations are supported by substantial evidence, including the City's Urban Water Management Plan, the County's General Plan, and most recently, the most recent Department of Water Resources (DWR) three-year residential water use usage (DWR Urban Water Supplier's Database, June 2014 to December 2017). This database shows that residential water usage for Kingsburg and surrounding areas is declining. The DEIR conclusion that the project will not result in a significant impact to groundwater supplies is therefore supported by this information. For example, the 2018 DWR residential water usage report indicated that Kingsburg's average daily per capita water use between December 2014 and December 2017 was 183 gallons per day per person, and the per capita daily water use for the Tulare-Visalia area was 118 gallons per day per person. The conservative assumptions in the Draft EIR indicate a projected range of 195 to 200 gallons per day per person, a value that is 7.3 percent higher than the current City of Kingsburg average, and 66 percent higher than the water use for similar projects built in Tulare County.

Groundwater in the Central Valley is an area of concern. Consequently, the State has initiated groundwater planning areas to manage and improve groundwater. Jurisdictions (like Kingsburg) in CID's service area have established cooperative agreements with CID to provide for groundwater recharge. This agreement calls for a surcharge on monthly water bills to help fund groundwater recharge projects in CID's service area. CID and the applicant have agreed that there is a benefit to providing this funding in advance for each phase of development, rather than funding improvement over a longer period of time. There is uncertainty about the duration of the Cooperative Agreement, or its applicability to the County portion of the project, and the applicant has agreed to comply with this program by paying a fee according to each Final Map phase, or by direct construction of improvements in cooperation with CID. As noted in Section 8.2.4 of the

revised Public Hearing Draft of the Specific Plan, "the project has elected to make a direct payment or make improvements for groundwater improvements…. Project residents would pay for these improvements through their CFD allocation [rather through their monthly water bills]."

Comment 1: *The District believes the Project will have groundwater impacts given the condition of critical overdraft that the Kings Subbasin is currently experiencing. The EIR will need to address those impacts and also identify a sustainable water supply for the Project without the benefit of the agreement.*

Response: The project Applicant has agreed to providing funding or facilities for groundwater recharge facilities as described in Section 8.2.4 of the Public Hearing Draft of the Specific Plan. Thus, while the project is not considered to have a significant impact on groundwater since it is not increasing the usage of groundwater in the basin, these improvements will improve the current groundwater conditions.

Comment 2: *The District also has concerns with and questions how the City can extend services outside of the County they are located within. It is the District's understanding that the City Sphere of Influence (Sphere) includes lands both within Fresno County and Tulare County. According to the latest Fresno County Local Agency Formation Commission Municipal Service Review for the City, there appears to be issues with the portion of the Sphere that extends into Tulare County.*

Response: The City's water ordinance in the Municipal Code and applicable LAFCo law permits the extension of services outside of jurisdictions corporate limits through an extra-territorial service agreement. The most recent MSR for the City of Kingsburg affirmed that the subject property is to be serviced by the City of Kingsburg. Both the Tulare County and Fresno County LAFCos have affirmed this position.

Comment 3: *The District also questions whether the transportation of groundwater by the City outside the County of Fresno is consistent with the County's groundwater transfer ordinance. (Fresno County Ordinance Code Section 14.03.030) The District believes this issue must be resolved prior to the City committing to provide services.*

Response: This ordinance does not apply to the City of Kingsburg, nor to the current factual situation.

Comment 4: *General Comment - The analysis does not sufficiently identify the overdraft condition of the Kings Subbasin. The subbasin is in a condition of critical overdraft and as such cannot support the existing uses overlying it today. Additional groundwater extraction without offsetting recharge will compound the issue and cause further overdraft. The overdraft condition of the subbasin must be fully corrected by 2040 as required by the Sustainable Groundwater Management Act.*

Response: The County is aware of and understands the condition of the Kings Subbasin. The information provided in this comment is noted. Further written narrative of the conditions of

the Subbasin will not change the analysis or impact determination and thus is not deemed necessary at this point in the environmental review process. The project has agreed to participate in groundwater recharge as described herein and in the Public Hearing Draft of the Specific Plan. The project will be required to adhere to whatever water conservation strategies/regulations are set forth by the regulatory agencies.

Comment 5: *Page 3.9-24 paragraph 4 and Page 3.9-25 paragraph 1 - How was it determined that the use of drought-tolerant landscaping would reduce the outdoor water use by 75%? What is the process of monitoring and enforcement to confirm assumptions?*

Response: Based on the California Department of Water Resources California Single Family Water Use Efficiency Study, approximately 53% of residential water use is used for outdoor landscape irrigation. Using this figure, if drought tolerant landscaping reduces water use 75%, then the daily per capita water use would be reduced by approximately 131 gallons per day. These reductions are typical for lots that have limited turf. This is monitored and enforced through the review of water use calculations for each housing unit in conformance with the City and County Landscape Water Efficiency ordinances.

Comment 6: *Page 3.9-25 Existing site water usage does not distinguish between the use surface water and groundwater in the calculation of existing water use. Under the Cumulative Impact Analysis, it is improperly identified that the proposed project will use similar amounts of water than what was historically used on the site. Historic water use was through the application of surface water and groundwater whereas the proposed project will rely solely on groundwater.*

Response: This estimate was based on the operating history of the ranch. According to the owner and farm manager, 75 percent of the water for the agricultural operations comes from groundwater, that is, 91-acre feet of the total reported 121 acre-feet. The project Applicant has agreed to providing funding or facilities for groundwater recharge facilities as described in Section 8.2.4 of the Public Hearing Draft of the Specific Plan. Thus, while the project is not considered to have a significant impact on groundwater since it is not increasing the usage of groundwater in the basin, these improvements will improve the current groundwater conditions.

Comment 7: *Page 3.9-26 paragraph 1 - In 2010, Tulare County opted to follow the State's Model Water Efficient Landscape Ordinance superseding Tulare County Ordinance 3029. Additional discussion should be provided to identify how this project will comply with the Ordinance and how the County oversees the program.*

Response: Both the City and County have codified ordinances to implement the state Water Efficient Landscape statutes. Builders are required to submit calculations by qualified professional to demonstrate compliance with the Maximum Allowable Water Use by calculating the Expected Water Use for each project site and landscape plan. The regulations are imposed at the Building Permit as a condition of permit issuance and are fully enforceable.

Comment 8*: Page 3.9-26 Mitigation Measure 9-4 - The Mitigation Measure should be amended to identify the State's Model Water Efficient Landscape Ordinance.*

Response: Cities and counties have the option of deferring to the state Water Efficient Landscape statute, or to adopt their own ordinance. Tulare County has codified its own Model Water Efficient Landscape Ordinance at Chapter 31 (7-31-1000) of the Tulare County Code. The mitigation measure correctly references the applicable section of the Tulare County Code.

Comment 9: *Page 5 paragraph 1 - How was it determined that the use of drought-tolerant landscaping would reduce the outdoor water use by 75%? What is the process of monitoring and enforcement to confirm assumptions?*

Response: See response to CID Comment 5.

Comment 10: *Page 5 Table (Estimated Water Use using Kingsburg UWMP Assumptions)- Existing site water use does not distinguish between surface water and groundwater use in the calculation.*

Response: See response to Comment 6.

Comment 11*: The letter provided in Appendix I does not appear to be a "will serve" letter from the City for the delivery of potable water but rather a request to the Selma-Kingsburg-Fowler County Sanitation District for a "will serve" for wastewater services.*

Response: This letter was inadvertently included. The Will Serve letter is on file with County of Tulare and is provided in revised Appendix I. In addition, the City of Kingsburg City Council (on April 18, 2018) has conditionally approved the MOU for the project which describes the utility providers as follows: "Utilities will be provided to the Project in the same manner as provided to the adjacent City areas. Subject to an extraterritorial service agreement through Tulare County LAFCo, the City of Kingsburg will provide water service to the project. Points of connection are in Madsen Street at the approximate Orange Street alignment, and to Mariposa Street to form a loop system. The Project is in the Selma Kingsburg Fowler Sanitation District's ("SKF") Sphere of Influence ("SOI") and the Project will be annexed to and serviced by SKF. Both SKF and the City have issued "will serve" letters subject to completion of design requirements. SKF has established design standards for the wastewater infrastructure that will apply to the Project. The County will adopt the City's Improvement Standards for the Project. Specific Plan Figures 5-1, 5-2 and 5-3 show the proposed water supply, sanitary sewer collection, and the storm drainage system, respectively.

Comment Letter 11 – Steven & Deirdre Bolm, January 18, 2018

Comment 1: *My wife and I are the owners of the above referenced property. It is our understanding (and have always asserted) that the property upon which the alley is designated, and the land to the south of our block wall, up to about the center of the prolongation of Mariposa Street, is our private property.*

Response: The County agrees. The project has been redesigned to eliminate the extension of Mariposa Street from the project. Further, any alleys required by the City will be solely on the project if the alley is a private access easement.

Comment 2: *Any addition of sidewalk on the southern edge of this prolongation will add a significant burden on those properties which do not currently have a sidewalk running in front of their properties. In particular, the house which is easternmost along the prolongation of Mariposa Street will end up with a sidewalk which will be less than 10 feet from the front porch.*

Response: The referenced sidewalk was associated with the extension of Mariposa Street. As this extension has been eliminated from the project, the sidewalk extension has also been eliminated.

Comment 3. *Also, the elevation of the orchard and vineyard are significantly higher than the elevation of the corner of Mariposa Street and 21st Avenue. I anticipate that the difference in elevation will only compound the issues as relate to both roadway traffic (if Mariposa Street is extended into Tulare County), and water intruding into the existing historic neighborhood.*

Response: There will be significant grading and leveling of the parcel to match existing street and alley grades. Grading will be completed in conformance with the City of Kingsburg's improvement standards.

Comment 4: *It is apparent that the storm drain system is already over-burdened by the existing neighborhood. I suspect that any additional development to the east will increase the flood hazard which is already present, regardless of what the stated plans are for "run off". Keep in mind that the elevation of the land which is being proposed for development is significantly higher than the elevation where these storms drain entrances are located.*

Response: All of the drainage for the site will be managed in a separate system with final disposal in a storm drainage pond south of Kern Street. The project will not, in any way, rely on existing city storm drain lines or ponding facilities.

Comment 5: *An increase in the student population by an additional 500 or 600 students will cause a significant burden on the existing school system. This increase in population is also*

going to increase the traffic on the roadways which will cause travel delays within the neighborhood, delays which do not currently happen.

Response: The EIR found, and public testimony confirmed that enrollment at local public schools is declining and there is adequate capacity for additional students. According to State Law, any impact resulting from the effects of schools are considered fully mitigated through the payment of development impact fees pursuant to the Leroy F. Green School Facilities Act; therefore, pursuant to State law and the payment of development impact fees, impacts will be less than significant. Further, the Kingsburg Elementary School District and Joint Union High School District did not provide comments regarding positive or adverse impacts to their respective schools. As such, the comment is speculative.

Comment 6: *Further, the roadway which is designated as 21st Avenue is more narrow than most of the other roadways within the neighborhood. Because of this fact, the City of Kingsburg has not performed the "re-surfacing" of the roadway on 21st Avenue from Mariposa Street northward up to Sierra Street, even though all of the rest of the neighborhood has had the roadway re-surfaced. But, as I understand, because of "tree issues", gutter issues, and because of the width of the roadway, re-surfacing of 21st Avenue has been delayed. Additionally, there has been significant discussion on the part of the City to convert 2ist Avenue to a "one-way" street. Naturally, additional traffic added to a "one-way street" will create a significant burden to the residents of this neighborhood, and in particular, to those residents who reside along 21st Avenue. And again, keep in mind that 21st Avenue is "iconic" when the general public thinks of Kingsburg.*

Response: The referenced portion of 21st Street is being repaved. A traffic study concluded that there will be no significant impact on local neighborhood streets. The project will pay traffic impact fees to address traffic impacts from the project.

Comment 7: *I am aware of at least one nesting pair of hawks who live on 21st Avenue. These birds regularly hunt for food in both the orchard and vineyard. I am not well versed in the species of birds of prey, and as such, do not know which species of "hawk" I am seeing as they circle over my home, but they are seen regularly. Also, there is at least one large owl and one smaller species of owl who both live in the neighborhood. I generally see owls (when I am lucky) flying over my house at dusk, when they are setting out for their nightly hunting. I have often seen their dropping (which contain small rodent bones) along the back of my property at the base of the power pole.*

Response: Section 3.4 of the DEIR contains a complete evaluation of the wildlife and botanic resources on the project site. Kamansky's Ecological Consulting (KEC) prepared a Biological Evaluation for the proposed Project site in April, 2015, and can be found in Appendix "B" of the DEIR. This evaluation included a reconnaissance-level biological field survey for biotic habitats, the plants and animals occurring in those habitats, and significant habitat values that may be protected by state and federal law.

The Biological Evaluation identified 30 potential special status species and three native plant

communities which might occur onsite or in the proposed Project vicinity. Sources of information used in KEC's research included: (1) the California Natural Diversity Data Base (CNDDB); (2) the Online Inventory of Rare and Endangered Vascular Plants of California6, and (3) manuals, reports, and references related to plants and animals of the San Joaquin Valley region. Species and occurrences can be seen in Table 1 of Appendix B of the Draft EIR. According to the report "The land on the subject property is disturbed and does not support historical flora. According to the natural community classification scheme used by Holland (1986), the Kingsburg site is located in a part of the southern San Joaquin Valley that originally contained components of two natural communities prior to development: Valley Grassland and Valley Oak Riparian Woodland. Dominant species observed on the subject property during the field survey, aside from cultivated crops, include the following annuals in the grassland: hare barely, whitestem filaree (Erodium moschatum), redstem filaree (Erosium cicutarium), and ripgut grass.

The professional biological evaluation concluded that proposed Project would not result in significant loss of habitat or direct impact to any special status species, and a less than significant finding (with Mitigation) was made. The Draft EIR include mitigation measures and they are described in detail starting on Page 3.4-12 of the Draft EIR. These mitigation measures, among others, includes a requirement for preconstruction surveys to confirm the presence or absence of any sensitive or protected species and construction phasing to conform to nesting and breeding requirements of any found species. These provisions include protection of the species referenced by the commenter.

It is also noted that the California Department of Fish and Wildlife (CDFW) provided an email to RMA staff indicating that they have no comment regarding the project. As CDFW is the regional (and statewide) agency with wildlife expertise, their "no comment" provides evidence that the project will not adversely impact special status species or common species as identified by Mr. and Mrs. Bolm.

Comment 8: *The proposed development will create an additional burden on the local law enforcement and other emergency services.*

Response: The MOU and Specific create a regulatory and financial framework for the City to provide fire, police and other emergency services to the project. The City and County have agreed on a formula so the development pays its fair share of these expenses so that there is no added burden on local law enforcement and emergency services. Further, the commenters do not provide evidence of "additional" burden. As such, for CEQA purposes, this comment is speculative.

Comment 9: *Please note, the building codes differ between Fresno and Tulare Counties. am not an expert concerning building codes by any means, but I did encounter different building codes as relate to "set-backs" between Fresno and Tulare Counties.*

Response: The Specific Plan for the project establishes development standards for the project that are identical to the City's (in fact, they are the City's) with regard to building height, bulk and orientation. See Specific Plan Parts 4, 5 and 7. There will be no difference in development regulations between the City and the County portions of the project.

Comment 10: *It appears to me that there are an inadequate number of parks located in this proposed development. As I recall, the original proposal which was presented to the public as relates to the development of this same swath of land contained either 3 or 4 parks. That proposal (back then) was met by less opposition (probably in large part) because of the proposed parks. By reducing the number of parks in the development to just a single park has resulted in a more densely populated proposed residential development.*

Response: The project meets and exceeds the parks requirement established for projects in the City. According to the Section 3.14 of the Draft EIR, the City requires 2.7 acres of developed park land is needed for every 1,000 people. The proposed revised Project includes the construction of 150 single family residential units and up to 32 multi-family units, which could have a total population of 513 (based on the City of Kingsburg Urban Water Management Plan's 2.82 person per household estimate, multiplied by 182). This would equate to a need for 1.39 acres of parkland based on the City's standard of 2.7 acres of parkland for every 1,000 people. The proposed Project would create over 2.49 acres of parks, 1.1 acres in excess of City requirements. The City has concurred with this finding.

Comment 11: I *am deeply disappointed by the lack of maintenance of both the orchard and the vineyard which are directly adjacent to my home.*

Response: Comment noted. The County does not impose methods/techniques or compel growers or farmers on how to operate their orchards or vineyards.

Comment 12*: I believe that there are safety issues which will not be able to be ameliorated. Additionally, the area has become an eyesore and is now generating public health concern because of the increase in the number of rodents. The burden on the existing neighborhood will cause damage to the sense of neighborhood that now exists in this iconic neighborhood. The burden on the roadways and storm drainage system will increase unacceptably, causing worse flooding.*

Response: The commenter does not provide substantial evidence that there are safety issues that have not been addressed, nor that there will be a significant impact on the neighborhood to the west. There is no substantial evidence that there are biological issues that have not been addressed. This area has long been planned as an extension of this existing southeast Kingsburg neighborhood, as evidenced by fact that Mariposa Street, Lindquist Street, 22nd Avenue, Orange Street and Plumas Street are stubbed streets into the project. The Specific Plan and MOU provide a regulatory and financial framework to make the project compatible with and a functional part of the neighborhood. The Kingsburg General Plan and the SKF service area have identified this property as an extension of the current neighborhood for at least 30 years. The rodent issue referenced by the commenter is a by-product of agricultural operations (whether active or

inactive) adjacent to the City and will likely continue to occur until the project is developed in accordance with the City General Plan designation for residential uses.

Comment Letter 12– Bidal Betancourt, February 1, 2018

Comment 1: *We would have liked for the Multi-Family Units to have been on Madison Avenue between Road 396 and Road 400 instead of around our property.*

Response: Providing front yards along the Madsen Avenue was not considered feasible because of the side area required for the CID canal. Further, Madsen Avenue has a bicycle/pedestrian path and it was considered least impactful to that facility to not have units fronting on it. Finally, because of the configuration of the site, placing multifamily uses along Madsen Avenue would likely necessitate long driveway access points across this open space areas. Placing the multifamily units along Kern Street is considered to be more compatible with the site's constraints.

Comment 2: *We do not want any 2-story units around our property.*

Response: The final configuration approved by the Kingsburg City Council provided that all units along the western and southern property boundaries are to be one-story units, including those immediately adjacent to the Betancourt property. See Figure 1-3 of the Specific Plan.

PROJECT SUMMARY

The Hash Farms Development Specific Plan (Andersen Village) is a proposed plan for development of a 182 unit (150 single-family and 32 multi-family) on a total of 54 acres. The project includes a park area, bike/pedestrian connectivity, and other amenities.

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 2015 was certified by State of California Department of Housing and Community Development on November 2, 2015, and adopted by the Tulare County Board of Supervisors on November 17, 2015.

SCOPE AND METHODOLOGY

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

This document addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines Section 15145). This *Final Environmental Impact Report* (FEIR) acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of the Plan, given its long term planning horizon. The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated (CEQA Guidelines Section 15146). Also, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project (CEQA Guidelines Sections 15151 and 15204(a)).

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

(1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.

(2) Identify ways that environmental damage can be avoided or significantly reduced.

(3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.

(4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved. "[1]

CEQA Guidelines Section 15002(f) specifies that, "[a]n environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

(1) An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment…

(2) When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a "Negative Declaration" instead of an EIR..."[2]

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

"(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.

(1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.

(2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.

(b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.

(c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.

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

IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS

CEQA Guidelines Section 15002(h) addresses potentially significant impacts, to wit, "CEQA requires more than merely preparing environmental documents. The EIR by itself does not

[1] CEQA Guidelines Section 15002(a)
[2] Ibid. Section 15002 (f).
[3] Op. Cit., Section 15021.

control the way in which a project can be built or carried out. Rather, when an EIR shows that a project could cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

(1) Changing a proposed project;

(2) Imposing conditions on the approval of the project;

(3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;

(4) Choosing an alternative way of meeting the same need;

(5) Disapproving the project;

(6) Finding that changes in, or alterations, the project are not feasible.

(7) Finding that the unavoidable, significant environmental damage is acceptable as provided in Section 15093."[4] (See Chapter 7)

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

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

CONSIDERATION OF SIGNIFICANT IMPACTS

Pursuant to CEQA Guidelines Section 15126.2(a), "[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

[4] Op. Cit. Section 15002(h).

and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas."[5]

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

MITIGATION MEASURES

CEQA Guidelines Section 15126.4 specifies that:

"(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(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:

[5] Op. Cit. Section 15126.2(a).

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission,* 483 U.S. 825 (1987); and

(B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard,* 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

(5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination." [6]

ORGANIZATION OF THE EIR

With the exception of Chapter 10, Response to Comments, 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 Draft 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 contained in Appendix G of the CEQA Guidelines. Within each analysis the following is included:

Summary of Findings

Each chapter notes a summary of findings.

Introduction

[6] Op. Cit. Section 15126.4.

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 is 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 be 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

Outlines the regulatory summary and summarizes project-specific energy usage.

CHAPTER 5

Summarizes the cumulative impacts addressed in Chapter 3.

CHAPTER 6

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 7

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

CHAPTER 8

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

CHAPTER 9

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 10

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

CHAPTER 11

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 Section 15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment beginning on September 7, 2016, for a 30-day comment period ending October 7, 2016. Tulare County RMA received seven (7) comments on the NOP. A copy of the NOP is included in Appendix “G” of the Draft EIR.

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 entitles have a response to make and may ignore a late response." [7]

A scoping meeting was noticed in the Notice of Preparation and submitted to the OPR/SCH and sent to Responsible and Trustee agencies. The scoping meeting was held on September 15, 2016. Other than Tulare County RMA staff, no one attended the Scoping meeting. Appendix "G" of the Draft EIR contains a copy of the NOP process including: the NOP submitted to the State Clearinghouse, and comments received on the NOP. As no one attended the Scoping meeting, no oral or other comments were received.

Section 15093 of the 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 Section 15105, a Draft EIR that is submitted to the State Clearinghouse shall have a minimum review period of 45 days, unless a shortened review period is granted by the OPR/SCH. Consistent with CEQA Guidelines Section 15087, the Draft EIR was circulated publicly for a comment period beginning on December 22, 2017. Following completion of the 45-day public review period ending on February 5, 2018, RMA staff prepared responses to comments and a Final EIR has been completed. The Final EIR was then forwarded to the County of Tulare Board of Supervisors (Board) for certification and adoption of the Final EIR for the Hash Farms (Andersen Village) Development Project. Following the Board's approval, a Notice of Determination will then be filed with the County Tulare County Clerk and forwarded to the OPR/SCH.

ORGANIZATIONS CONSULTED

Appendix "G" of the Draft EIR contains the Notice of Preparation, which includes a listing all of the agencies receiving the NOP. The following tables identify the recipients of both the NOP and the Notice of Availability.

[7] CEQA Guidelines, Section 15103

TABLE 11-2 NOTICE OF PREPARATION Hash Farms (Andersen Village) Development Project												
	DOCUMENTS SENT					DATE SENT	DELIVERY METHOD					COMMENTS DATED/ RECEIVED
	Hard Copy			CD								
	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form		Hand Delivered	E-mail	FedEx	Certified US Mail	Return Receipt	
AVAILABILITY OF PUBLIC VIEWING												
Tulare County Website: http://tularecounty.ca.gov//rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/												
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394			X			9/7/16						---
STATE CLEARINGHOUSE – 15 COPIES	X	X	X			9/6/16			X			9/7/16
• Air Resources Board												---
• Caltrans District #6												10/5/16
• Department of Conservation												10/5/16
• Department of Fish and Wildlife Region #4												---
• Department of Food and Agriculture												---
• Department of General Services												---
• Native American Heritage Commission												9/12/16
• Public Utilities Commission												---
• Regional Water Quality Control Board District #5												---
• Resources Agency												---
• State Water Resources Control Board – Water Quality												---
• Department of Toxic Substances Control												---
FEDERAL AGENCIES												
U.S. Army Corps of Engineers Planning Division 1325 "J" Street Sacramento, CA 95814-2922			X			9/6/16				X	9/9/16	---
U.S. Fish and Wildlife Service 2800 Cottage Way, Suite W-2605 Sacramento, CA 95825			X			9/6/16				X	9/9/16	---
STATE & REGIONAL AGENCIES												
San Joaquin Valley Unified Air Pollution Control District 1990 E. Gettysburg Ave. Fresno, CA 93726			X			9/6/16				X	9/9/16	---

TABLE 11-2 NOTICE OF PREPARATION
Hash Farms (Andersen Village) Development Project

	DOCUMENTS SENT					DATE SENT	DELIVERY METHOD					COMMENTS DATED/ RECEIVED
	Hard Copy			CD								
	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form		Hand Delivered	E-mail	FedEx	Certified US Mail	Return Receipt	
LOCAL AGENCIES												
City of Kingsburg Planning Department 1401 Draper Street Kingsburg, CA 93631			X			9/6/16				X	9/8/16	9/21/16
County of Fresno Department of Public Works and Planning 2220 Tulare Street, 6th Floor Fresno, CA 93721			X			9/6/16				X	9/8/16	10/3/16
Fresno County Local Agency Formation Commission David E. Fey, Executive Officer 2607 Fresno St., Ste. B Fresno, CA 93721			X			9/6/16				X	9/8/16	---
Tulare County Local Agency Formation Commission Ted Smalley 210 N. Church St., Ste. B Visalia, CA 93291			X			9/6/16				X	9/8/16	---
MILITARY												
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132			X			9/6/16				X	No Return Receipt	---
TRIBES												
Gabrieleno Band of Mission Indians – Kizh Nation Andrew Salas, Chariperson P.O. Box 393 Covina, CA 91723	X		X			9/16/16				X	No Return Receipt	---
Gabrieleno / Tongva San Gabriel Band of Mission Indians Anthony Morales, Chairperson P.O. Box 693 San Gabriel, CA 91778	X		X			9/16/16				X	9/8/16	---

TABLE 11-2 NOTICE OF PREPARATION
Hash Farms (Andersen Village) Development Project

	DOCUMENTS SENT					DATE SENT	DELIVERY METHOD					COMMENTS DATED/ RECEIVED
	Hard Copy			CD								
	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form		Hand Delivered	E-mail	FedEx	Certified US Mail	Return Receipt	
Gabrielino / Tongva Nation Sandonne Goad, Chairperson 106 ½ Judge John Aiso St. # 231 Los Angeles, CA 90012	X		X			9/16/16				X	9/9/16	---
Gabrielino Tongva Indians of California Tribal Council Robert F. Dorame, Chairperson P.O. Box 490 Bellflower, CA 90707	X		X			9/16/16				X	No Return Receipt	---
Gabrielino-Tongva Tribe Linda Candelaria, Co-Chairperson 1999 Avenue of the Stars, Ste. 1100 Los Angeles, CA 90067	X		X			9/16/16				X	9/9/16	---
Kitanemuk & Yowlumne Tejon Indians Delia Dominguez, Chairperson 115 Radio Street Bakersfield, CA, 93305	X		X			9/16/16				X	9/8/16	---
San Fernando Band of Mission Indians John Valenzuela, Chairperson P.O. Box 221838 Newhall, CA 91322	X		X			9/16/16				X	9/26/16	---
Santa Rosa Rancheria Tachi Yokut Tribe Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245	X		X			9/16/16				X	9/12/16	---
Table Mountain Rancheria Leanne Walker-Grant, Chairperson P.O. Box 410 Friant, CA, 93626	X		X			9/16/16				X	9/8/16	9/12/16
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	X		X			9/16/16				X	Return Receipt Undated	---
OTHER INTERESTED PARTIES (none have been identified)												

TABLE 11-3: NOTICE OF AVAILABILIY
Hash Farms (Andersen Village) Development Project (SCH# 2016091017)

AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD						
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices		Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
AVAILABILITY OF PUBLIC VIEWING												
Tulare County Website: http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/hash-farms-development-project/												
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394			X	X	X		12/22/17	X				---
Visalia Branch Library 200 West Oak Avenue Visalia, CA 93291			2	X		X	12/22/17	X				---
Kingsburg Branch Library 1399 Draper Street Kingsburg, CA 93631			2	X		X	12/22/17	X				---
STATE CLEARINGHOUSE – 15 COPIES (Agencies marked "X" on the NOC)			15		15	15	12/21/17			X		2/6/18
• Air Resources Board												---
• Caltrans District #6												---
• Central Valley Flood Protection Board												---
• Department of Conservation												---
• Department of Fish and Wildlife Region #4												---
• Department of Food and Agriculture												---
• Department of Toxic Substances Control												---
• Department of Water Resources												---
• Native American Heritage Commission												---
• Office of Historic Preservation												---
• Public Utilities Commission												---
• Regional Water Quality Control Board District #5												---
• Resources Agency												---
• State Water Resources Control Board – Water Quality												---
• State Water Resources Control Board – Water Rights												---

TABLE 11-3: NOTICE OF AVAILABILIY
Hash Farms (Andersen Village) Development Project (SCH# 2016091017)

AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD						
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices		Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
FEDERAL AGENCIES												
U.S. Army Corps of Engineers Planning Division 1325 "J" Street Sacramento, CA 95814-2922			X				12/21/17				X	---
U.S. Fish and Wildlife Service 2800 Cottage Way, Suite W-2605 Sacramento, CA 95825			X				12/21/17				X	---
STATE & REGIONAL AGENCIES												
CA Department of Conservation Division of Land Resources Protection Attn: Farl Grundy 801 K Street, MS 24-01 Sacramento CA 95814			X			X	12/21/17				X	---
CA Department of Conservation Division of Land Resources Protection Attn: Meri A Meraz 801 K Street, MS 14-15 Sacramento CA 95814			X			X	12/21/17				X	---
CA Dept. of Fish and Wildlife Region 4 – Central Region 1234 E. Shaw Avenue Fresno, CA 9371			X			X	12/21/17				X	2/12/18
CA Dept. of Transportation, District 6 1352 W. Olive Ave P.O. Box 12616 Fresno, CA 93728			X			X	12/21/17				X	3/10/17; 1/11/18; 2/8/18
Native American Heritage Commission 1550 Harbor Blvd, Suite 100 West Sacramento, CA 95691			X			X	12/21/17				X	---

TABLE 11-3: NOTICE OF AVAILABILIY
Hash Farms (Andersen Village) Development Project (SCH# 2016091017)

AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD						
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices		Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
San Joaquin Valley Unified Air Pollution Control District Permit Services – CEQA Division 1990 E. Gettysburg Ave. Fresno, CA 93726			X			X	12/21/17				X	2/7/18
LOCAL AGENCIES												
Tulare County Association of Governments Attn: Ted Smalley, Executive Director 210 N. Church Street, Suite B Visalia, CA 93291			X				12/21/17	X				---
Tulare County Local Agency Formation Commission 210 N. Church Street, Suite B Visalia, CA 93291			X			X	12/21/17	X				---
Tulare County Fire Warden 907 W. Visalia Road Farmersville, CA 93223			X				12/21/17	X				---
Tulare County Sheriff Headquarters 2404 W. Burrel Ave. Visalia, CA 93291			X				12/21/17	X				---
Tulare County Health and Human Services Agency Environmental Health Department 5957 S. Mooney Blvd. Visalia, CA 93277			X				12/21/17	X				12/28/17
Tulare County Resource Management Agency												
Tulare County Flood Control			X			---	12/21/17	X				---
Tulare County Fire			X			---	12/21/17	X				---
Economic Development and Planning			X			X	12/21/17	X				---
Public Works			X			---	12/21/17	X				---

TABLE 11-3: NOTICE OF AVAILABILIY
Hash Farms (Andersen Village) Development Project (SCH# 2016091017)

AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD						
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices		Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
Tulare County Farm Bureau Tricia Stever Blattler, Executive Director 727 N. Ben Maddox Way Visalia, CA 93292			X				12/21/17				X	---
Tulare County Agricultural Commissioner 4437 S. Laspina Street Tulare CA 93274			X				12/21/17				X	---
County of Fresno Dept. of Public Works and Planning Development Services Division Attn: Christina Monfette 2220 Tulare Street, 6th Floor Fresno, CA 93721			X			X	12/21/17				X	---
County of Fresno Dept. of Public Works and Planning Design and Road Maintenance Division Attn: Frank Daniele 2220 Tulare Street, 6th Floor Fresno, CA 93721			X			X	12/21/17				X	---
County of Fresno Dept. of Public Works and Planning Operations Division Attn: Tong Xiong 2220 Tulare Street, 6th Floor Fresno, CA 93721			X			X	12/21/17				X	---
County of Fresno Dept. of Public Works and Planning Policy Planning Attn: John Adams 2220 Tulare Street, 6th Floor Fresno, CA 93721			X			X	12/21/17				X	---

TABLE 11-3: NOTICE OF AVAILABILIY
Hash Farms (Andersen Village) Development Project (SCH# 2016091017)

AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD						
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices		Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
Fresno County LAFCo David E. Fey, Executive Officer 2607 Fresno St., Ste. B Fresno, CA 93721			X			X	12/21/17				X	1/3/18
Fresno County Council of Governments 2035 Tulare Street, Ste. 201 Fresno, CA 93721			X				12/21/17				X	---
City of Kingsburg Planning Department 1401 Draper Street Kingsburg, CA 93631			X			2	12/21/17				X	2/2/18
Selma-Kingsburg-Fowler County Sanitation District P.O. Box 158 11301 E. Conejo Ave. Kingsburg, CA 93631			X			X	12/21/17		1/9/18		X	10/23/17
Consolidated Irrigation District 2255 Chandler Street Selma, CA 93662			X			X	12/21/17				X	2/8/18
MILITARY												
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132			X				12/21/17				X	---
TRIBES												
Kitanemuk & Yowlumne Tejon Indians Delia Dominguez, Chairperson 115 Radio Street Bakersfield, CA, 93305	X		X				12/21/17				X	---

TABLE 11-3: NOTICE OF AVAILABILIY
Hash Farms (Andersen Village) Development Project (SCH# 2016091017)

AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD						
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices		Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
Santa Rosa Indian Community of the Santa Rosa Rancheria Tachi Yokut Tribe Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245	X		X				12/21/17				X	---
Santa Rosa Indian Community of the Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Hector Franco, Director P. O. Box 8 Lemoore, CA 93245	X		X				12/21/17				X	---
Santa Rosa Indian Community of the Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Shana Powers, Cultural Specialist P. O. Box 8 Lemoore, CA 93245	X		X				12/21/17				X	---
Table Mountain Rancheria Leanne Walker-Grant, Chairperson P.O. Box 410 Friant, CA, 93626	X		X				12/21/17				X	1/12/18
Torres Martinez Desert Cahuilla Indians Michael Mirelez, Cultural Resource Coordinator P. O. Box 1160 Thermal, CA 92274	X		X				12/21/17				X	---
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	X		X				12/21/17				X	---

TABLE 11-3: NOTICE OF AVAILABILIY
Hash Farms (Andersen Village) Development Project (SCH# 2016091017)

AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD						
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices		Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
Tule River Indian Tribe Joseph Garfield, Council Member P. O. Box 589 Porterville, CA 93258	X		X				12/21/17				X	---
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258	X		X				12/21/17				X	---
Tule River Indian Tribe Felix Christman, Tribal Archaeological Monitor P. O. Box 589 Porterville, CA 93258	X		X				12/21/17				X	---
Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906	X		X				12/21/17				X	---
Other Interested Parties												
Pacific Gas and Electric Company Attn: Law Department 77 Beale Street San Francisco, CA 94177			X				12/21/17				X	---
Southern California Gas Company 404 N. Tipton Street Visalia, CA 93292			X				12/21/17				X	---
Steve Peck 1850 S. Masselli Street Visalia, CA 93277			X			X	12/21/17				X	---

TABLE 11-3: NOTICE OF AVAILABILIY
Hash Farms (Andersen Village) Development Project (SCH# 2016091017)

AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD						
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices		Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
Surrounding Properties												
Property owners and addresses have not been included here to maintain confidentiality. See attached map from Tulare County GIS.			30				12/21/17				X	Steven & Deirdre Bolm 1/18/18
Property owners and addresses have not been included here to maintain confidentiality. See attached map from Fresno County GIS.			145				12/21/17				X	Bidal Bettancourt 2/1/18

Figure 11-2 Tulare County 300' Properties

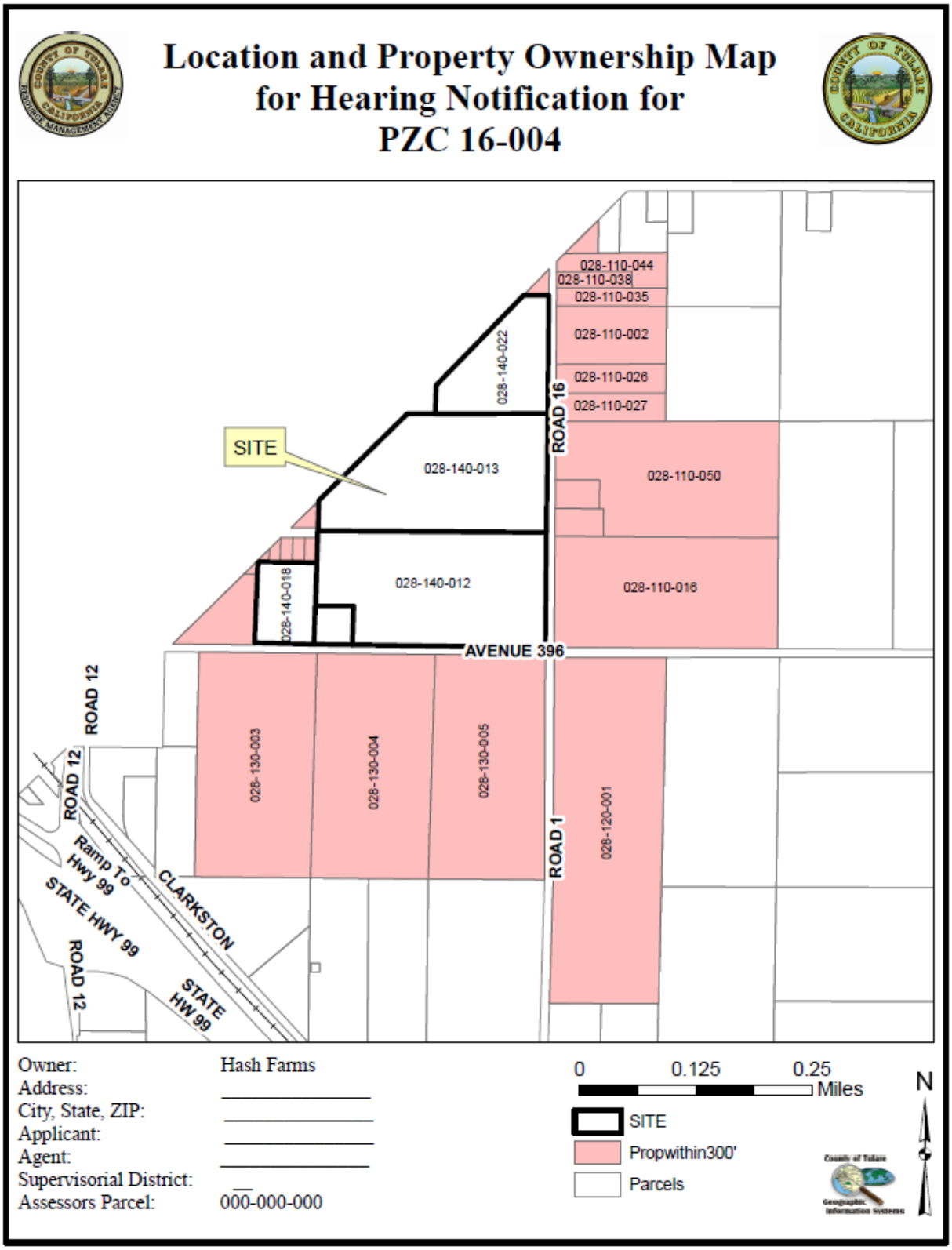


Figure 11-3 Fresno County 600' Properties

Attachment 1

Comments Received from Selma-Kingsburg-Fowler County
Sanitation District (SKF), October 23, 2017,
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Veronica Cazeres, PE
District Engineer
SKF Sanitation District
PO Box 158
Kingsburg, CA 93631-0158

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Ms. Cazares:

Thank you for providing the Selma-Kingsburg-Fowler County Sanitation District's (SKF) response (dated October 23, 2017) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

The County of Tulare (County) acknowledges and recognizes SKF's authority and expertise regarding wastewater facilities relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment Subject 1: The Commenter acknowledges it received a "will-serve" request from the project Applicant. Commenter notes that the project will be required to comply with SKF's plan preparation and approval requirements.

County Response: Comment noted. The EIR clearly indicates that applicable SKF processes (such as approvals) will be accomplished. As such, no additional changes needed to the DEIR.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project.. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate SKF's comments which will be useful toward ensuring that the proposed Project complies with SKF's 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,

Hector Guerra, Chief
Environmental Planning Division

Attachments: *(1) SKF Comment Letter*

cc: file

SELMA - KINGSBURG - FOWLER
COUNTY SANITATION DISTRICT

DIRECTORS
David Cárdenas, Chairman
Buddy Mendes, Vice-Chairman
Nathan Magsig
Yvette Montijo
Michelle Roman

STAFF
Ben Muñoz, Jr., General Manager

October 23, 2017

Sent Via Electronic Mail
Mr. Alexander Henderson
City Manager
City of Kingsburg
1401 Draper Street
Kingsburg, CA. 93631

SUBJECT: Hash Subdivision –APNs 028-140-007,012,018,022
(City of Kingsburg-Portion in Fresno/Tulare County)

Dear Mr. Henderson:

The Selma-Kingsburg-Fowler County Sanitation District has received a will-serve letter request from the City of Kingsburg dated, October 5, 2017 and a will-serve letter request from the Tulare County Resource Management Agency dated, October 3, 2017 requesting that the District issue a will-serve letter for the subject project. The City's request notes the Project will be required to conform to the District's sewer standards. Attached is a copy of Article 7 of Ordinance No. 2014-03 which sets forth District requirements for Outside Permits.

The District will serve the above-referenced development project estimated at 213 Equivalent Single Family Residences (ESFR's). The estimated ESFR's are based on preliminary conceptual information provided by you. The actual ESFR's would be determined as the project may progress. This will-serve letter has a time limit of 2½ years from the date of this letter, or expiration of tentative map, whichever comes later. This will-serve letter is good for the life of a final map.

Sewer Infrastructure Plans - All information provided by the District to date has been provided as a preliminary response to describe District planning documents, policies or existing infrastructure. Discussions, information and this letter shall not be considered to be acceptance of any sewer infrastructure plans. Any interested party must submit to the District a detailed set of sewer infrastructure plans or floor and plumbing plans for all buildings. With regard to a detailed set of sewer infrastructure plans or floor and plumbing plans, District staff will review submitted plans, but plans will not be signed off until the annexation has been completed by LAFCo or the property is within the City boundaries.
Plan check and inspection fees shall be paid at the time of submittal of plans to the District. The plan check process is not complete until the District has signed off on the plans. All sewer improvements required for a project are identified at completion of the plan check process.

MAILING ADDRESS: P.O. Box 158, Kingsburg, CA 93631-0158 SHIP TO: 11301 E. Conejo Ave., Kingsburg, CA 93631-9511
PHONE (559) 897-6500 FAX (559) 897-1985

Design Standards and Master Plan – On site and off site sewer system facilities must be designed and constructed in accordance with the District's Collection System Construction Standards, the District's Sewer System Master Plan and other requirements as may be specified by the District. The Standards and the Master Plan may be viewed on the District's website at www.skfcsd.org.

Fees and Connection Permit - Applicable District annexation fees must be paid for the entire project prior to completion of annexation or, if the fees have been deferred, at the time the District issues the project's first sewer connection permit. District capacity charges must be paid at the time the District issues a sewer connection permit. District capacity charges are subject to change and must be paid at the rates in effect at the time the sewer connection permit is issued by the District. Sewer system improvements must be constructed, tested and approved by the District prior to the issuance of a sewer connection permit. You must contact the City in which the project is located in order to pay the separate City sewer connection fee and to determine if there are applicable reimbursement fees to be paid.

Will-Serve Letters Policy – The District's 6-14-07 Will-Serve Letter Policy states "Staff shall issue will-serve letters, with no up-front fee or deposit, at the request or concurrence of a City/County, with the will-serve letters having a time limit of 2 1/2 years, or expiration of tentative map, whichever comes later, with the will-serve letter being good for the life of the final map."

New City Sewer Collection System Infrastructure Reimbursement - The District does not participate financially in the construction of new City sewer collection system infrastructure. Persons interested in possible reimbursement for such construction must make arrangements in writing with the City in which the infrastructure is constructed and such written arrangements must be made prior to the District signing off on plans.

New District Interceptor System Infrastructure Reimbursement - With regard to the construction of new District interceptor system infrastructure, persons interested in possible reimbursement must obtain agreements or District determinations, each in writing, from the District prior to the District signing off on plans.

Existing City or District Sewer System Infrastructure Reimbursement - With regard to the refurbishment or replacement of existing City or District sewer system infrastructure, persons interested in possible District financial participation must obtain agreements or District determinations, each in writing, from the District prior to the District signing off on plans. Expenditures are determined by District, to the extent of cash accrued for use in each City.

If you have any questions please call the District office. Thank you.

Sincerely,

Veronica Cazares, P.E.

Veronica Cazares, PE
District Engineer

Copies: Stephen J. Peck, AICP, Peck Planning and Development, LLC, 2455 Greenwood Avenue, Morro Bay, CA 93442
Steve Hash Properties, PO Box 551270, Lake Tahoe CA 96155, Resource Management Agency, Mike Washam, 5961 S. Mooney Blvd, Visalia CA 93277
Ben Muñoz Jr. & Frank Hernandez; SKF CSD

MAILING ADDRESS: P.O. Box 158, Kingsburg, CA 93631-0158 SHIP TO: 11301 E. Conejo Ave., Kingsburg, CA 93631-9511
PHONE (559) 896-4420 FAX (559) 897-1985

Attachment 2

Comments Received from Tulare County Health and Human Services Agency, December 29, 2017,
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Ted Martin
Environmental Health Specialist
Environmental Health Services Division
5957 S. Mooney Blvd.
Visalia, CA 93277

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Martin:

Thank you for providing Tulare County Health & Human Services Agency's response (dated December 28, 2017) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

The County of Tulare (County) acknowledges and recognizes the Agency's authority and expertise regarding health and human services relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment Subject 1: *1. Domestic water for the project will be provided by the City of Kingsburg. A 'will-serve' letter from that city shall be provided prior to project approval. 2. Sewer service will be provided by the Selma-Kingsburg-Fowler Sanitation District. A 'will-serve' letter from the district shall be provided prior to project approval.*

Response: The water and sewer "will serve" letters are included in Appendix I of the Draft EIR. The City of Kingsburg approved the MOU which formalizes their conditions for service and those conditions have been agreed to by the developer and applicant.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate the Agency's comments which will be useful toward ensuring that the proposed Project complies with the Agency's 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,

Hector Guerra, Chief
Environmental Planning Division

Attachments: *(1)Tulare County HHSA Comment Letter*

cc: file

TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY
Public Health Branch

Jason T. Britt, M.S.
Agency Director

December 28, 2017

MICHAEL WASHAM
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA CA 93277

RE: SPA 16-001, PZC 16-004, TSM 16-002, PSP 16-029 – Hash Farms (Map Revision)

Dear Mr. Washam

This office has reviewed the above referenced matter. Our comments for the revision remain the same, as follows:

1. Domestic water for the project will be provided by the City of Kingsburg. A 'will-serve letter from that city shall be provided prior to project approval.
2. Sewer service will be provided by the Selma-Kingsburg-Fowler Sanitation District. A 'will-serve' letter from the district shall be provided prior to project approval.

Sincerely,

Ted Martin
Environmental Health Specialist
Environmental Health Services Division

Attachment 3

Comments Received from Fresno County Local Agency Formation Commission (Fresno LAFCo), January 3, 2018,
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Juan Lara
LAFCo Analyst II
Fresno County LAFCo
2607 Fresno Street, Suite B
Fresno, CA 93721

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Lara:

Thank you for providing Fresno LAFCo's response (dated January 3, 2018) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

The County of Tulare (County) acknowledges and recognizes Fresno County LAFCo's authority and expertise regarding territorial and annexation issues relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment Subject 1: *Fresno LAFCo should be identified in the Final EIR as a Responsible Agency under CEQA whose role is to consider changes of organizations and spheres of influence. To the extent possible, the EIR should identify potential Commission actions related to the project.*

Response: A list of the Responsible and Trustee agencies, including Fresno LAFCo has been added to the FEIR errata section. See page Errata 1-2.

Comment Subject 2: *An out of City/District inter-territorial agreement to provide water and wastewater services by the City of Kingsburg and SKF sanitation District were referenced in the project description. The formal application should include a service plan that evaluates all municipal services expected to be needed by the proposal, what agency or company will provide the services, and what agreements will be needed to provide services given the proposal's unique relationship to the City of Kingsburg and Tulare County. Fresno LAFCo recommends that the levels of services be described in the formal project description in order to inform parties of the possible terms and conditions of these agreements.*

Response: This information is contained in Parts 5, 6 and 8 of the Specific Plan.

Comment Subject 3: *The Final EIR's project description is recommended to identify all local agencies that will be affected by the proposal such as agencies that will be detached upon annexation or will be expected to continue to serve this territory within the Kingsburg SOI.*

Response: A list of local agencies affected by the project, including attachments/detachments and annexations is included on pages 2-1 and 2-2 of the DEIR under the Project Description heading.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate Fresno County LAFCo's comments which will be useful toward ensuring that the proposed Project complies with Fresno County LAFCo's requests and 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

Attachments: *(1) Fresno County LAFCO Comment Letter*

cc: file

LAFCO

Fresno Local Agency Formation Commission

January 3, 2018

Hector Guerra, Chief Environmental Planner
Economic Development & Planning Branch
Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

Tulare County
Resource Management
Agency
JAN 22 2018

Dear Mr. Guerra:

Subject: Comments Regarding Hash Farms Development Project Draft Environmental Impact report.

Thank you for the opportunity to comment on this project. The following general comments are provided for this proposal's initial review. From the material provided to this office, my understanding of the project is as follows:

The Hash Farms Development Project ("Project") consists of certain actions to be considered by the County of Tulare, the Tulare Local Agency Formation Commission, the City of Kingsburg, the Fresno Local Agency Formation Commission, and the Selma-Kingsburg-Fowler County Sanitation District related to the development and provision of municipal services to approximately 54 acres at the northwest corner of Road 16 and Avenue 396. The subject territory is largely under the jurisdiction of the County of Tulare but a portion is within the County of Fresno and the City of Kingsburg sphere of influence. Applicant's representative is Steve Peck and property owner Steve Hash.

Anticipated development approvals consist of the following:

- Specific Plan Amendment (SPA) 16-001, an application to the County of Tulare to amend the (name of Specific Plan) Specific Plan to designate 54 acres at the northwest corner of Road 16 and Avenue 396 from Exclusive Agricultural and Agricultural to Single–Family Low-Density Residential.
- Tentative Subdivision Map (TSM) 16-002, an application to the County of Tulare to approve a 54-acre vesting tentative subdivision map for a five-phase 185-lot single-family planned residential development, and seven multi-family lots on property located at the northwest corner of Road 16 Avenue 396, 5.36-acres are currently within the City of Kingsburg, Fresno County, and the balance is within Tulare County;
- Rezoning applications to the City of Kingsburg (future application) and the County of Tulare (application PZC 16-004) to rezone approximately 54 acres of property located on the northwest corner of Road 16 and Avenue 396 from the County AE-20 zone and A-1 District to zone districts compatible with the proposed land uses: City R-1-7 (Single Family Low Density Residential) zone district; County: R-1-7, R-1-PRD (planned residential development), R-1-6 and RM (Multi-family Residential) Districts;
- An application (name to be determined) to the Fresno Local Agency Formation Commission to annex the subject 49 acres to the Selma-Kingsburg-Fowler (SKF) County Sanitation District; and
- An application to the Tulare Local Agency Formation Commission to authorize the extension of municipal services by the City of Kingsburg to the subject territory.
- An application (name to be determined) to the Fresno Local Agency Formation Commission to annex approximately two acres from the County of Fresno to the City of Kingsburg and detach from the King River Conservation District, the Fresno County Fire Protection District, and Consolidated Irrigation District.

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

Fresno LAFCo should be identified in the Final EIR as a Responsible Agency under CEQA whose role is to consider changes of organizations and spheres of influence. To the extent possible, the EIR should identify potential Commission actions related to the project. As a Responsible Agency, the Commission is required to review and consider the Final Environmental Impact Report prior to taking its action. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and that the environmental document is sufficient to support a determination on the proposed reorganization.

Unless a territory is at full build-out, LAFCo law and Commission policy require that territory be prezoned before it may be annexed to a city so that LAFCo may find that the proposed project is consistent with a city's general plan. Given the multiple proposed zone districts, please be sure to identify what land is prezoned to the appropriate zone district in the annexation proposal area.

Be advised that extraneous conditions of approval can impair the Commission's ability to approve projects. LAFCo staff is available to review and comment on the city's draft prezoning ordinance to ensure that it meets Commission standards.

An out of City/District inter-territorial agreement to provide water and wastewater services by the City of Kingsburg and SKF sanitation District were referenced in the project description. The formal application should include a service plan that evaluates all municipal services expected to be needed by the proposal, what agency or company will provide the services, and what agreements will be needed to provide services given the proposal's unique relationship to the City of Kingsburg and Tulare County. Fresno LAFCo recommends that the levels of services be described in the formal project description in order to inform parties of the possible terms and conditions of these agreements.

The Final EIR's project description is recommended to identify all local agencies that will be affected by the proposal such as agencies that will be detached upon annexation or will be expected to continue to serve this territory within the Kingsburg SOI.

Also, please note that all references to the Fresno Local Agency Formation Commission should not identify it as a County agency. Fresno LAFCo is an independent public agency.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (559) 600-0604.

Sincerely,

Juan Lara
LAFCo Analyst II

Attachment 4

Comments Received from California Department of Transportation (Caltrans),
January 10, 2018,
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 11, 2018

David Deel
Associate Transportation Planner
Caltrans – District 6
1352 W. Olive Avenue
Fresno, CA 93778-2616

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Deel:

Thank you for providing Caltrans' email response (dated January 10, 2018) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

The County of Tulare (County) acknowledges and recognizes Caltrans' authority and expertise regarding transportation/traffic issues relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your email (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment Subject 1: *Caltrans has no comment on the proposed revised map for the Hash Farms Subdivision. The total number of lots have not changed per the original number of lots in the TIS.*

Response: Comments noted. However, the project considered in the Draft EIR contains a total of 200 dwelling units (as summarized on Page 2-4 of the DEIR). The final project description includes 18 fewer units as a result of the donation of Phase 4 properties for recreational purposes.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate Caltrans' comments which will be useful toward ensuring that the proposed Project complies with Caltrans' 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,

Hector Guerra, Chief
Environmental Planning Division

Attachments: *(1)David Deel email correspondence*

cc: file

From: Hector Guerra
To: Jessica Willis
Date: 1/11/2018 2:16 PM
Subject: Fwd: Hash Farms Subdivision - TSM 16-002 - Revised Map

>>> "Deel, David@DOT" <david.deel@dot.ca.gov> 1/10/2018 4:16 PM >>>
Hector -

Caltrans has a "NO COMMENT" on the proposed revised map for the Hash Farms Subdivision. Changes to the layout of the map for the 54 acre development of 185 SFR lots and 28 MFR units have not changed per the original number of lots as reviewed under the TIS.

Thank you for your assistance in this matter.
If you have further questions, please contact me.

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

CALTRANS - District 6
1352 W. Olive Avenue (P.O. Box 12616)
Fresno, CA 93778-2616

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Caltrans Mission: Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability.
Caltrans Vision: A performance-driven, transparent, and accountable organization that values its people, resources and partners, and meets new challenges through leadership, innovation, and teamwork.

Attachment 5

Comments Received from California Department of Transportation (Caltrans),
February 8, 2018
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
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FAX (559) 730-2653

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Michael Navarro, Chief
Caltrans – District 6
Transportation Planning – North Branch
1352 W. Olive Avenue
Fresno, CA 93778-2616

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Navarro:

Thank you for providing Caltrans' letter response (dated February 8, 2018) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

The County of Tulare (County) acknowledges and recognizes Caltrans' authority and expertise regarding transportation/traffic issues relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your email (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment 1 : *Page ES-2 of the DEIR, the 1st paragraph of the Project Description states the project will be "...on a total of 54 acres...", whereas the Introduction of the TIS in the Appendix E of the DEIR, states "proposed 46-acre residential development..." Please review and correct.*

Response: The project description in the DEIR is the correct project description. The description used in the TIS was based on a previous site plan (the site plan was revised after issuance of the NOP). The actual changes in number of units is non-substantial between the original project description and the current DEIR project description (although the TIS overstates the number of units). The following is a comparison:

The TIS analyzed 185 single-family and 28 multi-family dwelling units = 213 total units. The DEIR project description includes 160 single-family and 40 multi-family dwelling units = 200 total units. The final project description contained in the Public Hearing Draft of the Specific Plan shows a total buildout of 182 total units, including 150 single family detached units and 32 multifamily units, for a total reduction of approximately 15 percent from the TIS. The TIS does

not include some beneficial traffic features of the project, including enhanced connectivity, bicycle and pedestrian facilities, offsite sidewalks and walkable destinations such the elementary school, high school and the central business district. The impacts identified in the TIS are considered to be overstated by 20% to 25% versus the actual buildout of the project due to the reduced number of units and other factors described herein. Table 11-1 below provides a comparison of trip generation numbers. Therefore, the inconsistency between the TIS, the DEIR and the Public Hearing Draft of the Specific Plan does not result in any additional significant impacts or thresholds because the currently proposed project will result in less impacts than shown in the TIS. As such, the comment is noted, and no revisions or corrections are necessary.

Table 11-1 Comparison of Project Traffic Impacts

	Number	ADT	AM Peak			PM Peak		
			In	Out	Total	In	Out	Total
Single Family Detached	150	1,500	28	84	112	93	55	148
Multifamily (Apartment)	32	335	3	16	19	24	14	38
TT Total-Revised Project	182	1,835	31	100	131	117	69	186
Estimated Reductions[1] @ 15%		-275	-5	-15	-20	-18	-10	-28
Net Trip Generation		1,560	26	85	111	99	59	158
Total-Traffic Study	213	2,143	38	118	156	136	80	216
Change	-31	-583	-12	-33	-45	--37	-21	-58
Percentage Change	-14.6%	-27.2%	-31.6%	-27.9%	-28.8%	-27.2%	-26.3%	-26.9%

Comment 2 : *Page 2-9 of the DEIR, Figure 2-2 (Site Aerial) does not match Figure 2-3 (Proposed Site Plan) on page 2-10. Please review and correct.*

Response: Comment noted. Figure 2-2 (Site Aerial) has been corrected. See page Errata 1-6.

Comment 3: *Page 3.16-14 of the DEIR, 3rd paragraph states "Under the final configuration...average daily trips for the Project is estimated to be 2,019 compared to the Traffic Report..."*

- *Please provide additional clarification to better explain why there is a reduction in the total average daily trips as well as peak hour trips.*

- *Caltrans recommends reiterating the new project description and adding a new project trip generation table based on the new project description (See comment #4).*

Response: See Response #1 above. The Public Hearing Draft of the Specific Plan shows a total buildout of 182 total units, including 150 single family detached units and 32 multifamily units, for a total reduction of approximately 15 percent from the TIS. The TIS does not include some beneficial traffic features of the project, including enhanced connectivity, bicycle and pedestrian facilities, offsite sidewalks and walkable destinations such the elementary school, high school and the central business district. The impacts identified in the TIS are considered to be overstated by 20% to 25% versus the actual buildout of the project according to the following table.

Comment 4: *Page 3.16-14 of the DEIR, Caltrans recommends that a new trip generation table be created based on the new project description to replace the existing Table 3.16-1 or added as a new table for comparison to Table 3.16-1.*

Response: See Response #1 and #3 above. A new trip generation table (Table 11-1) is provided herein. No additional analysis is necessary as the impacts described in the TIS and the Draft EIR overstates the estimated impacts.

Comment 5: *Page 3.16-16 of the DEIR, Regarding intersection #6 (18th Avenue at SR 99 NB ramps) in Table 3.16-+2 or Table 3a in the Appendix for the TIS, the Synchro printout sheet(s) for scenarios "2035 AM" and "2035 AM + Project" indicate LOS E for the westbound approach while Table 3.16-2 shows LOS C for the same approach in the same scenarios, please clarify or explain this discrepancy.*

Response: The overall WB approach level of service is "C" as reported in Table 3a. The level of service "E" shown in the Synchro appendix sheet is the level of service for the westbound left turn lane only.

Comment 6: *Page 3.16-19 of the DEIR, states that the "Estimate costs for the improvements..." are identified in Table 3.16-11. Table 3.16-11 is <u>not</u> found in the DEIR document nor is it included in the Table of Contents or as an Appendix.*

Response: Comment noted. This was a typographical error. There is no table, however, the cost estimates are accurate and remain pertinent. The reference to the table has been removed. See page Errata 1-7.

Comment 7: *Page 3.16-19 of DEIR, Tables 3.16-7 & Table 3.16-8, please note that for intersection #6 (18th Avenue at SR 99 NB Off Ramp) the signal warrant is achieved for both the AM and PM peak hour periods for the 2020+Project, 2035 and 2035+Project scenarios. Please*

review and provide clarification as to why intersection #6 is not included in Table 3.16-9 (Project Percentage Share for Local Mitigation).

Response: While Intersection #6 meets signal warrant criteria, it operates at an acceptable level of service, and therefore does not require mitigation. As such, it was not included in Table 3.16-9.

Comment 8: *Page 3.16-20 of DEIR, for better clarification please label paragraph 16-1 under table 3.16-9 as "Mitigation Measure 16-1".*

Response: Comment noted. The correction has been made. See page Errata 1-5.

Comment 9: *Page 3.16-20 of DEIR, please be advised that the mitigation measure for the SR 99 Southbound (SB) off ramp intersection at 18th Avenue may also need to include intersection widening (safety & operational improvement) to include a left turn lane due to the high left-turn volumes going north on 18th Avenue. This additional improvement was not identified nor mentioned in the analysis of the traffic study. Traffic signalization without the left turn lane may not be the optimum solution to mitigate impacts.*

Response: Comment is noted. The mitigation identified in the traffic study improved the level of service to acceptable levels.

Comment 10: *Page 3.16-20 of DEIR, please be advised that the SR 99 Northbound (NB) off ramp at 18th Avenue may also need to include the re-alignment of the minor legs to convert this intersection to a standard 90 degree angle intersection. This additional improvement was not identified nor mentioned in the analysis of the traffic study. Traffic signalization without the intersection 90 degree realignment may not be the optimum solution to mitigate impacts.*

Response: Comment is noted. The mitigation identified in the traffic study improved the level of service to acceptable levels.

Comment 11: *Page 3.16-20 of the DEIR, Table 3.16-9 (Project Percentage Share for Local Mitigation), if the intersection of 18th Avenue at SR 99 NB ramps is expected to operate at LOS E (See comment #5) in the future scenarios, mitigation improvements for this intersection should be included in Table 3.16-9. Please provide clarification.*

Response: See Response #5. The overall WB approach level of service is "C" as reported in Table 3a. The level of service "E" shown in the Synchro appendix sheet is the level of service for the westbound left turn lane only.

Comment 12: *Page 3.16-20 of DEIR, Table 3.16-9: Project Percent Share for Local Mitigation, please verify if the project percentages have changed due to the new project description.*

Response: See Response #1 and #3 above. The project percentages have not changed. Caltrans approved the allocation for 18th Avenue and SB SR 99 Ramps.

Comment 13: *Please be advised of the new Traffic Operations Policy Directive (TOPD) #13-02, describing the Intersection Control Evaluation (ICE) process. Any new project that may require employing full control at state highway intersections (i.e. to control all approaching traffic via use of signal, stop or yield control) must consider all three intersection control strategies (stop, roundabout and signal) and the supporting design configurations per the Intersection Control Evaluation (ICE) guidelines. ICE establishes a context and performance based evaluation process to produce engineering recommendations on intersection traffic control strategies and geometric configurations for location specific needs and conditions. The first step of the ICE process will constitute conceptual approval by Caltrans Traffic Operations Office. The project opening day mitigation at an intersection must be evaluated per the ICE procedure. This new policy will affect the engineering process to determine the intersection improvement on State Route (SR) 99.*

The TOPD #13-02 can be found at http://www.dot,ca,gov/hq/traffops/policy/13-02.pdf. The ICE requirements can be found on the Caltrans website http://www.dot.ca.gov/hq/traffops/liaisons/ice.html.

Response: Comment noted. The County appreciates the information and will apply when applicable.

Comment 14: *Page 1 of the TIS, the second paragraph under the Study Area states "A total of 7 intersections are included in the study, 7 of which are stop controlled and 1 that is signalized." Please change the "7 of which" to "6 of which are stop controlled...."*

Response: Comment noted. The change has been made.

Comment 15: *Page 19 of the TIS, first paragraph under the Summary and Conclusions, please clarify the size of the development (See comment #1).*

Response: See Responses #1 and #3 above. The EIR correctly described the project as of the issuance of the DEIR. The Public Hearing Draft of the Specific Plan includes 182 total dwelling units, a 15 percent reduction from the level analyzed in the TIS. With the final project features, the impacts identified in the TIS are considered to be overstated by 20% to 25% versus the actual buildout of the project according to the following table. Project mitigations and mitigation allocations have not been adjusted for these project modifications.

Comment 16: *Page 16 of the TIS, under the Summary and Conclusions, Caltrans anticipates that the ramp intersections will be improved by signalization and widening due to cumulative and future development in the area. The output of the TIS Synchro runs seems to*

yield an acceptable LOS for signalization. However, the expected queue length is not shown in the output printout. Caltrans predicts that the queue length may be an issue if no left turn channelization is installed (See comment #8).

- *Please provide Synchro run outputs with the queue length indicated for Caltrans review.*

Response: Synchro queue length results are attached to the updated TIS.

Comment 17: *Caltrans previous comments on the TIS (February 2017) included a comment on the realignment of the offset intersections of SR 201 at Road 16 and SR 201 at Madsen Avenue. This intersection offset issue is not identified in this TIS. Caltrans anticipates that the intersection will need to be realigned in the future when new development occurs at southeast quadrant of the intersection. Caltrans believes the DEIR should identify and address this issue.*

Response: A mitigation scenario was analyzed with the realigned intersection and is included in the updated traffic impact study in Tables 3a and 3b. The intersection operates at an acceptable level of service under all scenarios.

Comment 18: *In the TIS Appendix, the Signal Warrant printouts for the SR 99 SB off-ramp intersection (intersection #7) indicates traffic volumes "approaching" the intersection from the on-ramp. Approaching or entering traffic volume would be for the off-ramp only. There should be no approach volume for the on-ramp. Please revise.*

Response: This is a labeling error. The labels in the updated TIS have been updated to reflect the proper roadway designations which are correct for the turning movements shown.

Comment 19: *In the TIS Appendix, regarding the HCM two-lane highway printout sheets for SR 201 (Sierra Street):*

- *Please verify and correct the parameters used in the analysis such as "% no passing zone", "segment length", and "base free-flow speed" (BFFS).*
- *Please be advised that the existing study segment of SR 01 is a two-way-left-turn lane (TWLTL) with no passing zone (see striping detail).*
- *Kingsburg High School is located on the northeast corner of SR 201 and 18th Avenue of the study limit with a speed limit of 35 mph (25 mph when students are present). The speed limit of 55 mph is posted on SR 201, east of Madsen Avenue.*
- *As a point of information, the above comments are the same for the analysis on 18th Avenue. Please verify and correct the parameters used in the analysis for 18th Avenue. An elementary school is located on the southeast corner of 18th Avenue and Mariposa Street. The existing study segment of 18th Avenue has a two-way-left-turn lane (TWLTL) with no passing zone (see striping detail) along the school's western boundary.*

Response: The analysis has been revised with updated parameters as noted in the comments. It should be noted that while the speed limits for the study roadway segments have been updated, the minimum allowable "base free-flow speed" (BFFS) allowed by the HCS software is 45 mph.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate Caltrans' comments which will be useful toward ensuring that the proposed Project complies with Caltrans' 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,

Hector Guerra, Chief
Environmental Planning Division

Attachments: *(1) Caltrans comment letter*

cc: file

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
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Tulare County
Resource Management
Agency
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February 8, 2018

06-TUL-99-53.67
2135-IGR/CEQA
DRAFT EIR
SCH # 2016091017
HASH FARMS

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

Dear Mr. Guerra:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed project under Tentative Subdivision Map 16-002 to subdivide 54 acres into 160 single family residential lots and 40 multi-family units.

This project was previous reviewed under the Notice of Preparation (NOP) and Traffic Impact Study (TIS) for 185 single family residential lots and 7 multi-family lots for 28 units. An amendment to the Specific Plan (SPA 16-001), a Zone Change from agriculture to residential zoning (PZC 16-004) and a Use Permit (PSP 16-029) will also be required for the project.

The project is located at the northwest corner of Road 16 and Kern Street (Avenue 396). A small portion of the site lies within the Kingsburg city limits and the remainder is located within both Tulare County and Fresno County. The site is directly adjacent to the Kingsburg city limits and is within the City's Sphere of Influence. The site is approximately ¾ mile northeast of the State Route (SR) 99/18th Avenue Interchange and ¼ mile south of the SR 201/Road 16 intersection.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl:

1. Page ES-2 of the DEIR, the 1st paragraph of the Project Description states the project will be "…on a total of 54 acres…", whereas the Introduction of the TIS in the Appendix E of the DEIR, states "proposed 46-acre residential development…" Please review and correct.

2. Page 2-9 of the DEIR, Figure 2-2 (Site Aerial) does not match Figure 2-3 (Proposed Site Plan) on page 2-10. Please review and correct.

3. Page 3.16-14 of the DEIR, 3rd paragraph states "Under the final configuration…average daily trips for the Project is estimated to be 2,019 compared to the Traffic Report….":

    - Please provide additional clarification to better explain why there is a reduction in the total average daily trips as well as peak hour trips.

    - Caltrans recommends reiterating the new project description and adding a new project trip generation table based on the new project description (See comment #4).

4. Page 3.16-14 of the DEIR, Caltrans recommends that a new trip generation table be created based on the new project description to replace the existing Table 3.16-1 or added as a new table for comparison to Table 3.16-1.

5. Page 3.16-16 of the DEIR, Regarding intersection # 6 (18th Avenue at SR 99 NB ramps) in Table 3.16-2 or Table 3a in the Appendix for the TIS, the Synchro printout sheet(s) for scenarios "2035 AM" and "2035 AM + Project" indicate LOS E for the westbound approach while Table 3.16-2 shows LOS C for the same approach in the same scenarios, please clarify or explain this discrepancy.

6. Page 3.16-19 of DEIR, states that the "Estimate costs for the improvements…" are identified in Table 3.16-11. Table 3.16-11 is <u>not</u> found in the DEIR document nor is it included in the Table of Contents or as an Appendix.

    - Please provide the estimated improvement cost table to Caltrans for review.

7. Page 3.16-19 of DEIR, Tables 3.16-7 & Table 3.16-8, please note that for intersection #6 (18th Avenue at SR 99 NB Off Ramp) the signal warrant is achieved for both the AM and PM peak hour periods for the 2020+Project, 2035 and 2035+Project scenarios. Please review and provide clarification as to why intersection #6 is not included in Table 3.16-9 (Project Percentage Share for Local Mitigation).

8. Page 3.16-20 of DEIR, for better clarification please label paragraph 16-1 under table 3.16-9 as "Mitigation Measure 16-1".

9. Page 3.16-20 of DEIR, please be advised that the mitigation measure for the SR 99 Southbound (SB) off ramp intersection at 18th Avenue may *also* need to include intersection widening (safety & operational improvement) to include a left turn lane due to the high left-turn volumes going north on 18th Avenue. This additional improvement was not identified nor mentioned in the analysis of the traffic study. Traffic signalization without the left turn lane may not be the optimum solution to mitigate impacts.

10. Page 3.16-20 of DEIR, please be advised that the SR 99 Northbound (NB) off ramp at 18th Avenue may also need to include the re-alignment of the minor legs to convert this intersection to a standard 90 degree angle intersection. This additional improvement was not

identified nor mentioned in the analysis of the traffic study. Traffic signalization without the intersection 90 degree realignment may not be the optimum solution to mitigate impacts.

11. Page 3.16-20 of the DEIR, Table 3.16-9 (Project Percentage Share for Local Mitigation), if the intersection of 18th Avenue at SR 99 NB ramps is expected to operate at LOS E (See comment #5) in the future scenarios, mitigation improvements for this intersection should be included in Table 3.16-9. Please provide clarification.

12. Page 3.16-20 of DEIR, Table 3.16-9: Project Percent Share for Local Mitigation, please verify if the project percentages have changed due to the new project description.

13. Please be advised of the new Traffic Operations Policy Directive (TOPD) #13-02, describing the Intersection Control Evaluation (ICE) process. Any new project that may require employing full control at state highway intersections (i.e. to control all approaching traffic via use of signal, stop or yield control) must consider all three intersection control strategies (stop, roundabout and signal) and the supporting design configurations per the Intersection Control Evaluation (ICE) guidelines. ICE establishes a context and performance based evaluation process to produce engineering recommendations on intersection traffic control strategies and geometric configurations for location specific needs and conditions. The first step of the ICE process will constitute conceptual approval by Caltrans Traffic Operations Office. The project opening day mitigation at an intersection must be evaluated per the ICE procedure. This new policy will affect the engineering process to determine the intersection improvement on State Route (SR) 99.

    The TOPD #13-02 can be found at http://www.dot.ca.gov/hq/traffops/policy/13-02.pdf. The ICE requirements can be found on the Caltrans website: http://www.dot.ca.gov/hq/traffops/liaisons/ice.html.

14. Page 1 of the TIS, the second paragraph under the Study Area states "A total of 7 intersections are included in the study, 7 of which are stop controlled and 1 that is signalized." Please change the "7 of which" to "6 of which are stop controlled…".

15. Page 19 of the TIS, first paragraph under the Summary and Conclusions, please clarify the size of the development (See comment #1).

16. Page 19 of the TIS, under the Summary and Conclusions, Caltrans anticipates that the ramp intersections will be improved by signalization and widening due to cumulative and future development in the area. The output of the TIS Synchro runs seems to yield an acceptable LOS for signalization. However, the expected queue length is *not shown* in the output printout. Caltrans predicts that the queue length may be an issue if *no* left turn channelization is installed (See comment #8).

    - Please provide Synchro run outputs with the queue length indicated for Caltrans review.

17. Caltrans previous comments on the TIS (February 2017) included a comment on the realignment of the offset intersections of SR 201 at Road 16 and SR 201 at Madsen Avenue. This intersection offset issue is not identified in this TIS. Caltrans anticipates that the intersection will need to be realigned in the future when new development occurs at southeast quadrant of the intersection. Caltrans believes the DEIR should identify and address this issue.

18. In the TIS Appendix, the Signal Warrant printouts for the SR 99 SB off-ramp intersection (intersection #7) indicates traffic volumes "approaching" the intersection from the on-ramp. Approaching or entering traffic volume would be for the off-ramp *only*. There should be no approach volume for the on-ramp. Please revise.

19. In the TIS Appendix, regarding the HCM two-lane highway printout sheets for SR 201 (Sierra Street):

    - *Please verify and correct the parameters* used in the analysis such as "% no passing zone", "segment length", and "base free-flow speed" (BFFS).

    - Please be advised that the existing study segment of SR 201 is a two-way-left-turn lane (TWLTL) with no passing zone (see striping detail).

    - Kingsburg High School is located on the northeast corner of SR 201 and 18th Avenue of the study limit with a speed limit of 35 mph (25 mph when students are present). The speed limit of 55 mph is posted on SR 201, east of Madsen Avenue.

    - As a point of information, the above comments are the same for the analysis on 18th Avenue. Please verify and correct the parameters used in the analysis for 18th Avenue. An elementary school is located on the southeast corner of 18th Avenue and Mariposa Street. The existing study segment of 18th Avenue has a two-way-left-turn lane (TWLTL) with no passing zone (see striping detail) along the school's western boundary.

If you have any other questions, please call David Deel, Associate Transportation Planner at (559) 488-7396.

Sincerely,

MICHAEL NAVARRO, Chief
Transportation Planning - North Branch

Attachment 6

Comments Received from Table Mountain Rancheria,
January 12, 2018,
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Robert Pennell
Cultural Resources Director
Table Mountain Rancheria
23736 Sky Harbour Road
P.O. Box 410
Friant, CA 93626

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Pennell:

Thank you for providing Table Mountain Rancheria's response (dated January 12, 2018) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

The County of Tulare (County) acknowledges and recognizes the Tribal Government's authority and expertise regarding Tribal and cultural resources relative to the proposed project. Based on comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment Subject: *The Project is outside of the Tribe's scope of interest.*

Response: No response is necessary as no DEIR/CEQA comments were received.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate Table Mountain Rancheria's comments.

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

Best Regards,

Hector Guerra, Chief
Environmental Planning Division

Attachments: *(1) Table Mountain Rancheria comment letter*

cc: file

TABLE MOUNTAIN RANCHERIA
TRIBAL GOVERNMENT OFFICE

January 12, 2018

Tulare County
Resource Management
Agency
JAN 19 2018

Hector Guerra, Chief Environmental Planner
Resource Management Agency
Tulare County,
6961 S. Mooney Blvd.
Visalia, Ca. 93277

RE: Hash Farms Development Project

To: Hector Guerra

This is in response to your letter dated, December 22, 2017, regarding, Hash Farms Development Project.

We appreciate receiving notice; however, this project site is beyond our area of interest.

Sincerely,

Robert Pennell
Cultural Resources Director

Leanne Walker-Grant
Tribal Chairperson

Beverly J. Hunter
Tribal Vice-Chairperson

Craig Martinez
Tribal Secretary/Treasurer

Matthew W. Jones
Tribal Council Member

Richard L. Jones
Tribal Council Member

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Attachment 7

Comments Received from City of Kingsburg,
February 2, 2018
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Alexander J. Henderson
City Manager
City of Kingsburg
1401 Draper Street
Kingsburg, CA 93631-1908

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Henderson:

Thank you for providing the City of Kingsburg's response (dated February 2, 2018) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

The County of Tulare (County) acknowledges and recognizes the City's authority and expertise regarding the various issues disclosed in the comment letter relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your email (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment Subject: Specific Plan. The following comments from the City of Kingsburg related the Specific Plan for the project. The Specific Plan was reviewed by and conditionally approved by the City of Kingsburg on April 18th. Responses are provided to the following comments for information purposes are not necessarily, unless noted otherwise, comments on the DEIR, or environmental issues.

Comment 1: *[Specific Plan Section] 3.3.1 R-1-7 Zone (page 21): currently indicates 20 percent of lots above 10,000 sq. ft. Under the North Kingsburg Specific Plan, 25 percent of the single-family residential lots should be 10,000 square feet or larger; the balance should be 7,000 square feet (or higher) in size.*

Response: The Public Hearing Draft of the Specific Plan and the revised vesting tentative map show that the project single family lots are 10, 000 SF or greater.

Comment 2: *[Specific Plan Section] 4.3 Road Maintenance (page 34):, Document references the possibility of the County and City not reaching an agreement for maintenance. City will require an agreement for project to continue. Verbiage stating otherwise should be removed.*

Response: This change has been made to the Specific Plan.

Comment 3: *[Specific Plan Section] 5.1.3 Existing Wells (page 36): City has seven existing wells.*

Response: Comment noted. This change has been made.

Comment 4: *[Specific Plan Section] 5.1.4 Storage Tanks (page 36): City water tower no longer holds water (non-functional).*

Response: Comment noted. This change has been made.

Comment 5: *[Specific Plan Section] 6.2 Police: Document references an amount to fund .50 FTE - this amount should be .75 FTE. [Specific Plan Section] 6.3 Fire: Document references an amount to fund .25 FTE - this amount should be .75 FTE.*

Response: These have been corrected. See revised Sections 6.2 and 6.3 of the Public Hearing Draft of the Specific Plan.

Comment 6: *[Specific Plan Section] 8.3.2 Community Facilities District (page 55): City desires to either administer CFD or have representation with regards to levying future taxes.*

Response: This has been addressed in the City adopted MOU and in the Public Hearing Draft of the EIR.

Comment 7: *[Specific Plan Section] 10.5 Building Permits: City to have role related to building permitting process (back check) to ensure proper lot siting, architecture, etc.*

Response: Part 10 of the Public Hearing Draft of the Specific Plan on Implementation includes the requested plan check protocols and amendment procedures.

Comment 8: *Table 10-1 (page 67): City would like neighborhood park improvement to occur during Phase 1.*

Response: The Applicant cannot accommodate this request, as the park is in development phase 2 and it would not have adequate road access until phase 2 is developed. Also, it would prematurely disrupt ongoing active agricultural operations.

Comment 9: *The city concurs with the process for ensuring that the design of single-family homes and multifamily dwellings to be constructed meet the architectural and design standards of the North Kingsburg Specific Plan.*

Response: Comment noted. The Applicant is making every effort to remain consistent with previously applied City of Kingsburg standards.

Comment 10: *Consider utilizing agricultural mitigation fees to purchase agricultural easements on land around Kingsburg in order to buffer the city from unwanted land use.*

Response: The project will pay an agricultural land conversion mitigation fee. That will be administered in conformance with the County of Tulare's implementation policies. Lands to the east are controlled by the Kings River Plan and do not permit development easterly of Madsen Avenue.

The following comments are comments on specific provisions of the Draft EIR for the project.

Comment : *1. Paragraph (d) on page 3.18-7 should be amended to include the need for a City of Kingsburg Water Master Plan amendment. The amendment will include addition of the subdivision into the water model and subsequent analysis to determine appropriate pipeline sizes. This effort will also verify whether the existing sources within the municipal system are adequate to meet fire flows within the development or if additional sources or infrastructure is necessary. Any additional water sources or infrastructure require to meet fire flows will be the responsibility of the developer.*

Response: Comment noted. The project will process an amendment of the Urban Water Management Plan, and the Water Service Master Plan as part of the improvement plans for the project.

Comment Subject: Traffic Study. The following comments from the City of Kingsburg are on the supporting traffic study for the project. The traffic study was developed in consultation with the City of Kingsburg, County of Tulare and Caltrans. The County of Tulare, as Lead Agency, determined the final scope of the document after consultation with the affected agencies.

The TIS was originally scoped out to include 185 single-family and 28 multi-family dwelling units = 213 total units. After the Notice of Preparation (NOP) was circulated, the Applicant revised the site plan to include 160 single-family and 40 multi-family dwelling units = 200 total units. The final project description contained in the Public Hearing Draft of the Specific Plan shows a total buildout of 182 total units, including 150 single family detached units and 32 multifamily units, for a total reduction of approximately 15 percent from the TIS. The TIS does not include some beneficial traffic features of the project, including enhanced connectivity, bicycle and pedestrian facilities, offsite sidewalks and walkable destinations such the elementary school, high school and the central business district. The impacts identified in the TIS are considered to be overstated by 20% to 25% versus the actual buildout of the project due to the reduced number of units and other factors described herein. Table 11-1 below provides a comparison of trip generation numbers. Therefore, the inconsistency between the TIS, the DEIR and the Public Hearing Draft of the Specific Plan does not result in any additional significant impacts or thresholds because the currently proposed project will result in less impacts than shown in the TIS. However, to be on the conservative side, this reduction in units and trip reduction features were not factored into the impact analysis.

Table 11-1 Comparison of Project Traffic Impacts								
	Number	ADT	AM Peak			PM Peak		
			In	Out	Total	In	Out	Total
Single Family Detached	150	1,500	28	84	112	93	55	148
Multifamily (Apartment)	32	335	3	16	19	24	14	38
TT Total-Revised Project	182	1,835	31	100	131	117	69	186
Estimated Reductions[1] @ 15%		-275	-5	-15	-20	-18	-10	-28
Net Trip Generation		1,560	26	85	111	99	59	158
Total-Traffic Study	213	2,143	38	118	156	136	80	216
Change	-31	-583	-12	-33	-45	--37	-21	-58
Percentage Change	-14.6%	-27.2%	-31.6%	-27.9%	-28.8%	-27.2%	-26.3%	-26.9%

When developing the initial scope of the TIS, Ruettgers & Schuler (R&S) reached out to Tulare County, the City of Kingsburg and Caltrans to determine which intersections should be included. At that time R&S also had discussions with the City of Kingsburg and Tulare County regarding a horizon analysis and a growth rate of 1%. It was determined that a growth rate of 1% would be a reasonable assumption. If a 2% growth rate was used, the project's contribution to the impacts would actually be smaller than what is shown in the TIS. The 1% growth rate is a worst case scenario and assigns a greater share of percentage impact on the Applicant. Therefore, it is not necessary to conduct a revised traffic study assuming a 2% growth under cumulative conditions.

The use of a 1% background increase was reviewed and supported by a number of factors. First, whereas the SR 99 mainline has increased between 1.5% and 2% per year, the traffic on smaller state highways has been significantly less. The traffic on SR 201 in Kingsburg, for example has remained relatively unchanged over the last 10 years. Further, the TIS considered that none of the typical reductions in vehicle trips from the project were accounted for which would provide a significant conservative estimate. Finally, Caltrans noted in their March 10, 2017 correspondence, that the difference between the 1 percent and 2 percent growth scenarios would only produce "slightly higher" traffic counts, it may not materially affect the conclusions or recommendations. As requested by Caltrans, a cursory review by R&S of the impact to state routes was made using the 2 percent growth factor (which appears most applicable to the SR 99 mainline), and no changes in the recommended conclusions or mitigations was found. R&S provided the following information pertaining to this comment (via email correspondence 5/8/18):

> "An increase in the growth rate for ambient traffic from 1% to 2% is not anticipated to create any further impacts. Of the studied intersections, only one operated at a level of service requiring investigation with regards to an increase in ambient traffic. All other intersections either, operated

well above the threshold for significant impacts, or were already impacted and mitigated as shown in the study.

The intersection of 18th Avenue and State Route 99 (northbound off ramp) operates at a level of service "D" in the eastbound direction for the 2035+Project AM peak hour (worst case scenario). The delay for this movement is 25.8 seconds. The threshold for determining if there is a significant impact for an unsignalized intersection is a delay of or greater than 35 seconds. It is not anticipated that an increase in the growth rate from 1% to 2% will increase the delay enough to create an impact at this intersection.

Based on the HCS analysis for the roadway segments within the study area, the highest vehicle to capacity ratio was determined to be along the segment of 18th Avenue from Kern Street to State Route 99. The volume to capacity ration here is 0.36 (level of service "D"). Similar to the intersection analysis, the roadway operates at a "good" LOS D and the small increase in background traffic using 2% instead of 1% growth rate would not cause a significant impact."

The City adopted a Development Impact Fee Justification Study ibn 2016 to document facility needs in the community to the year 2035, considered to be full buildout of the General Plan. Traffic facilities in the nexus study include 22 projects including roadway improvements and intersection improvements. Fees were new development were identified that apportioned the fair share of these improvements to new development. Payment of these fees by new development are considered to be full mitigation for any project impacts on these facilities.

Several facilities potentially impacted by the project are not included in the traffic facilities list and were therefore specifically analyzed for any fair share that the project may have on those facilities. Those several facilities include intersection control at northbound and southbound 99 ramp intersections with 18th Street, and 18th and Kern Streets. As a result, the traffic impact study as determined the project's fair of these facilities. The discussion in the Draft EIR erroneously assumed that these facilities were included in the list of projects eligible for funding under the City's TIF program, in which the project is participating. The EIR has been corrected to state that the project will pay fees for the multifamily and single family uses equal to $1,400.42 per dwelling unit, and additional fees of $930.41 per dwelling unit to the City for intersection and lane improvements to Kern and 18th, and $358.46 per dwelling unit to the County for improvements to the SR 99/18th ramp intersection improvements. The Final EIR and the Public Hearing Draft of the Specific Plan reflect these changes and corrections.

The horizon year for the project was determined to be 2035. Caltrans provided a comment letter on the traffic study and they did not request the use of a 2040 horizon year. Therefore, it is not deemed necessary to conduct a revised traffic study assuming a 2040 horizon year instead of a 2035 horizon year. Neither the Kingsburg General Plan or the Tulare County General Plan have horizon years beyond 2035 and the 2035 horizon year is therefore considered to be the full buildout scenario for the project analysis. The usage of the 2035 Horizon Year is also consistent with the City's Development Impact Fee Justification Study which uses that year for determining needed facilities to support full buildout of the City. Usage of a different horizon year would provide inconsistent conclusions and assumptions.

Standard peak hour assumptions included hours that are typical of similar sized cities regarding school hours, commuters, etc. It is not anticipated that revisions of the peak hours in the traffic study would make a significant difference in the calculated levels of service or mitigation requirements that would

result from the proposed project. Therefore, it is not deemed necessary to re-do the traffic study to incorporate alternate peak hours.

Bicycles and pedestrians are accounted for in the TIS and the DEIR. Where signals and/or crosswalks are needed, the Applicant will pay the fair share of improvements as identified in the TIS and other documents. The project will also result in development of offsite sidewalk connections from the project to 18th Street along Kern Street, and along Madsen Street from the project to the Sierra Street. These improvements (along with the project's internal sidewalk system) provide full pedestrian and bicycle connectivity to the elementary school, adjacent neighborhood, high school, and central business district. The project also includes pedestrian and bicycle connections from inside the project to the perimeter bicycle/pedestrian path. No additional bicycle or pedestrian improvements were analyzed because the project is providing full connectivity. When the various intersections are improved, they will be designed and constructed in accord with the improvement plans of the respective agencies to ensure pedestrian safety and ADA access. As such, the project's fair share contribution includes bicycle, pedestrian, and intersection improvements.

Comment 1: *Table 1: "eq" should be defined and any equations used to calculate trip generation should be presented.*

Response: The ADT rate for single family residential uses is 10 trips per day. The ADT rate for multifamily uses is 10.46 trips per day. The AM Peak hour rate for single family is 0.75 trips per unit; the PM Peak hour rate for single family is 0.99 trips per unit. The AM Peak Hour rate for multifamily is 0.61 trips per unit, and the PM Peak Hour rate for multifamily is 1.18 trips per unit. These rates are higher than the 0.92 "default" rate and are customized to the size and location of the project. Peak hour factors from the Existing Conditions was not considered a reliable predictor of project peak hour generation because the existing traffic is a more diverse combination of industrial, commercial, residential, and through traffic. The Peak Hour traffic analysis is appropriate for the project.

Comment 2. *The horizon analysis year of 2040 should be analyzed instead of 2035 to provide a 20-year analysis. Caltrans usually requires a 20-year analysis as well.*

Response: Caltrans, the City of Kingsburg and the County of Tulare agreed that the 2035 horizon year based on the buildout the respective of General Plans is appropriate for this project. Caltrans March 10, 2017 review letter on the TIS did not comment on this factor. The 2035 horizon year is also consistent with the horizon year used in the City's Nexus Study.

Comment 3. *The Consultant should confirm whether Caltrans has agreed to consider LOS D as acceptable on State facilities. Typically, LOS C is required unless specifically discussed with Caltrans.*

Response: Caltrans has reviewed the project TIS and did not object to this assessment.

Comment 4. *Pending projects (including Grace Church) should be considered in the analyses.*

Response: No pending projects were identified by the County or City as of the date of the Notice of Preparation (9/7/16).

Comment 5. *The reported peak hours may not be reliable. Traffic counts typically begin no later than 7:00 a.m. and no later than 4:00 p.m. The traffic counts for the Hash traffic study began at 7 :30 a.m. and at 4:30 p.m. Therefore, any peak hours that are reported as beginning at 7:30 a.m. or at 4:30 p.m. may not be the actual peak hours since data were not available for the adjacent time periods leading up to the beginning of the count. For example, the actual peak hour may begin at 7:15 a.m. and no one would know. Furthermore, we are familiar with instances in which Caltrans has requested that counts begin at 6:30 a.m. at some County locations with longer commutes to Fresno or Visalia. The required peak hour count periods should be discussed with Caltrans and the City of Kingsburg and counts beginning no later than 7 :00 a.m. and no later than 4:00 p.m. should be performed.*

Response: Standard peak hour assumptions included hours that are typical of similar sized cities regarding school hours, commuters, etc. It is not anticipated that revisions of the peak hours in the traffic study would make a significant difference in the calculated levels of service or mitigation requirements that would result from the proposed project. Peak hour trip generation used in the TIS were 7.5% higher than the "default" rate for single family uses and 28 percent higher than the "default" rate for multifamily uses. Consequently, peak hour trip generation was 11.1 percent higher than the "default" rate which more than compensates for any potential variation. Therefore, it is not deemed necessary to conduct a revised traffic study incorporating alternate peak hours.

Comment 6. *The existing peak hour factors obtained from the traffic counts should be used in the analyses (including future analyses), particularly where intersections may be affected by school trips. A default peak hour factor of 0. 92 should be justified if used.*

Response: The TIS AM Peak hour rate for single family is 0.75 trips per unit; the PM Peak hour rate for single family is 0.99 trips per unit. The AM Peak Hour rate for multifamily is 0.61 trips per unit, and the PM Peak Hour rate for multifamily is 1.18 trips per unit. These rates are higher than the 0.92 "default" rate and are customized to the size and location of the project. Peak hour factors from the Existing Conditions were not considered a reliable predictor of project peak hour generation because the existing traffic is a more diverse blend of industrial, commercial, residential, and through traffic. The Peak Hour traffic analysis is considered appropriate for the project.

Comment 7. *Queuing should be reported and discussed in the body of the report per the City of Kingsburg Traffic Impact Study Report Guidelines.*

Response: The project complies with the County TIS Guidelines and the queuing is reported in the Synchro printouts for the project. There are no excessive ques according to the report.

Comment 8. *Bikes and pedestrians should be considered in the intersection analyses, particularly adjacent to schools or where the traffic counts reveal a substantial pedestrian volume.*

Response: Bicycles and pedestrians are accounted for in the TIS and the DEIR. Where signals and/or crosswalks are needed, the Applicant will pay the fair share of improvements as identified in the TIS

and other documents. The project will also result in development of offsite sidewalk connections from the project to 18th Street along Kern Street, and along Madsen Street from the project to the Sierra Street. These improvements (along with the project's internal sidewalk system) provide full pedestrian and bicycle connectivity to the elementary school, adjacent neighborhood, high school, and central business district. The project also includes pedestrian and bicycle connections from inside the project to the perimeter bicycle/pedestrian path. No additional bicycle or pedestrian improvements were analyzed because the project is providing full connectivity. When the various intersections are improved, they will be designed and constructed in accord with the improvement plans of the respective agencies to ensure pedestrian safety and ADA access. As such, the project's fair share contribution includes bicycle, pedestrian, and intersection improvements.

Comment 9. *The actual heavy vehicle percentages obtained from the traffic counts should be utilized in the analyses.*

Response: The TIS used standard default rates for heavy vehicle (truck) portion of traffic.

Comment 10. *The study assumed an annual growth rate of 1% to forecast future traffic volumes. The Grace Church traffic study assumed 2% annual growth as approved by Caltrans and the City of Kingsburg. The Hash traffic study should be revised with an assumption that traffic volumes would increase at a rate of 2% per year.*

Response: Please refer to the general introductory response at the beginning of this statement, which describes in detail the methodology behind using the 1% growth rate. Due to the length of the response, it is no duplicated here.

Comment 11. *Based on the Grace Church traffic study, a near-term significant impact is expected at the intersection of 18th and Kern. Grace Church was to participate in restriping of 18th Avenue with a two-way left turn lane by paying City fees. The Hash project did not analyze a near term condition with pending projects, but it is expected that Hash should also participate in paying for the two-way left-turn lane. Consider requiring payment of City fees.*

Response: This impact was not identified for the project, due to varying peaking characteristics, size of project, and/or other factors. The project description and the Specific Plan have indicated that the project Applicant will pay standard City impact fees as of April 2018 (See Public Hearing Draft of Specific Plan). The project's share of the referenced improvements will be paid for by impact fees as has been proposed by the project Applicant from the start. Based on trip generation rates contained in the TIS (and not speculatively lower "default" or standard ITE trip generation rates), the Project will result in payment of City of Kingsburg traffic fees as noted above. The project's payment of city standard traffic fees and the special ad hoc fees identified herein and in master response will mitigate all project traffic impacts.

Comment Subject: Tentative Tract Map (proposed). The following comments and responses from the City of Kingsburg relate the Tentative Tract Map for the project that was included in the EIR. The

Tract Map was reviewed by and conditionally approved by the City of Kingsburg on April 18th. Responses are provided to the following comments for informational purposes only and are not necessarily, unless noted otherwise, comments on the DEIR, or environmental issues.

Comment 1: *Lot areas should be calculated excluding the alley area, which result in some lots dropping below 7,000 SF. All lots should meet the 7,000 SF minimum lot size not including alley area.*

Response: The North Kingsburg Specific Plan allows lots smaller than the R-1-7 based on a finding that other equivalent areas are provided such as parks and open space. The definition of lot size in the City's Zoning Ordinance also does not require the exclusion of alley areas in determining lot size. The Applicant has confirmed this City staff and the project Tract Map is in conformance with all City regulations.

Comment 2: *Lots 65, 72, 79, and 118 have limited alley access. Verify that the alley access is sufficient for waste container passage.*

Response: Alley access is sufficient for solid waste collection on all lots.

Comment 3: *Rename streets to be consistent with existing surrounding street names. For example, Bergman Avenue lines up with 24th Avenue and Gunnar Street lines up with Laker Street.*

Response: All street names are now consistent with other City streets along the same alignment. "Laker" Street is actual "Lake" Street. The corrected street names are shown in the revised Tract Map.

Comment 4: *Multi-family units along Kern Street shall be alley loaded to prevent vehicular access from Kern Street.*

Response: The design guidelines in the Specific Plan and the Tract Map show only alley access for the multifamily units fronting on Kern Street.

Comment 5: *Kern Street and Road 16 shall be constructed with minimum 4-foot paved shoulders in accordance with SJVAPCD Rule 8061.*

Response: Section 5.1.1.1.1 of Rule 8061 requires that roadways which carry 500 to 3,000 ADT have paved shoulders that are "...4 feet or limit of right-of way, whichever is the lesser" or, provide paved shoulders of eight feet for roads carrying 3,000 ADT. Both Madsen Avenue and Kern Street will have additional paveout in the future on the east and south sides of the road, respectively. Madsen Avenue is projected to carry 900 to 1,000 ADT in the 2035+Project scenario, and Kern Street is projected to carry 1,300 to 1,500 ADT in the 2035+Project scenario. The ROW for Kern Street and Madsen Avenue are estimated to be 40 feet each. The project will comply with the applicable requirement and the road section will be modified to add a 4-foot paved should on the east side of Madsen Avenue and on the south side of Kern Street, subject to existing ROW.

Comment 6: *Kern Street frontage improvements shall be constructed across the existing residential lot.*

Response: The revised Tract Map shows the street improvements across the "Not a Part" parcel along the Kern Street frontage.

Comment 7: *The bulb out design shown on page 2 does not appear to be reflected on the TIM layout (sheet 1). Verify if this feature is included in the project.*

Response: The bulbout design is shown in the Public Hearing Draft of the Specific Plan and the revised Tract Map to apply at 22nd Avenue and Lindquist Street, and at 24th Avenue and Lindquist Street.

Comment 8: *Fence along Road 16 shall be a decorative masonry block wall.*

Response: The fence or wall along the Kern Street will comply with the design guidelines in the Specific Plan.

Comment 9: *Bridge along Kern Street at Road 16 shall be replaced or widened to match proposed roadway width (including shoulders).*

Response: The bridge will be widened as part of Phase 2 of the project.

Comment Subject: MOU. The referenced "MOU" is the Memorandum of Understanding and Joint Planning and Development Agreement By and Between the City of Kingsburg and the County of Tulare Regarding the Development of the Hash Subdivision and Development Project, and the Establishment of a Specific Plan for the Project Areas. This is essentially a document that summarizes the conditions of approval by and between the City and County and includes financial terms, administrative terms, and implementation terms. The MOU was considered by the Kingsburg City Council on three separate occasions, including a joint meeting with Kingsburg Planning Commission. A revised MOU was conditionally approved by the Kingsburg City Council on April 18, 2018 and is included in the Public Hearing Draft of the Specific Plan. Comments on the MOU are not comments on the Draft EIR and provided here for informational purposes only.

Comment 1: *The long-term maintenance Kern and Madsen should be properly financed and included in the county's Community Services District (CFD).*

Response: The maintenance of Kern Street and Madsen Avenue, as well as other project roadways, are to be maintained by a combination of property tax sharing and the Community Facilities District (CFD) as shown in Part 8 of the Public Hearing Draft of the Specific Plan.

Comment 2: *Our City Attorney, Mike Noland, has had an opportunity to provide an in-depth review of the MOU document. His comments are included as separate documents with track changes and a clean version.*

Response: These comments have been addressed in the revised MOU and the Public Hearing Draft of the Specific Plan.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate the City's comments which will be useful toward ensuring that the proposed Project complies with the City's 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,

Hector Guerra, Chief
Environmental Planning Division

Attachments: *(1) City of Kingsburg comment letter*

cc: file

City of Kingsburg

1401 Draper Street, Kingsburg, CA 93631-1908
(559) 897-5821 Fax: (559) 897-5568

Michelle Roman
Mayor

Bruce Blayney
Mayor Pro Tem

COUNCIL MEMBERS
Staci Smith
Sherman Dix
Laura North

Alexander J. Henderson
City Manager

February 2, 2018

Michael Washam
Economic Development & Planning Branch
Tulare County Resource Management Agency
5961 South Mooney Blvd
Visalia, CA 93277

Dear Mr. Washam,

The City of Kingsburg has reviewed the Hash Specific Plan, DEIR and Hash MOU and has the following comments and observations. As has been discussed, City Council and staff are appreciative of the relationship to bring this project to proposal. Many of the comments included below are confirmation of verbal discussions held between staff and developer, and/or the County staff.

Rather than sending a number of separate documents to you regarding this project, I've tried to gather all the comments into one correspondence. In addition to the Specific Plan and DEIR, the City has provided some preliminary comments on the to-be-submitted tentative map and our attorney's comments on the MOU.

Specific Plan

1. 3.3.1 R-1-7 Zone (page 21): currently indicates 20 percent of lots above 10,000 sq. ft. Under the North Kingsburg Specific Plan, 25 percent of the single-family residential lots should be 10,000 square feet or larger; the balance should be 7,000 square feet (or higher) in size.

2. 4.3 Road Maintenance (page 34): Document references the possibility of the County and City not reaching an agreement for maintenance. City will require an agreement for project to continue. Verbiage stating otherwise should be removed.

3. 5.1.3 Existing Wells (page 36): City has seven existing wells.

4. 5.1.4 Storage Tanks (page 36): City water tower no longer holds water (non-functional).

5. 6.2 Police: Document references an amount to fund .50 FTE – this amount should be .75 FTE.

6. 6.3 Fire: Document references an amount to fund .25 FTE – this amount should be .75 FTE.

7. 8.3.2 Community Facilities District (page 55): City desires to either administer CFD or have representation with regards to levying future taxes. Item is also addressed in revisions to the MOU.

8. 10.5 Building Permits: City to have role related to building permitting process (back check) to ensure proper lot siting, architecture, etc.

9. Table 10-1 (page 67): City would like neighborhood park improvement to occur during Phase 1.

10. The city concurs with the process for ensuring that the design of single-family homes and multi-family dwellings to be constructed meet the architectural and design standards of the North Kingsburg Specific Plan.

11. Consideration of utilizing agricultural mitigation fees to purchase agricultural easements on land around Kingsburg in order to buffer the city from unwanted land use.

DEIR

1. Paragraph (d) on page 3.18-7 should be amended to include the need for a City of Kingsburg Water Master Plan amendment. The amendment will include addition of the subdivision into the water model and subsequent analysis to determine appropriate pipeline sizes. This effort will also verify whether the existing sources within the municipal system are adequate to meet fire flows within the development or if additional sources or infrastructure is necessary. Any additional water sources or infrastructure require to meet fire flows will be the responsibility of the developer.

Traffic Study

1. Table 1: "eq" should be defined and any equations used to calculate trip generation should be presented.

2. The horizon analysis year of 2040 should be analyzed instead of 2035 to provide a 20-year analysis. Caltrans usually requires a 20-year analysis as well.

3. The Consultant should confirm whether Caltrans has agreed to consider LOS D as acceptable on State facilities. Typically LOS C is required unless specifically discussed with Caltrans.

4. Pending projects (including Grace Church) should be considered in the analyses.

5. The reported peak hours may not be reliable. Traffic counts typically begin no later than 7:00 a.m. and no later than 4:00 p.m. The traffic counts for the Hash traffic study began at 7:30 a.m. and at 4:30 p.m. Therefore, any peak hours that are reported as beginning at 7:30 a.m. or at 4:30 p.m. may not be the actual peak hours since data were not available for the adjacent time periods leading up to the beginning of the count. For example, the actual peak hour may begin at 7:15 a.m. and no one would know. Furthermore, we are familiar with instances in which Caltrans has requested that counts begin at 6:30 a.m. at some County locations with longer commutes to Fresno or Visalia. The required peak hour count periods should be discussed with Caltrans and the City of Kingsburg and counts beginning no later than 7:00 a.m. and no later than 4:00 p.m. should be performed.

6. The existing peak hour factors obtained from the traffic counts should be used in the analyses (including future analyses), particularly where intersections may be affected by school trips. A default peak hour factor of 0.92 should be justified if used.

7. Queuing should be reported and discussed in the body of the report per the City of Kingsburg Traffic Impact Study Report Guidelines.

8. Bikes and pedestrians should be considered in the intersection analyses, particularly adjacent to schools or where the traffic counts reveal a substantial pedestrian volume.

9. The actual heavy vehicle percentages obtained from the traffic counts should be utilized in the analyses.

10. The study assumed an annual growth rate of 1% to forecast future traffic volumes. The Grace Church traffic study assumed 2% annual growth as approved by Caltrans and the City of Kingsburg. The Hash traffic study should be revised with an assumption that traffic volumes would increase at a rate of 2% per year.

11. Based on the Grace Church traffic study, a near-term significant impact is expected at the intersection of 18th and Kern. Grace Church was to participate in restriping of 18th Avenue with a two-way left-turn lane by paying City fees. The Hash project did not analyze a near term condition with pending projects, but it is expected that Hash should also participate in paying for the two-way left-turn lane. Consider requiring payment of City fees.

Tentative Tract Map (proposed)

1. Lot areas should be calculated excluding the alley area, which result in some lots dropping below 7,000 SF. All lots should meet the 7,000 SF minimum lot size not including alley area.

2. Lots 65, 72, 79, and 118 have limited alley access. Verify that the alley access is sufficient for waste container passage.

3. Rename streets to be consistent with existing surrounding street names. For example, Bergman Avenue lines up with 24th Avenue and Gunnar Street lines up with Laker Street.

4. Multi-family units along Kern Street shall be alley loaded to prevent vehicular access from Kern Street.

5. Kern Street and Road 16 shall be constructed with minimum 4-foot paved shoulders in accordance with SJVAPCD Rule 8061.

6. Kern Street frontage improvements shall be constructed across the existing residential lot.

7. The bulb out design shown on page 2 does not appear to be reflected on the TTM layout (sheet 1). Verify if this feature is included in the project.

8. Fence along Road 16 shall be a decorative masonry block wall.

9. Bridge along Kern Street at Road 16 shall be replaced or widened to match proposed roadway width (including shoulders).

MOU

1. The long-term maintenance of Kern and Madsen will be the responsibility of the county. The MOU

should recognize that the long-term maintenance of the major roadways should be properly financed. The roadways should be included in the county's Community Services District (CFD).

2. Our City Attorney, Mike Noland, has had an opportunity to provide an in-depth review of the MOU document. His comments are included as separate documents with track changes and a clean version.

Should you have any questions regarding these comments, feel free to call me at 559-897-5821 or e-mail me at ahenderson@cityofkingsburg-ca.gov.

Respectfully,

Alexander J. Henderson, City Manager
City of Kingsburg

Attachment 8

Comments Received from Office of Planning and Research (OPR), State Clearinghouse (SCH), February 6, 2018

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

February 6, 2018

Tulare County
Resource Management
Agency

FEB 14 2018

Hector Guerra
Tulare County
5961 South Mooney Boulevard
Visalia, CA 93277-9394

Subject: Hash Farms Development Project
SCH#: 2016091017

Dear Hector Guerra:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on February 5, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2016091017
Project Title Hash Farms Development Project
Lead Agency Tulare County

Type EIR Draft EIR

Description The Hash Farms development project proposes the development of a 200 unit residential subdivision (160 single family units and 40 multi family units) on a total of 54 acres, including a 2.54 acre park and 1.15 acre fenced stormwater basin. Vehicular access to the proposed project will be primarily from two access points along Road 16 and two access points along Avenue 396. The proposed project will also be accessible from existing residential streets that will be extended from the city of Kingsburg. PG&E will supply electricity, Southern CA Gas will provide natural gas, the city of Kingsburg will provide water service and the Selma-Kingsburg-Fowler County Sanitation District will provide sewer service.

Lead Agency Contact

Name Hector Guerra
Agency Tulare County
Phone 559-624-7121 **Fax**
email
Address 5961 South Mooney Boulevard
City Visalia **State** CA **Zip** 93277-9394

Project Location

County Tulare, Fresno
City Kingsburg
Region
Lat / Long 36° 30' 38.56" N / 119° 32' 06.48" W
Cross Streets Road 16 and Ave. 396
Parcel No. 028-140-007,012,013,018; 022 396-020-008 and 014
Township 16S **Range** 22E **Section** 26 **Base** MDBE

Proximity to:

Highways SR 99
Airports
Railways UPRR
Waterways Slough Canal
Schools Lincoln ES
Land Use The proposed Project lies within the jurisdiction of the County of Tulare and the City of Kingsburg (Fresno County). It is zoned A-1 (Agricultural) within the Kingsburg Urban Development Boundary (Tulare County) and is zoned R-1 (Residential) and zoned for Agriculture in the Fresno County portion of the project. The General Plans designations is Agricultural for both the Tulare county and Fresno County portions.

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; Office of Emergency Services, California; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission; State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 12/22/2017 ***Start of Review*** 12/22/2017 ***End of Review*** 02/05/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

Attachment 9

Comments Received from San Joaquin Valley Unified Air Pollution Control District (Air District), February 7, 2018
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Arnaud Marjollet
Director of Permit Services
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Ave.
Fresno, CA 93726-0244

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Marjollet:

Thank you for providing the San Joaquin Valley Air Pollution Control District's (SJVAPCD) response (dated February 7, 2018) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

The County of Tulare (County) acknowledges and recognizes SJVAPCD's authority and expertise regarding air quality relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment 1: *The proposed Project would have a less than significant impact on air quality when compared to the District's annual criteria pollutant emissions significance thresholds.*

Response: As the agency with the foremost authority regarding the air quality resource, RMA Staff appreciates the Air District's evaluation of Project-related impacts on air quality. The County agrees with the Air District's determination that the Project will not exceed the Air District's criteria pollutant thresholds.

Comment 2: *The proposed Project is subject to Rule 9510 Indirect Source Review (ISR) and requires the submittal of an Air Impact Assessment (AIA) application no later than applying for final discretionary approval with the public agency.*

Response: The County agrees with this assessment. The description of the applicability of the Rule 9510 was misstated in the DEIR. Rule 9510 applies to projects that add a threshold level of capacity or activity. The relevant paragraph on the applicability of Rule 9510 has been

amended in the errata section of the Final EIR. See page Errata 1-7. The applicability of Rule 9510 does not change the conclusions of the project that there is a less than significant air quality impact.

Comment 3: *The District provides the following clarification for the definition of a "Development Project" defined under Rule 9510.*

Response: The County agrees with this assessment and definition. The relevant portions of the DEIR have been modified as noted in the response the APCD Comment 2.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate SJVAPCD's comments which will be useful toward ensuring that the proposed Project complies with the SJVAPCD's rules and 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,

Hector Guerra, Chief
Environmental Planning Division

Attachments: *(1) SJVAPCD Comment Letter*

cc: file

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

FEB - 7 2018

Tulare County
Resource Management
Agency
FEB 12 2018

Hector Guerra
County of Tulare
Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Project: Draft Environmental Impact Report (EIR) for the Hash Farms (Andersen Village) Development Project

District CEQA Reference No: 20171409

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (EIR) for the Hash Farms (Andersen Village) Development Project. The proposed project consists of a 200-unit residential subdivision (160 single family units and 40 multi-family units) on a total of 54 acres, including a 2.54 acre park and 1.15 acre fenced stormwater basin (Project). The Project is located at the northwest corner of Road 16 and Avenue 396, partially within the City of Kingsburg, Fresno County and Tulare County. The District offers the following comments:

1. **Significance Impact for Annual Criteria Pollutants Emissions**

The proposed Project would have a less than significant impact on air quality when compared to the District's annual criteria pollutant emissions significance thresholds.

The Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.

2. District Rule 9510 Indirect Source Review (ISR)

The proposed Project is subject to Rule 9510 Indirect Source Review (ISR) and requires the submittal of an Air Impact Assessment (AIA) application no later than applying for final discretionary approval with the public agency.

On Page 3.3-23, the EIR states,

> *"The Project includes the installation of infrastructure to provide existing residences without municipal sewage facilities with connection to an existing wastewater treatment plant. As such, the Project does not increase capacity or activity and upon completion will be tied into a facility subject to Air District permitting requirements; therefore, the Project is not subject to Rule 9510."*

According to the Project description in the EIR, this Project is for the construction of a new 200-unit residential development and not for the installation of infrastructure to provide connection to an existing wastewater treatment plant. As such, the proposed Project would equal or exceed the relevant District Rule 9510 (Indirect Source Review) applicability threshold of 50 dwelling units. Therefore, the District concludes that the proposed Project is subject to District Rule 9510.

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval. If approval of the subject Project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, 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. The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm.

3. Rule 9510 Definition for "Development Project"

The District provides the following clarification for the definition of a "Development Project" defined under Rule 9510.

On Page 3.3-23, the EIR states:

> *"The rule defines a development project as a project, or portion thereof, that results in the construction of a building or facility for the purpose of increasing capacity or activity."*

The District would like to clarify that per Rule 9510, section 3.13, a "Development Project" is defined as:

3.13 Development Project: any project, or portion thereof, that is subject to a discretionary approval by a public agency, and will ultimately result in the construction of a new building facility, or structure, or reconstruction of a building, facility, or structure for the purpose of increasing capacity or activity.

4. District Rules and Regulations

The proposed Project may be subject to other District rules and regulations.

The proposed Project may be subject to other District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), 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 (SBA) Office at (661) 392-5665. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

The District recommends that a copy of the District's comments be provided to the Project proponent. If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet
Director of Permit Services

Brian Clements
Program Manager

AM: sy

Attachment 10

Comments Received from Consolidated Irrigation District (CID), February 8, 2018
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Phillip G. Desatoff
General Manager
Consolidated Irrigation District
2255 Chandler Street
PO Box 209
Selma, CA 93662

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Desatoff:

Thank you for providing Consolidated Irrigation District's (CID) response (dated February 8, 2018) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

The County of Tulare (County) acknowledges and recognizes CID's authority and expertise regarding water and irrigation impacts relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

The Draft EIR was prepared to analyze the impacts of the project to local groundwater resources. The City of Kingsburg has an agreement with CID for the mitigation of local groundwater impacts. The EIR analysis in Section 3.9 concluded on Page 3.9-25 that when compared to existing groundwater usage on the site and the water usage characteristics described in the Tulare County General Plan (approximately 196 gallons per day per person) and Kingsburg's Urban Water Master Plan (which results in an assumption for 199 gallons per day per person), that "...that the current farming of the 38 acres on site requires approximately 121 acre feet per year which is slightly less than Project water demands as calculated using the assumptions in Kingsburg's UWMP and slightly more than the Project water demands as calculated using the assumptions in the Tulare County General Plan. In order to further reduce the demand for water from the proposed Project the following Mitigation Measures have been established to limit flows for human consumption and landscaping. Standard water conservation measures have been added as Mitigation Measures 9-9 through 9-11. In addition, per Tulare County Ordinance 3029, water efficient landscaping is required to conserve water. As noted in the Mitigation Measures 9 and10, the proposed Project shall conform to this Water Efficient Landscaping Ordinance. With the implementation of these

Mitigation Measures, proposed Project impacts related to this Checklist Item (specific to the facility expansion) will be reduced to a *Less Than Significant Impact With Mitigation*."

The commenter questions the water usage calculations in the EIR and in the supporting technical memorandum in Appendix D of the Draft EIR. The County maintains that the calculations are supported by substantial evidence, including the City's Urban Water Management Plan, the County's General Plan, and most recently, the most recent Department of Water Resources (DWR) three-year residential water use usage (DWR Urban Water Supplier's Database, June 2014 to December 2017). This database shows that residential water usage for Kingsburg and surrounding areas is declining. The DEIR conclusion that the project will not result in a significant impact to groundwater supplies is therefore supported by this information. For example, the 2018 DWR residential water usage report indicated that Kingsburg's average daily per capita water use between December 2014 and December 2017 was 183 gallons per day per person, and the per capita daily water use for the Tulare-Visalia area was 118 gallons per day per person. The conservative assumptions in the Draft EIR indicate a projected range of 195 to 200 gallons per day per person, a value that is 7.3 percent higher than the current City of Kingsburg average, and 66 percent higher than the water use for similar projects built in Tulare County.

Groundwater in the Central Valley is an area of concern. Consequently, the State has initiated groundwater planning areas to manage and improve groundwater. Jurisdictions (like Kingsburg) in CID's service area have established cooperative agreements with CID to provide for groundwater recharge. This agreement calls for a surcharge on monthly water bills to help fund groundwater recharge projects in CID's service area. CID and the applicant have agreed that there is a benefit to providing this funding in advance for each phase of development, rather than funding improvement over a longer period of time. There is uncertainty about the duration of the Cooperative Agreement, or its applicability to the County portion of the project, and the applicant has agreed to comply with this program by paying a fee according to each Final Map phase, or by direct construction of improvements in cooperation with CID. As noted in Section 8.2.4 of the revised Public Hearing Draft of the Specific Plan, "the project has elected to make a direct payment or make improvements for groundwater improvements.... Project residents would pay for these improvements through their CFD allocation [rather through their monthly water bills]."

Comment 1: *The District believes the Project will have groundwater impacts given the condition of critical overdraft that the Kings Subbasin is currently experiencing. The EIR will need to address those impacts and also identify a sustainable water supply for the Project without the benefit of the agreement.*

Response: The project Applicant has agreed to providing funding or facilities for groundwater recharge facilities as described in Section 8.2.4 of the Public Hearing Draft of the Specific Plan. Thus, while the project is not considered to have a significant impact on groundwater since it is not increasing the usage of groundwater in the basin, these improvements will improve the current groundwater conditions.

Comment 2: *The District also has concerns with and questions how the City can extend services outside of the County they are located within. It is the District's understanding that the City Sphere of Influence (Sphere) includes lands both within Fresno County and Tulare County. According to the latest Fresno County Local Agency Formation Commission Municipal Service Review for the City, there appears to be issues with the portion of the Sphere that extends into Tulare County.*

Response: The City's water ordinance in the Municipal Code and applicable LAFCo law permits the extension of services outside of jurisdictions corporate limits through an extra-territorial service agreement. The most recent MSR for the City of Kingsburg affirmed that the subject property is to be serviced by the City of Kingsburg. Both the Tulare County and Fresno County LAFCos have affirmed this position.

Comment 3: *The District also questions whether the transportation of groundwater by the City outside the County of Fresno is consistent with the County's groundwater transfer ordinance. (Fresno County Ordinance Code Section 14.03.030) The District believes this issue must be resolved prior to the City committing to provide services.*

Response: This ordinance does not apply to the City of Kingsburg, nor to the current factual situation.

Comment 4: *General Comment - The analysis does not sufficiently identify the overdraft condition of the Kings Subbasin. The subbasin is in a condition of critical overdraft and as such cannot support the existing uses overlying it today. Additional groundwater extraction without offsetting recharge will compound the issue and cause further overdraft. The overdraft condition of the subbasin must be fully corrected by 2040 as required by the Sustainable Groundwater Management Act.*

Response: The County is aware of and understands the condition of the Kings Subbasin. The information provided in this comment is noted. Further written narrative of the conditions of the Subbasin will not change the analysis or impact determination and thus is not deemed necessary at this point in the environmental review process. The project has agreed to participate in groundwater recharge as described herein and in the Public Hearing Draft of the Specific Plan. The project will be required to adhere to whatever water conservation strategies/regulations are set forth by the regulatory agencies.

Comment 5: *Page 3.9-24 paragraph 4 and Page 3.9-25 paragraph 1 - How was it determined that the use of drought-tolerant landscaping would reduce the outdoor water use by 75%? What is the process of monitoring and enforcement to confirm assumptions?*

Response: Based on the California Department of Water Resources California Single Family Water Use Efficiency Study, approximately 53% of residential water use is used for outdoor landscape irrigation. Using this figure, if drought tolerant landscaping reduces water use 75%, then the daily per capita water use would be reduced by approximately 131 gallons per day.

These reductions are typical for lots that have limited turf. This is monitored and enforced through the review of water use calculations for each housing unit in conformance with the City and County Landscape Water Efficiency ordinances.

Comment 6: *Page 3.9-25 Existing site water usage does not distinguish between the use surface water and groundwater in the calculation of existing water use. Under the Cumulative Impact Analysis, it is improperly identified that the proposed project will use similar amounts of water than what was historically used on the site. Historic water use was through the application of surface water and groundwater whereas the proposed project will rely solely on groundwater.*

Response: This estimate was based on the operating history of the ranch. According to the owner and farm manager, 75 percent of the water for the agricultural operations comes from groundwater, that is, 91-acre feet of the total reported 121 acre-feet. The project Applicant has agreed to providing funding or facilities for groundwater recharge facilities as described in Section 8.2.4 of the Public Hearing Draft of the Specific Plan. Thus, while the project is not considered to have a significant impact on groundwater since it is not increasing the usage of groundwater in the basin, these improvements will improve the current groundwater conditions.

Comment 7: *Page 3.9-26 paragraph 1 - In 2010, Tulare County opted to follow the State's Model Water Efficient Landscape Ordinance superseding Tulare County Ordinance 3029. Additional discussion should be provided to identify how this project will comply with the Ordinance and how the County oversees the program.*

Response: Both the City and County have codified ordinances to implement the state Water Efficient Landscape statutes. Builders are required to submit calculations by qualified professional to demonstrate compliance with the Maximum Allowable Water Use by calculating the Expected Water Use for each project site and landscape plan. The regulations are imposed at the Building Permit as a condition of permit issuance and are fully enforceable.

Comment 8: *Page 3.9-26 Mitigation Measure 9-4 - The Mitigation Measure should be amended to identify the State's Model Water Efficient Landscape Ordinance.*

Response: Cities and counties have the option of deferring to the state Water Efficient Landscape statute, or to adopt their own ordinance. Tulare County has codified its own Model Water Efficient Landscape Ordinance at Chapter 31 (7-31-1000) of the Tulare County Code. The mitigation measure correctly references the applicable section of the Tulare County Code.

Comment 9: *Page 5 paragraph 1 - How was it determined that the use of drought-tolerant landscaping would reduce the outdoor water use by 75%? What is the process of monitoring and enforcement to confirm assumptions?*

Response: See response to CID Comment 5.

Comment 10: *Page 5 Table (Estimated Water Use using Kingsburg UWMP Assumptions)- Existing site water use does not distinguish between surface water and groundwater use in the calculation.*

Response: See response to Comment 6.

Comment 11: *The letter provided in Appendix I does not appear to be a "will serve" letter from the City for the delivery of potable water but rather a request to the Selma-Kingsburg-Fowler County Sanitation District for a "will serve" for wastewater services.*

Response: This letter was inadvertently included. The Will Serve letter is on file with County of Tulare and is provided in revised Appendix I. In addition, the City of Kingsburg City Council (on April 18, 2018) has conditionally approved the MOU for the project which describes the utility providers as follows: "Utilities will be provided to the Project in the same manner as provided to the adjacent City areas. Subject to an extraterritorial service agreement through Tulare County LAFCo, the City of Kingsburg will provide water service to the project. Points of connection are in Madsen Street at the approximate Orange Street alignment, and to Mariposa Street to form a loop system. The Project is in the Selma Kingsburg Fowler Sanitation District's ("SKF") Sphere of Influence ("SOI") and the Project will be annexed to and serviced by SKF. Both SKF and the City have issued "will serve" letters subject to completion of design requirements. SKF has established design standards for the wastewater infrastructure that will apply to the Project. The County will adopt the City's Improvement Standards for the Project. Specific Plan Figures 5-1, 5-2 and 5-3 show the proposed water supply, sanitary sewer collection, and the storm drainage system, respectively.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate CID's comments which will be useful toward ensuring that the proposed Project complies with CID's 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,

Hector Guerra, Chief
Environmental Planning Division

Attachments: *(1) CID Comment Letter*

cc: file

H5

Tulare County
Resource Management
Agency

FEB 12 2018

CONSOLIDATED IRRIGATION DISTRICT

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RAY MOLES., CARUTHERS

February 8, 2018

Tulare County Resource Management Agency
Attn: Hector Guerra, Chief Environmental Planner
5961 S. Mooney Boulevard
Visalia, CA 93277-9394

Subject – Hash Farms (Andersen Village) Development Project
Draft Environmental Impact Report

The Consolidated Irrigation District (District) has reviewed the Draft Environmental Impact Report (EIR) prepared for the Hash Farms (Andersen Village) Development Project and Specific Plan (Project) and would like to provide the following comments.

General Comments

The project description of the EIR states that the City of Kingsburg (City) will extend water services to the site and the future residents will pay fees according to the City's fee schedule. The Project further states that the rate these residents will pay includes an amount to provide groundwater recharge under an agreement with the District. The agreement referred to only pertains to projects within the boundary of the City itself. Upon review, it appears most of this project lies outside of the city limits and as such, the District will not undertake groundwater recharge efforts under the provisions of the agreement to offset the groundwater used for the Project. Furthermore, the District intends to begin the process of terminating the agreement (as early as May 2020) as allowed for within, due to, among other things, the passage of the Sustainable Groundwater Management Act. The District believes the Project <u>will</u> have groundwater impacts given the condition of critical overdraft that the Kings Subbasin is currently experiencing. The EIR will need to address those impacts and also identify a sustainable water supply for the Project without the benefit of the agreement.

The District also has concerns with and questions how the City can extend services outside of the County they are located within. It is the District's understanding that the City Sphere of Influence (Sphere) includes lands both within Fresno County and Tulare County. According to the latest Fresno County Local Agency Formation Commission Municipal Service Review for the City, there appears to be issues with the portion of the Sphere that extends into Tulare County

that have not been resolved. The District is questioning the validity of the Sphere and the ability to extend services under such a cloud.

The District also questions whether the transportation of groundwater by the City outside the County of Fresno is consistent with the County's groundwater transfer ordinance. (Fresno County Ordinance Code Section 14.03.030) The District believes this issue must be resolved prior to the City committing to provide services.

Hydrology and Water Quality Chapter 3.9 Comments

General Comment - The analysis does not sufficiently identify the overdraft condition of the Kings Subbasin. The subbasin is in a condition of critical overdraft and as such cannot support the existing uses overlying it today. Additional groundwater extraction without offsetting recharge will compound the issue and cause further overdraft. The overdraft condition of the subbasin must be fully corrected by 2040 as required by the Sustainable Groundwater Management Act.

Page 3.9-24 paragraph 4 and Page 3.9-25 paragraph 1 - How was it determined that the use of drought-tolerant landscaping would reduce the outdoor water use by 75%? What is the process of monitoring and enforcement to confirm assumptions?

Page 3.9-25 Existing site water usage does not distinguish between the use surface water and groundwater in the calculation of existing water use. Under the Cumulative Impact Analysis, it is improperly identified that the proposed project will use similar amounts of water than what was historically used on the site. Historic water use was through the application of surface water and groundwater whereas the proposed project will rely solely on groundwater.

Page 3.9-26 paragraph 1 – In 2010, Tulare County opted to follow the State's Model Water Efficient Landscape Ordinance superseding Tulare County Ordinance 3029. Additional discussion should be provided to identify how this project will comply with the Ordinance and how the County oversees the program.

Page 3.9-26 Mitigation Measure 9-4 – The Mitigation Measure should be amended to identify the State's Model Water Efficient Landscape Ordinance.

Appendix D: Water Tech Memo

Page 4 paragraph 2 – The Kings sub-basin underlies a much larger area than 96,000 acres.

Page 5 paragraph 1 - How was it determined that the use of drought-tolerant landscaping would reduce the outdoor water use by 75%? What is the process of monitoring and enforcement to confirm assumptions?

Page 5 paragraph 2 – See Comment Above (Page 5 paragraph 1)

Page 5 Table (Estimated Water Use using Kingsburg UWMP Assumptions) – Existing site water use does not distinguish between surface water and groundwater use in the calculation.

Page 6 Table (Estimated Water Use using Tulare County General Plan Assumptions) – See Comment Above (Page 5 Table)

Page 6 paragraph 2 - See Comment Above (Page 5 Table)

Page 6 paragraph 3 – No Appendix XX included in the Draft EIR

Appendix I: Will Serve Letter

The letter provided in Appendix I does not appear to be a "will serve" letter from the City for the delivery of potable water but rather a request to the Selma-Kingsburg-Fowler County Sanitation District for a "will serve" for wastewater services.

The District appreciates the opportunity to comment on the EIR and Project and should you have any questions regarding this letter, please feel free to contact me by phone at (559) 896-1661 or by email at pdesatoff@cidwater.com.

Sincerely,

Phillip G. Desatoff

Phillip G. Desatoff
General Manager

Cc: Augustine C. Ramirez, Assistant General Manager (by email)
Bernard Jimenez, Fresno County Department of Public Works and Planning (by email)
David E. Fey, Fresno County LAFCo (by email)
Ben Giuliani, Tulare County Association of Governments (by email)

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U:\A. Ramirez\Land Use Projects\Tulare County\Hash Specific Plan EIR\Draft EIR Comment Letter.docx

Attachment 11

Comments Received from Steven & Deirdre Bolm,
January 18, 2018,
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Steven J. Bolm
Resident
1300 21st Avenue
Kingsburg, CA 93631

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Bolm:

Thank you for providing your letter response (dated January 18, 2018) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment 1: *My wife and I are the owners of the above referenced property. It is our understanding (and have always asserted) that the property upon which the alley is designated, and the land to the south of our block wall, up to about the center of the prolongation of Mariposa Street, is our private property.*

Response: The County agrees. The project has been redesigned to eliminate the extension of Mariposa Street from the project. Further, any alleys required by the City will be solely on the project if the alley is a private access easement.

Comment 2: *Any addition of sidewalk on the southern edge of this prolongation will add a significant burden on those properties which do not currently have a sidewalk running in front of their properties. In particular, the house which is easternmost along the prolongation of Mariposa Street will end up with a sidewalk which will be less than 10 feet from the front porch.*

Response: The referenced sidewalk was associated with the extension of Mariposa Street. As this extension has been eliminated from the project, the sidewalk extension has also been eliminated.

Comment 3. *Also, the elevation of the orchard and vineyard are significantly higher than the elevation of the corner of Mariposa Street and 21st Avenue. I anticipate that the difference in elevation will only compound the issues as relate to both roadway traffic (if Mariposa Street is extended into Tulare County), and water intruding into the existing historic neighborhood.*

Response: There will be significant grading and leveling of the parcel to match existing street and alley grades. Grading will be completed in conformance with the City of Kingsburg's improvement standards.

Comment 4: *It is apparent that the storm drain system is already over-burdened by the existing neighborhood. I suspect that any additional development to the east will increase the flood hazard which is already present, regardless of what the stated plans are for "run off". Keep in mind that the elevation of the land which is being proposed for development is significantly higher than the elevation where these storms drain entrances are located.*

Response: All of the drainage for the site will be managed in a separate system with final disposal in a storm drainage pond south of Kern Street. The project will not, in any way, rely on existing city storm drain lines or ponding facilities.

Comment 5: *An increase in the student population by an additional 500 or 600 students will cause a significant burden on the existing school system. This increase in population is also going to increase the traffic on the roadways which will cause travel delays within the neighborhood, delays which do not currently happen.*

Response: The EIR found, and public testimony confirmed that enrollment at local public schools is declining and there is adequate capacity for additional students. According to State Law, any impact resulting from the effects of schools are considered fully mitigated through the payment of development impact fees pursuant to the Leroy F. Green School Facilities Act; therefore, pursuant to State law and the payment of development impact fees, impacts will be less than significant. Further, the Kingsburg Elementary School District and Joint Union High School District did not provide comments regarding positive or adverse impacts to their respective schools. As such, the comment is speculative.

Comment 6: *Further, the roadway which is designated as 21st Avenue is more narrow than most of the other roadways within the neighborhood. Because of this fact, the City of Kingsburg has not performed the "re-surfacing" of the roadway on 21st Avenue from Mariposa Street northward up to Sierra Street, even though all of the rest of the neighborhood has had the roadway re-surfaced. But, as I understand, because of "tree issues", gutter issues, and because of the width of the roadway, re-surfacing of 21st Avenue has been delayed. Additionally, there has been significant discussion on the part of the City to convert 2ist Avenue to a "one-way" street. Naturally, additional traffic added to a "one-way street" will create a significant burden to the residents of this neighborhood, and in particular, to those residents who reside along 21st Avenue. And again, keep in mind that 21st Avenue is "iconic" when the general public thinks of Kingsburg.*

Response: The referenced portion of 21st Street is being repaved. A traffic study concluded that there will be no significant impact on local neighborhood streets. The project will pay traffic impact fees to address traffic impacts from the project.

Comment 7: *I am aware of at least one nesting pair of hawks who live on 21st Avenue. These birds regularly hunt for food in both the orchard and vineyard. I am not well versed in the species of birds of prey, and as such, do not know which species of "hawk" I am seeing as they circle over my home, but they are seen regularly. Also, there is at least one large owl and one smaller species of owl who both live in the neighborhood. I generally see owls (when I am lucky) flying over my house at dusk, when they are setting out for their nightly hunting. I have often seen their dropping (which contain small rodent bones) along the back of my property at the base of the power pole.*

Response: Section 3.4 of the DEIR contains a complete evaluation of the wildlife and botanic resources on the project site. Kamansky's Ecological Consulting (KEC) prepared a Biological Evaluation for the proposed Project site in April, 2015, and can be found in Appendix "B" of the DEIR. This evaluation included a reconnaissance-level biological field survey for biotic habitats, the plants and animals occurring in those habitats, and significant habitat values that may be protected by state and federal law.

The Biological Evaluation identified 30 potential special status species and three native plant communities which might occur onsite or in the proposed Project vicinity. Sources of information used in KEC's research included: (1) the California Natural Diversity Data Base (CNDDB); (2) the Online Inventory of Rare and Endangered Vascular Plants of California 6, and (3) manuals, reports, and references related to plants and animals of the San Joaquin Valley region. Species and occurrences can be seen in Table 1 of Appendix B of the Draft EIR. According to the report "The land on the subject property is disturbed and does not support historical flora. According to the natural community classification scheme used by Holland (1986), the Kingsburg site is located in a part of the southern San Joaquin Valley that originally contained components of two natural communities prior to development: Valley Grassland and Valley Oak Riparian Woodland. Dominant species observed on the subject property during the field survey, aside from cultivated crops, include the following annuals in the grassland: hare barely, whitestem filaree (Erodium moschatum), redstem filaree (Erosium cicutarium), and ripgut grass.

The professional biological evaluation concluded that proposed Project would not result in significant loss of habitat or direct impact to any special status species, and a less than significant finding (with Mitigation) was made. The Draft EIR include mitigation measures and they are described in detail starting on Page 3.4-12 of the Draft EIR. These mitigation measures, among others, includes a requirement for preconstruction surveys to confirm the presence or absence of any sensitive or protected species and construction phasing to conform to nesting and breeding requirements of any found species. These provisions include protection of the species referenced by the commenter.

It is also noted that the California Department of Fish and Wildlife (CDFW) provided an email to RMA staff indicating that they have no comment regarding the project. As CDFW is the regional (and statewide) agency with wildlife expertise, their "no comment" provides evidence that the project will not adversely impact special status species or common species as identified by Mr. and Mrs. Bolm.

Comment 8: *The proposed development will create an additional burden on the local law enforcement and other emergency services.*

Response: The MOU and Specific create a regulatory and financial framework for the City to provide fire, police and other emergency services to the project. The City and County have agreed on a formula so the development pays its fair share of these expenses so that there is no added burden on local law enforcement and emergency services. Further, the commenters do not provide evidence of "additional" burden. As such, for CEQA purposes, this comment is speculative.

Comment 9: *Please note, the building codes differ between Fresno and Tulare Counties. I am not an expert concerning building codes by any means, but I did encounter different building codes as relate to "set-backs" between Fresno and Tulare Counties.*

Response: The Specific Plan for the project establishes development standards for the project that are identical to the City's (in fact, they are the City's) with regard to building height, bulk and orientation. See Specific Plan Parts 4, 5 and 7. There will be no difference in development regulations between the City and the County portions of the project.

Comment 10: *It appears to me that there are an inadequate number of parks located in this proposed development. As I recall, the original proposal which was presented to the public as relates to the development of this same swath of land contained either 3 or 4 parks. That proposal (back then) was met by less opposition (probably in large part) because of the proposed parks. By reducing the number of parks in the development to just a single park has resulted in a more densely populated proposed residential development.*

Response: The project meets and exceeds the parks requirement established for projects in the City. According to the Section 3.14 of the Draft EIR, the City requires 2.7 acres of developed park land is needed for every 1,000 people. The proposed revised Project includes the construction of 150 single family residential units and up to 32 multi-family units, which could have a total population of 513 (based on the City of Kingsburg Urban Water Management Plan's 2.82 person per household estimate, multiplied by 182). This would equate to a need for 1.39 acres of parkland based on the City's standard of 2.7 acres of parkland for every 1,000 people. The proposed Project would create over 2.49 acres of parks, 1.1 acres in excess of City requirements. The City has concurred with this finding.

Comment 11: I *am deeply disappointed by the lack of maintenance of both the orchard and the vineyard which are directly adjacent to my home.*

Response: Comment noted. The County does not impose methods/techniques or compel growers or farmers on how to operate their orchards or vineyards.

Comment 12*: I believe that there are safety issues which will not be able to be ameliorated. Additionally, the area has become an eyesore and is now generating public health concern because of the increase in the number of rodents. The burden on the existing neighborhood will cause damage to the sense of neighborhood that now exists in this iconic neighborhood. The burden on the roadways and storm drainage system will increase unacceptably, causing worse flooding.*

Response: The commenter does not provide substantial evidence that there are safety issues that have not been addressed, nor that there will be a significant impact on the neighborhood to the west. There is no substantial evidence that there are biological issues that have not been addressed. This area has long been planned as an extension of this existing southeast Kingsburg neighborhood, as evidenced by fact that Mariposa Street, Lindquist Street, 22nd Avenue, Orange Street and Plumas Street are stubbed streets into the project. The Specific Plan and MOU provide a regulatory and financial framework to make the project compatible with and a functional part of the neighborhood. The Kingsburg General Plan and the SKF service area have identified this property as an extension of the current neighborhood for at least 30 years. The rodent issue referenced by the commenter is a by-product of agricultural operations (whether active or inactive) adjacent to the City and will likely continue to occur until the project is developed in accordance with the City General Plan designation for residential uses.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate your comments which will be 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

Attachments: *(1) Bolm Comment Letter*

cc: file

STEVEN & DEIRDRE BOLM
1300 21ST AVENUE
KINGSBURG, CALIFORNIA 93631

Tulare County
Resource Management
Agency
JAN 22 2018

January 18, 2018

BY CERTIFIED MAIL

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
Att: Reed Schenke, Director
5961 South Mooney Blvd.,
Visalia, CA 93277

Re: Comments Concerning the Hash Farms Development Project

- - **Draft Environmental Impact Report**
- - **State Clearinghouse Number: 2016091017**

Dear Gentlepersons:

I am writing today in an effort to communicate my concerns regarding the above referenced proposed development as outlined in the Draft Environmental Impact Report. My concerns arise as a result of the location of my residential property which is at the corner of 21st Avenue and the prolongation of Mariposa Street.

I refer to Mariposa Street which is immediately adjacent to my residence to the south as being the "prolongation of Mariposa Street" (if you are looking at Fresno County records) because where the county line crosses Mariposa Street diagonally, Mariposa Street ends and my private driveway begins. You may also refer to this same area as being the "prolongation of Avenue 396", which I believe is the proper designation if you are looking at Tulare County records.

This writing is intended to preserve the property rights of those who own real property in this neighborhood, and to formally raise issues which are of concern generally to the community at large, and to this iconic neighborhood in particular.

My real property is divided nearly in half by the Fresno County and Tulare County line (diagonally).

(See Attachment #1 - - Estimated County Line)

The proposed development dramatically impacts the eastern and southern edges of my real property.

I am directly raising the following issues:

1. Private Property is implicated on the "Prolongation" of Mariposa Street, the "alleyway" which runs parallel to 21st Avenue, and to the alleyway which would be behind houses which face onto Mariposa Street (and its prolongation);
2. Sidewalk issues;
3. Alleyway elevation issues with water run-off entering private property;
4. Water drainage already accumulates at my property at the corner of Mariposa Street and 21st Avenue;
5. Traffic / Schools;
6. Birds of Prey – Hawks and Owls;
7. Policing and other Emergency Services – 9 more individual developed lots will be in both Fresno and Tulare counties;
8. Tulare and Fresno Counties have different building codes (especially in regard to "set-backs");
9. Public Parks;
10. Orchard and Vineyard Maintenance;
11. Taxes and Homestead valuation complications.

These issues will be addressed in the order presented above.

1. PRIVATE PROPERTY

My residential property is located at 1300 21st Avenue. The dividing line between Fresno County and Tulare County runs diagonally through my property from about the southwest corner of 21st Avenue and Mariposa Street, to about the northeast corner, at the alley which runs parallel to 21st Avenue.

My wife and I are the owners of the above referenced property. It is our understanding (and have always asserted) that the property upon which the alley is designated, and the land to the south of our block wall, up to about the center of the prolongation of Mariposa Street, is our private property.

(See Attachment #2 - - My "Alleyway")

Any development to the prolongation of Mariposa Street at 21st Avenue (at the Tulare County line) will encroach on my private driveway.

(See Attachment #3 - - My Driveway)

This encroachment will require that there be either a "taking" of some of my land, or that there be a negotiated "quit claim." My property will be unduly burdened by this proposed development.

We do recognize that there is an access easement behind our home which runs parallel to 21st Avenue, which has been only for purposes of garbage pick-up, and as an avenue for agricultural purposes. Further, there is a utility easement which ends on our real property only about 30 feet onto our parcel coming from the north along the eastern edge of our real property. The southern edge of our property, which is measured to the center of the prolongation of Mariposa Street, is our private driveway, and this land has an easement for the sole purpose of garbage pick-up. My wife and I have vehemently asserted our property right to our driveway at all times.

Additionally, directly behind the property to my north which faces onto 21st Avenue also has a portion (a triangle) of the property situated in Tulare County, which is being used as an alleyway. I believe that triangular section is contained on my "Tulare County" deed, and that I pay taxes on that triangle of land. I assert that we are the owners of this triangular portion of land.

You will also note that there is a residential property directly to my south, at the eastern edge of the prolongation of Mariposa Street. This property does not have any apparent utility easement coming from the north, nor does it have an alley way on either the south or east side of the property. (NB: This property will be the most impacted by this proposed development in that the continuation of the alleyway which services the eastern side of 21st Avenue will take a significant portion of the property to the east of the house.

(See Attachment #4 - - Looking South along the "Alleyway" at Neighbor's Property)

Also, the access to this real property is by way of a shared driveway which abuts the southernmost edge of my real property, beginning at the Tulare County line. You will note that the proposed development impliedly requires a taking of all of the "front yard", almost all of the yard to the east, and a significant amount of the back portion of the yard (which is to the southern edge of this residential parcel).

(See Attachment #5 - - Neighbor's "Front Yard" to my South)

Also impacted by this proposed development are the other properties along the prolongation of Mariposa Street and along Mariposa Street. Those other properties along the prolongation of Mariposa Street may be subject to a taking of some of their

land at the southern edge of their parcels, and a taking of the northern edge of their property (because this is the driveway allowing access to their homes). And those properties which face onto Mariposa Street (which are to the west of the Tulare County line) may be required to be burdened with the addition of an alleyway along the southern edge of their properties.

2. SIDEWALKS

At this time, there is a sidewalk which is only on the southern edge of Mariposa Street. This sidewalk does not continue along the entire length of the prolongation of Mariposa Street. Any addition of sidewalk on the southern edge of this prolongation will add a significant burden on those properties which do not currently have a sidewalk running in front of their properties. In particular, the house which is easternmost along the prolongation of Mariposa Street will end up with a sidewalk which will be less than 10 feet from the front porch.

(See Attachment #6 - - Photograph looking east along prolongation of Mariposa Street's sidewalk)

It appears that a sidewalk would have to be installed along at least the southern edge of the prolongation of Mariposa Street for the safety of pedestrians.

(See Attachment #7 - - Photograph looking east along Mariposa Street)

There is no sidewalk along the north side of Mariposa Street, starting at 18th Avenue and continuing east. This is probably because a sidewalk placed on the northern edge of Mariposa Street would make that roadway too narrow to be safe (unless it were converted to a one-way street).

3. ALLEYWAY ELEVATIONS

It appears to me that there will be the requirement that this proposed development will be required to include multiple alleyways. As such, some of the below information is not yet at issue, but some of this is in fact presently at issue. These issues are addressed here under section 3, and also under section 1 above.

Currently, the alleyway which runs parallel to 21st Avenue has an elevation which is significantly higher than the elevation of our residential parcel. We have taken significant steps to address this change in elevation, including having to build a substantial brick wall which transitions the different elevations.

The fact that our parcel is eight inches or more lower than the elevation of the alleyway has caused our property to flood over the years. The alley and orchard are higher, and as such, when there has been an excess of water in the orchard, this water spills from the orchard onto the alleyway, and then often into my property. And even

though I have built a block wall along the alleyway, water will sometimes penetrate the wall and come further onto our property, causing damage to my property.

(See Attachment #8 - - Elevation of Alleyway and Orchard)

Also, the elevation of the orchard and vineyard are significantly higher than the elevation of the corner of Mariposa Street and 21st Avenue. I anticipate that the difference in elevation will only compound the issues as relate to both roadway traffic (if Mariposa Street is extended into Tulare County), and water intruding into the existing historic neighborhood.

4. WATER DRAINAGE

Currently, storm and run-off water is fed to three entrances to the storm-drain system in the area of Mariposa Street and 21st Avenue. There are 2 storm drains on 21st Avenue (one on the east corner of 21st Avenue, and one on the west corner of 21st Avenue). There is also a storm drain on the south side of Mariposa Street right at or near the county line.

It is common for the intersection of 21st Avenue and Mariposa Street to flood when there is significant rain. It is apparent that the storm drain system is already over-burdened by the existing neighborhood. I suspect that any additional development to the east will increase the flood hazard which is already present, regardless of what the stated plans are for "run off". Keep in mind that the elevation of the land which is being proposed for development is significantly higher than the elevation where these storm drain entrances are located.

Flooding in this area would pose a public safety concern for vehicular traffic and pedestrian traffic (especially for children who would be walking to the elementary school located at the corner of Mariposa Street and 18th Avenue).

Additionally, 21st Avenue does have an entrance to the storm drain system located in the center of the street south of Riverside Street. It is common to see water in the roadway at that storm drain. This is apparently because the roadway at that location and north of there is built to slope to the center of the roadway, rather than being "crowned" so the center of the roadway is at a higher elevation.

Any additional water in this described area will pose a significant overload to the storm drain system, which will result in water failing to drain from the neighborhood.

5. TRAFFIC / SCHOOLS

By increasing the population in the proposed development there will be an increase in the number of students who would be attending the local schools. An increase in the student population by an additional 500 or 600 students will cause a

significant burden on the existing school system. This increase in population is also going to increase the traffic on the roadways which will cause travel delays within the neighborhood, delays which do not currently happen.

Further, the roadway which is designated as 21st Avenue is more narrow than most of the other roadways within the neighborhood. Because of this fact, the City of Kingsburg has not performed the "re-surfacing" of the roadway on 21st Avenue from Mariposa Street northward up to Sierra Street, even though all of the rest of the neighborhood has had the roadway re-surfaced. But, as I understand, because of "tree issues", gutter issues, and because of the width of the roadway, re-surfacing of 21st Avenue has been delayed. Additionally, there has been significant discussion on the part of the City to convert 21st Avenue to a "one-way" street.

Naturally, additional traffic added to a "one-way street" will create a significant burden to the residents of this neighborhood, and in particular, to those residents who reside along 21st Avenue. And again, keep in mind that 21st Avenue is "iconic" when the general public thinks of Kingsburg.

Further, none of the other roadways in the existing neighborhood appears to be designed or constructed to accommodate the burden of a significant increase in population (exactly like the population likely to occupy the proposed development).

6. BIRDS OF PREY

I am aware of at least one nesting pair of hawks who live on 21st Avenue. These birds regularly hunt for food in both the orchard and vineyard. I am not well versed in the species of birds of prey, and as such, do not know which species of "hawk" I am seeing as they circle over my home, but they are seen regularly.

Also, there is at least one large owl and one smaller species of owl who both live in the neighborhood. I generally see owls (when I am lucky) flying over my house at dusk, when they are setting out for their nightly hunting. I have often seen their dropping (which contain small rodent bones) along the back of my property at the base of the power pole.

Any development at all to the acreage in question will disrupt the food supply of these birds of prey.

7. POLICING AND OTHER EMERGENCY SERVICES

The proposed development will create an additional burden on the local law enforcement and other emergency services.

This proposed development will apparently create 9 additional residential properties which will be located within 2 counties, but with the bulk of the residential

parcels being located entirely in Tulare County. This does cause ongoing complications when it comes to emergency services.

There is a house which is located in Tulare County – but directly within the area impacted by this proposed development, and the man who lived there died in his home. My wife and I became suspicious and concerned for his welfare because we had not seen him for some time. We also noticed that his vehicle had not been moved. No one came to the door when we knocked. We called the Kingsburg Police Department and asked that they perform a "welfare check" on this man. Initially, the Police refused to come and check on this man because the residence is located in Tulare County. Eventually, they did respond, made entry into his home, and found that he had died. They then called the Tulare County Sheriff's Department and asked that they respond. It took about an hour and a half for the Deputy to arrive at the location. He confirmed that there was a deceased body on the property and he then called the Tulare County Coroner's office and asked that they respond. It was nearly 2 hours before someone from the Coroner's office arrived on scene.

There are already a number of residential properties in Kingsburg which have some of the land in 2 counties. Jurisdictionally, what happens when a person dies and the body happens to be in both counties? This proposed development happens to be creating (apparently) 9 additional residential properties which will be located (in part) in Fresno County, and (in part) in Tulare County.

(This is a bit of a mess for the potential homeowner, and these additional novel issues should be revealed to the potential buyers as a formal "disclosure" at the time of purchase.)

8. BUILDING CODES

Please note, the building codes differ between Fresno and Tulare Counties. I am not an expert concerning building codes by any means, but I did encounter different building codes as relate to "set-backs" between Fresno and Tulare Counties. I can foresee many issues arising when it comes to a homeowner making modifications to their property, and having a building inspector from one county attempting to address the differences between the two counties.

Naturally this problem becomes more complicated when a single residential property is located in 2 counties. I know this from experience.

(This is a bit of a mess for the potential homeowner, and these additional novel issues should be revealed to the potential buyers as a formal "disclosure" at the time of purchase.)

///

9. PUBLIC PARKS

It appears to me that there are an inadequate number of parks located in this proposed development. As I recall, the original proposal which was presented to the public as relates to the development of this same swath of land contained either 3 or 4 parks. That proposal (back then) was met by less opposition (probably in large part) because of the proposed parks. By reducing the number of parks in the development to just a single park has resulted in a more densely populated proposed residential development.

Personally, I would like to see additional greenspace or parks if this land is to be developed as a residential neighborhood.

10. ORCHARD AND VINEYARD MAINTENANCE

I am deeply disappointed by the lack of maintenance of both the orchard and the vineyard which are directly adjacent to my home.

The plum orchard was not pruned and topped in 2017. Nor was the crop harvested. All the plums have fallen, or remain hanging (and it is January [at the time of this writing]). This has caused an increase in the presence of "vermin" and some of these are rodents which have found their way on to my property. I have never had an issue with rats on my property, but in the last few months, I have seen rats and have killed rats which have entered my property.

(See Attachment #9 - - Orchard with Plums on the ground)

Rats love plums, and I estimate that presently there are literally tons of plums for the vermin to feast upon.

Likewise, the vineyard is not being maintained. The vineyard was not pruned in 2017, nor was the crop harvested. The avenues have not been maintained and the orchard appears to be a bramble.

(See Attachment #10 - - Vineyard with un-harvested grapes and no pruning)

Further, the plum trees and the vineyard were not properly watered, and as such, it appears that the trees behind my home are dying.

This entire area is now an eyesore, and it is likely that there will be a significant increase in the number of rodents in the area. This is presently a serious public health concern.

///

11. TAXES AND "HOMESTEAD" DESIGNATION

As an owner of real property which is located in two counties, the homeowner will receive two tax bills. This has a tendency to become confusing, even for banks that hold a mortgage on a property (where there is an impound account). I know this because the bank which holds the mortgage on my home has twice failed to make payment to one of the counties when the "property taxes" are due. This resulted in me having to deal with my mortgage holder so as to resolve the issue and my attempt to not have to pay the statutory penalties imposed on me for failure to timely pay the property taxes.

Further, when a homeowner wants to "homestead" their residential property, this homeowner will only be allowed to designate one portion of their land as being protected by the "homestead". Yes, the homeowner may get to choose which county extends protection, but where there is inadequate equity in either county, the county in which there is no "homestead" on file remains at jeopardy.

This proposed development is creating 9 additional residential properties which will face this complicated legal situation.

(This is a bit of a mess for the potential homeowner, and these additional novel issues should be revealed to the potential buyers as a formal "disclosure" at the time of purchase.)

CONCLUSION

I believe that there are safety issues which will not be able to be ameliorated. Additionally, the area has become an eyesore and is now generating public health concern because of the increase in the number of rodents. The burden on the existing neighborhood will cause damage to the sense of neighborhood that now exists in this iconic neighborhood. The burden on the roadways and storm drainage system will increase unacceptably, causing worse flooding.

The burden upon my private property and several other private residential properties will have to result in either a governmental taking, or the direct purchase of the affected private properties. Even with that, there is at least one property which will be left with no front yard (at the very least), which will leave that home with an inappropriate "setback", which again raises safety concerns. After all, setbacks exist for a reason, and I believe that the proposed development will cause danger to the residence of that property in particular.

The unwitting buyer of a property which is divided by the county line will face issues concerning their property taxes (and homestead protection valuation), building codes, and law enforcement (emergency services). It appears that there are 9 additional properties that are located in the two counties because of the county line placement.

(This is a bit of a mess for the potential homeowner, and these additional novel issues should be revealed to the potential buyers as a formal "disclosure" at the time of purchase.)

There will be a loss of hunting habitat for birds of prey, which will likely result in the loss of the present nesting sites for these species.

I am opposed to the proposed development of the land into a residential neighborhood as it is presented in the Draft EIR.

All of the issues which are raised herein are requested to be incorporated with all other comments concerning the Draft EIR. The intent is to preserve the right to raise all of these issues in any future Draft EIR's and for purposes of future litigation.

I appreciate your time and attention to this matter.

Cordially,

Steven J. Bolm
Homeowner of residential real property
located in both Tulare and Fresno Counties

SJB:sb

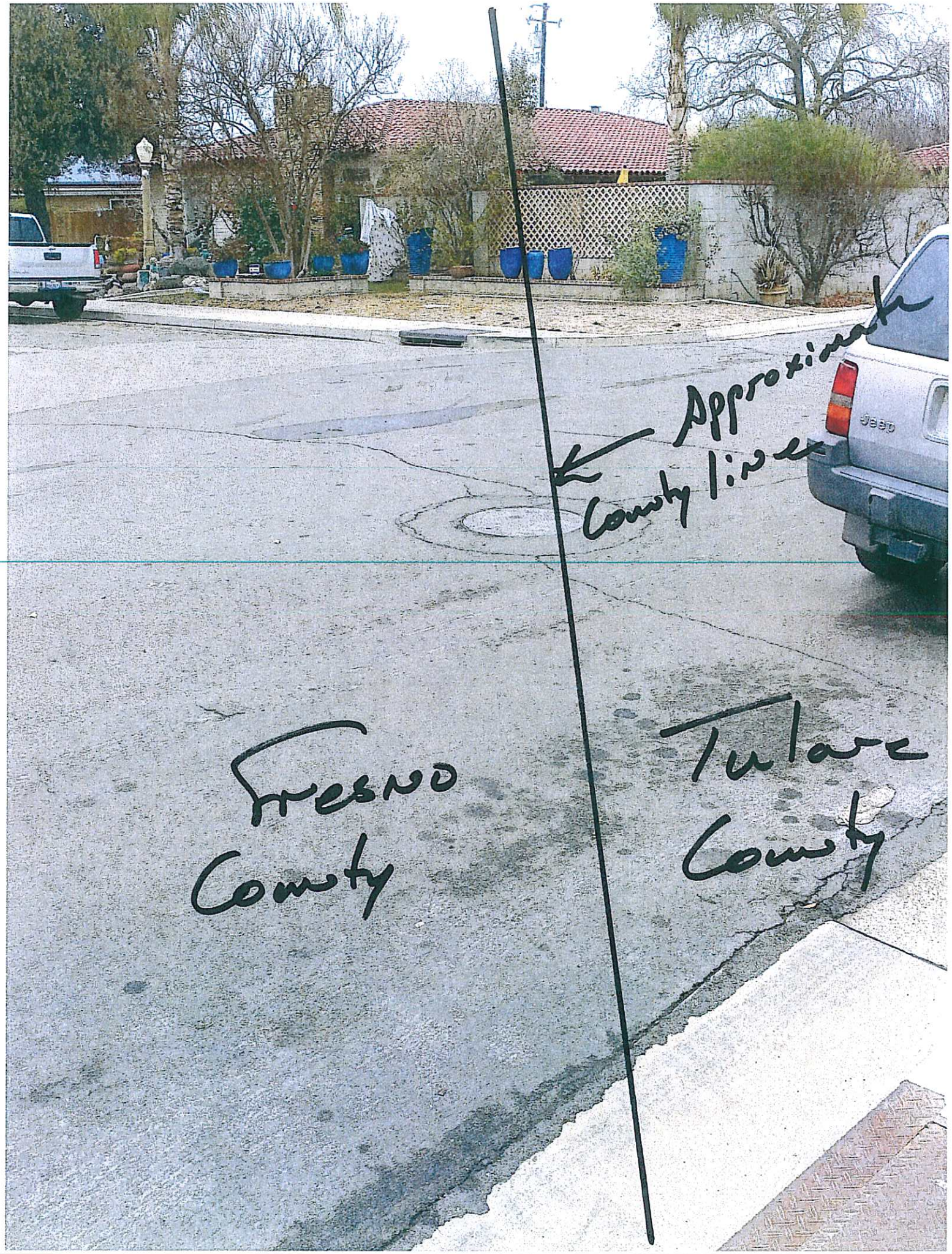
Attachments
Photographs

cc: Hector Guerra – Chief Environmental Planner

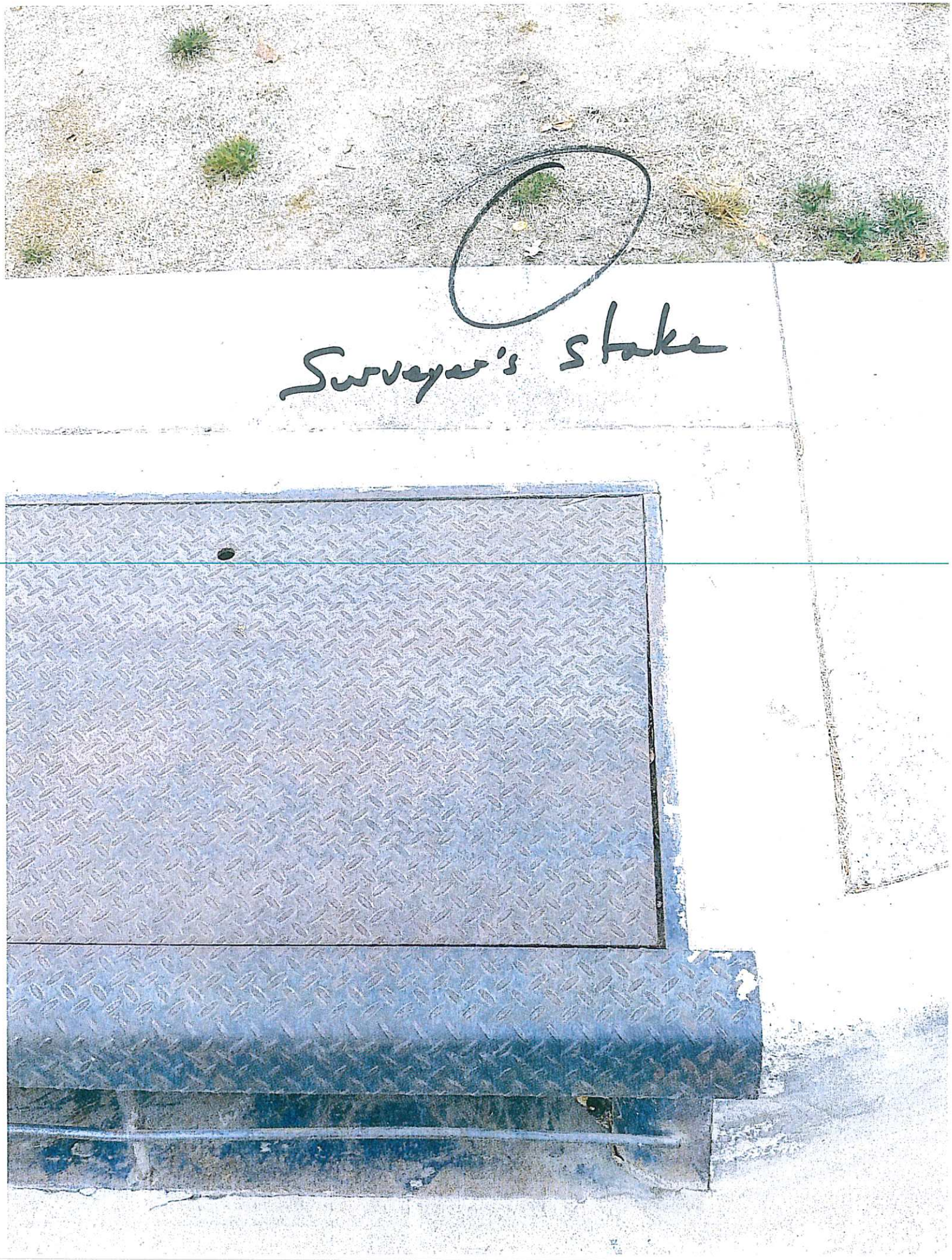
Aaron Bock – Chief of Project Processing Division

City of Kingsburg – Planning Department

Att: #1


Approximate
County line
Fresno
County
Tulare
County

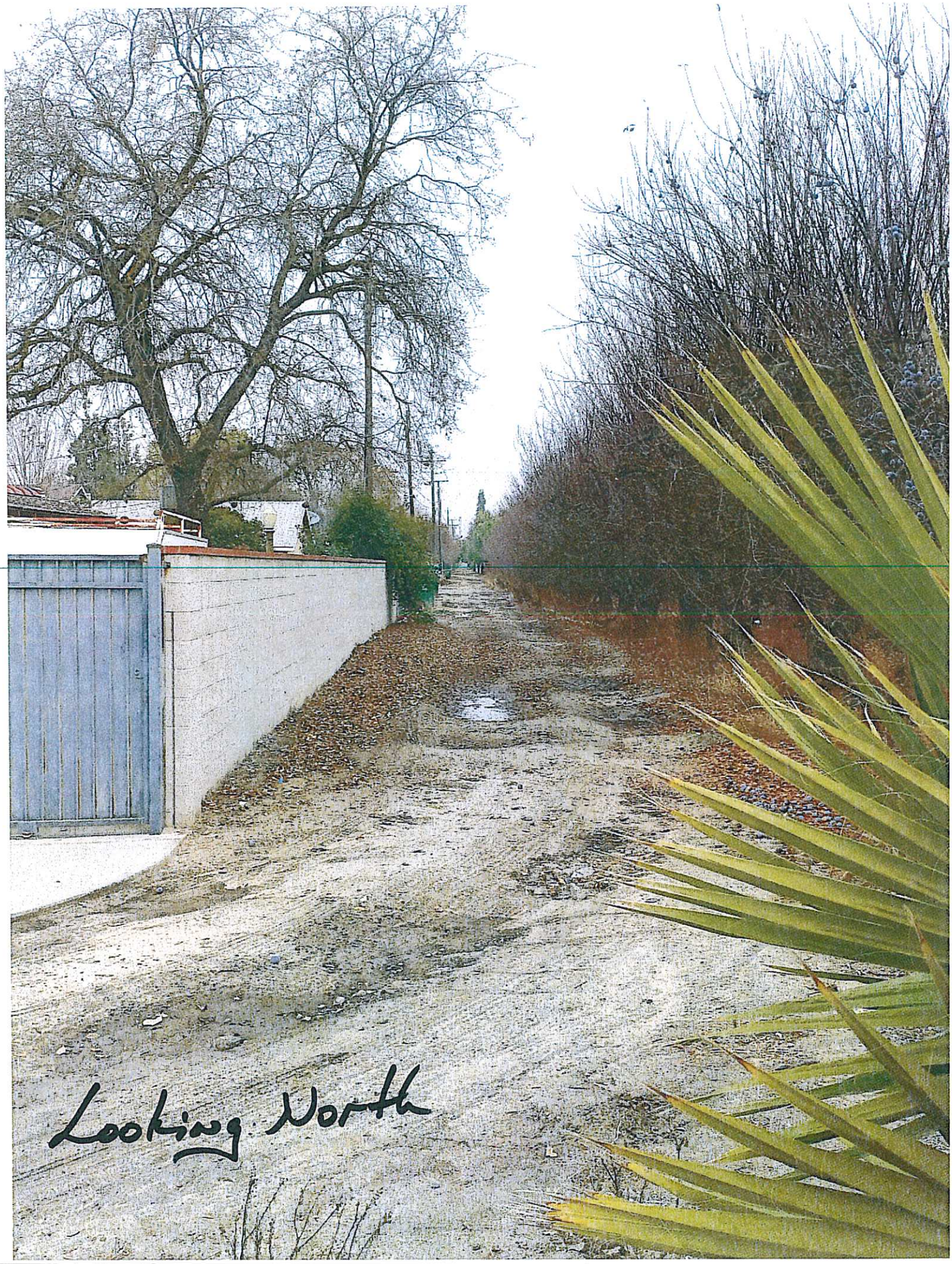
KINGSBURG
MARIPOSA ST
KINGSBURG CALIFORNIA
Tulare County
Fresno County
(Estimated!)


Surveyor's stake

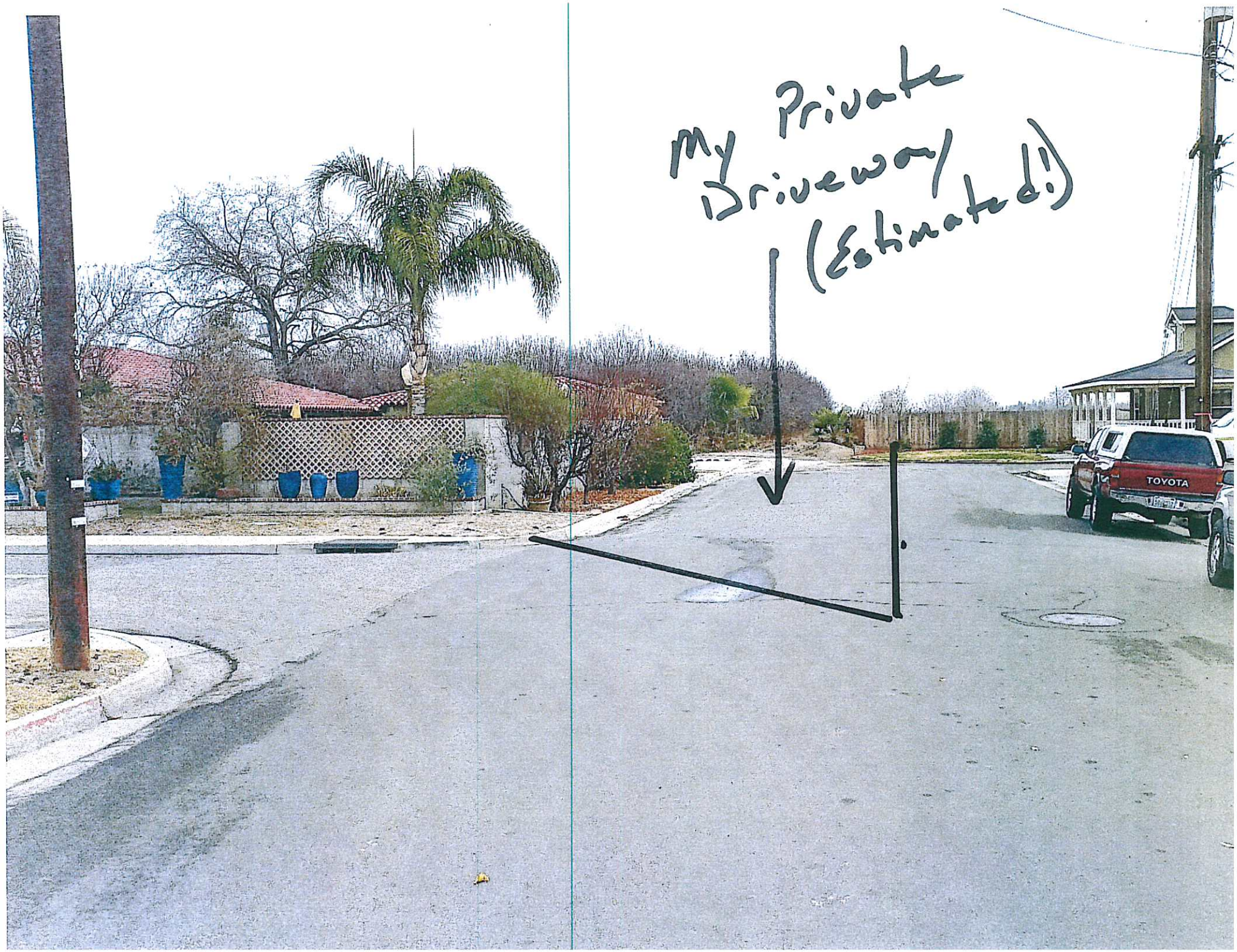
CASE
LS 7507

Att: #2

Looking South


Looking North

Att: #3


My Private
Driveway
(Estimated!)
TOYOTA

Att: #4

Looking
South

Att: #5

Att: #6

Att: #7

NOT A
THROUGH
STREET

Att: #8

Att: #9

Att: #10

Attachment 12

Comments Received from Bidal Betancourt,
February 1, 2018,
and
County Response to Comments

RESOURCE MANAGEMENT AGENCY

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

Michael Washam Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 17, 2018

Bidal Betancourt
Resident
1412 Avenue 396
Kingsburg, CA 93631

Subject: Response to Comments, DEIR – HASH FARMS SCH# 2016091017

Dear Mr. Betancourt

Thank you for providing your letter response (dated February 1, 2018) regarding DEIR – Hash Farms, State Clearinghouse #2016091017.

Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment 1: We would have liked for the Multi-Family Units to have been on Madison Avenue between Road 396 and Road 400 instead of around our property.

Response: Providing front yards along the Madsen Avenue was not considered feasible because of the side area required for the CID canal. Further, Madsen Avenue has a bicycle/pedestrian path and it was considered least impactful to that facility to not have units fronting on it. Finally, because of the configuration of the site, placing multifamily uses along Madsen Avenue would likely necessitate long driveway access points across this open space areas. Placing the multi-family units along Kern Street is considered to be more compatible with the site's constraints.

Comment 2: We do not want any 2 story units around our property.

Response: The final configuration approved by the Kingsburg City Council provided that all units along the western and southern property boundaries are to be one-story units, including those immediately adjacent to the Betancourt property. See Figure 1-3 of the Specific Plan.

The project will be taken to the Tulare County Planning Commission on May 30, 2018, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR approve the project. The Final EIR will be available on May 18, 2018 at the following website:

http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/hash-farms/

In closing, we sincerely appreciate your comments which will be 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

Attachments: *(1) Betancourt Comment Letter*

cc: file

2-1-18

To: Hash Farms Development Project (SCH # 2016091017)

Att: Hector Guerra Chief Environmental Planner From Bidal Betancourt

Reason (2) complaint's Against Development Project (SCH # 2016091017)

1. We would have liked for the Multi-Family Units to have been on Madison Avenue between Road 396 and Road 400 instead of around our property.

2. We do not want any 2 story units around our property.

Tulare County
Resource Management
Agency
FEB 05 2018

Bidal Betancourt

Bidal Betancourt

Home Owner of Property

On 1412 Avenue 396

CHAPTER 8
MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Environmental Impact Report (EIR) for the proposed Project (State Clearinghouse No. 2017081024). The MMRP lists mitigation measures recommended in the draft EIR for the proposed Project and identifies monitoring and reporting requirements.

The California Environmental Quality Act (CEQA) Public Resources Code Section 21081.6 requires the Lead Agency decision making body, when approving a project and certifying the EIR, to also adopt a reporting or monitoring program for those measures placed on a project to mitigate or avoid significant/adverse effects of the environment identified in the EIR. The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The MMRP is to contain 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 monitored and reported. As necessary the reporting should indicate any follow-up actions that might be necessary if the reporting notes the impact has not been mitigated.

- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon the recommendations by those responsible for the MMRP. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program

Table 8-1 presents the Mitigation Measures identified for the proposed Project in this EIR. Each Mitigation Measure is identified by alpha-numeric symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, BIO 3.4-1 would be the first Mitigation Measure identified in the Biological analysis of the draft EIR.

The first column of **Table 8-1** identifies the Mitigation Measure. The second column, entitled "When Monitoring is to Occur," identifies the time the Mitigation Measure should be initiated. The third column, "Frequency of Monitoring," identifies the frequency of the monitoring that should take place to assure the mitigation is being or has been implemented to achieve the desired

outcome or performance standard. The fourth column, "Agency Responsible for Monitoring," names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, "Method to Verify Compliance," identifies the requirements for verification that the Mitigation Measure has been implemented. The last three columns will be used by the Lead Agency (County of Tulare) to clearly indicate that the County is responsible for ensuring that individual Mitigation Measures have been complied with and monitored.

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
BIOLOGICAL RESOURCES							
Valley Elderberry Longhorn Beetle							
Impact: *Three elderberry shrubs were located on ruderal land associated with the Foster Farms industrial complex (see Figure 3 [of the Biological Evaluation]), and additional shrubs could theoretically be present in those portions of the orchards and industrial complex that were not accessible/visible at the time of the April 2014 and June 2014 field surveys. Shrubs of the PPSA are unlikely to be inhabited by VELB due to their location within a mosaic of highly disturbed lands and their isolation from riparian areas and other elderberry shrubs. For the same reasons, project-related removal of these shrubs would not constitute significant loss of habitat under CEQA. However, because the USFWS considers the removal of elderberry shrubs below 3,000 feet in elevation with stems greater than one inch in diameter tantamount to "take" of VELB, USFWS incidental take authorization would be required before the shrubs could be removed by project activities.*							
3.4-1a (Avoidance) Prior to initiation of a given project within the PPSA, a survey for elderberry shrubs will be conducted by a qualified biologist, unless the entire project area is completely devoid of shrubby vegetation, in which case a elderberry survey is not necessary. If elderberry shrubs are identified during the survey, then they will be avoided. Typically, the USFWS considers a 100-foot disturbance-free buffer around elderberry shrubs complete avoidance. However, a buffer of as little as 20 feet may be arranged in consultation with the USFWS. The buffer will be clearly delineated with orange construction fencing with the appropriate signage posted. This elderberry avoidance area will be clearly marked with signs, fencing, and/or flagging, and maintained for the duration of work in that area. No construction personnel or equipment shall enter the elderberry avoidance area, except for as	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
provided under *Mitigation Measure 3.3.3b* below.							
***3.4-1b* (*Construction Monitoring*)** If project activities necessitate temporary entry into the elderberry avoidance area, approval will first be obtained from the USFWS and a qualified biologist will be on-site to monitor such activities for their duration within the avoidance area.	Prior to and during construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist.			
3.4-1c (Employee Education Program). Prior to implementation of projects with elderberry shrubs on site, construction personnel will receive worker environmental awareness training in the identification of the VELB and its host plant.	Prior to construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-1d (Compensation). If it is not feasible to completely avoid all elderberry shrubs, then impacts to the shrubs will be mitigated in accordance with the *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (USFWS 1999). This generally involves 1) conducting a protocol-level elderberry survey to assess the degree of "take" that will occur, 2) transplanting the shrubs to on-site or off-site lands protected in perpetuity under conservation easement ("conservation area"), or to a VELB mitigation bank, and 3) replacing each impacted stem with new elderberry plantings at a ratio of	During construction-related activities.	On-going during construction-related activities	County of Tulare	Construction manager with oversight by qualified biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
1:1 to 1:8 (depending on stem diameter, presence of beetle exit holes, and habitat type) *or* purchasing an equivalent number of credits at a VELB mitigation bank.							
San Joaquin Kit Fox							
Impact*: The San Joaquin kit fox is unlikely to occur within the PPSA. However, based on past occurrences of kit fox in the 10-mile vicinity of the PPSA, it is remotely possible that individual foxes may pass through and possibly forage on the site from time to time during dispersal movements. If a kit fox were present at the time of future construction activities in the PPSA, then it would be at risk of project-related injury or mortality. Kit fox mortality as a result of future development of the PPSA would violate the state and federal Endangered Species Acts, and is considered a potentially significant impact under CEQA.*							
3.4-2a (Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS *Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (2011). Specifically the survey will include the project site and a minimum of a 200-foot area outside of all project impact areas.. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
immediately adjacent to the area of work, the den shall not be disturbed or destroyed and the USFWS and CDFW shall be contacted immediately to determine the best course of action and to initiate the take authorization/permit process if required.							
3.4-2b (Avoidance). Should a kit fox or evidence of a potential den be found using any of the sites during pre-construction surveys, the project will avoid the habitat occupied by the kit fox. In accordance with the USFWS, *Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (2011), a minimum 50-foot no-disturbance buffer area shall be established around potential and atypical (man-made) dens and a minimum 100-foot no-disturbance buffer area shall be established around known den sites. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately to determine the best course of action and to initiate the take authorization/permit process if required.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			
3.4-2c (Minimization). In accordance with the USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (2011), construction activities shall be carried	During construction.	As needed during construction.	County of Tulare	Determination by qualified biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.							
3.4-2d (Employee Education Program). Prior to the start of construction the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.	Prior to construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-2e (Mortality Reporting). The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification	During Construction.	Ongoing throughout construction.	County of Tulare	Qualified biologist working with USFS and/or CFW			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.							
Burrowing Owl							
Impact: *As discussed in Section 2.5.4, burrowing owls have the potential to nest or roost in the dry-farmed wheat field and along the margins of Banks Ditch and Road 44 adjacent to that field and the corn field to the north. Although highly unlikely due to lack of nearby foraging habitat and high levels of human disturbance, burrowing owls could also conceivably use small mammal burrows located in and around the industrial complex and along road margins elsewhere in the PPSA. If one or more owls were present in these areas at the time of construction, then construction activities would have the potential to injure or kill these individuals. Mortality of individual burrowing owls would violate California Fish and Game Code and the federal Migratory Bird Treaty Act, and is considered a significant impact of the project under CEQA.*							
3.4-3a (Pre-construction Surveys). A pre-construction survey for burrowing owls will be conducted by a qualified biologist using the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines: (1993) within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			
3.4-3b (Avoidance of Active Nests). If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a minimum 250-foot construction setback will be established around active owl	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

<table>
<tr><th rowspan="2">Mitigation Measure/Condition of Approval</th><th rowspan="2">When Monitoring is to Occur</th><th rowspan="2">Frequency of Monitoring</th><th rowspan="2">Agency Responsible for Monitoring</th><th rowspan="2">Method to Verify Compliance</th><th colspan="3">Verification of Compliance</th></tr>
<tr><th>Initials</th><th>Date</th><th>Remarks</th></tr>
<tr><td>nests, or alternate avoidance measures implemented in consultation with CDFW and in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012) to employ the following:
<table>
<tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance</th></tr>
<tr><th>Low</th><th>Medium</th><th>High</th></tr>
<tr><td>Nesting sites</td><td>Apr 1 – Aug 15</td><td>200 m</td><td>500 m</td><td>500 m</td></tr>
<tr><td>Nesting sites</td><td>Aug 16 – Oct 15</td><td>200 m</td><td>200 m</td><td>500 m</td></tr>
<tr><td>Nesting sites</td><td>Oct 16 – Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr>
</table>
The buffer areas will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>3.4-3c (Passive Relocation of Resident Owls). During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of</td><td>Implemented only if sensitive species are encountered.</td><td>Throughout construction.</td><td>County of Tulare</td><td>Determination by qualified biologist.</td><td></td><td></td><td></td></tr>
</table>

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer. Burrow exclusion is to be conducted by a qualified biologist and during non-breeding season after the burrow is confirmed empty through surveillance. Surveillance for exclusion through project site activities are to be conducted consistent with any relocation plans.							
Nesting and Migratory Birds							
Impact: *The majority of the PPSA consists of habitat that could be used for nesting by one or more avian species protected by the federal Migratory Bird Treaty Act and related state laws. Two special-status birds, the Swainson's hawk and loggerhead shrike, also have the potential to nest within the PPSA. Orchard trees of the PPSA could be used by mourning doves or American robins, while mature trees bordering the PPSA along the ruderal margin of Highway 99 could be used by the western kingbird, Bullock's and hooded orioles, and various raptors, including the Swainson's hawk. Killdeers may nest on bare ground or gravel surfaces in ruderal or industrial areas of the PPSA, and the house finch may nest in the PPSA's buildings. Cliff swallows could nest in the culverts at Road 44's crossing of Banks Ditch. Raptors and migratory birds nesting within the PPSA at the time that individual projects are implemented have the potential to be injured or killed by project activities. In addition to direct "take" of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project activities that adversely affect the nesting success of raptors and migratory birds or result in the mortality of individual birds constitute a violation of state and federal laws and are considered a potentially significant impact under CEQA.*							

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
***3.4-4a* (*Avoidance*).** In order to avoid impacts to nesting raptors and migratory birds, individual projects within the PPSA will be constructed, where possible, outside the nesting season, or between September 1st and January 31st.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			
3.4-4b (Pre-construction Surveys). A qualified biologist will conduct pre-construction surveys in accordance with the Swainson's Hawk Technical Advisory Committee *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000) which employs the following:	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			

Survey Period	Survey Dates	Survey Time	Number of Surveys Needed
I	January – March 20	All day	1
II	March 20 – April 5	Sunrise – 1000; 1600 to Sunset	3
III	April 5 – April 20	Sunrise – 1200; 1630 – Sunset	3
IV	April 21 – June 10	Monitoring sites only	Initiating surveys is not recommen ded
V	June 10 – July 30	Sunrise – 1200; 1600 – Sunset	3

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
If project activities must occur during the nesting season (February 1-August 31), the project proponent and/or their contractor is responsible for ensuring that implementation does not violate the Migratory Bird Treaty Act or relevant Fish and Game Code, and a qualified biologist will conduct pre-construction surveys for active raptor and migratory bird nests within 10 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.							
3.4-4c (Establish Buffers). Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
Roosting Bats							
Impact: *Development of the PPSA may result in the removal of buildings and mature trees that provide potential roosting habitat for bats, including special status species such as the pallid bat and western mastiff bat. If trees or buildings removed by construction activities contain colonial roosts, many individual bats could be killed. Such a mortality event is considered a potentially significant impact of the project under CEQA.*							
3.4-5a (Temporal Avoidance). To avoid potential impacts to maternity bat roosts, removal of buildings and trees should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.	Prior to construction.	Ongoing throughout construction.	County of Tulare	Determination by qualified biologist.			
3.4-5b (Pre-construction Surveys). If removal of buildings or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist will survey affected buildings and trees for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA.	County of Tulare	Field survey by a qualified Biologist.			
3.4-5c (Minimization). If a non-breeding bat colony is detected during pre-construction surveys, *a 50-foot no-disturbance buffer area*	Implemented only if sensitive	Throughout construction.	County of Tulare	Determination by qualified biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
will be established and the CDFW will be notified to determine the best course of action. If avoidance (including a reduced buffer area) is not feasible, a Bat Eviction Plan shall be prepared by a qualified biologist and approved by the CDFW prior to start of construction. The individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or "take" of any bats occurs as a result of construction activities.	species are encountered.						
3.4-5d (Avoidance of Maternity Roosts). If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer will range from a minimum of 50 feet as determined appropriate by the qualified biologist in consultation with the CDFW.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			
CULTURAL RESOURCES:							
Impact: *There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks However, there is a possibility that subsurface resources could be uncovered during construction-related activities. In such an event, potentially significant impacts to previously unknown subsurface resources may occur. As such, the Mitigation Measures contained Appendix "C" of the IS/MND Traver Community Plan (also Appendix "C" of this document) are incorporated in their entirety by reference and are shown as follows as Mitigation Measures 3.5.-1 and 3.5-2.*							

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
3.5-1 If, in the course of construction or operation within the Project area, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be ceased. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Tulare County Resources Management Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the proposed Project. Where feasible, mitigation achieving preservation in place will be implemented. Preservation in place may be accomplished by, but is not limited to: planning construction to avoid archaeological sites or covering archaeological sites with a layer of chemically stable soil prior to building on the site. If significant resources are encountered, the feasibility of various methods of achieving preservation in place shall be considered, and an appropriate method of achieving preservation in place shall be selected and implemented, if feasible. If preservation in place is not feasible, other mitigation shall be implemented to minimize impacts to the site, such as data recovery efforts that will adequately recover scientifically consequential information from and about the site. Mitigation shall be consistent with CEQA Guidelines section 15126.4(b)(3).	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
3.5-2 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.5-3 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 [that is, unanticipated] discovery or recognition of any human remains in any location other than a	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
dedicated cemetery, the following steps should be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: 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: 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,				remains found, consistent with all applicable laws including CEQA.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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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/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. 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. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
TRANSPORTATION/TRAFFIC							
Impact: *The Project construction-related activities may temporarily interrupt access to some properties. However, the interruptions would be no longer than a few hours while trenching- and installation-related activities occur at each property's access driveway. It is possible that Project construction-related activities would temporarily impact vehicle travel lanes while the pipelines are being installed underneath roadways.*							
3.16-1 Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction to give adequate warning to the public of the construction and of any potentially dangerous condition to be encountered as a result thereof.	During Construction activities	On-going during construction-related activities	County of Tulare via specific contractual requirements and via on-going review of records kept by contractor to document compliance	Maintenance by contractor of documentary evidence of compliance. Such records to be provided to County of Tulare upon request			
16-1 The Project Applicant will be responsible for paying fair share fees as identified in Table 3.16-9 through payment of standard City traffic impact fees and an additional ad hoc mitigation fee of $930.41 per dwelling unit. The Applicant will pay the fee amounts at building permit. This shall be made a condition of Project approval.	Prior to Issuance of Building Permit	N/A	County of Tulare				
TRIBAL CULTURAL RESOURCES							
Impact: *Two on-site resources were identified by the CHRIS and no resources were identified by the Sacred Lands Files (SLF) search. Although all work will be limited to existing, disturbed rights-of-way, it is possible that subsurface discoveries could occur. Also, no responses were received from the tribes that were notified in compliance with*							

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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AB 52 requirements through a list of potentially affected tribes provided by the NAHC. As such, it is not anticipated that Native American tribal cultural resources or remains will be found at any site within the Project planning area.							
3.17-1 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.17-2 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 [that is,	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist, the County Coroner, and tribal representatives.	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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unanticipated] discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: 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: 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				mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
provided in Public Resources Code section 5097.98, or 2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. 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. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							

ERRATA AND AFFECTED AND CORRECTED PAGE(S) OF THE DEIR

Revisions and clarifications to the DEIR made in response to comments and information received on the DEIR are indicated by strikeout text (e.g. ~~strikeout~~), indicating deletions, and underline text (e.g. underline), indicating additions.

Executive Summary

Page ES-1: This Draft Environmental Impact Report (DEIR) concludes that the proposed Hash Farms Development Project ("Project" or "Proposed Project") would result in **No Significant Impact** on the environment. The proposed Project includes the residential development of ~~160~~ 150 single family residences and up to ~~40~~ 32 multi-family residences over approximately 54 acres.

Page ES-2: The Hash Farms Development Specific Plan is a proposed plan for development of a 182 ~~200~~-unit residential subdivision (~~160~~ 150 single-family units and ~~40~~ 32 multi-family units) on a total of 54 acres, including a 2.54-acre park and 1.15 acre fenced stormwater basin. A cross section of the proposed development is detailed in. The proposed Specific Plan and "Memorandum of Understanding: Hash Subdivision Financing and Tax Sharing Plan" is provided in Appendix H of this DEIR.

Page ES-5: The County of Tulare is proposing the Hash Farms Subdivision Project to allow the development of the phased construction of ~~160~~ 150 single-family residential units and ~~forty~~ 32 multi-family units over approximately 54 acres. Also proposed in the development is a 2.54 acre park. The proposed Project lies within a portion of the NE ¼ of Section 26, Township 16S, Range 22E, M.D.B.&E. The site is currently zoned A (Agriculture) and R-1-7 (Single Family Residential) and as a part of the proposed Project, will be rezoned to R-1-7, R-1-6 and RM (Multi-family Residential).

Page ES-6: As noted earlier, the Hash Farms Development Specific Plan is a proposed plan for development of a 182 ~~200~~-unit residential subdivision (~~160~~ 150 single-family units and ~~40~~ 32 multi-family units) on a total of 54 acres, including a 2.54 acre park and 1.15 acre fenced stormwater basin. The proposed Specific Plan and "Memorandum of Understanding: Hash Subdivision Financing and Tax Sharing Plan" is provided in Appendix H of this DEIR.

Page ES-15: Table ES-1 Mitigation Monitoring and Report Program: Formatting of the chapter to keep headers with the discussions (page ES-7) and elimination of page breaks (page ES-12) has resulted in Table ES-1 to now be on page ES-14. With the exception of the table number in the title, the information is the same as Table 8-1. See Table 8-1 Mitigation Monitoring and Report Program.

Chapter 1 Introduction

Page 1-1: The County of Tulare is proposing the Hash Farms Subdivision Project to allow the development of the phased construction of ~~160~~ 150 single family residential units and ~~forty~~ 32 multi-family units over approximately 54 acres. Also proposed in the development is a 2.54 acre park. The proposed Project lies within a portion of the NE ¼ of Section 26, Township 16S, Range 22E, M.D.B.&E. The site is currently zoned A (Agriculture) and R-1-7 (Single Family Residential) and as a part of the proposed Project, will be rezoned to R-1-7, R-1-6 and RM (Multi-family Residential).

Page 1-8 **List of Responsible and Trustee Agencies**

City of Kingsburg
Fresno County
Fresno County Local Agency Formation Commission
Tulare County Local Agency Formation Commission
Tulare County Environmental Health and Human Services Agency
Selma-Kingsburg-Fowler Sanitation District
San Joaquin Valley Air Pollution Control District
Regional Water Quality Control Board
CA Department of Fish & Wildlife
US Fish & Wildlife Service
California Department of Transportation

Chapter 2 – Project Description

[Note: Not part of the DEIR Chapter 2 – Project Description - As described on pages 11-1 through 11-4 of this Final EIR, during and subsequent to the Draft EIR review period a number of hearings were conducted on the project, primarily at the City of Kingsburg. As a result of those hearings and meetings, certain changes were made to the project that address many of the environmental issues identified during the review process. These changes are now part of the Public Hearing Draft of the Specific Plan and are now the official project description analyzed in the Draft EIR.]

Page 2-2: The Hash Farms Development Specific Plan is a proposed plan for development of a 182 ~~200~~-residential subdivision (~~160~~ 150 single-family units and ~~40~~ 32 multi-family units) on a total of 54 acres, including a 2.54 acre park and 1.15 acre fenced stormwater basin (see Figure 2-3).

[Note: Not part of the DEIR Chapter 2 – Project Description - For purposes of clarity and ease of review, the entire Chapter Two – Project Description of the DEIR is not reproduced in this Final EIR errata section for ~~strikethrough~~ and underline. However, since some of the information in the project description has changed related to the reduction in dwelling units, memorandum of understanding, the Specific Plan and other related improvements, this information is being provided in this errata section of the Final EIR in order to replace the information contained in Chapter Two – Project Description of the DEIR. The project layout maps, cross section details and other information is included in the Public Hearing Draft of the Specific Plan and supersedes the information contained in the publicly circulated DEIR as applicable. All other information contained in Chapter Two – Project Description of the DEIR remains valid and applicable unless otherwise noted in this Final EIR. The following is official project information that is being reviewed under the purview of this CEQA document and being considered by the Tulare County Planning Commission and Board of Supervisors.]

Other Overall Changes to Chapter Two – Project Description:

1. The total number of dwelling units was reduced to a total of 182, including 32 multi-family units along the Kern Street frontage and 150 single-family units.

2. The Specific Plan and the Memorandum of Understanding have been modified to more clearly identify that Phase 4 of the project is to be donated to the City or a non-profit for usage as a recreational facility in conjunction with the existing Little League Field. This change resulted in the elimination of nine (9) single family units and eight (8) multifamily units.

3. In order to address project impacts and comments from the City of Kingsburg, the Specific Plan has been modified to include the most current impact fee schedule, and more specifically deal with financing project improvements. Dwelling units in the project will now pay the fees based on the fee schedule

in place as of April 2018, including traffic fees totaling $276,100, an increase in traffic fees of $123,000. This fee payment eliminates the need for the supplemental traffic fee identified in the Draft EIR.

4. The connection from the project to Mariposa Street has been eliminated and a new connection has been made from Lake Street to Madsen Avenue. This will route project traffic to the perimeter roadways (Madsen Avenue and Kern Avenue) and will reduce traffic through the residential neighborhood to the west. This change addresses comments from neighbors who commented (accurately) that the portion of Mariposa Street east of 21st Street was not a complete city or county road right of way. A pedestrian connection has been shown subject to further right of way research, but will be eliminated if there is no existing County or City rights of way that permits that connection.

5. Traffic calming bulbouts have been identified for Lindquist/22nd Street and Lindquist/23rd Street.

6. Limitation for one-story units only along the westerly and southerly project boundaries to address visual concerns and aesthetics.

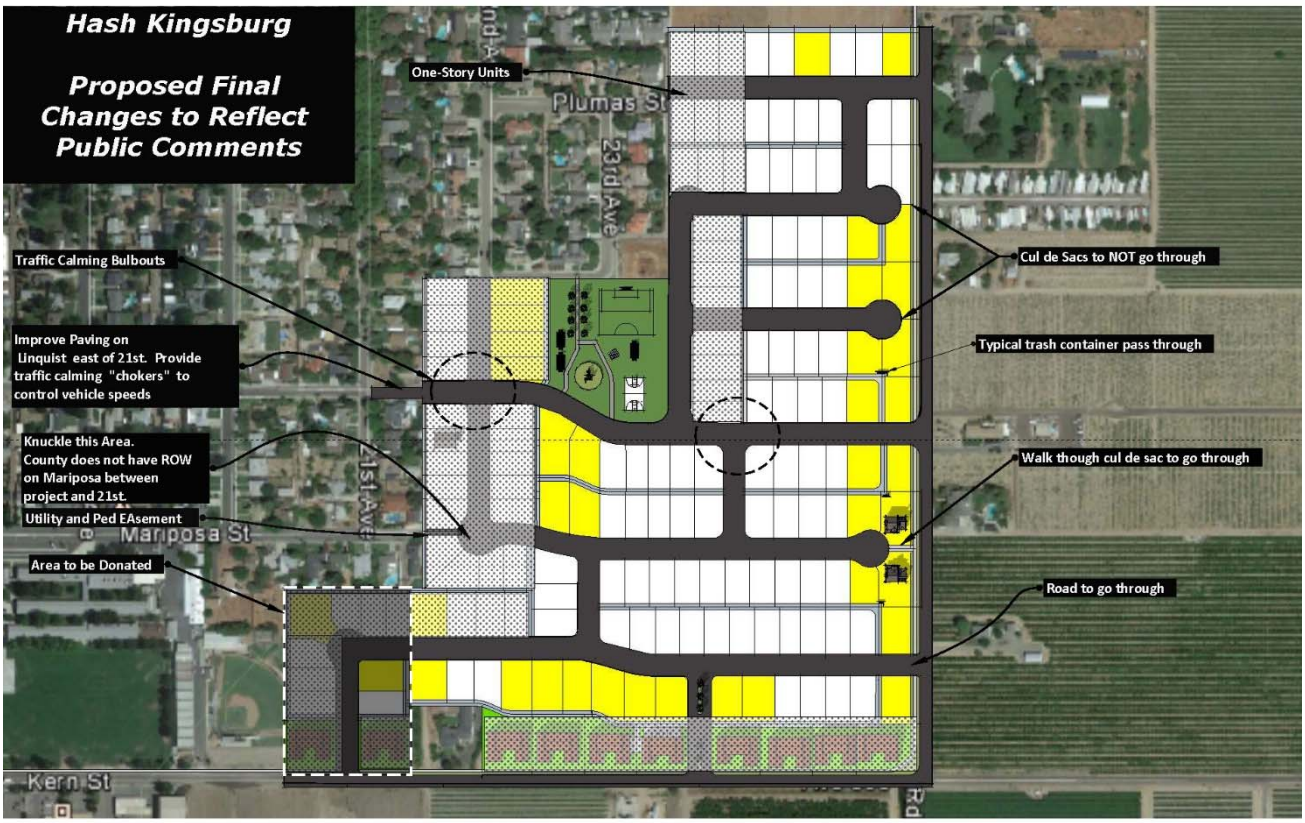
7. Participation with Consolidated Irrigation District (CID) in a groundwater recharge program. The developer will pay a fee to CID for each phase of development or construct improvements with CID in lieu of supplemental water bill payments. This will front-load the improvements and would be in lieu of supplemental charges on the City water bills.

8. A definitive "Memorandum of Understanding and Joint Planning and Development Agreement By and Between the City of Kingsburg and the County of Tulare Regarding the Development of the Hash Subdivision and Development Project, and the Establishment of a Specific Plan for the Project Area" (MOU) has been reviewed and adopted by the City of Kingsburg City Council to more clearly and completely identify the fiscal, administrative, and service issues to address the implementation of the project. The MOU is part of the Specific Plan and the Specific Plan has been modified to reflect its terms.

9. The revision to the subdivision design has enhanced the pedestrian connectivity and compliance with adopted standards for vehicle and pedestrian connectivity. The project retains several key features including a bike/pedestrian path along the Madsen and Kern, and extension of sidewalks from the northern terminus of the Project along Madsen Avenue to Sierra Street and from the western terminus of the project along Kern Street to 18th Street. The calculated connectivity for the project is still superior to that of "average" project with the equivalent of 125 intersections per square mile compared to 36 intersections per square mile for an "average" or "standard" project, (according to the California Air Pollution Control Officers

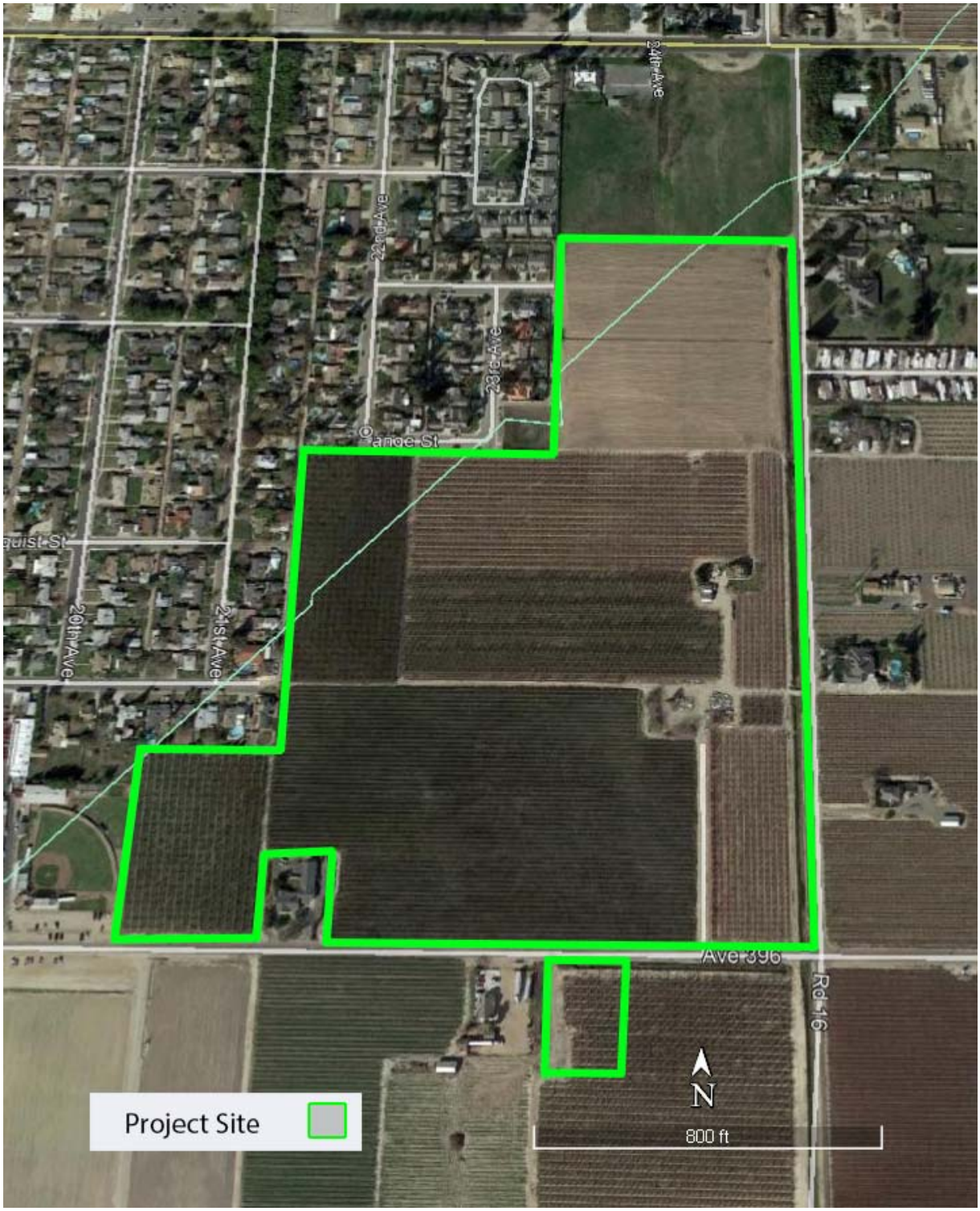
Association's standards and methodologies). Project design changes have preserved and improved this connectivity. These types of improvements are known to decrease vehicle trips and vehicle miles travelled by 6% to 26%, depending on local circumstances. Because of the nearby location of significant pedestrian destinations (such as Lincoln Elementary School, Kingsburg High School, and the Central Business District) (which would account for 30%-40% of household trips), it is anticipated that the pedestrian improvements in the initial and final design will reduce vehicle trips by an additional 5%-8% overall (or by an additional 120 daily trips, and 12 peak hour trips) as identified in the traffic study.

Site layout as shown in the Public Review Draft of the Specific Plan



Page 2-9

Figure 2-2: Site Aerial



Chapter 3.3 Air Quality

Page 3.3-23 **Rule 9510 – Indirect Source Review.** This rule reduces the impact of NOx and PM10 emissions from growth on the Air Basin. The rule places application and emission reduction requirements on development projects meeting applicability criteria in order to reduce emissions through onsite mitigation, off-site Air District -administered projects, or a combination of the two. The rule defines a development project as a project, or portion thereof, that results in the construction of a building or facility for the purpose of increasing capacity or activity. The rule also exempts any development project on a facility whose primary functions are subject to Air District permitting requirements. The Project includes the installation of infrastructure and the construction of 182 residential units. ~~to provide existing residences without municipal sewage facilities with connection to an existing wastewater treatment plant~~. As such, the Project does ~~not~~ increase capacity or activity and upon completion will be tied into a facility subject to Air District permitting requirements and ~~; therefore,~~ the Project is ~~not~~ subject to Rule 9510. An AIA application will be submitted with the project in conformance with Rule 9510.

Chapter 3.4 Biological Resources

Page 3.4-16: Checklist Item 3.4 b): The conclusory statement of the Project Impact Analysis should identify a less than significant impact consistent with the analysis provided throughout the discussions under this Checklist Item. The discussion should read as follows:

- "Project Impact Analysis: ~~***No Impact***~~ ***Less Than Significant Impact***

  ….There are no sensitive riparian or natural habitats in the immediate proposed Project area and as such, ~~No Project Specific Impacts~~ a Less Than Significant Impact related to this Checklist item will occur.

- "Cumulative Impact Analysis: ~~***No Impact***~~ ***Less Than Significant Impact***
- "Conclusion: ~~***No Impact***~~ ***Less Than Significant Impact***

Chapter 3.16 Transportation/Traffic

Page 3.16-19 ~~"Table 7 [**Table 3.16-9** of the DEIR] lists the intersection improvements needed by the year 2035 in order to maintain an acceptable operational level of service for the street system within the Project scope [and the associated percent share attributable to the Project]."[1] As part of the Specific Plan for the Project, the Project will pay City of Kingsburg traffic fees including $769 for each single family residential unit, and $499 per multifamily dwelling unit for a total of fee payments~~

[1] Op. Cit. 18.

~~of $143,000. Estimate costs for the improvements in **Table 3.16-11** are approximately $175,000, based on a cost of $275,000 for Intersection 4 and $350,000 for Intersection 7. To fully mitigate the Project's impacts, an additional traffic mitigation fee totaling $25,600 (or $175 per dwelling unit) is required.~~

Table 7 [Table 3.16-9 of the DEIR] lists the intersection improvements needed by the year 2035 in order to maintain an acceptable operational level of service for the street system within the Project scope [and the associated percent share attributable to the Project]." As part of the Specific Plan for the Project the Project will pay standard City of Kingsburg traffic fees of $1,400.550 per single family or multi-family residential unit, and a special/ad hoc impact fee of $930.41 per dwelling unit to the City for intersection and lane improvements to Kern and 18th. The project will also pay a $358.46 per dwelling unit fee to the County for improvements to the SR 99/18th ramp intersection improvements. The project's payment of standard City of Kingsburg traffic impact fees will mitigate its fair share of traffic facilities contained on the City's Development Impact Fee Nexus Study project list, and the special fees will mitigate the project's share of improvements to needed facilities that are not on the Nexus Fee project list.

Page 3.16-20 Mitigation Measure 16-1 The Project Applicant will be responsible for paying fair share fees as identified in Table 3.16-9 through payment of standard City traffic impact fees and an additional ad hoc mitigation fee of ~~$175~~ $930.41 per dwelling unit. The Applicant will pay the fee amounts at building permit. This shall be made a condition of Project approval.

Chapter 3.19 Mandatory Findings of Significance

Page 3.19-6: Checklist Item 3.19 a): The analysis for Checklist Item 3.19 a) is divided into two main discussions, one for impacts to special status species and one for impacts to examples of major periods of California history or prehistory. The first heading for special status species was inadvertently not included. The heading should appear immediately after the Checklist Item question, before the Project Impact Analysis, and should read as follows:

- "**Findings: Impacts to Quality of the Environment and to Special Status Species**"

Page 3.19-6: Checklist Item 3.19 a): The Mitigation Measures identified in the first paragraph of the Project Impact Analysis should be consistent with the measures identified in Chapter 3.4 Biological Resources and should read as follows:

- "…Therefore, however unlikely an occurrence may occur, Mitigation Measures 3.4-1 through ~~3.4-7~~3.4-5 contained in Chapter 3.4 would minimize potential impact to sensitive biological resources thereby limiting the potential impacts to Less Than Significant With Mitigation…"

Page 3.19-7: Checklist Item 3.19 a): The level of significance for item 3.4 d) and 3.4 e) , the level of significance for cumulative impacts, and the mitigation measures should reflect the analysis identified in Chapter 3.4 Biological Resources as follows:

- ***"3.4 d)*** ***~~No~~Less Than Significant Impact:***

  The Project site does not serve as a fish or wildlife movement corridor. The existing canal banks could potentially serve as a movement corridor for kit fox; however no canals will be disturbed as the sewer collection system and pipelines will be located within existing rights-of-way. ***~~No~~Less Than Significant Impact*** related to this Checklist Item would occur."

- ***"3.4 e)*** ***~~No~~Less Than Significant Impact:***

  The proposed Project would not conflict with any policies or ordinances protecting biological resources. ***~~No~~Less Than Significant Impact*** related to this Checklist Item would occur."

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

  The geographic area of this cumulative analysis is the San Joaquin Valley, the State of California, and the Western United States. As noted in Chapter 3.4, cumulative impacts related to biological resources would be ***Less Than Significant With Mitigation.***"

- "Mitigation Measure(s): ***See Mitigation Measures 3.4-1 through ~~3.4-7~~ 3.4-5 outlined in Chapter 3.4.***"

Page 3.19-8: Checklist Item 3.19 a): The analysis for Checklist Item 3.19 a) is divided into two main sections, one for impacts to special status species and one for impacts to examples of major periods of California history or prehistory. However, the formatting is not consistent between these two sections; that is, the impacts for each Checklist Item in Chapter 3.5 Cultural Resources and Chapter 3.17 Tribal Cultural Resources have not been summarized. For consistency, the discussion on California history and prehistory should read as follows:

- ***"3.5 a) Less Than Significant Impact With Mitigation:***

  Based on the California Historic Resources Information System (CHRIS) search conducted for the Project area, there are two recorded cultural resources within the Project area and two recorded resources within one-half mile. These resources include the Traver Canal, Banks Ditch, Southern Pacific/San Joaquin Railroad, and an historic era road. There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California

Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks. However, there is a possibility that subsurface resources could be uncovered during construction-related activities. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur."

- ***"3.5 b) Less Than Significant Impact With Mitigation:***

  The CHRIS search and a Sacred Lands File (SLF) search performed by the Native American Heritage Commission (NAHC) did not identify any archaeological resources within the Project area. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur."

- ***"3.5 c) Less Than Significant Impact With Mitigation:***

  The CHRIS and SLF searches did not identify any paleontological resources or unique geological features in the Project area. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur."

- ***"3.5 d) Less Than Significant Impact With Mitigation:***

  The CHRIS search, the SLF search, and consultation with Native American tribes did not identify any known remains or cemeteries within the Project area. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur."

- "Chapter 3.17, Tribal Cultural Resources, discusses potential impacts to tribal cultural resources in greater detail. As discussed in Chapter 3.5, Cultural Resources, two on-site and two off-site historical (cultural) resources were identified. No responses were received from the tribes that were notified in compliance with AB 52 requirements. As such, it is not anticipated that Native American tribal cultural resources or remains will be found at any site within the Project planning area. However, Mitigation Measures 3.17-1 and 3.17-2 are included in the unlikely event that Native American remains or tribal cultural resources are unearthed during any ground disturbance activities. Implementation of these Mitigation Measures as detailed in Chapter 3.17 would reduce any significant impacts to Less Than Significant."

  "3.17 a) Less Than Significant Impact With Mitigation:

  The CHRIS search identified two non-Native cultural resources in the Project area. There is possibility that tribal cultural resources could be unearthed during Project-related ground excavation. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur."

"3.17 b) Less Than Significant Impact With Mitigation:

There is possibility that tribal cultural resources could be unearthed during Project-related ground excavation. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur."

- "Mitigation Measure(s): ***See Mitigation Measures 3.5-1 through 3.5-3 outlined in Chapter 3.5 and 3.17-1 through 3.17-2 outlined in Chapter 3.17.***"

Page 3.19-9: Checklist Item 3.19 b): The Mitigation Measures identified in the discussion for cumulative impacts to biological species should read as follows:

- "With implementation of Mitigation Measures 3.4-1 through ~~3.4-7~~3.4-5, …"

Page 3.19-9: Checklist Item 3.19 b): Although discussed in Chapter 4 Cumulative Impacts and identified in Table 4-2 Checklist Items with Less Than Significant Impacts with Mitigation, the conclusion for cumulative impacts on tribal cultural resources and traffic was inadvertently not included in the discussion for this Checklist Item. The conclusions should be included after the Conclusion for Cumulative Impacts to Cultural Resources (Chapter 3.5) and before Checklist Item 3.19 c) as follows:

- "Conclusion for Cumulative Impacts to Transportation and Traffic (Chapter 3.16):

  Less Than Significant Impact With Mitigation

  With implementation of Mitigation Measures 3.16-1, potential Project-specific and cumulative impacts related to this Checklist item would be reduced to ***Less Than Significant Impact With Mitigation***."

- "Conclusion for Cumulative Impacts to Tribal Cultural Resources (Chapter 3.17):

  Less Than Significant Impact With Mitigation

  With implementation of Mitigation Measures 3.17-1 and 3.17-2, potential Project-specific and cumulative impacts related to this Checklist item would be reduced to ***Less Than Significant Impact With Mitigation***."

Page 3.19-9: Checklist Item 3.19 c): This discussion was inadvertently copied from a different project. The Checklist Item should read as follows:

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

There are ~~***No Environmental Adverse Effects***~~***Less Than Significant Impacts With Mitigation*** from this Project on human beings. As discussed in Chapter 3.16 Transportation and Traffic, Checklist Item 3.16c), construction-related activities associated with the project would temporarily impact vehicle travel lanes (roadways) and may temporarily interrupt emergency access to some properties at their driveways while pipes are installed. However, implementation of Mitigation Measure 3.16-1 would reduce these short-term impacts to less than significant. Furthermore~~Rather~~, the Project would result in long-term benefits to the residents of the community by improving the reliability of the existing wastewater system ~~would benefit the community as it would~~ and provide~~e~~ing sanitary disposal of wastewater generated by the community thereby ensuring reliable collection and treatment of wastewater and preserving water quality by avoiding discharging contaminated water into the natural environment."

- "Cumulative Impact Analysis: ~~***No***~~***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 traffic report, Tulare County 2030 General Plan, Tulare County General Plan Background Report and/or Tulare County 2030 General Plan EIR.

  Implementation of Mitigation Measure 3.16-1 would reduce the short-term, construction-related potential impacts that could result from inadequate emergency access. Therefore, there are ~~***No Environmental Adverse Effects***~~ ***Less Than Significant Impacts With Mitigation*** from this Project ~~to~~on human beings."

- "Mitigation Measures: ~~***None Required***~~***See Mitigation Measure 3.16-1 outlined in Chapter 3.16"***

- "Conclusion: ~~***No***~~***Less Than Significant Impact With Mitigation***

  There would be ~~***No***~~***Less Than Significant Impacts With Mitigation*** which would cause substantial adverse effects to impacts to human beings either directly or indirectly."

Chapter 8. Mitigation Monitoring and Reporting Program

Page 8-1: The first paragraph should read as follows:

- "This ~~Draft~~ Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Environmental Impact Report (EIR) for the proposed Project (State

Clearinghouse No. 2017081024). The MMRP lists mitigation measures recommended in the draft EIR for the proposed Project and identifies monitoring and reporting requirements."

Page 8-1: The second paragraph should read as follows:

- "The California Environmental Quality Act (CEQA) Public Resources Code Section 21081.6 requires the Lead Agency decision making body, when ~~is going to~~ approve~~e~~ing a project and certifying the EIR, ~~that it~~ to also adopt a reporting or monitoring program for those measures placed on a project ~~recommended~~ to mitigate or avoid significant/adverse effects of the environment identified in the EIR. …"

Page 8-1: The second bullet point should read as follows:

- "**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~~by~~ whom and when compliance will be monitored and reported ~~and to whom it will be report~~. As necessary the reporting should indicate any follow-up actions that might be necessary if the reporting notes the impact has not been mitigated."

Page 8-2: The paragraph provides additional description of the purpose of each column of the MMRP and should read as follows:

- "The first column of **Table 8-1** identifies the Mitigation Measure. The second column, entitled "When Monitoring is to Occur," identifies the time the Mitigation Measure should be initiated. The third column, "Frequency of Monitoring," identifies the frequency of the monitoring that should take place to assure the mitigation is being or has been implemented to achieve the desired outcome or performance standard. The fourth column, "Agency Responsible for Monitoring," names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, "Method to Verify Compliance," identifies the requirements for verification that the Mitigation Measure has been implemented. The last three columns will be used by the ~~Wastewater System Governing Entity once formed~~ Lead Agency (County of Tulare) to ensure that individual Mitigation Measures have been complied with and monitored."

Page 8-3: Table 8-1 Mitigation Monitoring and Report Program: The MMRP provided in the Executive Summary identified potential impacts for which Mitigation Measures were included. These impacts were inadvertently not included in the draft MMRP provided in Chapter 8. As such, these impacts have been added for consistency between the chapters.

- See Table 8-1 below.

Page 8-3: Table 8-1 Mitigation Monitoring and Report Program: The "Governing Entity" and "Governing Entity established for operating the Wastewater System Services" have been changed to "Tulare County RMA" or "County of Tulare" to clearly indicate that Tulare County is responsible for monitoring compliance with the mitigation measures.

- See Table 8-1 below.

Page 8-3: Table 8-1 Mitigation Monitoring and Report Program: The Tribal Cultural Resources section of the MMRP inadvertently duplicated Mitigation Measure 3.17-1 rather than identifying Mitigation Measure 3.17-2 as identified in Chapter 3.17 Tribal Cultural Resources. As such, Mitigation Measure 3.17-2 has been added to the MMRP.

- See Table 8-1 below.

Page 8-3: Table 8-1 Mitigation Monitoring and Report Program: The California Department of Fish and Wildlife (CDFW) provided comments regarding the adequacy of the Mitigation Measures included in the EIR to address Biological Resources. As such, the County has incorporated the CDFW recommendations into the MMRP.

- See Table 8-1 below.

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
BIOLOGICAL RESOURCES							
Valley Elderberry Longhorn Beetle							
Impact: *Three elderberry shrubs were located on ruderal land associated with the Foster Farms industrial complex (see Figure 3 [of the Biological Evaluation]), and additional shrubs could theoretically be present in those portions of the orchards and industrial complex that were not accessible/visible at the time of the April 2014 and June 2014 field surveys. Shrubs of the PPSA are unlikely to be inhabited by VELB due to their location within a mosaic of highly disturbed lands and their isolation from riparian areas and other elderberry shrubs. For the same reasons, project-related removal of these shrubs would not constitute significant loss of habitat under CEQA. However, because the USFWS considers the removal of elderberry shrubs below 3,000 feet in elevation with stems greater than one inch in diameter tantamount to "take" of VELB, USFWS incidental take authorization would be required before the shrubs could be removed by project activities.*							
3.4-1a (Avoidance) Prior to initiation of a given project within the PPSA, a survey for elderberry shrubs will be conducted by a qualified biologist, unless the entire project area is completely devoid of shrubby vegetation, in which case a elderberry survey is not necessary. If elderberry shrubs are identified during the survey, then they will be avoided. Typically, the USFWS considers a 100-foot disturbance-free buffer around elderberry shrubs complete avoidance. However, a buffer of as little as 20 feet may be arranged in consultation with the USFWS. The buffer will be clearly delineated with orange construction fencing with the appropriate signage posted. This elderberry avoidance area will be clearly marked with signs, fencing, and/or flagging, and maintained for the duration of work in that area. No construction personnel or equipment shall enter the elderberry avoidance area, except for as	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA~~Governing Entity~~.	~~Governing Entity established for operating the Wastewater System Services~~County of Tulare	Field survey by a qualified Biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
provided under *Mitigation Measure 3.3.3b* below.							
***3.4-1b* (*Construction Monitoring*)** If project activities necessitate temporary entry into the elderberry avoidance area, approval will first be obtained from the USFWS and a qualified biologist will be on-site to monitor such activities for their duration within the avoidance area.	Prior to and during construction-related activities.	As needed if special status species are detected.	~~Governing Entity established for operating the Wastewater System Services~~County of Tulare	Qualified biologist.			
3.4-1c (Employee Education Program). Prior to implementation of projects with elderberry shrubs on site, construction personnel will receive worker environmental awareness training in the identification of the VELB and its host plant.	Prior to construction-related activities.	As needed if special status species are detected.	~~Governing Entity established for operating the Wastewater System Services~~County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-1d (Compensation). If it is not feasible to completely avoid all elderberry shrubs, then impacts to the shrubs will be mitigated in accordance with the *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (USFWS 1999). This generally involves 1) conducting a protocol-level elderberry survey to assess the degree of "take" that will occur, 2) transplanting the shrubs to on-site or off-site lands protected in perpetuity under conservation easement ("conservation area"), or to a VELB mitigation bank, and 3) replacing each impacted stem with new elderberry plantings at a ratio of 1:1 to 1:8 (depending on stem diameter, presence of beetle exit holes, and habitat type)	During construction-related activities.	On-going during construction-related activities	~~Governing Entity established for operating the Wastewater System Services~~County of Tulare	Construction manager with oversight by qualified biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
or purchasing an equivalent number of credits at a VELB mitigation bank.							
San Joaquin Kit Fox							
***Impact**: The San Joaquin kit fox is unlikely to occur within the PPSA. However, based on past occurrences of kit fox in the 10-mile vicinity of the PPSA, it is remotely possible that individual foxes may pass through and possibly forage on the site from time to time during dispersal movements. If a kit fox were present at the time of future construction activities in the PPSA, then it would be at risk of project-related injury or mortality. Kit fox mortality as a result of future development of the PPSA would violate the state and federal Endangered Species Acts, and is considered a potentially significant impact under CEQA.*							
3.4-2a (Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS *Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (2011). Specifically the survey will include the project site and a minimum of a 200-foot area outside of all project impact areas. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the den shall not be disturbed or destroyed and the USFWS and CDFW shall be contacted immediately to determine the best course of	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA~~Governing Entity~~.	~~Governing Entity established for operating the Wastewater System Services~~County of Tulare	Field survey by a qualified Biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
action and to initiate the take authorization/permit process if required.							
3.4-2b (Avoidance). Should a kit fox or evidence of a potential den be found using any of the sites during pre-construction surveys, the project will avoid the habitat occupied by the kit fox. In accordance with the USFWS, *Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (2011), a minimum 50-foot no-disturbance buffer area shall be established around potential and atypical (man-made) dens and a minimum 100-foot no-disturbance buffer area shall be established around known den sites. ~~and t~~The and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately to determine the best course of action and to initiate the take authorization/permit process if required.	Implemented only if sensitive species are encountered.	Throughout construction.	~~Governing Entity.~~ County of Tulare Resource Management Agency	Determination by qualified biologist.			
3.4-2c (Minimization). In accordance with the USFWS *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (2011), ~~C~~construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as	During construction.	As needed during construction.	~~Governing Entity~~. County of Tulare	Determination by qualified biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.							
3.4-2d (Employee Education Program). Prior to the start of construction the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.	Prior to construction-related activities.	As needed if special status species are detected.	~~Governing Entity established for operating the Wastewater System Services~~County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-2e (Mortality Reporting). The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	During Construction.	Ongoing throughout construction.	~~Governing Entity established for operating the Wastewater System Services~~County of Tulare	Qualified biologist working with USFS and/or CFW			
Burrowing Owl							
Impact: *As discussed in Section 2.5.4, burrowing owls have the potential to nest or roost in the dry-farmed wheat field and along the margins of Banks Ditch and Road 44 adjacent to that field and the corn field to the north. Although highly unlikely due to lack of nearby foraging habitat and high levels of human disturbance, burrowing owls*							

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
could also conceivably use small mammal burrows located in and around the industrial complex and along road margins elsewhere in the PPSA. If one or more owls were present in these areas at the time of construction, then construction activities would have the potential to injure or kill these individuals. Mortality of individual burrowing owls would violate California Fish and Game Code and the federal Migratory Bird Treaty Act, and is considered a significant impact of the project under CEQA.							
3.4-3a (Pre-construction Surveys). A pre-construction survey for burrowing owls will be conducted by a qualified biologist using the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines: (1993) within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA~~Governing Entity.~~	~~Governing Entity established for operating the Wastewater System Services~~County of Tulare	Field survey by a qualified Biologist.			
3.4-3b (Avoidance of Active Nests). If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a minimum 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW and in accordance with the CDFW *Staff Report on Burrowing Owl Mitigation* (2012) to employ the following:	Implemented only if sensitive species are encountered.	Throughout construction.	~~Governing Entity.~~ County of Tulare	Determination by qualified biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
<table><tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance</th></tr><tr><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>Nesting sites</td><td>Apr 1 – Aug 15</td><td>200 m</td><td>500 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Aug 16 – Oct 15</td><td>200 m</td><td>200 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Oct 16 – Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr></table> The buffer areas will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.							
3.4-3c (Passive Relocation of Resident Owls). During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure	Implemented only if sensitive species are encountered.	Throughout construction.	~~Governing Entity~~. County of Tulare	Determination by qualified biologist.			

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Mitigation Monitoring and Reporting Program

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owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer. Burrow exclusion is to be conducted by a qualified biologist and during non-breeding season after the burrow is confirmed empty through surveillance. Surveillance for exclusion through project site activities are to be conducted consistent with any relocation plans.							
Nesting and Migratory Birds							
Impact: *The majority of the PPSA consists of habitat that could be used for nesting by one or more avian species protected by the federal Migratory Bird Treaty Act and related state laws. Two special-status birds, the Swainson's hawk and loggerhead shrike, also have the potential to nest within the PPSA. Orchard trees of the PPSA could be used by mourning doves or American robins, while mature trees bordering the PPSA along the ruderal margin of Highway 99 could be used by the western kingbird, Bullock's and hooded orioles, and various raptors, including the Swainson's hawk. Killdeers may nest on bare ground or gravel surfaces in ruderal or industrial areas of the PPSA, and the house finch may nest in the PPSA's buildings. Cliff swallows could nest in the culverts at Road 44's crossing of Banks Ditch. Raptors and migratory birds nesting within the PPSA at the time that individual projects are implemented have the potential to be injured or killed by project activities. In addition to direct "take" of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project activities that adversely affect the nesting success of raptors and migratory birds or result in the mortality of individual birds constitute a violation of state and federal laws and are considered a potentially significant impact under CEQA.*							
***3.4-4a* (*Avoidance*).** In order to avoid impacts to nesting raptors and migratory birds, individual projects within the PPSA will be constructed, where possible, outside the nesting season, or between September 1st and January 31st.	Implemented only if sensitive species are encountered.	Throughout construction.	~~Governing Entity~~. County of Tulare	Determination by qualified biologist.			
3.4-4b (Pre-construction Surveys). A qualified biologist will conduct pre-construction surveys in accordance with the Swainson's Hawk Technical Advisory Committee *Recommended Timing and Methodology for Swainson's Hawk*	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for	~~Governing Entity established for operating the Wastewater System~~	Field survey by a qualified Biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

<table>
<tr><th rowspan="2">Mitigation Measure/Condition of Approval</th><th rowspan="2">When Monitoring is to Occur</th><th rowspan="2">Frequency of Monitoring</th><th rowspan="2">Agency Responsible for Monitoring</th><th rowspan="2">Method to Verify Compliance</th><th colspan="3">Verification of Compliance</th></tr>
<tr><th>Initials</th><th>Date</th><th>Remarks</th></tr>
<tr><td>
Nesting Surveys in California's Central Valley (2000) which employs the following:
<table>
<tr><th>Survey Period</th><th>Survey Dates</th><th>Survey Time</th><th>Number of Surveys Needed</th></tr>
<tr><td>I</td><td>January – March 20</td><td>All day</td><td>1</td></tr>
<tr><td>II</td><td>March 20 – April 5</td><td>Sunrise – 1000; 1600 to Sunset</td><td>3</td></tr>
<tr><td>III</td><td>April 5 – April 20</td><td>Sunrise – 1200; 1630 – Sunset</td><td>3</td></tr>
<tr><td>IV</td><td>April 21 – June 10</td><td>Monitoring sites only</td><td>Initiating surveys is not recommended</td></tr>
<tr><td>V</td><td>June 10 – July 30</td><td>Sunrise – 1200; 1600 – Sunset</td><td>3</td></tr>
</table>
If project activities must occur during the nesting season (February 1-August 31), the project proponent and/or their contractor is responsible for ensuring that implementation does not violate the Migratory Bird Treaty Act or relevant Fish and Game Code, and a qualified biologist will conduct pre-construction surveys for active raptor and migratory bird nests within ~~30~~10 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey
</td><td></td><td>further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA~~Governing Entity~~.</td><td>~~Services~~County of Tulare</td><td></td><td></td><td></td><td></td></tr>
</table>

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.							
3.4-4c (Establish Buffers). Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged.	Implemented only if sensitive species are encountered.	Throughout construction.	~~Governing Entity~~. County of Tulare	Determination by qualified biologist.			
Roosting Bats							
Impact: *Development of the PPSA may result in the removal of buildings and mature trees that provide potential roosting habitat for bats, including special status species such as the pallid bat and western mastiff bat. If trees or buildings removed by construction activities contain colonial roosts, many individual bats could be killed. Such a mortality event is considered a potentially significant impact of the project under CEQA.*							
3.4-5a (Temporal Avoidance). To avoid potential impacts to maternity bat roosts, removal of buildings and trees should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.	Prior to construction.	Ongoing throughout construction.	~~Governing Entity~~. County of Tulare	Determination by qualified biologist.			
3.4-5b (Pre-construction Surveys). If removal of buildings or trees is to occur between April 1 and September 30 (general maternity bat roost	Prior to start of construction.	Once within 30 days of construction, unless pre-construction	~~Governing Entity established for operating the~~	Field survey by a qualified Biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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season), then within 30 days prior to these activities, a qualified biologist will survey affected buildings and trees for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.		survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA~~Governing Entity~~.	~~Wastewater System Services~~County of Tulare				
3.4-5c (Minimization). If a non-breeding bat colony is detected during pre-construction surveys, *a 50-foot no-disturbance buffer area will be established and the CDFW will be notified to determine the best course of action. If avoidance (including a reduced buffer area) is not feasible, a Bat Eviction Plan shall be prepared by a qualified biologist and approved by the CDFW prior to start of construction.* ~~t~~The individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or "take" of any bats occurs as a result of construction activities.	Implemented only if sensitive species are encountered.	Throughout construction.	~~Governing Entity.~~County of Tulare	Determination by qualified biologist.			
3.4-5d (Avoidance of Maternity Roosts). If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The	Implemented only if sensitive species are encountered.	Throughout construction.	~~Governing Entity.~~ County of Tulare	Determination by qualified biologist.			

Table 8-1
Mitigation Monitoring and Reporting Program

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disturbance-free buffer will range from a minimum of 50 ~~to 100~~ feet as determined appropriate by the qualified biologist in consultation with the CDFW.							
CULTURAL RESOURCES:							
Impact: *There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks However, there is a possibility that subsurface resources could be uncovered during construction-related activities. In such an event, potentially significant impacts to previously unknown subsurface resources may occur. As such, the Mitigation Measures contained Appendix "C" of the IS/MND Traver Community Plan (also Appendix "C" of this document) are incorporated in their entirety by reference and are shown as follows as Mitigation Measures 3.5.-1 and 3.5-2.*							
3.5-1 If, in the course of construction or operation within the Project area, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be ceased. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Tulare County Resources Management Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the proposed Project. Where feasible, mitigation achieving preservation in place will be implemented. Preservation in place may be accomplished by, but is not limited to: planning construction to avoid archaeological sites or covering archaeological sites with a layer of chemically stable soil prior to building on the site. If significant resources are encountered, the	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	~~Governing Entity established for operating the Wastewater System Services~~ County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

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Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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feasibility of various methods of achieving preservation in place shall be considered, and an appropriate method of achieving preservation in place shall be selected and implemented, if feasible. If preservation in place is not feasible, other mitigation shall be implemented to minimize impacts to the site, such as data recovery efforts that will adequately recover scientifically consequential information from and about the site. Mitigation shall be consistent with CEQA Guidelines section 15126.4(b)(3).							
3.5-2 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	~~Governing Entity established for operating the Wastewater System Services~~ County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.5-3 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA	During Construction	Daily or as needed throughout the	~~Governing Entity established for~~	A qualified archaeologist			

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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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 [that is, unanticipated] discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: 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: 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		construction period if suspicious resources are discovered	~~operating the Wastewater System Services~~ County of Tulare via field evaluation of the resource finds by a qualified archaeologist	shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

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Mitigation Monitoring and Reporting Program

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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/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. 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. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							
TRANSPORTATION/TRAFFIC							
Impact: *The Project construction-related activities may temporarily interrupt access to some properties. However, the interruptions would be no longer than a few hours while trenching- and installation-related activities occur at each property's access driveway. It is possible that Project construction-related activities would temporarily impact vehicle*							

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travel lanes while the pipelines are being installed underneath roadways.							
3.16-1 Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction to give adequate warning to the public of the construction and of any potentially dangerous condition to be encountered as a result thereof.	During Construction activities	On-going during construction-related activities	County of Tulare via specific contractual requirements and via on-going review of records kept by contractor to document compliance	Maintenance by contractor of documentary evidence of compliance. Such records to be provided to County of Tulare upon request			
16-1 The Project Applicant will be responsible for paying fair share fees as identified in Table 3.16-9 through payment of standard City traffic impact fees and an additional ad hoc mitigation fee of ~~$175~~ $930.41 per dwelling unit. The Applicant will pay the fee amounts at building permit. This shall be made a condition of Project approval.	Prior to Issuance of Building Permit.	N/A	Tulare County Planning Department	Tulare County Planning Department			
TRIBAL CULTURAL RESOURCES							
Impact: *Two on-site resources were identified by the CHRIS and no resources were identified by the Sacred Lands Files (SLF) search. Although all work will be limited to existing, disturbed rights-of-way, it is possible that subsurface discoveries could occur. Also, no responses were received from the tribes that were notified in compliance with AB 52 requirements through a list of potentially affected tribes provided by the NAHC. As such, it is not anticipated that Native American tribal cultural resources or remains will be found at any site within the Project planning area.*							
3.17-1 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	~~Governing Entity established for operating the Wastewater System Services~~ County of Tulare	A qualified archaeologist shall document the results of field evaluation and shall			

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determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.			via field evaluation of the resource finds by a qualified archaeologist	recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
~~**3.17-1** If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.~~	~~During Construction~~	~~Daily or as needed throughout the construction period if suspicious resources are discovered~~	~~Governing Entity established for operating the Wastewater System Services via field evaluation of the resource finds by a qualified archaeologist~~	~~A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.~~			
3.17-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA	During Construction	Daily or as needed throughout the	County of Tulare via field	A qualified archaeologist			

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