

COUNTY OF TULARE RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard
Visalia, CA 93277

Antelope Valley (Redfield) Subdivision TSM 805

Final Environmental Impact Report
SCH No. 2017081013

October 2018

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

Antelope Valley (Redfield) Subdivision TM 805
Final Environmental Impact Report (SCH# 2017081013)

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 9 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 DEIR or EIR) for the Antelope Valley (Redfield) Subdivision TM 805 (Project) was made available for public review and comment for a period of 45 days starting on August 10, 2017 and ending September 24, 2018. The purpose of this document is to present public comments and responses to comments received on the Project's Environmental Impact Report (SCH # 2017081013).

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 Final EIR (FEIR).

PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of Antelope Valley (Redfield) Subdivision TM 805 Project have been analyzed in a Draft Environmental Impact Report (DEIR, SCH# 2017081013) dated August

2018. Consistent with Section 15205 of the State CEQA Guidelines, the Draft EIR for the Antelope Valley (Redfield) Subdivision TM 805 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; however, if an EIR is submitted to the State Clearinghouse for review, the review period shall be a minimum of 45-days. Pursuant to CEQA Guidelines.

The Antelope Valley (Redfield) Subdivision TM 805 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* (newspaper of general circulation) on August 10, 2018.

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

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.; and Saturday: 9:00 a.m. – 5:00 p.m.
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Woodlake Branch Library 400 W. Whitney Woodlake, CA 93286	Tuesday through Friday: 9:00 a.m.–1:00 p.m., 2:00 p.m.–5:00 p.m.
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In addition, the Draft EIR was posted on the Tulare County website during the review period at:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>.

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=\(sc.Default\)](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 eleven (11) written comments (see Attachments 1 through 11) 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 California Department of Transportation, September 11, 2018.

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 September 24, 2018.

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

Mr. Everett Welch, September 20, 2018. Mr. Welch reiterated his oral comments via written comments (see Attachment 10)

Comments from Federal, State, or County Agencies:

- | | |
|------------------|--|
| Comment Letter 1 | California Department of Conservation (DOC), Division of Land Resource Protection (DLRP), August 30, 2018 (See Attachment 1) |
| Comment Letter 2 | California Department of Transportation (Caltrans), September 11, 2018 (See Attachment 2) |
| Comment Letter 3 | Tulare County Farm Bureau, September 21, 2018 (See Attachment 3) |
| Comment Letter 4 | California Department of Fish and Wildlife (CDFW), September 21, 2018 (See Attachment 4) |
| Comment Letter 5 | City of Woodlake, August 13, 2018 (See Attachment 5) |
| Comment Letter 6 | City of Woodlake, September 24, 2018 (See Attachment 6) |
| Comment Letter 7 | San Joaquin Valley Unified Air Pollution Control District, October 3, 2018 (See Attachment 7) |

Comments from adjacent property owners or other interested parties:

- | | |
|------------------|---|
| Comment Letter 8 | Bill and Laura Manser, September 20, 2018 (See Attachment 8) |
| Comment Letter 9 | Vicente and Maria Gonzalez, September 23, 2018 (See Attachment 9) |

- Comment Letter 10 Jesus and Nancy Rodriquez, September 23, 2018 (See Attachment 10)
- Comment Letter 11 Everett and Susan Welch, September 23, 2018 (See Attachment 11)

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.

The reader is reminded that the County strictly adheres to and depends upon substantial evidence in drawing conclusions in regards to CEQA documents. Therefore, the County relies on the definition of substantial evidence as provided in with CEQA Section 15384. (Substantial Evidence) which states: "'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." As such, the County also expects commenters such as public agencies, public entities, or other interested persons/parties to also adhere with the substantial evidence definition as provided in CEQA Section 15384.

COMPREHENSIVE LIST OF RESPONSES

Comment Letter 1 – California Department of Conservation (DOC), Division of Land Resource Protection (DLRP), August 30, 2018

Comment Subject 1: The project site appears to be classified as Prime Farmland and Farmland of Statewide Importance.

Response - The County agrees that the site contains both Prime Farmland and Farmland of Statewide Importance. However, the Prime Farmland classification occurs only in three small areas (the very northwest area (portions of parcels 14, 15, and 16), an area extending northeast from the lower quadrant of the eastern-most part of the project (portions of parcels 26, 27, and 28), and an area at the southeast quadrant's southern-most part (portion of parcel 6)). Cumulatively, this classification encompasses portions of approximately 18.48 acres (less than 15%) of the entire approximately 125-acre Project site (or about 0.00501% of the County's 368,527 acres of Prime Farmland in the County¹). Clearly, the overwhelming balance of the Project area (approximately 85%) is classified as Farmland of Statewide Importance, not Prime Farmland. Further, classifying land as Prime versus another classification is dependent upon irrigation. Without the current irrigation, the land would not

¹ State of California Department of Conservations 2015 California Farmland conversion Report Appendices at: <http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/2010-2012/FCR/FCR%202015%20Appendices.pdf>

be classified as Prime. Please note that County General Plan policy PF-5.2 allows development on Farmland of Statewide Importance "...if Farmland of Statewide Importance or of lesser quality is available and suitable for development." As the applicant owns all 125 acres of the Project site (therefore land is available), approximately 85% is classified as Farmland of Statewide Importance, and the use is allowed in the P-D-FM zone, the County stands by its determinations that the Project would result in a less than significant impact

Comment Subject 2: Conversion of agricultural land and feasible alternatives or feasible mitigation measures.

Response - As shown in **Table 3.2-2** of the DEIR, Tulare County FMMP-Designated Land (1998-2014), the County's total farmland was estimated at approximately 1,299,134 of which 366,414 is classified as Prime Farmland and 320,887 is classified as Farmland of Statewide Importance. The 2010-2012 estimate shows approximately 368,527 of Prime Farmland and 321,296 acres of Farmland of Statewide Importance of the 1,585,865 total farmland acreage. As noted in Response to Subject 2, the Project contains portions of approximately 18.48 acres (less than 15%) of the entire approximately 125-acre Project site (or about 0.00501% of the County's 368,527 acres of Prime Farmland in the County²). Clearly, the overwhelming balance of the Project area (approximately 85%) is classified as Farmland of Statewide Importance and would result in a conversion of 0.0333% of the County's Farmland of Statewide Importance or approximately 0.00674% of all farmland in Tulare County. As such, the County maintains its determination that, for all intents and purposes, that the Project would result in a less than significant impact to this resource. Lastly, as the Project would result in less than significant impact, mitigation (e.g., an agricultural conservation easement) is not warranted or necessary.

Comment Letter 2 – California Department of Transportation (Caltrans), September 11, 2018

Comment Subject 1: Caltrans has a "NO COMMENT" on Tract Map 805 proposing 43 lots on a 125-acre site; located approx. 2 miles northeast of SR 245, Woodlake, CA; the TIS analysis was sufficient and impacts to SR 245 are minimal.

Response - No response necessary. The County appreciates Caltrans' acknowledgment that the TIS analysis was sufficient and their determination that impacts to SR 245 are minimal.

Comment Letter 3 – Tulare County Farm Bureau, September 21, 2018

Comment Subject 1: Loss of agricultural resources.

Response - The County has several policies in place to minimize conversion of agriculturally productive lands into a non-agricultural use. It is noted that the proposed Antelope Valley Project to develop as a residential use is allowed, by-right, within the P-D-FM zone and is consistent with the Tulare County General Plan 2030 Update (General Plan Update). In this

² State of California Department of Conservation 2015 California Farmland conversion Report Appendices at: <http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/2010-2012/FCR/FCR%202015%20Appendices.pdf>

instance, the owner has, of his own volition, determined that it is in his best interest to discontinue farming the land and desires to exercise his right in proposing an allowable use (residential development) in a P-D-FM zone. It is further noted that the Tulare County Board of Supervisors concurrently certified a Program Environmental Impact Report when it adopted the General Plan 2030 Update which accounted for conversion of agricultural lands to urban type uses (including residential uses) to accommodate eventual growth. Lastly, it is noted that the County has advocated growth within cities as a viable option to accommodate residential development. In this instance, the owner, by way of this proposal, intends to discontinue his current farming activities.

Comment Subject 2 and Subject 3: Impacts to neighboring groundwater users and to groundwater resources.

Response - The “Water Supply Sustainability Report, [Antelope Valley] Redfield Estates Residential Subdivision” (and included in Appendix “D” of the DEIR) provides an expert opinion that the Project can access a sufficient and a sustainable water supply. In summary, the Report concludes that the Project would require approximately 24 acre-feet of water while the current ag use (olive orchards) requires approximately 324 acre-feet. As also indicated in the Report, the Project lies within the Cottonwood Creek Basin which the consultant calculates receives precipitation accumulating to approximately 1134,225 acre feet, or 4,698 times the annual water needed for the Project. As the Sustainable Groundwater Management Act (SGMA) has not yet been implemented, it would be premature and speculative at best to attempt to analyze the Project’s impact to this effort. Lastly, **Mitigation Measures 9-1 and 9-2** require that the Project implement water conservation measures (such as water closets, low flow showerheads, low flow sinks, etc.) and conformance with the Tulare County Water Efficient Landscaping Ordinance.

Comment Letter 4 – California Department of Fish and Wildlife (CDFW), September 21, 2018

The California Department of Fish and Wildlife (CDFW or the Department) provided comments regarding California Tiger Salamander (CTS), San Joaquin Kit Fox (SJKF), Vernal Pools, Wetlands, and other miscellaneous comments.

First, Mr. Guerra is the Chief Environmental Planner, not the Senior Environmental Planner as referred to in the letter. His is a management level position as opposed to a staff level position. He has management level authority and is granted decision-making authority in most cases. When necessary, Mr. Guerra will act as a facilitator and/or mediator with other agency management level staff and report directly to the Planning Director, Associate RMA Director, and RMA Director.

In the Executive Summary contained in the Biological Evaluation Report (BER, included in Appendix “B” of the DEIR), consultants Live Oak Associates (LOA) concludes; "The project site was surveyed on July 26, 2017 for its biotic habitats, the plants and animals occurring in those habitats, and significant habitat values that may be protected by state and federal law. The site consisted primarily of an olive orchard, but also included access roads and loading areas, two agricultural basins, and a residence. Four biotic habitat/land use types were

identified on the project site: orchard, ruderal, agricultural basin, and residential. All habitats of the project site are disturbed and of relatively low quality for most native wildlife. Waters of the U.S. and sensitive natural communities are absent from the site; however, the site is bordered to the north, east, and west by annual grassland habitat containing vernal pools. A vernal pool adjoins the project site to the north.”³

The study includes numerous recommended mitigation measures which all, generally, involve pre-activity surveys. The results of the surveys (i.e., absence or presence of sensitive species) will then dictate the level of mitigation measures to be implemented. Table 1 of the Study provides a summary of Species, Status, Habitat/Range, and Occurrence on the Project Site. No special status species is listed as Present or Likely, only four (4) special status species were listed as possible (Loggerhead Shrike, Townsend’s Big Eared Bat, Pallid Bat, and Western Mastiff Bat); the balance were listed as absent or unlikely. These determinations were made based on actual site visits by the consulting biologists where a variety of physical features prevented, eliminated, marginalized, etc. the presence of special status species from occurring. Among the detriments are intensively managed habitats (in this instance, the existing olive orchard resulted in marginal habitat); barren, compacted dirt and gravel surfaces; unsuitable soils; unsuitable foraging habitat; unsuitable breeding habitat; unsuitable aquatic or nesting habitat; insufficient inundation; area outside of a species breeding range; and/or below elevational range(s) favored by special status species. Therefore, based on the biologist’s expertise and transecting the Project site (i.e., ground-truthing), the County believes the substantial evidence has been accumulated and presented to maintain its determination that the Project would have a less than significant impact with mitigation as applicable.

Comment Subject 1: Potential take of CTS, recommended mitigation measures, i.e., focused CTS surveys, CTS Take Avoidance, CTS Take Authorization.

Response, Mitigation Measure 4-3: While the Department is basing its recommendation on aerial images, the consulting biologist not only relied on aerial images but also conducted transects of the Project site and ground observations of the vicinity (without violating trespass laws) that the vernal pools adjacent to the site do not appear to have the prolonged seasonal inundation that this species requires. As indicated in the Biological Evaluation Report (BER, and included in Appendix “B” of the DIER), “The closest confirmed CTS breeding location is in a vernal pool approximately 3 miles northwest of the project site (CDFW, pers. comm.). Even if CTS were to breed in ponds within 1.3 miles of the site, they would be unlikely to aestivate within the intensively managed lands of the project site.”⁴ Regardless, the County acknowledges the Department’s expertise and concurs with the Department’s statements. As such, **Mitigation Measure 4-3 Avoidance and Exclusion** will be modified to address Department recommendations for inclusion of focused surveys, take avoidance (buffer areas), and take authorization regarding CTS. Chapter 4.3 will be updated and the Mitigation Monitoring and Reporting Program (MMRP) will also be updated to reflect CDFW’s recommendations.

³ Biological Evaluation Report. Page ii. Prepared by Live Oak Associates, October 2017 and included in Appendix “B” of the DEIR.

⁴ Ibid. Table 1 List of Special Status Species That Could Occur In the Project Vicinity. Page 18.

Response, Mitigation Measures 4-11 and 4-12 – The DEIR contains **Mitigation Measures 4-10 through 4-12** which are intended to adequately protect burrowing owl. As noted earlier, preconstruction surveys would be conducted to determine presence/absence of burrowing owl. If absent, the recommendations provided by the Department would be moot. If present, CDFW would be consulted to determine specific and appropriate implementation measures to protect the species. As such, it is not necessary to “describe all avoidance measures” that would be used in the event that BUOW are discovered. It is not necessary to include measures in the Final EIR that are based on speculation. To reiterate, in the unlikely event that burrowing owl were to occur, the Department will be consulted and appropriate/applicable measures would be implemented. However, please note that **Mitigation Measures 4-11 and 4-12** have been modified to ensure that mitigation for Burrowing Owl does not have a significant impact on CTS.

Comment Subject 2: San Joaquin kit fox (SJKF) susceptible to construction-related activities and ground disturbing activities.

Response – As indicated in the BER, “The SJKF is uncommon in the project vicinity. There are only six occurrences of this species within 10 miles of the Project site with the most recent is from 1990. The intensively maintained habitats of the site would be marginal, at best, for denning and foraging by this species. Moreover, the kit fox is not generally associated with orchards.” However, as the Department appears to be relying on an abundance of caution, **Mitigation Measure 4-5** will be modified as recommended by the Department to monitor activity; **Mitigation Measure 4-6** will be modified regarding no-disturbance buffers and discovery of a natal or pupping den; **Mitigation Measure 4-9** will be modified as recommended by the Department regarding notification. These modifications will be reflected in Chapter 3.4 and the MMRP.

Comment Subject 3: Lake and Streambed alternation, vernal pools.

Response - The comment letter is speculative regarding the use of “possible” that an impact would occur, yet dismisses the Mitigation Measures, General Plan Policies, Regional Water Quality Control Board requirements, U.S. Army corps of Engineers, and other standards, rules, order, etc., (as applicable) that would prevent any run-off and/or construction-related erosion. As such, the County maintains its determination that the impact to this resource would be less than significant with mitigation. As indicated in the BER, the site is adjoined on three sides by non-native grassland habitat, within which are located vernal pool complexes known to harbor this species. The CNDDB lists two vernal pool fairy shrimp occurrences immediately adjacent to the project site: a 2013 occurrence approximately 150 feet north of the site’s northeastern corner, and a 2012 occurrence approximately 500 feet northwest of the site’s northwestern corner. There are two additional occurrences within 3 miles of the site. A relatively large vernal pool borders the project site to the north. It is separated from the site by an earthen berm approximately 2 feet high. As the vernal pools are located anywhere from 150 to 300 feet away from the Project boundary, we fail to understand how any impact could occur to a vernal pool located approximately ½ length to a full length of an American football field away. Further, the vernal pools are located on adjacent, private property that the Project proponent has no rights of trespass and cannot legally enter said properties without permission. As such, it is unlikely that

earthmoving/earth disturbances would occur on property where the vernal pools are located. Even if permission is granted to access adjacent properties, the distance to the nearest vernal pool makes impact highly unlikely. We do not agree with the speculative language regarding diversion or obstruction of natural flows altering the hydrology of vernal pool features as the Project area does not have natural flows on site. As such, how would it be possible for substantial change or use of material from a non-existent bed, bank, or channel occur? Project design features, compliance with SWPP requirements, existing Tulare county General Plan policies, etc., would prevent deposition of debris, waste, sediment, toxic runoff or other material causing water pollution and degradation to the non-existent bed, bank or channels the Department is speculating. Respectfully, this speculation is not substantiated by fact, and by fact, any Project-related activities would occur within the Project boundary limits and would be totally absent from adjacent properties. Respectfully, we disagree that a wetland delineation is necessary as the nearest natural water courses are off-site and would not be impacted by the Project. The Department writes that construction activities have the potential to directly and indirectly impact adjacent vernal pools, resulting from deposition of construction-related debris and/or alterations in pool hydrology. The Department dismisses the fact that typical construction-related precautions (e.g., SWPP, debris disposal, etc.) and other best management practices would eliminate the speculative potential impacts cited by the Department. To reiterate, the nearest verified vernal pools are 150-300 feet off-site, and the nearest possible vernal pool is separated from the Project site by an existing off-site berm that the Project proponent has not control of and would not be disturbed by the Project. However, Mitigation **Measure 4-19** has been modified to include a requirement to consult with the Department prior to ground-disturbing activities to determine if a Wetland Delineation and a Lake or Streambed Alteration Agreement will be required.

Comment Subject 4: Editorial Comments and/or Suggestions.

Response, Mitigation Measure 4-5 – Preconstruction Surveys (SJKE): As discussed in Comment 1, **Mitigation Measures 4-5 and 4-6** have been modified to address the Department's recommendations.

Response, Mitigation Measure 4-9 – Mortality Reporting (SJKE): As discussed in Comment 1, **Mitigation Measure 4-9** has been modified to address the Department's recommendations.

Response, Mitigation Measures 4-15 through 4-18 – Roosting Bats: Preconstruction surveys would be conducted to determine presence/absence of roosting bats. If bats are absent, the recommendations provided by the Department would be moot. If present, the Department would be consulted to determine specific and appropriate implementation measures to protect the species. However, **Mitigation Measures 4-16 through 4-18** have been modified to address the Department's recommendations for buffer areas, monitoring, and consultation with the Department to determine if a Bat Eviction Plan would be required.

Response, Mitigation Measure 4-14 – Nesting Migratory Birds: The comment letter does not provide any new information pertinent to the County's conclusion that impacts to nesting birds would be less than significant with mitigation. The County is well aware of the Fish and Game Code, Migratory Bird Treaty Act, preconstruction surveys, monitoring, buffers,

and consulting with the Department. It is our opinion that based on previous experiences, the County has worked well with Department and has been receptive to the Department's recommendations, guidance, etc., when actual (versus speculative) events have occurred. We are deeply appreciative of the Department's assistance and it is our desire to maintain our excellent working relationship with the Department.

As indicated in the BER, Table 1 provides a summary of Species, Status, Habitat/Range, and Occurrence on the Project Site; Northern Harrier, White-tailed Kite, Golden Eagle, and Burrowing Owl are listed as unlikely as the project site does not offer suitable breeding or foraging habitat for these species. However, as it is possible that Loggerhead Shrike may utilize grasslands in the project vicinity, **Mitigation Measure 4-14** has been modified to include establishment of behavioral baseline and monitoring if nesting birds are identified during preconstruction surveys.

Response, Environmental Data: We are well aware of reporting detection of special status species and natural communities to the CNDD and have done so accordingly. For example, the occurrence of a Springville clarkia was duly reported for a different project in 2017.

Response, Filing Fees: We are well aware of CDFW filing fees and have dutifully paid them as applicable.

Comment Letter 5 – City of Woodlake, August 13, 2018

Comment Subject 1: Failure to include the City's NOP comments in the Draft EIR.

Response - See response to Comment Letter 6 at "Comment Subject 3: NOP-related."

Comment Letter 6 –City of Woodlake, September 21, 2018:

In summary, the City of Woodlake (City) provided comments regarding site plan process, expiration of the preliminary site plan, potential failure to consider NOP comments for the City, and changes to site plan. DEIR issues comments include Chapter 3.2 Agricultural Land and Forestry Resources; Chapter 3.9 Hydrology and Water Quality; Chapter 3.13 Population and Housing; 3.14 Public Services; Chapter 3.15 Recreation; Chapter 3.16 Transportation/Traffic; Chapter 3.18 Utility and Service Systems; and the DEIR is insufficient.

Comment Subjects 1, 2, and 4: Site Plan-related.

Response - In 2007, Planning Staff accepted the Preliminary site plan in its current form. The Final site plan was subsequently denied by the Planning Commission (Commission or PC). The Applicant made changes to the site plan based on final site plan's denial and returned to the Commission with the final site plan and tentative map. In all cases, the planners at the time accepted the site plan and tentative map, as it was, and did not require any additional studies to be prepared. Further, by resolution, it identified what additional studies were needed, which specifically did not require those studies that City is stating are required under the County's Zoning Code. Under the streamlining map act, all maps are

accepted within 30 days, unless given an incomplete letter (which, by practice, the County does not require and generally waives those requirements). In no case was an incomplete letter sent, so it is assumed that the existing plan was sufficient for County Zoning Code Standards (at the time in 2007) and a final plan submittal was made a year later to prevent the preliminary site plan from lapsing. In addition, in 2012, the Site Plan Review Committee was disbanded, including preliminary maps as a function of the committee as well.

It is noted that no exceptions have been requested for this revised map. All roads within the subdivision will be dedicated to the County and an assessment district will be established for their maintenance. The Public Works Branch provided comments that the two interior subdivision roads providing access/egress to/from Avenue 360 will require a 60-foot wide right-of-way and the other interior roads will require 56-foot rights-of-way. Since the roads will be dedicated to the County, they are not Private Vehicular Access Easements (PVAE), and do not exceed the maximum allowable distance of 660 feet.

Regarding Preliminary Site Plans (Sec. 16.2), it is our understanding that the County has never required the submission of these studies (geo-tech, etc.) at such an early stage of review. Plus, this preliminary review has been abolished and replaced with Project Review Committee (PRC), which is an informal discussion about what the applicant needs to do in order to have his project move through the system without delay.

Regarding Final Site Plans (Sec. 16.2). It is our understanding that the County has never required this information (i.e., grading and slope stabilization plans, etc., at this early stage of a project. This is not reasonable for a preliminary map. These drawings are typically done at the final map stage. Improvement drawings are costly and it would not be reasonable to prepare these studies for a project that has not been approved. These requirements would be acceptable for a single commercial development (e.g., a retail store), but not for a subdivision.

In 2011, the Board of Supervisor specifically required that the proposed Project be returned to staff, that staff specifically analyze potential traffic and water supply impacts, and that an EIR be prepared. No mention was made at the time that required additional Section "F" studies. In addition, staff discussed road standards at the time and were requiring off site right-of-way acquisition (which under the Subdivision Map Act cannot cause the failure of a final map). However, due to opposition from the Project's neighbors (the neighbors were not going to grant the owner the suggested easement) as they opposed the project and the County would not condemn property to acquire the easement(s).

When the City requested the maps, County staff appreciated the comment and suggested the County could accommodate the City and make those studies they were requesting a condition of approval as a final map requirement. They are zoning suggestions that have lapsed by Planning Director fiat. The Planning Director has waived those requirements.

The County of Tulare will interpret its own zoning code. Requiring the applicant to recreate those studies prior to the approval hearings would violate his due process rights under the Constitution and would not add any value to the environmental process because the requirements are not necessary under the context when there is sufficient requirements for

storm water pollution prevention plans, fire hydrants, a traffic study and water study has been conducted, and there are no native trees.

Comment Subjects 3: NOP-related.

Response - The City's belief that the City's NOP comments were not taken into consideration during preparation of the DEIR are unfounded. The City is encouraged to carefully review the Draft EIR as it is the County's contention that topics raised by the City's NOP comment letter, where pertinent to the DEIR, are adequately addressed to satisfy CEQA. Further, the County did not indicate that it "failed to consider the City's comments". Rather, as shown in the City's DEIR comment letter as part of Attachment "C", Hector Guerra, Chief Planner, wrote, "The County inadvertently excluded the City's NOP comments." No where does the County indicate that it "failed to consider" the City's comments. In fact, as also shown in Attachment "C", Chief Guerra wrote (on 8/14/18) "We have updated the web link as follows: 'Please note, the City of Woodlake Notice of Preparation comment letter is found on pages 1178-1179 of 1230 of the PDF document'." We further wrote (to Mr. Mario Zamora), "Here's the link...which includes Appendix G "CEQA Notices" and all NOP comments received." As such, it is the County's belief that not only were the City's NOP comments considered, they were adequately addressed in the DEIR. And, as indicated above, the County took the extraordinary steps of updating the web link to guide the reader to the exact pages where the NOP could be found.

Comment Subject 5: Chapter 3.2 Agricultural Land and Forestry-related: (Incorrect classifying and failure to mitigate for prime farmland and Williamson Act)

Response - The County inadvertently indicated the agricultural land is not irrigated; in fact, the land is irrigated. Although this inadvertency will be remedied in the Final DEIR, the irrigation component plays a vital criterion in determining the level of farmland classifying as explained below. The County concurs that three small areas (the very northwest area (portions of parcels 14, 15, and 16), an area extending northeast from the lower quadrant of the eastern-most part of the project (portions of parcels 26, 27, and 28), and an area at the southeast quadrant's southern-most part (portion of parcel 6)) are classified as Prime Farmland. Cumulatively, this classification encompasses portions of approximately 18.48 acres (less than 15%) of the entire approximately 125-acre Project site (or about 0.00501% of the County's 368,527 acres of Prime Farmland in the County⁵). Clearly, the overwhelming balance of the Project area (approximately 85%) is labeled as Farmland of Statewide Importance, not Prime Farmland. As such, the City alluding that the entire Project area is Prime Farmland is grossly misleading and erroneous. Further, regarding classifying as Prime versus another classification is dependent upon irrigation. Without the current irrigation, the land would not be classified as Prime. The City's citation of PF-5.2 is accurate; however, the City's interpretation is flawed as the City ignores the qualifying portion at the end of the policy stating "...if Farmland of Statewide Importance or of lesser quality is available and suitable for development." As the applicant owns all 125 acres of the Project site (therefore land is available), approximately 85% is classified as Farmland of Statewide Importance, and

⁵ State of California Department of Conservations 2015 California Farmland conversion Report Appendices at: <http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/2010-2012/FCR/FCR%202015%20Appendices.pdf>

the use is allowed in the P-D-FM zone, the County stands by its determinations that the Project would result in a less than significant impact.

Regarding Williamson Act Contracts (Contract), clarification is provided that although APN 064-014-32 remains under Contract, the Contract has been canceled and it will terminate on January 1, 2019 (See Attachment “12”). As such, since the parcel will be out of its Contract on January 1, 2019, it is not unreasonable to state that, for all intents and purposes, the parcel will not be under a Williamson Act Contract when development of this parcel would commence.

Therefore, the County maintains that determining that the Project would result in no impact remains unchanged.

Comment Subject 6: Chapter 3.9 Hydrology and Water Quality: (Inaccurate water consumption data; failure to considered allowed uses; failure to consider impacts on nearby water courses; and failure to address current flood conditions)

Response, Water Consumption - Regarding water consumption, the City’s respondent(s) (whose qualifications and expertise are unknown), is dismissing the expert, qualified conclusions of consultants Roberts Engineering contained in the “Water Supply Sustainability Report, [Antelope Valley] Redfield Estates Residential Subdivision” and included in Appendix “D”. We appreciate the City providing water consumption of nearby Wells Tract (which currently has 58 operative connections). As the City is aware, via a standing/operative agreement between the City and County (see Attachment “13”), the City bills the County monthly for the water supply; as such, Wells Tract water users are indeed paying for services rendered. The City also fails to note that, despite water metering, the Wells Tract connections (users) pay a fixed monthly rate; as such, costs per each user is not based on consumption. If water usage is decreased as a result of water metering, which the City claims, the monthly usage report summary provided by the City clearly shows water consumption in excess of 1 million gallons per month between May 2017 and October 2018, with peak usage between July-September (which averages 2.28 million gallons/month), regardless of water metering. Whether or not Wells Tract connections practice water conservation (which is irrelevant and impertinent to the proposed Project), each connection pays a fixed monthly rate. Nonetheless, the County pays the City to provide water regardless of costs recovered through charges to Wells Tract connections. As with any water user, the County encourages water conservation by all City and County residents.

The use of calculating water usage based on acreage versus units is unfounded and unrealistic. Water usage estimates are typically based on user type (residential, commercial, industrial, etc.); not on acreage. The City makes an unsubstantiated assumption that the proposed Project, based merely on its proposed lots sizes, would require a greater water demand/usage than an area with less acreage. This assumption is akin to claiming that 10 acres of single-story office uses (a large area) would require more parking than a 10-story office building on 5 acres (smaller area, but greater density). The City, without evidence, assumes that the balance of the non-developed remainder of each parcel would be landscaped and subsequently watered. Further, the City fails to account for mitigation measures designed to increase water efficiency and conservation through the use of water conserving fixtures

(water closets, low flow showerheads, low flow sinks, etc.; and conformance with the County's Water Efficient Landscaping Ordinance (WELO)). Therefore, based on expert opinion, number of lots, and mitigation measures, the County stands by its determination that impacts to water supply (and consumption) would be less than significant.

Response, Allowed Uses - An analysis of other allowed uses is irrelevant and unnecessary. Although the P-D-FM zone allows a variety of uses including commercial, professional, industrial, mixed-uses, etc., the Project is a 43-unit, single-family, rural residential development. Analyzing any other use would serve no purpose regarding water consumption as no other uses (other than single-family residences) are contemplated or proposed and to do so would be speculative.

Response, Nearby Water Courses - There are two known water courses near the Project (i.e.; within ¼ mile of the Project location); however, none are located within the Project's proposed development area. No water courses would be impacted for two reasons: (1) the Project would not physically disrupt, change, or alter any of the existing water courses in any fashion. As evidence to this assertion, it is fact that at its northwesterly corner boundary, the Project is approximately 75 feet southeast of Antelope Creek; as such, the Project would not physically impact Antelope Creek. No grading, scraping, or any other earth-shaping activity which could impact Antelope Creek would occur. It is a fact that the culvert for a ditch on Avenue 360 is approximately 125 feet east of the Project boundary; as such, the Project would not physically impact this water course. It is a fact that the culvert for a ditch (the same ditch which also crosses beneath Avenue 360) is approximately 1,625 feet east of the southern quadrant of the Project and also approximately 880 feet south of the eastern (Road 220) boundary of the Project. The facts clearly substantiate that no water features are within, would be, or are currently impacted by the Project's existing use or proposed development. As such, a discussion on impacts to off-site water courses would not change the facts or the analyses but are provided herein to (1) demonstrate that such water courses would not be adversely impacted by the Project; and (2) the Project's stormwater collection and storage system (as a project design feature and/or to comply with local and state regulations) will be required to be designed to provide adequate stormwater handling which will be accommodated internally (that is, within the Project area). The County acknowledges that site specific locations, dimensions, capacities, etc., of where final storm water facilities will be located remain uncertain and cannot be determined until the subdivision map is finalized which includes engineering plans, grading plans, and storm water management facilities (storm drainage water collection and storage system). The Project would not physically impact any water courses nor would it contribute any storm or other water run-off (including sediments or other pollutants) off-site, including into or near any water course. Further, as contained in **Mitigation Measure 9-1**, the SWWP is enforceable and as such; satisfies and supports the County's determination that the Project would result in a less than significant impact with mitigation to this resource.

Response, Current Flood Conditions - The City comments that, "The area has had several flooding events located on and around the property..." While the County acknowledges minor flooding events near the Project, neither the City or nearby residents have provided evidence that flooding occurs within the Project property. In response, it is noted that the applicant will be required to implement **Mitigation Measure 9-1** as discussed earlier. This

mitigation will contain/retain stormwater runoff within the Project area. Also as noted earlier, the precise location of storm water facilities have not been determined as it would be premature to do so without engineering plans, grading plans, and the SWPP. Regarding flooding events “around the property”; the photographs submitted by residents provides a baseline which shows flooding events are occurring even without the Project. Reference is made to Attachment “14” which provides an aerial overview of the two known water courses and associated flooding events, and their relative locations to the Project. As shown in this overview, photos 1, 2, 3 and 9 show overtopping/flooding of and by Antelope Creek. Antelope Creek is located approximately 1,975 west of the Project site. The photos clearly show localized flooding likely as a result of Antelope Creek overflowing. Photos 5, 6, and 7 clearly show localized flooding at/from the culvert beneath Avenue 360, which is located approximately 125 east of the Project boundary. Photo 8 shows localized flooding at/from the culvert beneath Road 220. This culvert is approximately 1,625 feet east of the southern quadrant of the Project and also approximately 880 feet south of the eastern (Road 220) boundary of the Project. Based on the absence of a water course flowing through the Project properties, unsubstantiated claims that the Project properties contribute to localized flooding at either Antelope Creek (at Avenue 360) or the ditch (and culverts at Avenue 360 and Road 220), and **Mitigation Measure 9-1** which would require implementation of a SWWP to contain/retain stormwater runoff within the Project area; the County maintains its determination that the Project would result in a less than significant impact with mitigation.

Comment Subject 7: Chapter 3.13 Population and Housing: (Growth Inducing Impacts)

Response, Growth Inducing Impacts - The City speculates that the Project has the potential to impact the City’s ability to meet their RHNA requirements. Conversely, the City omits that absent the Project, the County would not be able to meet its RHNA requirements. Further, the City fails to provide evidence substantiating how the Project could potentially impact its ability to meet their RHNA. The City inaccurately alludes that the Project will introduce homes into an area that is exclusively classified as Prime Agricultural Land. As discussed earlier, the County has demonstrated that this classification encompasses portions of approximately 18.48 acres (less than 15%) of the entire approximately 125-acre Project site (or about 0.0000501% of the County’s 368,527 acres of Prime Farmland in the County) and the overwhelming balance of the Project area (approximately 85%) is classified as Farmland of Statewide Importance, not Prime Farmland.

Response, Growth Inducing Impacts at sub-numbers 1 and 2 - The City writes that, “The development will have *measureable* [emphasis added] impacts including:”...yet fails to provide substantial evidence of which measure (matrix) is used to conclude that a *measureable* [emphasis added] impact would occur. At sub-numbers 1 and 2, the City writes that urbanization of land in a rural agricultural setting and leap-frog development would occur. The Antelope Valley Project’s proposal to develop as a residential use is allowed, by-right, within the P-D-FM zone and is consistent with the Tulare County General Plan 2030 Update (General Plan Update). The City is reminded that ultimate, planned development within rural settings may occur when a property owner desires to exercise his/her right in proposing an allowable use (development) in a P-D-FM zone. The City is also reminded that the Tulare County Board of Supervisors concurrently certified a Program Environmental Impact Report when it adopted the General Plan Update which accounted for conversion of

agricultural lands to urban type uses (including residential uses) to accommodate eventual growth. Further, it is noted that the County has advocated growth within cities as a viable option to accommodate residential development. However, the County cannot, and will not, deny someone's option to exercise their right to pursue a residential development within a P-D-FM zone.

Response, Growth Inducing Impacts at sub-number 3 - The City writes that the proposed development would be “precedent setting” of allowing rural development without commercial, recreational, or employment near City limits. We are unsure what the intent of this statement entails and request clarification in regards to which “precedent” is being established. Regardless of intent, the proposed residential development's proximity to Woodlake (similar to nearby Wells Tract) would allow some future residents to meet some shopping and employment needs in nearby Woodlake or other opportunities in nearby Exeter or Visalia.

Response, Growth Inducing Impacts at sub-number 4 - The City speculates that the Project would result in an increase for goods and services, yet does not elaborate on what such “goods and services” would be. As such, we cannot provide a response as it would be speculative in nature to do so.

Response, Growth Inducing Impacts at sub-number 5 - The City speculates that it would encourage additional rural development in the region yet fails to provide any substantiated evidence. However, it is noted that, for all intents and purposes, every area outside of any city in the county and every existing, developed unincorporated community (e.g. Goshen, Wells Tract, Traver, etc.), are essentially considered rural areas. The County has various land use controls such as land use plans (e.g., Rural Valley Lands Plan, Foothill Growth Management Plane, Corridor Development Plans, etc.) and zoning that prescribe what uses are allowed in what areas. Not all are suitable for development and have remained undeveloped. However, this Project is located within a P-D-FM zone and the applicant is allowed to pursue this by-right project where it is currently proposed.

Response, Growth Inducing Impacts at sub-number 3 - The City fails to provide substantiation on the impact to “infrastructure”. However, it is noted that City water and sewer will not be impacted as it will not be provided by the City. The DEIR is clear that the Project will develop/operate its own community water system and each parcel will utilize engineered septic systems.

Comment Subject 8: 3.14 Public Services (Police calls and parks)

Response, Police calls - The City fails to provide any evidence (e.g., number of calls, time of calls, frequency calls, etc., for service to Wells Tract or any other outlying unincorporated area in proximity of the City) which could substantiate its comment that “...a significant amount of stress and additional calls for the City of Woodlake.” Without this critical and pertinent information, this claim cannot be verified nor allow an analysis of potential impact. Further, the City states that “...there are times when only two officers are available to patrol and calls to the County may result in a severely under policed City.” The City fails to document when the “times” occur (e.g., holidays, weekends, evenings, early morning hours,

etc.) and uses speculative language in the form of “may result”. Without substantiation, the City concludes that the Project would “further exacerbate the City police coverage problems.” However, this statement is ambiguous as the use of “further exacerbate” implies that the City has an existing police coverage problem regardless of the Project.

In a conversation between Assistant Sheriff Cheri Lehner and Chief Environmental Planner Hector Guerra (10/01/18), Ms. Lehner indicated that, outside of regular business hours, the Sheriff’s Office (S.O.) assumes dispatch duties for Woodlake throughout the course of evening hours and returns dispatch duties when Woodlake P.D. dispatch personnel return to work. As such, during this hand-over of dispatch duties, the S.O. is acutely aware of every request for service within and near Woodlake as the S.O. not only is capable of dispatching S.O. personnel, but also directly dispatches Woodlake P.D. Ms. Lehner also noted that the S.O., as part of its regular beat for the area, will also patrol Woodlake. Lastly, Ms. Lehner indicated that the S.O. will assist Woodlake P.D. in the event Woodlake P.D. requests assistance via a shared radio frequency. As such, it appears unlikely that the City would be underserved in regards to policing.

If the City can provide data to support this claim, the County can re-evaluate its determination of less than significant. However, without substantiation, the County maintains that the DEIR adequately address police services and the use of a less than significant impact conclusion remains applicable.

Response, Parks - See Response to Comment 9, below.

Comment Subject 9: Chapter 3.15 Recreation

Response - It remains speculative that Antelope Valley residents would use city parks as every parcel (which would be a minimum 2.5 acres) is larger than the un-named, 0.5 acre park the City required of a 98-unit subdivision noted in the comment letter. One Antelope Valley parcel alone is at least 2.0 acres larger than the un-named 0.5-acre City park that provides recreational opportunities to 98 residential units within the City. Antelope Valley residents would not need to rely on any park that provides open space or passive recreation as their parcels have the area to accommodate such use. Despite the City’s unsubstantiated claim that “...the County’s *expectation* (emphasis added) that the City provide the *bulk* (emphasis added) of the park services.”; the DEIR merely states that “...it is possible that any future population would utilize local and regional recreational assets including nearby federal and state facilities, including those areas within the City of Woodlake. As such, the DEIR does not conclude that the County has an “*expectation*” (emphasis added) or that the “*bulk*” (emphasis added) of park services would rely on the City’s facilities. Even if some Antelope Valley subdivision residents were to utilize any City recreational facility, it is speculative that all 145 projected residents would utilize the City’s facilities at any given moment and with such frequency that the City’s facilities would be adversely impacted. As such, as the City has not provided any supporting substantiation of any manner, the County concludes that its determination that the Project would result in a less than significant impact.

Comment Subject 10: Chapter 3.16 Transportation/Traffic (poor road conditions and poor maintenance)

Response - The City writes that “The proposed Project contains both dangerous features and incompatible uses because of road width, road condition, and incompatible uses.” The CEQA question is if a project would “Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).” A Traffic Impact Study (TIS, included in Appendix “F” of this DEIR) prepared by qualified consultants VRPA Technologies concluded that the Project will not substantially increase such hazards. The County agrees with the conclusions contained in the TIS.

The City also writes that the road is used “regularly” by farm equipment, without substantiation or evidence of its definition of “regularly” (for example, days of the week, a.m. or p.m. peak hours, seasonality, etc.), nor without providing actual observed (or otherwise documented) vehicle types (e.g., automobiles or farm equipment) usage. As there are neither sharp curves or dangerous intersections, the Project would not result in increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). Regarding incompatible uses (e.g., farm equipment), due to the very overall nature of agricultural uses and commingling of rural residences within, near, adjacent, etc., rural residences in rural areas within Tulare County, there is an expectation that all vehicle users will operate their respective vehicle commensurate to the road conditions (e.g., width, condition, day- or night-time, on- or off-peak hours, etc.) as they travel along any rural road. Rural residences are allowed in the P-D-FM Zone; therefore, this type of land use is compatible with agricultural uses. As such, the County supports the conclusions contained in the Traffic Impact Study prepared by qualified consultants VRPA Technologies.

As noted in the DEIR, the proposed Project is in a rural setting, with existing uses consisting of large lot rural residences and some agricultural use (e.g., row crops, orchards, grazing lands). The City misquotes the DEIR (at page 3.16-16) which clearly states “...a rural area surrounding[ed] by rural/agricultural uses.” No where, as written by the City, does the analysis use the language “most of the surrounded uses are agricultural...” The DEIR acknowledges that there will be an increase in vehicle volumes as a result of the Project, both accessing/egressing the site and an increase in vehicle volumes using Avenue 360, and nearby Road 212 and Sentinel Drive; however, the increase in volumes would not result in a substantial impact.

Although Avenue 360 is not within the City’s jurisdictional purview, the City has nonetheless opined/concluded that, “The width and poor conditions of Avenue 360 also poses a substantial risk to residents if the project is built. Currently there are no streetlights proposed, the road is in very poor conditions and increases the risk of accidents, the road narrows to around 13 feet, and the road shares uses with agricultural uses. ” The Project does not meet the criteria for street lighting as established in the Board of Supervisor’s Policy on Street Lights, Resolution No. 71 4871 (see Attachment “15”). The County is unaware on the methodology/criteria used by the City in determining that a County “...road is in very poor condition and increases the risk of accidents...” The City has not provided qualitative or quantitative information that road width or condition would *increase* (emphasis added) risk on a County road. Further, according to the County’s Paved Management System (PMS) database, the actual right-of-way of Avenue 360 (and Road 220) is 40 feet. An actual right-of-way does not necessarily result in a paved road’s actual surface area. The PMS also

indicates a 16-foot width; however, it is possible that some areas of Avenue 360 may be “around” 13 feet wide as apparently measured by the City. Regarding flooding, see earlier discussion at Subject 6. The County concurs that Avenue 360 is, like many County roads, shared by agricultural equipment/vehicles resulting from adjacent or nearby agricultural land uses. However, the County would like to believe that appropriate precautions, courtesy, and common sense would prevail when any road is used by persons driving or operating any vehicle along such roads (whether or not it is wide or narrow, rural or urban, straight or winding, etc.). As indicated earlier, there is an expectation that all vehicle users will operate their respective vehicle commensurate to the road conditions (e.g., width, condition, day- or night-time, on- or off-peak hours, etc.) as they travel along any rural road.

The photos included in Appendix G of the City’s comments do not provide a reference point. As such, the County cannot respond to the content or context of the photos which the City references in their comment letter at “Part 1 Dangerous Road Conditions and Poor Maintenance.” The photo itself appears to be taken looking southward and adjacent to the property south of the Project site. It is noted that the Project will not have any direct or indirect access/egress point along Road 220. It is not anticipated that any vehicle trips generated by the Project would use Road 220 in an effort to access another road as Road 220 would does connect to any other road. According to the County’s Public Works Branch, because Road 220 is not a through road that connects to any other roads, terminates approximately 0.50 north of Avenue 360, has limited access points (three) by adjacent property owners, adjacent uses are agricultural in nature (currently olive orchards and rangeland), and has low traffic volumes; road maintenance is not a priority. As such, the road conditions photos of Road 220 provided in Appendix G are irrelevant and inapplicable to the proposed Project for a CEQA determination of impact caused by the project.

Comment Subject 11: Chapter 3.18 Utility and Service Systems

Response - The City does not identify which “Past county developments located just outside of the City...” it is referencing. However, if it is referring to the nearby unincorporated enclave of Wells Tract, the City fails to point out that Wells Tract residents, similar to resident within the City of Woodlake, “pay as you go” for City services rendered. If the City contends that despite receiving payment for providing these services that payments are insufficient, it is their responsibility to provide evidence that adjusted compensation is in order for Wells Tract (or other County residents that receive City services) pay their fair share similar to City residents. The City provides no evidence on how the impact is “felt” (e.g., costs, capacity, maintenance, etc.) or why it “must” provide sewer and water service. There are standing, operative, mutually agreed upon agreements between the City and County for provision of water and sewer services. In each agreement, Wells Tract residents are responsible for paying their fair share to receive such services. It is speculative for the City to conclude that this Project would ultimately require or impact City services as the Project will have its own community water system and each parcel will have its own engineered septic system. This Project has no need to rely on or desires connection to City water and/or sewer services. As such, the County stands by its determination that the Project would result in no impact to this resource.

Comment Subject 12: Storm Drain Systems

Response - The City comments that, “The Project is known to flood on a regular basis, as is evidenced by the pictures provided by local residents.” A careful review of the photos provided by the residents shows that not one episode of flooding is occurring from the site. The County provides Figure 11-1 (see Attachment “14”) which shows the approximate location of where the nine (9) photos appear to be taken from. Also, no photos actually show water occurring on or flowing from the Project site. The photos show flooding at or directly adjacent to Antelope Creek (located approximately 1,975 feet west of the western most boundary of the Project site, localized flooding at/from the culvert beneath Avenue 360 (which is located approximately 125 east of the Project boundary), and localized flooding at/from the culvert beneath Road 220 (approximately 1,625 feet east of the southern quadrant of the Project and also approximately 880 feet south of the eastern (i.e., Road 220) boundary of the Project). The City writes, “Currently, the storm water from the site flows south and enters the City of Woodlake at Wutchuma Blvd, near Castlerock” yet provides no evidence of actual flows leaving the Project site, no evidence of a qualified expert’s analysis of any Project site storm water origin or destination (e.g., an engineering or hydrology report, sequential photos of the flood water’s course, etc.), or evidence of storm or flood waters flowing toward Castlerock. As noted earlier, the County acknowledges that site specific locations, dimensions, capacities, etc., of where internal final storm water facilities will be located remain uncertain and cannot be determined until the subdivision map is finalized which includes engineering plans, grading plans, and storm water management facilities (storm drainage water collection and storage system). **Mitigation Measure 9-1** would require implementation of a SWWP to contain/retain stormwater runoff within the Project area. As contained in **Mitigation Measure 9-1**, the SWWP is enforceable and as such; satisfies and supports the County’s determination that the Project would result in a less than significant impact with mitigation to this resource.

Lastly, the County appreciates the City pointing out the inadvertency of including information from the Three Rivers EIR. The County makes every effort to constantly keep its environmental documents streamlined, consistent, and current which could (and has in this instance) result in irrelevant information germane to the Project. The Final EIR will show that this inadvertency was deleted.

Comment Subject 13: DEIR is insufficient

Response - As the Lead Agency for this DEIR, the County respectfully disagrees with the City regarding the adequacy of the DEIR. Based on the lack of substantive information that supports the City’s comments, the County maintains, based on substantial evidence admitted into the record (such as technical studies prepared by qualified experts and included as part of resource-specific appendices) that the DEIR adequately and satisfactorily meets all CEQA requirements.

**Comment Letter 7 – San Joaquin Valley Unified Air Pollution Control District,
October 3, 2018**

Comment Subject 1: Significance Impact for Annual Criteria Pollutant Emissions; the Project specific annual emissions of criteria pollutants are not expected to exceed any of the Air District's significance thresholds.

Response - We agree, in-house subject matter experts Hector Guerra (Chief Environmental Planner) and Jessica Willis (Planner IV) have approximately 22 years of experience as former Air District staff and provided the initial determination that the Project's potential criteria pollutants are below Air District significance thresholds.

Comment Subject 2: District Rule 9510 (Indirect Source Review); the Project is below the Rule 9510 applicability threshold for a residential development.

Response - We agree, in-house subject matter experts Hector Guerra and Jessica Willis provided the initial determination that the Project's is below Rule 9510's threshold for residential projects.

Comment Subject 3: District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

Response – It is unlikely the Rule 4002 will apply as there are no existing buildings on the Project site that require renovation, demolition, or removal.

Comment Subject 4: Regulation VIII (Fugitive PM10 Prohibitions)

Response - We agree. As an orchard will be removed, earthmoving operations (for roads, building pads, storm water retention/detention basin(s), etc.) will occur, potential carryout/trackout may occur, unstabilized surfaces will occur, etc., the developer will be required to implement applicable rules contained in Regulation VIII as project design features. As noted earlier, in-house subject matter expert Hector Guerra previously worked as staff for the Air District and is intimately familiar with Regulation VIII as he was Project Manager during its development and subsequent adoption.

Comment Subject 5: Other District Rules and Regulations

Response - The development will be subject to the limitations contained in Rule 4103 (Open Burning) regarding orchard removal.

Comment Subject 6: Potential Air Quality Improvement Measures

Response – The rural nature of the Project does not avail itself to many opportunities to implement the suggest measures. The internal street network provides an opportunity for residents to walk or cycle, the large lots encourage use of open space for passive recreational activities, and the Project is approximately 1.5 miles to nearby shopping and employment opportunities in nearby Woodlake.

Comment Subject 7: District's comment letter should be provided to the Project proponent

Response - We agree. The Project proponent will be receiving a copy of this letter.

Comment Letter 8 – Bill and Laura Manser, September 20, 2018

Comment Subject 1 Water supply, incorrect acreage cited, water usage, water quality concern from septic systems, natural water features, traffic, police and fire protection (public services), and cultural resources.

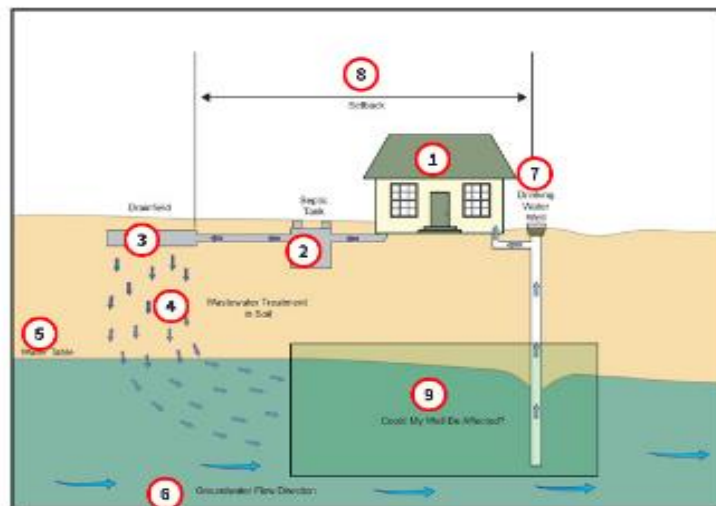
Response, Water supply - Unless specific information is provided by Mr. Redfield specifically informing the County that he has had his wells drilled to greater depths because his wells had run dry, the County must regard this comment as speculation. An analysis is provided below summarizing the variables and variations when individual wells are utilized. It is noted that the DEIR includes Appendix "D" which contains the "Water Supply Sustainability Report, [Antelope Valley] Redfield Estates Residential Subdivision" (Water Supply Report) prepared by expert, qualified consultants Roberts Engineering regarding water supply, including well depths. Some adjacent or nearby properties have provided information regarding well depth and water availability. However, the information provided does not draw a direct correlation between the current water usage of the existing orchard on the proposed Project site and dry wells of adjacent properties cannot be established. Many variables (e.g., precipitation, groundwater recharge, depth of well, depth to water, geology, etc.) all contribute to water supply and whether or not wells go dry or do not produce the desired quantity. Other well variables include diameter of well casing (e.g., the existing wells vary from 8-5/16" to 10-1/4") and horsepower of the well's pump. The consultant provided production (water yield) information on five of the site's 17 wells; the yield from one well alone (Well #10) provides 13 times the amount of water needed for the Project. The consultant estimates that the Project would require approximately 24 acre-feet of water, whereas, the existing orchard uses approximately 324 acre-feet. Therefore, if the Project is developed, the remaining irrigation wells would be removed from production thereby eliminating water currently drawn to irrigate the existing olive orchard resulting in a net water savings of approximately 300 acre-feet. Information provided in the Water Supply Report on five wells shows the depth of wells ranging from 530 to 800 feet, with yields ranging from 200 to 700 gallons per minute (gpm). In one instance, first water was encountered at a depth of 52 feet; in another instance, first water was encountered at 442 feet. The most recent well (Well No. 18) was drilled in June 2017 to a depth of 800 feet resulting in a yield of 300 gpm. Although some nearby property owners have voiced their concerns that the existing wells used to irrigate the existing olive orchard contributes to their dry wells or low yields, they have not provided any substantive evidence to support their claims. It is noted that one commenter raising the dry well concern has their own well located approximately 135 feet southwest of their neighbor's property. As such, using the same reasoning as the commenter, it is possible that the neighbor could contribute to their well water supply. One commenter indicated that they have drilled a well to 230 feet, another comments that their well is 505 deep, and another commenter notes that "others mentions wells...are now at 800 feet." These statements verify that depth to groundwater yield will vary. For example, Well No. 18 on the proposed Project site has a 10.25" casing and is drilled

to 800 feet, yet produces less water (200 gpm) than another well on-site (Well No. 9, which also has a 10.25" casing) which is drilled to 530 feet yet yields 700 gpm. As noted above, development of the Project is estimated to result in an approximately 300 acre-foot net water savings. As such, if the commenters' opinions regarding water usage from the existing use impacts their water supply, using their same line of reasoning, development of the Project would alleviate their water supply concerns because the proposed use would require approximately 24 acre-feet rather than the 324-acre feet of existing use.

Response, Incorrect acreage - The total Project area is about approximately 125 acres, the parcels will use approximately 108 of these acres with the balance used for streets. As such, the acreage is correct. Also, the water demand is not based on acreage, it is based on residential uses; the acreage figure merely states the area to be used by all of the parcels.

Response, Water usage - The commenter does not quantify or provide substantive evidence of how they determined their conclusion of "way underestimated. The City of Woodlake provided a similar comment regarding acreage, as such, please see earlier response to Comment Subject 6: Chapter 3.9 Hydrology and Water Quality.

Response, Water quality - It is highly unlikely that septic systems from the Project would contaminate adjacent properties as they will be engineered, are too distance from adjacent ground water sources, will be located in soil strata that prevents seepage to adjacent properties, their depth will prevent contamination to groundwater, and other variables. This link (<https://www.epa.gov/septic/septic-systems-and-drinking-water>) provides a summary of how septic systems generally function and is summarized in the figure below:



Also, the following summary on how a typical conventional septic system works is provided at this link (<https://www.epagov/septic/how-your-septic-system-works>); both are provided by U.S. EPA:

“How Your Septic System Works

Septic systems are underground wastewater treatment structures, commonly used in rural areas without centralized sewer systems. They use a combination of nature and proven technology to treat wastewater from household plumbing produced by bathrooms, kitchen drains, and laundry.

A typical septic system consists of a septic tank and a drainfield, or soil absorption field.

The septic tank digests organic matter and separates floatable matter (e.g., oils and grease) and solids from the wastewater. Soil-based systems discharge the liquid (known as effluent) from the septic tank into a series of perforated pipes buried in a leach field, chambers, or other special units designed to slowly release the effluent into the soil.

Alternative systems use pumps or gravity to help septic tank effluent trickle through sand, organic matter (e.g., peat and sawdust), constructed wetlands, or other media to remove or neutralize pollutants like disease-causing pathogens, nitrogen, phosphorus, and other contaminants. Some alternative systems are designed to evaporate wastewater or disinfect it before it is discharged to the soil.

Specifically, this is how a typical conventional septic system works:

1. All water runs out of your house from one main drainage pipe into a septic tank.
2. The septic tank is a buried, water-tight container usually made of concrete, fiberglass, or polyethylene. Its job is to hold the wastewater long enough to allow solids to settle down to the bottom forming sludge, while the oil and grease floats to the top as scum. Compartments and a T-shaped outlet prevent the sludge and scum from leaving the tank and traveling into the drainfield area.
3. The liquid wastewater (effluent) then exits the tank into the drainfield.
4. The drainfield is a shallow, covered, excavation made in unsaturated soil. Pretreated wastewater is discharged through piping onto porous surfaces that allow wastewater to filter through the soil. The soil accepts, treats, and disperses wastewater as it percolates through the soil, ultimately discharging to groundwater. If the drainfield is overloaded with too much liquid, it can flood, causing sewage to flow to the ground surface or create backups in toilets and sinks.
5. Finally, the wastewater percolates into the soil, naturally removing harmful coliform bacteria, viruses and nutrients. Coliform bacteria is a group of bacteria predominantly inhabiting the intestines of humans or other warm-blooded animals. It is an indicator of human fecal contamination.”

Response, Natural water features - The commenter fails to provide evidence that natural water features run through the Project property. As noted earlier in Response to Comment Subject 6: Chapter 3.9 Hydrology and Water Quality, there are two known water courses near the Project (i.e.; within ¼ mile of the Project location); however, none are located within the Project’s proposed development area. No water courses would be impacted as the Project would not physically disrupt, change, or alter any of the existing water courses in any

fashion. Also, as noted earlier, (see **Comment Subject 6:** Chapter 3.9 Hydrology and Water Quality at Nearby Water Courses, and Current Flood Conditions) the Project would be engineered to internalize storm water and storm water management facilities (storm drainage water collection and storage system) would be included when the subdivision map is finalized and; implementation of **Mitigation Measure 9-1** would require implementation of a SWWP to contain/retain stormwater runoff within the Project area. It is noted that at its northwesterly corner boundary, the Project is approximately 75 feet southeast of Antelope Creek; as such, the Project would not physically impact Antelope Creek. No grading, scraping, or any other earth-shaping activity which could impact Antelope Creek would occur. As noted earlier, the culvert for a ditch on Avenue 360 is approximately 125 feet east of the Project boundary; as such, the Project would not physically impact this water course. This same ditch (which also crosses beneath Avenue 360) is approximately 1,625 feet east of the southern quadrant of the Project and also approximately 880 feet south of the eastern (Road 220) boundary of the Project. The facts clearly substantiate that no water features are within, would be, or are currently impacted by the Project's existing use or proposed development.

Response, Traffic - Please see Response to Comments Subject 10: Chapter 3.16 Transportation/Traffic. Also, as shown in the DEIR (Table 3.16-6), existing vehicle traffic along Road 212 is estimated at 380 Average Daily Traffic (ADT) with 36 morning peak (i.e., 7-9 A.M., 18 vehicles/hour which is about one vehicle every 3 minutes 20 seconds) and 43 evening peak (i.e., 4-6 P.M., 16.5 vehicles/hour which is about one vehicle every 3 minutes 38 seconds). The Project has the potential to add approximately 307 ADT along Road 212; however, the Project is estimated to add only 24 vehicle trips during morning peak periods (or about an average of 12 vehicles/hour which is about 1 vehicle every 5 minutes) and 32 vehicle trips during evening peak periods (or about an average of 16 vehicles/hour which is about 1 vehicle every 3 minutes 45 seconds). Combining existing and Project-related vehicle impacts to Road 212 would result in 1 vehicle every 2 minutes during the morning peak, and 1 vehicle every 1 minute 51 seconds during the evening peak. As further indicated in Table 3.16-6, the Level of Service (LOS) for existing and Project-related traffic would remain at LOS C. As such, the County supports the consultant's conclusion that traffic impacts would be less than significant. Regarding construction-related trips, it is unknown, nor has the commenter provided an estimate, of how many construction-related vehicles would travel along Road 212 at any given time. Typically, construction-related, heavy-duty vehicles would remain at a site until their phase of the construction activity (e.g., grading, leveling, etc.) is completed. Construction-related workers will likely make two-round trips per day (i.e., arriving to and departing from work; and possibly a lunch trip into Woodlake or other nearby dining opportunity). These trips would be short-term, intermittent, and temporary and would not result in a significant impact to the traffic resource. Regarding noise impacts, the commenters do not clarify if they are commenting to noise from construction-related equipment or noise from construction-related vehicles travelling along Road 212. Regardless of construction equipment-related noise, the Noise Study Report (NSR, included in Appendix "E" of the DEIR) prepared by expert consultant's VRPA Technologies, concludes that neither source exceed County of Tulare thresholds, that the noise would be temporary, that it would be typical for construction equipment, and implementation of **Mitigation Measures 12-1 and 12-2** (i.e., Construction equipment operation shall be limited to the hours

of 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 5 p.m. Saturday) would reduce impacts to less than significant.

Response, Police and fire protection - See response to Comment Subject 8: 3.14 Public Services (Police calls and parks). Further, as indicated in the DEIR, mutual aid response agreement are in place wherein the County, City of Woodlake, and California Highway Patrol would provide mutual assistance (reciprocal response) as need. Regarding fire protection, the Tulare County Fire Department maintains Engine #12 at 216 East Naranja Blvd. located in Woodlake approximately 2 miles from the Project site. It is also noted that neither the Tulare County Sheriff's Office or Fire Department provided any comments regarding the DEIR and the potential impact to their respective departments. As such, the County maintains that the project would result in a less than significant impact to these resources.

Response, Cultural resources – We agree that protection of Native American (Tribal) resources are important. By way of background, state law (AB 52) requires that Lead Agencies preparing specific CEQA documents (negative declarations, mitigated negative declarations, or environmental impact reports) provide Native American tribes with an opportunity to consult with the Lead Agency. The Native American Heritage Commission (NAHC) provided a list of tribes (see Appendix “C” in the DEIR) that the County contacted and subsequently received one response (from the Wuksache tribe) requesting consultation. Following a confidential meeting with the tribe's representative (Mr. Kenneth Woodrow, Tribal Chairman), Mr. Woodrow indicated that the tribe requested notification/involvement of the CEQA process. Mr. Woodrow has not provided any additional comments since the consultation meeting and did not provide any comments during the DEIR review period. Also, a Cultural Resources Assessment (CRA, included as Appendix “C” of this DEIR) was prepared by Sierra Valley Cultural Planning in November 2017 utilizing onsite field and archaeological surveys and California Historical Resources Information System queries. The consultant concluded that; “...it is unlikely that the proposed action will have an effect on important archaeological, historical, or other cultural resources.” (See page 1 of the CRA). Although, according to the commenters, Native American (tribal) resources may be near the Project site, the Project site itself does not contain any known tribal resources. The commenters fail to explain their rationale to conclude that the Project could impact cultural resources. As such, without supporting evidence, it is speculative to conclude that the Project would result in impacts to the resources. Regardless of absence of surface resources, the DEIR contains **Mitigation Measures 17-1 and 17-2** in the unlikely event that subsurface or other resources are indeed discovered. As such, the County maintains that the Project will result in a less than significant impact to tribal cultural resources

Comment Letters 9 and 10 – Comment Letter 9 Vicente and Maria Gonzalez, September 23, 2018, and Comment Letter 10 Jesus and Nancy Rodriquez, September 23, 2018; respectively

Comment Subject: NOP process, depth/quantity of well water, flooding, street/road conditions, septic systems, fallow land, unspecified health and safety issues. Also, the commenters claim that assumptions were made using unverified data that does not actually consider the specifics of Antelope Valley.

Responses, Assumptions using unverified data - The DEIR contains resource specific studies prepared by qualified experts. These studies include methodologies (i.e., research, assumptions, estimating techniques, site specific data, etc.) used in preparing the studies. Conversely, the commenters do not offer or suggest the basis for their comments (i.e. methodology) nor do they provide information regarding their subject matter expertise. The County welcomes information/data and analyses from any reasonable, qualified person as the very fundamental nature of an EIR includes disclosure, explanation, and evidence which result in an objective, fair, unbiased, and reasonable analysis of potential project impacts. It is the County's opinion that this DEIR adequately and fully meets this important CEQA objective.

Response, NOP process - Please see response to Comment Letter 8. Also, the County disagrees that the comments provided during the NOP process were “brushed away” and “arbitrarily deemed No Significant Impact”. As noted in the earlier, the reader is reminded that the County strictly adheres to and depends upon substantial evidence in drawing conclusions in regards to CEQA documents. Therefore, the County relies on the definition of substantial evidence as provided in with CEQA Section 15384. (Substantial Evidence) which states: “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.” As such, the County also expects commenters such as public agencies, public entities, or other interested persons/parties to also adhere with the substantial evidence definition as provided in CEQA Section 15384. Each resource analyzed in Chapters 3.1 through 3.19 contain numerous citations, references, and/or technical studies (prepared by qualified experts) to stringently analyze each resource. As such, the County carefully weighed information/comments provided during the NOP process and analyzed each resource based upon substantial evidence to determine the level of impact the Project would have on each CEQA Checklist resource.

Response, Well Water supply – Please see Response to Comment Letter 8 regarding same subject matter.

Response, Flooding - The County acknowledges that localized flooding can occur (please also see Comment Subject 6 Response, Current Flood Conditions; and Comment Subject 12: Storm Drain Systems for additional information). However, no evidence has been provided by commenter to conclude that the Project causes flooding. As noted earlier, at Comment Subject 6 Response, Current Flood Conditions; and Comment Subject 12: Storm Drain Systems, project design features and mitigation measures will ensure that any stormwater runoff as a result of the Project would remain on-site via storm water management facilities (that is, storm drainage water collection and storage system).

Response, Streets/Roads - See Response for Comment Letter 7 – City of Woodlake, Comment Subject 10 regarding Transportation/Traffic (poor road conditions and poor maintenance).

Response, Septic Systems - Regarding septic systems, each parcel of the Project will have its own engineered septic system, as approved by the Tulare County Health and Human Services Agency. As such, the use of septic systems will be designed to ensure any septic discharge remains localized to prevent downstream contamination of water sources. Also, see response to Comment Letter 8 regarding septic systems.

Response, unspecified Health and Safety issues - As the commenters do not specify what “health and safety issues” are, the County cannot provide a response as any response would be speculative at best.

Response, Fallow lands - Regarding fallow lands, the commenter directly associates the “once plentiful olive orchards” with water availability. However, the commenter does not provide any evidence from the actual owner/grower specifically and directly providing reasons why the olive orchards are no longer present. Have the former orchards been removed, (that is, no longer planted therefore no longer in production) or are the former orchards no longer maintained (including irrigating) and the trees have subsequently died? The very definition of fallow per Merriam-Webster Dictionary is “usually cultivated land that is allowed to lie idle during the grown season” (noun), “to plow, harrow, and break up (land) without seeding to destroy weakened and conserve soil moisture” (verb), “left untilled or unsown after plowing; dormant, inactive” (adj.).⁶ Without venturing into speculation, the County cannot provide a CEQA response to this comment as various factors may be associated with areas that were once agriculturally productive are no longer productive as a result of fallowing, lack of water, economics, disinterest, change of profession, etc.

Comment Letter 11 – Everett and Susan Welch, September 23, 2018

Comment Subject 1 - Impacts on water, infrastructure (flooding and road conditions), the environment, and safety. Also, the NOP.

Response, Water - See response to comment letters 9 and 10, at Well Water supply. Also, the commenter does not provide evidence or a methodology (i.e., research, assumptions, estimating techniques, site specific data, etc.) on how they reached their conclusions; nor do the commenters provide information regarding their subject matter expertise. Despite the consultant’s water expertise and general description of how water supply is generated, the commenter fails to grasp how the regional nature of water supply applies to the Project and that the basin receives a large portion of its groundwater recharge from precipitation. As an analogy, the Basin needs to be viewed as a bathtub being filled with water. The source of the bathtub’s water supply is the faucet (i.e., clouds providing moisture which accumulates and eventually comes down as precipitation (rain)). As rainwater accumulates, it begins to percolate and fill the basin and the water level rises to a point where water becomes accessible. Given the geographic location of the Project, the geology (soils and rock

⁶ Merriam-Webster definition of fallow accessed at: <https://www.merriam-webster.com/dictionary/fallow>.

formations) that either blocks water filtration (e.g. clay acting as a block) or allows some filtration into crevices (typically fractures in granitic, quartz, or a combination thereof). As such, a well's location and yield (including recharge capabilities) will vary even within a specific area (see earlier information of well depths from 530 to 800 feet within the Project site). Any well driller will tell someone that the trick is not getting to the water, it's finding it and hoping it's a reliable supply (in both quantity and quality). There is no assumption that the Project has a monopoly of the Basin's water, or that all precipitation is captured in the Antelope Valley and subsequently used. A careful read of the Report clearly points out that five existing wells currently draw enough water to provide 13 times the amount of water needed for the Project and that the agricultural wells will cease production resulting in an estimated savings of 300 acre-feet of water. As such, the commenter's conclusion that the "individual wells" will go dry is speculative and is not substantiated through expert opinion. The comment on "how will the County mitigate damage to these residences" is speculative as the Applicant is required to provide a sustainable water supply and intends to do so via a community water system rather than individual wells. The consultant's Report also concludes that even if each of the 43-units in the subdivision used its own well, the water supply is abundant enough to accommodate the Project. To reiterate, the assumption also is premised on the fact that the agricultural wells will be removed from production thereby freeing-up water for the Project's use. Lastly, **Mitigation Measures 9-1 and 9-2** require that the Project implement water conservation measures (such as water closets, low flow showerheads, low flow sinks, etc.) and conform with the Tulare County Water Efficient Landscaping Ordinance.

Response, Flooding: The County acknowledges that localized flooding can occur (please also see comment Letter 6 City of Woodlake, Comment Subject 6 Response, Current Flood Conditions; and Comment Subject 12: Storm Drain Systems for additional information). However, no evidence has been provided by commenter to conclude that the Project itself causes flooding. The pictures (photos) provided by commenter show localized flooding, but no photo shows stormwater draining from the Project site or flooding immediately adjacent to the Project site (See Attachment "11"); all are either within or near Antelope Creek (photos nos. 1, 2, 3 and 9); the residence north of Avenue 360 bound on the west, north, and east sides of the Project; the culvert on Avenue 360 approximately 125 east of the Project (photo nos. 5, 6, and 7); and the culvert on Road 220 approximately 1,625 feet east of the southern most quadrant of the Project and approximately 859 feet south of the northeast quadrant of the Project. Lastly, as noted earlier, **Mitigation Measure 9-1** would require implementation of a SWWP to contain/retain stormwater runoff within the Project area and design features will ensure that any stormwater runoff as a result of the Project would remain on-site via storm water management facilities (that is, storm drainage water collection and storage system).

Response, Road Condition: See Response for Comment Letter 6 City of Woodlake, Comment Subject 10 regarding Transportation/Traffic (poor road conditions and poor maintenance).

Response, Final Comments: The commenter writes, "This subdivision is ill conceived and the DEIR does not accurately measure the impacts." The commenter's conclusion is opinion as conversely, the Applicant believes that this subdivision is the opposite. Similar to

Comment Letter 7 City of Woodlake, Response to Comment Subject 13, as the Lead Agency for this DEIR, the County respectfully disagrees with the commenter regarding the accuracy and adequacy of the DEIR. Based on the lack of substantive information (i.e., evidence) that would support the commenters conclusions, the County maintains, based on substantial evidence admitted into the record (such as technical studies prepared by qualified experts and included as part of resource-specific appendices) that the DEIR adequately and satisfactorily meets all CEQA requirements. Finally, the commenter's closing remarks are speculative and do not contain a CEQA context, as such, the County is not required to respond.

PROJECT SUMMARY

The Antelope Valley (Redfield) Subdivision TM 805 Project is a proposed 43-unit single-family residential subdivision on a total of \pm 125 acres (exactly 127.32 acres) comprised of eight parcels, with lot sizes ranging from 2.50 acres to 4.20 acres, in the PD-F-M (Planned Development-Foothill-Combining-Special Mobilehome) Zone. The Project is located west of Road 220 and north of Avenue 360, north of Woodlake (APNs 064-140-17, 18, 19, 24, 25, 26, 27, & 32; Section 18, Township 17 South, Range 27 East, MDB&M).

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 Project, 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. "⁷

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..."⁸

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.
- "⁹

IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS

CEQA Guidelines Section 15002(h) addresses potentially significant impacts, to wit, "CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR

⁷ CEQA Guidelines Section 15002(a)

⁸ Ibid. Section 15002 (f).

⁹ Op. Cit., Section 15021.

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 15093.¹⁰ (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 and people into the area affected. For example, an EIR on a subdivision astride an active fault line should

¹⁰ Op. Cit. Section 15002(h).

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."¹¹

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.

¹¹ Op. Cit. Section 15126.2(a).

- (4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
 - (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and
 - (B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.
- (5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination."¹²

ORGANIZATION OF THE EIR

With the exception of Chapter 11, 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.

¹² Op. Cit. Section 15126.4.

Introduction

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

Environmental Setting

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

Regulatory Setting

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

Project Impact Analysis

Each evaluation criteria 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 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 initially beginning on August 7, 2017, for a 30-day comment period initially ending September 6, 2017. However, the County of Tulare requested, and the State Clearinghouse approved, a 15-day extension with the comment period ending on September 21, 2017. Tulare County RMA received

seventeen (17) 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."¹³

A scoping meeting was noticed in the Notice of Preparation and submitted to the OPR/SCH and sent to Responsible and Trustee agencies as well as surrounding property owners. The scoping meeting was held on August 24, 2017. A second scoping meeting was publically noticed and was held on September 7, 2017. Other than Tulare County RMA staff, two (2) interested parties attended the initial scoping meeting and eleven (11) interested parties attended the second scoping meeting. Appendix “G” of the Draft EIR contains a copy of the NOP process including: the initial NOP and the second NOP with extended review period that were submitted to the State Clearinghouse, and written and oral comments received on the NOP.

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 August 10, 2018. Following completion of the 45-day public review period ending on September 24, 2018, RMA staff prepared responses to comments and a Final EIR has been completed. The Final EIR was forwarded to the County of Tulare Planning Commission (Commission) for review and recommendations to the County of Tulare Board of Supervisors (Board) for either certification and adoption of the Final EIR and approval for the Antelope Valley (Redfield) Subdivision TM 805 or for denial of the Project. If the Board approves the Project, a Notice of Determination will then be filed with the County of 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.

¹³ CEQA Guidelines, Section 15103

NOTICE OF PREPARATION – REDFIELD SUBDIVISION (TM 805) – SCH# 2017081013												
AGENCY / ENTITY	DOCUMENTS SENT					DATE SENT	DELIVERY METHOD					COMMENTS RECEIVED
	Hard Copy			CD			Hand Delivered / Interoffice	E-mail	FedEx	Certified US Mail	Return Receipt	
	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form							
AVAILABILITY OF PUBLIC VIEWING												
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394			X			8/7/17						
Tulare County Website: http://tularecounty.ca.gov/rma/index.cfm/planning/environmental-planning/notice-of-preparation-nop/												
STATE CLEARINGHOUSE – 15 COPIES	X	X	15			8/4/17			X		8/7/17 (confirmation letter)	Notice received; 8/18/14 OPR letter granting extension to comment period (RMA receipt on 8/23/17)
<ul style="list-style-type: none">Air Resources Board												
<ul style="list-style-type: none">Caltrans District #6												8/11/17 Letter from David Deel, Associate Transportation Planner, with recommendations for inclusions of policies in the EIR and for road segment analyses in the TIS
<ul style="list-style-type: none">Department of Conservation (Division of Land Resources Protection)												9/14/17 Letter from Kathryn Lyddan, Division Director, with recommendations for discussion under the Ag Resources section of the DEIR
<ul style="list-style-type: none">Department of Fish and Wildlife Region #4												9/21/17 Letter from Julie A. Vance, Regional Manager, with recommendations for inclusion of mitigation measures in the DEIR
<ul style="list-style-type: none">Department of Food and Agriculture												
<ul style="list-style-type: none">Department of General Services												
<ul style="list-style-type: none">Native American Heritage Commission												
<ul style="list-style-type: none">Public Utilities Commission												
<ul style="list-style-type: none">Regional Water Quality Control Board District #5												
<ul style="list-style-type: none">Resources Agency												
<ul style="list-style-type: none">State Water Resources Control Board – Water Quality												
<ul style="list-style-type: none">Department of Toxic Substances Control												
FEDERAL AGENCIES												
U.S. Fish and Wildlife Service 2800 Cottage Way, Suite W-2605 Sacramento, CA 95825			X			8/7/17				X	8/10/17	Tracking # 70140150000115372715
STATE & REGIONAL AGENCIES												
San Joaquin Valley Unified Air Pollution Control District Permit Services – CEQA Division 1990 E. Gettysburg Ave. Fresno, CA 93726			X			8/7/17				X	8/9/17	Tracking # 70140150000115372708 Comment letter dated 8/25/17, from Brian Clements, Program Manager, indicating project would have no significant impact on air quality; identifying applicable rules and regulations; and recommendations for measures that could further reduce impacts
Southern California Edison Attn: Calvin Rossi 2425 S. Blackstone St. Tulare, CA 93274			X			8/7/17				X	8/11/17	Tracking # 70140150000115372692
Southern California Gas Company 404 N. Tipton Street Visalia, CA 93292			X			8/7/17				X	8/9/17	Tracking # 70140150000115372685

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	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form							
LOCAL AGENCIES												
City of Woodlake Attn: City Administrator 350 N. Valencia Woodlake, CA 93286			X			8/7/17				X	8/9/17	Tracking # 70140150000115372678 9/21/17 Letter from Jason Waters, requesting the DEIR examine the following impacts on the City: hydrology, water quality and water supply; population and housing; public services and recreation; transportation and traffic; utilities and service systems; growth inducement.
Woodlake Unified School District Drew S. Sorensen, Superintendent 300 W. Whitney Ave. Woodlake, CA 93286			X			8/7/17				X	8/9/17	Tracking # 70140150000115372661
Tulare County Association of Governments Attn: Ted Smalley, Executive Director 210 N. Church Street, Suite B Visalia, CA 93291			X			8/7/17	X interoffice				n/a	
Tulare County Fire Warden 907 W. Visalia Road Farmersville, CA 93223			X			8/7/17	X interoffice				n/a	
Tulare County Health and Human Services Agency Environmental Health Department 5957 S. Mooney Blvd. Visalia, CA 93277			X			8/7/17	X interoffice				n/a	8/15/17 Letter from Ted Martin, Environmental Health Specialist, with comments regarding water system and testing
Tulare County Local Agency Formation Commission 210 N. Church Street, Suite B Visalia, CA 93291			X			8/7/17	X interoffice				n/a	
Tulare County Resource Management Agency Tulare County Flood Control Tulare County Fire Economic Development and Planning Public Works			X			8/7/17 8/7/17 8/7/17 8/7/17	X X X X				n/a n/a n/a n/a	
Tulare County Sheriff Headquarters 2404 W. Burrel Ave. Visalia, CA 93291			X			8/7/17	X interoffice				n/a	
MILITARY												
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132			X			8/7/17				X	8/11/17	Tracking # 70140150000115372654
TRIBES												
Kern Valley Indian Council Robert Robinson, Co-Chairperson PO Box 401 Weldon, CA 93283	X		X			8/7/17				X	8/14/17	Tracking # 70140150000115372609
Kern Valley Indian Council Julie Turner, Secretary P. Box 1010 Lake Isabella, CA 93240	X		X			8/7/17				X	8/9/17	Tracking # 70140150000115372593

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	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form							
Santa Rosa Rancheria Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245	X		X			8/7/17				X	8/9/17	Tracking # 70140150000115372586
Santa Rosa Rancheria Hector Franco, Cultural Director P. O. Box 8 Lemoore, CA 93245	X		X			8/7/17				X	8/9/17	Tracking # 70140150000115372579
Santa Rosa Rancheria Shana Powers, Cultural Specialist P. O. Box 8 Lemoore, CA 93245	X		X			8/7/17				X	8/9/17	Tracking # 70140150000115372562
Torres Martinez Desert Cahuilla Indians Michael Mirelez, Cultural Resource Coordinator P. O. Box 1160 Thermal, CA 92274	X		X			8/7/17				X	8/17/17	Tracking # 70140150000115372555
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P. O. Box 226 Lake Isabella, CA 93240	X		X			8/7/17				X	8/15/17	Tracking # 70140150000115372548
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	X		X			8/7/17				X	8/21/17	Tracking # 70140150000115372531
Tule River Indian Tribe Joseph Garfield, Council Member P. O. Box 589 Porterville, CA 93258	X		X			8/7/17				X	8/21/17	Tracking # 70140150000115372524
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258	X		X			8/7/17				X	8/21/17	Tracking # 70140150000115372517
Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906	X		X			8/7/17				X	8/10/17	Tracking # 70140150000115372500
Other Interested Parties												
Ronald Redfield 21606 Avenue 360 Woodlake, CA 93286	X		X			8/21/17				Regular Mail	n/a	
Fred Weber, P.E. Forester, Weber & Associates, LLC 1620 W. Mineral King Ave. Suite B Visalia, CA 93291	X		X			8/21/17				Regular Mail	n/a	

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	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form							
Joseph Boyd The Law Offices of Joseph H. Boyd 275 S. Madera Ave. Suite 404 100 Kerman, CA 93630 (559) 846-9362	X		X			8/21/17				Regular Mail	n/a	8/24/17 Returned - not deliverable as addressed, unable to forward 9/18/17 found phone number on internet; called and got correct address (the suite number was incorrect); re-mailed 9/19/17
REDFIELD RONALD F (TR) (FAM TR) 21606 AVE 360 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
RABB TONY R (TR) (2014 TR) 21516 AVE 380 WOODLAKE CA 93286-9761	X		X			8/21/17				Regular Mail	n/a	Signed letter submitted by Molly Saso, Resource Analyst, of Wonderful Citrus.
HENGST ROBERT(SURV TR) 37650 MILLWOOD DR WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
WATTS MICHAEL & BRENDA J 20187 AVENUE 262 EXETER CA 93221	X		X			8/21/17				Regular Mail	n/a	
PERSON KELLY & VIRGINIA 21001 SENTINEL DR WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
PERSON KELLY 21001 SENTINEL WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
FOSTER & FOSTER GP 35275 OLIVERA DR WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
FOSTER & FOSTER GP 36370 MILLWOOD DR WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
KELLER FRANK C & VICTORIA M (TRS) 35661 RD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	Signed letter submitted by Molly Saso, Resource Analyst, of Wonderful Citrus.
GOWETT SHIRLEY 35715 RD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
SPAHN JOSEPH R & DEBRA S P O BOX 357 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
DAVIS ROY L & DONNA 35509 ROAD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
LOMBARDI TONY & CAROLYN P O BOX 218 EXETER CA 93221	X		X			8/21/17				Regular Mail	n/a	
SCOTT STEVEN 5119 NE 76TH STREET VANCOUVER WA 98661	X		X			8/21/17				Regular Mail	n/a	
PACIFIC ISLAND NETWORK LLC P O BOX 1155 EXETER CA 93221	X		X			8/21/17				Regular Mail	n/a	

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	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form							
ATHERTON JAMES P & MARIA L (TRS) P O BOX 10806 TERRA BELLA CA 93270	X		X			8/21/17				Regular Mail	n/a	Attended the 9/7/17 Scoping Meeting
BERESFORD CORPORATION 582 MARKET ST SUITE 912 SAN FRANCISCO CA 94104	X		X			8/21/17				Regular Mail	n/a	
WELCH EVERETT E & SUSAN E (TRS) 21248 AVE 360 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
MALOY LEROY J & SANDRA G (TRS) 21638 AVE 360 WOODLAKE, CA 93286	X		X			8/21/17				Regular Mail	n/a	
MILLS DENNIS L & MARY D 25698 -35698 RD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	Attended the 9/7/17 Scoping Meeting
BODINE GARY A P O BOX 432 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	Attended the 9/7/17 Scoping Meeting; Signed letter submitted by Molly Saso, Resource Analyst, of Wonderful Citrus.
DAVIS KYLE E & DEANNE 21877 AVE 360 WOODLAKE, CA 93286	X		X			8/21/17				Regular Mail	n/a	
LANTING JOHN & KIM 202 WINDSOR CT EXETER CA 93221	X		X			8/21/17				Regular Mail	n/a	
SIEGEL DAVID LOUIS P O BOX 801 EXETER CA 93221	X		X			8/21/17				Regular Mail	n/a	
TYLER HARLAN L & VIRGINIA A P O BOX 702 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
PARAMOUNT CITRUS LLC 11444 W OLYMPIC BLVD 10TH FLR LOS ANGELES CA 90064	X		X			8/21/17				Regular Mail	n/a	Paramount Citrus changed names in 2015 to Wonderful Citrus; Letter dated 9/11/17 submitted by Molly Saso, Resource Analyst. Letter was signed by many neighbors and/or concerned citizens, many of whom appear to not be included in this list and some of which are not legible (those that are legible are indicated in the notes)
STEWART JEROME B & MARVELL M 21014 SENTINEL DR WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
MICHAM ORAL E & JUANA I P O BOX 745 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
HAYNES HENRY M & LILLIE H P O BOX 218 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	

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	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form							
ALLEY RALPH & JOHNY 20600 SENTINEL DR WOODLAKE CA 93286-9785	X		X			8/21/17				Regular Mail	n/a	Letter was marked Return to Sender on 8/21/17. Person no longer owns the property. The new property owners are Hallmeyer Joseph D & Barbara R (NOP mailed 8/28/17).
SPENCE ROBERT L & DIANE H (TRS) 1145 N MILLER PARK CT VISALIA CA 93291	X		X			8/21/17				Regular Mail	n/a	
RIVAS ANTHONY D & RAQUEL R 20952 SENTINEL DRIVE WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
MANSER WILLIAM D 35859 ROAD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	Attended 8/24/17 scoping meeting (Laura and Bill). Major concerns they had were water supply and traffic. Requested EIR when released.
ARROYO GABRIEL & MARY LOUISE 35989 RD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	Signed letter submitted by Molly Saso, Resource Analyst, of Wonderful Citrus.
TINDLE CHARLES STEVEN 35833 ROAD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	8/25/17 NOP returned as vacant, unable to forward; it appears that he signed a letter submitted by Molly Saso of Wonderful Citrus.
O CAMPO MICHELLE(TR)(FAM TR) 35909 RD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
CAZARES SOPHIA P 33328 RD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
CHILDRESS JOSEPH D & DARBY E 35414 OLIVERA DR WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
SPUHLER BETH S (TR) 19438 AVE 184 STRATHMORE CA 93267	X		X			8/21/17				Regular Mail	n/a	
WELCH EVERETT E & SUSAN 21248 AVE 360 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	8/23/17, 4:22 pm, phone message with Mike Washam, made comment “Thought it was put to bed,” 8/23/17, Hector Guerra phoned Mr. Welch and they discussed the NOP process; Mr. Welch indicated comments would be coming. 9/4/17, letter received with concerns over water supply, traffic, and condition of road; provided photos of flooding conditions of existing roadway
JONES PAMELA 21534 AVE 360 WOODLAKE, CA 93286	X		X			8/21/17				Regular Mail	n/a	
BABB THOMAS HENRY 21458 AVE 360 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	

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	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form							
REDFIELD RANDALL & KAREN (TRS) 5412 W HEMLOCK AVE VISALIA, CA 93277	X		X			8/21/17				Regular Mail	n/a	
WELCH BONNIE (TR) 21404 AVE 360 WOODLAKE, CA 93286	X		X			8/21/17				Regular Mail	n/a	Attended the 9/7/17 Scoping Meeting and provided written comments as well as verbal comments.
CUDMORE CAROL L (TRS) 130 RAINBOW DR #3084 LIVINGSTON TX 77399-1030	X		X			8/21/17				Regular Mail	n/a	8/28/17 E-mail received by HG from neighboring property; concerned with water shortage and drainage, noise, biological issues; air & GHG, and road safety (Ave 360)
SAVAGE MARK S & RENEE M 21222 AVE 360 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
GONZALEZ VICENTE & MARIA 35928 RD 212 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	
PLUNKETT TRACIE 21451 AVENUE 360 WOODLAKE CA 93286	X		X			8/21/17				Regular Mail	n/a	8/23/17 E-mail received by HG; concerned with water supply and narrow roads (Ave 360)
KITTINGER TODD & KIMBERLY 411 E MARINETTE AVE EXETER CA 93221	X		X			8/21/17				Regular Mail	n/a	
Randy Redfield 21451 Avenue 360 Woodlake, Ca 93286	X		X			8/21/17				Regular Mail	n/a	
Daniel Eldon 100 Willow Plaza, Suite 400 Visalia, CA 93291	X		X			8/21/17				Regular Mail	n/a	
Gregory & Laurie Schwaller 43857 South Fork Drive Three Rivers, CA 93271-9615	X		X			8/21/17				Regular Mail	n/a	
Scott Spear 3746 W. Mill Creek Dr Visalia, CA 93291-5613	X		X			8/21/17				Regular Mail	n/a	
Greg Schwaller of Three Rivers, CA For Karen Bodner Executive Committee for Citizens for Responsible Growth	X		X			8/21/17				Regular Mail	n/a	
Hallmeyer Joseph D & Barbara R 20600 Sentinel Dr Woodlake CA 93286-9785	X		X			8/28/17				Regular Mail	n/a	
Karen Bodner Citizens for Responsible Growth karen@grotsky-okecki.com	X		X			8/24/17		X			n/a	
Gorden, James M & Mary A PO BOX 44066 Lemon Cove, CA 93244	X		X			8/29/17				Regular Mail	n/a	
Ken Sorenson Cudmore-Sorensen Ranch 21876 Ave 360 Woodlake, CA 93286	This name was not on the list for the NOP mailout.											See 8/28/17 e-mail from Carol Cudmore (of CS Ranch)
Ken Swearingson	Name was located in the old file; however, an address or association could not be located for this person (may be misspelling of Ken Sorenson)											

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	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form							
Lee Tyler	Name was located in the old file; however, an address or association could not be located for this person (may be related to Harlan and Virginia Tyler included in this mailout)											
Susan Edmiston Malubay	This name was not on the list for the NOP mailout. The commenter did not indicate which property they were on.											9/5/17 e-mail received by HG; letter with concerns regarding water supply, sewer, and law enforcement
Ray Deitz 202 Hampton Court Exeter, CA 93221	This name was not on the list for the NOP mailout.											Attended the 9/7/17 Scoping meeting
Kenneth A. and Virginia L. McKee McKee Ranches 20440 Avenue 380 Woodlake, CA 93286	This name was not on the list for the NOP mailout.											Attended the 9/7/17 scoping meeting; Signed letter submitted by Molly Saso, Resource Analyst, of Wonderful Citrus
Rose Boschi (for Pat Atherton) 2521 W. Cheryll Ave. Porterville, CA 93257	This name was not on the list for the NOP mailout.											Attended the 9/7/17 Scoping meeting
Wayne Weller 20026 Avenue 306 Exeter, CA 93221	This name was not on the list for the NOP mailout.											Attended the 9/7/17 Scoping meeting
Tom Mitchell 345 N. E St. Exeter, CA 93221	This name was not on the list for the NOP mailout.											Attended the 9/7/17 Scoping meeting
(?) David Deitz (?)	This name was not on the list for the NOP mailout.											Appears to have signed letter submitted by Molly Saso, Resource Analyst, of Wonderful Citrus; signature in not clear and no contact information (address or email) provided
Steve Deitz Sawtooth Ag Research, Inc. Woodlake	This name was not on the list for the NOP mailout.											Signed letter submitted by Molly Saso, Resource Analyst, of Wonderful Citrus; no contact information (address or email) provided
Chris Frane Kirkis, LLC	This name was not on the list for the NOP mailout.											Signed letter submitted by Molly Saso, Resource Analyst, of Wonderful Citrus; no contact information (address or email) provided
Tricia Stever Blattler, Executive Director Tulare County Farm Bureau PO Box 748 Visalia, CA 93279	This name was not on the list for the NOP mailout											9/18/17 Letter from Tricia Stever Blattler, with concerns regarding: loss of agricultural land; traffic congestion; wildlife; incidental conversion of agricultural lands; air quality; and groundwater use, supply, and quality.
Paul Buldo, President Sentinel Butte Mutual Water Company PO Box 606 Woodlake, CA 93286	This name was not on the list for the NOP mailout.											9/18/17 Letter from, requesting the EIR evaluate: groundwater availability; flood water management; nitrogen management; traffic; water quality; and future urban planning; appears to have signed letter submitted by Molly Saso, Resource Analyst, of Wonderful Citrus.

NOTICE OF AVAILABILY – REDFIELD SUBDIVISION (TM 805) (SCH# 2017081013)													
AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD					NOTES / COMMENTS RECEIVED
	Hard Copy				CD			Hand Delivered	E-mail	FedEx	US Mail	Return Receipt	
	Cover Letter	NOC	NOA	DEIR – Executive Summary	NOA / DEIR	Electronic Submittal Form							
AVAILABILITY OF PUBLIC VIEWING													
Tulare County Website: http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/													
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394			X				8/10/18						
Woodlake Library 400 W. Whitney Woodlake, CA 93286			2 copies				8/10/18						
Visalia Main Branch Library 200 W. Oak Ave. Visalia, CA 93291			2 copies				8/10/18						
STATE CLEARINGHOUSE – 15 COPIES	X	X			15	X				8/9/18			
<ul style="list-style-type: none">Air Resources Board													
<ul style="list-style-type: none">Caltrans District #6													“No Comment” email dated September 11, 2018
<ul style="list-style-type: none">Department of Conservation (Division of Land Resources Protection)													Comment letter dated August 30, 2018
<ul style="list-style-type: none">Department of Fish and Wildlife Region #4													Comment letter dated September 21, 2018
<ul style="list-style-type: none">Department of Food and Agriculture													
<ul style="list-style-type: none">Department of General Services													
<ul style="list-style-type: none">Native American Heritage Commission													
<ul style="list-style-type: none">Public Utilities Commission													
<ul style="list-style-type: none">Regional Water Quality Control Board District #5													
<ul style="list-style-type: none">Resources Agency													
<ul style="list-style-type: none">State Water Resources Control Board – Water Quality													
<ul style="list-style-type: none">Department of Toxic Substances Control													
FEDERAL AGENCIES													
U.S. Fish and Wildlife Service 2800 Cottage Way, Suite W-2605 Sacramento, CA 95825			x				8/10/18				x		
STATE & REGIONAL AGENCIES													
San Joaquin Valley Unified Air Pollution Control District Permit Services – CEQA Division 1990 E. Gettysburg Ave. Fresno, CA 93726 CEQA@valleyair.org			x				8/10/18		x		x		Comment letter dated October , 2018
Southern California Edison Attn: Calvin Rossi 2425 S. Blackstone St. Tulare, CA 93274			x				8/10/18				x		
Southern California Gas Company 404 N. Tipton Street Visalia, CA 93292			x				8/10/18				x		
Caltrans District 6 Attn: David Deel 1352 W. Olive Ave. Fresno, CA 93728 david.deel@dot.ca.gov			x				8/10/18 (email) 8/14/18 (U.S. mail)		x		x		See note under “State Clearinghouse”

NOTICE OF AVAILABIY – REDFIELD SUBDIVISION (TM 805) (SCH# 2017081013)													
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	Hard Copy				CD			Hand Delivered	E-mail	FedEx	US Mail	Return Receipt	
	Cover Letter	NOC	NOA	DEIR – Executive Summary	NOA / DEIR	Electronic Submittal Form							
Department of Conservation Division of Land Resource Protection 801 K Street. MS 14-15 Sacramento, CA 95814 Farl.Grundy@conservation.ca.gov			x				8/10/18		x		x		See note under “State Clearinghouse”
LOCAL AGENCIES													
City of Woodlake Attn: City Administrator 350 N. Valencia Woodlake, CA 93286 Jason Waters: jwaters@ci.woodlake.ca.us			x				8/10/18		x		x		Comment letter dated August 13, 2018; Comment letter dated September 24, 2018.
Woodlake Unified School District Drew S. Sorensen, Superintendent 300 W. Whitney Ave. Woodlake, CA 93286			x				8/10/18				x		
Sentinel Butte Mutual Water Company P.O. Box 606 Woodlake, CA 93286 pbuldo@yahoo.com			x				8/10/18 (email) 8/15/18 (US Mail)		x		x		
Tulare County Association of Governments Attn: Ted Smalley, Executive Director 210 N. Church Street, Suite B Visalia, CA 93291			x				8/10/18				x		
Tulare County Farm Bureau Tricia Stever Blattler, Executive Director PO Box 748 Visalia, CA 93279 pstever@tulcofb.org			x				8/10/18 (email) 8/15/18 (US Mail)		x		x		Comment letter dated September 21, 2018
Tulare County Fire Warden 835 S. Akers Street Visalia, CA 93277			x				8/10/18 (U.S. Mail) 8/15/18 (interoffice)	X interoffice			x		
Tulare County Health and Human Services Agency Environmental Health Department 5957 S. Mooney Blvd. Visalia, CA 93277			x				8/10/18	x					
Tulare County Local Agency Formation Commission 210 N. Church Street, Suite B Visalia, CA 93291			x				8/10/18				x		
Tulare County Resource Management Agency <ul style="list-style-type: none">• Tulare County Flood Control• Tulare County Fire• Economic Development and Planning• Public Works			x				8/10/18	x					
Tulare County Sheriff Headquarters 2404 W. Burrel Ave. Visalia, CA 93291			x				8/10/18				x		

NOTICE OF AVAILABIY – REDFIELD SUBDIVISION (TM 805) (SCH# 2017081013)													
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	Hard Copy				CD			Hand Delivered	E-mail	FedEx	US Mail	Return Receipt	
	Cover Letter	NOC	NOA	DEIR – Executive Summary	NOA / DEIR	Electronic Submittal Form							
Tulare County Planning Commission <ul style="list-style-type: none">John F. ElliotGil AguilarNancy PitiglianoBill WhitlatchMelvin K GongWayne O. MilliesEd Dias			X				8/10/18 (Email) 8/15/18 (U.S. mail)		X		X		
MILITARY													
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132			x				8/10/18				x		
TRIBES													
Kern Valley Indian Council Robert Robinson, Chairperson PO Box 1010 Lake Isabella, CA 93240			x				8/10/18				x		
Kern Valley Indian Council Julie Turner, Secretary P. Box 1010 Lake Isabella, CA 93240			x				8/10/18				x		
Santa Rosa Rancheria Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245			x				8/10/18				x		
Santa Rosa Rancheria Cultural Department Shana Powers, Director P. O. Box 8 Lemoore, CA 93245			x				8/10/18				x		
Santa Rosa Rancheria Cultural Department Greg Cuara, Cultural specialist P. O. Box 8 Lemoore, CA 93245			x				8/10/18				x		
Torres Martinez Desert Cahuilla Indians Michael Mirelez, Cultural Resource Coordinator P. O. Box 1160 Thermal, CA 92274			x				8/10/10				x		
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P. O. Box 226 Lake Isabella, CA 93240			x				8/10/18				x		
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258			x				8/10/18				x		

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AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD					NOTES / COMMENTS RECEIVED
	Hard Copy				CD			Hand Delivered	E-mail	FedEx	US Mail	Return Receipt	
	Cover Letter	NOC	NOA	DEIR – Executive Summary	NOA / DEIR	Electronic Submittal Form							
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258			x				8/10/18				x		
Tule River Indian Tribe Felix Christman, Tribal Archaeological Monitor P. O. Box 589 Porterville, CA 93258			x				8/10/18				x		
Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906			x				8/10/18				x		
Other Interested Parties													
(Applicant) Ronald Redfield 21606 Avenue 360 Woodlake, CA 93286-9770 rdr29@att.net			x				8/10/18		x		x		
Fred Weber Forester, Weber & Associates, LLC 1620 W. Mineral King Ave. Suite B Visalia, CA 93291			x				8/15/18				x		
(Applicant Representative) Joseph Boyd The Law Offices of Joseph H. Boyd 275 S. Madera Ave. Suite 100 Kerman, CA 93630			x				8/13/18 (email) 8/15/18 (U.S. mail)		x		x		
REDFIELD RONALD F (TR) (FAM REV TR) 21606 AVE 360 WOODLAKE CA 93286-9770			x				8/10/18				x		
RABB TONY R (TR) (2014 TR) 21516 AVE 380 WOODLAKE CA 93286-9761			x				8/10/18				x		
HENGST ROBERT(SURV TR) 37650 MILLWOOD DR WOODLAKE CA 93286			x				8/15/18				x		
WATTS MICHAEL & BRENDA J 20187 AVENUE 262 EXETER CA 93221			x				8/15/18				x		
PERSON KELLY & VIRGINIA 21001 SENTINEL DR WOODLAKE CA 93286			x				8/15/18				x		
PERSON KELLY 21001 SENTINEL WOODLAKE CA 93286			x				8/15/18				x		
FOSTER & FOSTER GP 35275 OLIVERA DR WOODLAKE CA 93286			x				8/15/18				x		

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	Cover Letter	NOC	NOA	DEIR – Executive Summary	NOA / DEIR	Electronic Submittal Form							
FOSTER & FOSTER GP 36370 MILLWOOD DR WOODLAKE CA 93286			x				8/15/18				x		
KELLER FRANK C & VICTORIA M (TRS) 35661 RD 212 WOODLAKE CA 93286			x				8/15/18				x		
GOWETT SHIRLEY 35715 RD 212 WOODLAKE CA 93286			x				8/15/18				x		
SPAHN JOSEPH R & DEBRA S P O BOX 357 WOODLAKE CA 93286			x				8/15/18				x		
DAVIS ROY L & DONNA 35509 ROAD 212 WOODLAKE CA 93286			x				8/15/18				x		
LOMBARDI TONY & CAROLYN (TR) P O BOX 218 EXETER CA 93221-0218			x				8/10/18				x		
SCOTT STEVEN 5119 NE 76TH STREET VANCOUVER WA 98661-1357			x				8/10/18				x		
PACIFIC ISLAND NETWORK LLC P O BOX 1155 EXETER, CA 93221			x				8/15/18				x		
ATHERTON JAMES P & MARIA L (TRS) P O BOX 10806 TERRA BELLA, CA 93270			x				8/10/18 8/15/18 (mail again)				x		
BERESFORD CORPORATION 582 MARKET ST SUITE 912 SAN FRANCISCO CA 94104			x				8/15/18				x		
WELCH EVERETT E & SUSAN E (TRS) 21248 AVE 360 WOODLAKE CA 93286-9541			x				8/10/18				x		Comment letter dated September 23, 2018 (hand delivered)
MALOY SANDRA G (TRS) (S G M Sep Prop) 21638 AVENUE 360 WOODLAKE, CA 93286-9770			x				8/10/18				x		
MILLS DENNIS L & MARY D 35698 ROAD 212 WOODLAKE, CA 93286 mmteach1998@sbcglobal.net			x				8/10/18 (email) 8/14/18 (U.S. mail)		x		x		
BODINE GARY A P O BOX 432 WOODLAKE, CA 93286			x				8/14/18				x		
DAVIS KYLE E & DEANNE 21877 AVE 360 WOODLAKE, CA 93286			x				8/10/18				x		
LANTING JOHN & KIM 202 WINDSOR CT EXETER CA 93221			x				8/15/18				x		

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	Cover Letter	NOC	NOA	DEIR – Executive Summary	NOA / DEIR	Electronic Submittal Form							
SIEGEL DAVID LOUIS P O BOX 801 EXETER CA 93221			x				8/15/18				x		
TYLER HARLAN L & VIRGINIA A P O BOX 702 WOODLAKE CA 93286			x				8/15/18				x		8/23/18: Envelope Returned - Not deliverable as addressed, Attempted not known.
WONDERFUL CITRUS LLC 11444 W OLYMPIC BLVD 10TH FLR LOS ANGELES CA 90064			x				8/15/18				x		
STEWART JEROME B & MARVELL M 21014 SENTINEL DR WOODLAKE CA 93286			x				8/15/18				x		
MICHAM ORAL E & JUANA I P O BOX 745 WOODLAKE CA 93286			x				8/15/18				x		
HAYNES HENRY M & LILLIE H P O BOX 218 WOODLAKE CA 93286			x				8/15/18				x		
HALLMEYER JOSEPH D & BARBARA 20600 SENTINEL DR WOODLAKE CA 93286-9785			x				8/15/18				x		
SPENCE ROBERT L & DIANE H (TRS) 1145 N MILLER PARK CT VISALIA CA 93291			x				8/15/18				x		
RIVAS ANTHONY D & RAQUEL R 20952 SENTINEL DRIVE WOODLAKE CA 93286			x				8/15/18				x		
WILLIAM D MANSER 35859 ROAD 212 WOODLAKE, CA 93286 Ldriggs5@gmail.com (Laura) billmanser@yahoo.com (Bill)			x				8/10/18 (email) 8/14/18 (U.S. mail)		x		x		Comment letter dated September 20, 2018
ARROYO GABRIEL & MARY LOUISE 35989 RD 212 WOODLAKE CA 93286			x				8/15/18				x		
TINDLE CHARLES STEVEN 35833 ROAD 212 WOODLAKE CA 93286			x				8/15/18				x		8/24/18: Envelope Returned - Not deliverable as addressed, Attempted not known.
O CAMPO MICHELLE(TR)(FAM TR) 35909 RD 212 WOODLAKE CA 93286			x				8/15/18				x		
CAZARES SOPHIA P 33328 RD 212 WOODLAKE CA 93286			x				8/15/18				x		
CHILDRESS JOSEPH D & DARBY E 35414 OLIVERA DR WOODLAKE CA 93286			x				8/15/18				x		
SPUHLER BETH S (TR) 19438 AVE 184 STRATHMORE CA 93267			x				8/15/18				x		

NOTICE OF AVAILABIY – REDFIELD SUBDIVISION (TM 805) (SCH# 2017081013)													
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	Cover Letter	NOC	NOA	DEIR – Executive Summary	NOA / DEIR	Electronic Submittal Form							
WELCH EVERETT E & SUSAN 21248 AVE 360 WOODLAKE CA 93286							8/15/18				x		See note from page 5
JONES PAMELA 21534 AVE 360 WOODLAKE, CA 93286-9770			x				8/10/18				x		
BABB THOMAS HENRY 21458 AVE 360 WOODLAKE CA 93286			x				8/15/18				x	8/23/18	8/23/18 Envelope Returned - Not deliverable as addressed, Attempted not known.
REDFIELD RANDALL & KAREN (TRS) 5412 W HEMLOCK AVE VISALIA, CA 93277-5172			x				8/10/18				x		
WELCH BONNIE (TR) 21404 AVE 360 WOODLAKE, CA 93286-9770 Biobonnie3@icloud.com			x				8/10/18 (email) 8/14/18 (U.S. mail)		x		x		
CUDMORE CAROL L (TRS) 130 RAINBOW DR #3084 LIVINGSTON TX 77399-1030 oliverancher@gmail.com			x				8/10/18		X		x		
SAVAGE MARK S & RENEE M 21222 AVE 360 WOODLAKE CA 93286			x				8/15/18				x		
GONZALEZ VICENTE & MARIA 35928 RD 212 WOODLAKE CA 93286							8/15/18						Comment letter dated September 23, 2018 (via email)
PLUNKETT TRACIE 21451 AVENUE 360 WOODLAKE CA 93286-9770 tplune@aol.com			x				8/10/18		x		x		
KITTINGER TODD & KIMBERLY 411 E MARINETTE AVE EXETER CA 93221			x				8/15/18				x		
DAVIS KYLE E & DEANNE 21887 AVE 360 WOODLAKE, CA 93286-9770			x				8/1518				x		
Lovero Denny J & Julie 21643 Ave 360 Woodlake, CA 93286			x				8/10/18				x		
Marcotte Chad & Laine 37790 Road 197 Woodlake, CA 93286			x				8/10/18				x		
Redfield Ronald F & Henedina 21606 Avenue 360 Woodlake, CA 93286-9770			x				8/10/18				x		
Daniel Eldon 100 Willow Plaza, Suite 400 Visalia, CA 93291			x				8/15/18				x		

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	Cover Letter	NOC	NOA	DEIR – Executive Summary	NOA / DEIR	Electronic Submittal Form							
Gregory & Laurie Schwaller 43857 South Fork Drive Three Rivers, CA 93271-9615			x				8/15/18				x		
Scott Spear 3746 W. Mill Creek Dr Visalia, CA 93291-5613			x				8/15/18				x		
Karen Bodner Citizens for Responsible Growth 42480 Kaweah Drive PO Box 445 Three Rivers, CA 93271 karen@grodsky-okecki.com			x				8/15/18				x		The email bounced back as the host was unknown.
Gorden, James M & Mary A PO BOX 44066 Lemon Cove, CA 93244			x				8/15/18				x		
Lawrence Steve & Lynne 28678 Road 48 Visalia, CA 93277			x				8/10/18				x		
Ray Deitz 202 Hampton Court Exeter, CA 93221 rdeitz@compassequip.com			x				8/10/18 (email) 8/14/18 (U.S. mail)		x		x		
Ken and Virginia McKee 20440 Avenue 380 Woodlake, CA 93286 mckeeranch@gmail.com			x				8/10/18 (email) 8/14/18 (U.S. mail)		x		x		
Pat Atherton c/o Rose Boschi 2521 W. Cheryl Ave. Porterville, CA 93257 rose_atherton84@yahoo.com			x				8/10/18 (email) 8/14/18 (U.S. mail)		x		x		
Wayne Weller 20026 Avenue 306 Exeter, CA 93221			x				8/14/18				x		
Tom Mitchell 345 N. E St. Exeter, CA 93221			x				8/15/18				x		
Steve Deitz Sawtooth Ag Research 20829 Avenue 380 Woodlake, CA 93286			x				8/15/18				x		
Molly Saso, Resource Analyst Wonderful Citrus 6801 E. Lerdo Highway Shafter, CA 93263 Molly.Saso@wonderful.com			x				8/10/19 (email) 8/14/18 (U.S. mail)		x		x		
James.Jordan Wonderful Citrus James.Jordan@wonderful.com			x				8/10/18		x				

NOTICE OF AVAILILIY – REDFIELD SUBDIVISION (TM 805) (SCH# 2017081013)													
AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD					NOTES / COMMENTS RECEIVED
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	Cover Letter	NOC	NOA	DEIR – Executive Summary	NOA / DEIR	Electronic Submittal Form							
Melissa Poole Wonderful Citrus Melissa.Poole@wonderful.com			x				8/10/18		x				
Ken Sorenson Cudmore-Sorensen Ranch 21876 Ave 360 Woodlake, CA 93286 csranch@msn.com			x				8/10/18 (email) 8/15/18 (mail)		x		x		
Ken & Susan Malubay skmalubay@gmail.com			x				8/10/18		x				
Jesus & Nancy Rodriguez 21303 Ave 360 Woodlake, CA 93286			---				---		---		---		Comment letter dated September 23, 2018 (via email)

Attachment 1

Comments Received from Department of Conservation
Division of Land Resource Protection, August 30, 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

October 8, 2018

Monique Wilber, Conservation Program Support Supervisor
Department of Conservation
Division of Land Resource Protection
801 K Street, MS 14-15
Sacramento, CA 95814

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Ms. Wilber,

Thank you for providing the Department of Conservation (DOC), Division of Land Resource Protection (DLRP) letter response (dated August 30, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013).

The County of Tulare (County) acknowledges and recognizes DOC's authority and expertise regarding land resource related 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: The project site appears to be classified as Prime Farmland and Farmland of Statewide Importance.

Response: The County agrees that the site contains both Prime Farmland and Farmland of Statewide Importance. However, the Prime Farmland classification occurs only in three small areas (the very northwest area (portions of parcels 14, 15, and 16), an area extending northeast from the lower quadrant of the eastern-most part of the project (portions of parcels 26, 27, and 28), and an area at the southeast quadrant's southern-most part (portion of parcel 6)). Cumulatively, this classification encompasses portions of approximately 18.48 acres (less than 15%) of the entire approximately 125-acre Project site (or about 0.00501% of the County's 368,527 acres of Prime Farmland in the County). Clearly, the overwhelming balance of the Project area (approximately 85%) is classified as Farmland of Statewide Importance, not Prime Farmland. Further, classifying land as Prime versus another classification is dependent upon

irrigation. Without the current irrigation, the land would not be classified as Prime. Please note that County General Plan policy PF-5.2 allows development on Farmland of Statewide Import "...if Farmland of Statewide Importance or of lesser quality is available and suitable for development." As the applicant owns all 125 acres of the Project site (therefore land is available), approximately 85% is labeled as Farmland of Statewide Importance, and the use is allowed in the P-D-FM zone, the County stands by its determinations that the Project would result in a less than significant impact.

Comment Subject 2: Conversion of agricultural land and feasible alternatives or feasible mitigation measures.

Response: As shown in Table 3.2-2 of the DEIR, Tulare County FMMP-Designated Land (1998-2014), the County's total farmland was estimated at approximately 1,299,134 of which 366,414 is classified as Prime Farmland and 320,887 is classified as Farmland of Statewide Importance. The 2010-2012 estimate shows approximately 368,527 of Prime Farmland and 321,296 acres of Farmland of Statewide Importance of the 1,585,865 total farmland acreage.¹ As noted in Response to Subject 2, the Project contains portions of approximately 18.48 acres (less than 15%) of the entire approximately 125-acre Project site (or about 0.00501% of the County's 368,527 acres of Prime Farmland). Clearly, the overwhelming balance of the Project area (approximately 85%) is classified as Farmland of Statewide Importance and would result in a conversion of 0.0333% of the County's Farmland of Statewide Importance or approximately 0.00674% of all farmland in Tulare County. As such, the County maintains its determination that, for all intents and purposes, that the Project would result in a less than significant impact to this resource. Lastly, as the Project would result in less than significant impact, mitigation (e.g., an agricultural conservation easement) is not warranted or necessary.

The project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

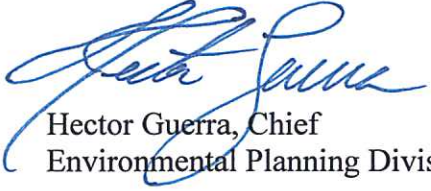
<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

In closing, we sincerely appreciate the DOC's comments which will be useful toward ensuring that the proposed Project complies with DOC regulations and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

¹ State of California Department of Conservation 2015 California Farmland conversion Report Appendices at: <http://www.conservation.ca.gov/dlrp/finmp/Documents/finmp/pubs/2010-2012/FCR/FCR%202015%20Appendices.pdf>

Best Regards,

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

Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) DOC-DLRP comment letter, August 30, 2018

*cc: Farl Grundy, Environmental Planner, DOC-DLRP
file*



State of California • Natural Resources Agency
Department of Conservation
Division of Land Resource Protection
801 K Street • MS 14-15
Sacramento, CA 95814
(916) 324-0850 • FAX (916) 327-3430

Edmund G. Brown Jr., Governor
Clayton Haas, Acting Director

August 30, 2018

Tulare County
Resource Management Agency

SEP 10 2018

VIA EMAIL: HGUERRA@CO.TULARE.CA.US

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

Dear Mr. Guerra:

**ANTELOPE VALLEY (REDFIELD) SUBDIVISION TM 805 PROJECT, DRAFT
ENVIRONMENTAL IMPACT REPORT, SCH# 2017081013**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project submitted by Tulare County (County). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The applicant is proposing to divide approximately 125 acres into 43 residential lots. The average lot size is 2.5 acres. The project site is currently farmed with olives and is surrounded on three sides by lands encumbered by a Williamson Act contract. The Department of Conservation's Farmland Mapping and Monitoring Program classify the project site as Prime Farmland and Farmland of Statewide Importance.

Department Comments

In Chapter 3.2: Agricultural Land and Forestry Resources, page 3.2-13, the DEIR states, "The project would not result in the conversion of prime agricultural land to non-agricultural use". On page 3.2-14 of the same chapter the DEIR goes on to state, "The Tulare County Important Farmland 2016 (Rural Land Mapping Edition, Sheet 1) map identifies the project as Farmland of Local Importance... see (ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/tul16_no.pdf)".¹

The project site appears not to be classified as Farmland of Local Importance but rather as Prime Farmland and Farmland of Statewide Importance. Therefore, the project would result in the conversion of Prime Farmland to a non-agricultural use.

¹ Antelope Valley [Redfield] Subdivision TM 805, Draft Environmental Impact Report, SCH# 2017081013, August 2018, <http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/draft-eir-for-antelope-valley-redfield-subdivision-tm-805/>

The conversion of agricultural land represents a permanent reduction and significant impact to the State's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.² All mitigation measures that are potentially feasible should be included. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

The Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation. Agricultural conservation easements are an available mitigation tool and should always be considered. Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Conclusion

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Antelope Valley (Redfield) Subdivision TM 805 Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,



Monique Wilber
Conservation Program Support Supervisor

² California Environmental Quality Act Statute and Guidelines, Association of Environmental Professionals, 2017, Section 21002, page 2.

Attachment 2

Comments Received from California Department of
Transportation (Caltrans) September 11, 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

October 8, 2018

David Deel, Associate Transportation Planner
California Department of Transportation - District 6
Planning North Branch
1352 W. Olive Ave.
Fresno, CA 93778-2616

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Mr. Deel,

Thank you for providing the California Department of Transportation (Caltrans) email response (dated September 11, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013).

The County of Tulare (County) acknowledges and recognizes Caltrans' authority and expertise regarding transportation-related matters relative to the proposed project that may impact State facilities. The Final EIR (see below for website link) includes the Tulare County Resource Management Agency (RMA) response to your comments (below) as well as the revisions to the project environmental documents.

Comment 1: *"Caltrans has a "NO COMMENT" on Tract Map 805 proposing 43 lots on a 125-acre site; located approx. 2 miles northeast of SR 245, Woodlake, CA; the TIS analysis was sufficient and impacts to SR 245 are minimal."*

Response: No response necessary. The County appreciates Caltrans' acknowledgment that the TIS analysis was sufficient and their determination that impacts to SR 245 are minimal.

The project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

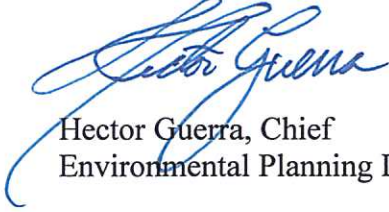
The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

In closing, we sincerely appreciate the Caltrans' comment which will be useful toward ensuring that the proposed project complies with Caltrans regulations as applicable in regards to transportation-related matters which may impact State facilities, and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,

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

Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) Caltrans comment email, September 11, 2018

cc: file

From: Hector Guerra
To: Jessica Willis
Date: 9/25/2018 9:03 AM
Subject: Fwd: RE: Antelope Valley Subdivision TM 805 (Redfield) Notice of Availability for Draft Environmental Impact Review - SCH # 2017081013

>>> "Deel, David@DOT" <david.deel@dot.ca.gov> 9/11/2018 4:22 PM >>>
Hector & Tim -

Caltrans has a "NO COMMENT" on Tract Map 805 proposing 43 lots on a 125-acre site; located approx. 2 miles northeast of SR 245, Woodlake, CA; the TIS analysis was sufficient and impacts to SR 245 are minimal.

Thanks,

DAVID DEEL | 559.488.7396 | CALTRANS D6

-----Original Message-----

From: Cheng Chi [<mailto:CChi@co.tulare.ca.us>]

Sent: Friday, August 10, 2018 10:18 AM

To: Jessica Willis <JWillis@co.tulare.ca.us>; Timothy Bailey <TBailey@co.tulare.ca.us>;
rdeitz@compassequip.com; Deel, David@DOT <david.deel@dot.ca.gov>; Ldriggs5@gmail.com;
mckeeranch@gmail.com; Biobonnie3@icloud.com; Mmteach1998@sbcglobal.net; CEQA@valleyair.org;
James.Jordan@wonderful.com; Melissa.Poole@wonderful.com; Molly.Saso@wonderful.com;
billmanser@yahoo.com; rose_atherton84@yahoo.com

Cc: Aaron Bock <ABock@co.tulare.ca.us>; Hector Guerra <HGuerra@co.tulare.ca.us>; Michael Washam <MWasham@co.tulare.ca.us>; Reed Schenke <RSchenke@co.tulare.ca.us>

Subject: Antelope Valley Subdivision TM 805 (Redfield) Notice of Availability for Draft Environmental Impact Review

Hi all,

Please be informed that the Notice of Availability for the Antelope Vally / Redfield Subdivision TM 805's Environmental Impact Review is being sent to you in the attachment.

Sincerely,

Cheng (Tim) Chi
Planner I
County Of Tulare
Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277
(O) 559 624-7086
cchi@co.tulare.ca.us

Attachment 3

Comments Received from Tulare County Farm Bureau September 21, 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

October 8, 2018

Tricia Stever Blattler, Executive Director
Tulare County Farm Bureau
P.O. Box 748
Visalia, CA 93279

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Ms. Stever Blattler,

Thank you for providing the Tulare County Farm Bureau (Bureau) letter response (dated September 21, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013).

The County of Tulare (County) acknowledges and recognizes the Bureau's authority and expertise regarding agricultural resources related 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 1: Loss of agricultural resources.

Response: The County has several policies in place to minimize conversion of agriculturally productive lands into a non-agricultural use. It is noted that the proposed Antelope Valley Project to develop as a residential use is allowed, by-right, within the P-D-FM zone and is consistent with the Tulare County General Plan 2030 Update (General Plan Update). In this instance, the owner has, of his own volition, determined that it is in his best interest to discontinue farming the land and desires to exercise his right in proposing an allowable use (residential development) in a P-D-FM zone. It is further noted that the Tulare County Board of Supervisors concurrently certified a Program Environmental Impact Report when it adopted the General Plan 2030 Update which accounted for conversion of agricultural lands to urban type uses (including residential uses) to accommodate eventual growth. Lastly, it is noted that the County has advocated growth within cities as a viable option to accommodate residential development. In this instance, the owner, by way of this proposal, intends to discontinue his current farming activities.

Comment Subject 2 and Subject 3: Impacts to neighboring groundwater users and to groundwater resources.

Response: The “Water Supply Sustainability Report, [Antelope Valley] Redfield Estates Residential Subdivision” (and included in Appendix “D” of the DEIR) provides an expert opinion that the Project can access a sufficient and a sustainable water supply. In summary, the Report concludes that the Project would require approximately 24 acre feet of water while the current ag use (olive orchards) requires approximately 324 acre feet. As also indicated in the Report, the Project lies within the Cottonwood Creek Basin which the consultant calculates receives precipitation accumulating to approximately 1134,225 acre feet, or 4,698 times the annual water needed for the Project. As the Sustainable Groundwater Management Act (SGMA) has not yet been implemented, it would be premature and speculative at best to attempt to analyze the Project’s impact to this effort. Lastly, Mitigation **Measures 9-1 and 9-2** require that the Project implement water conservation measures (such as water closets, low flow showerheads, low flow sinks, etc.) and conformance with the Tulare County Water Efficient Landscaping Ordinance.

The project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

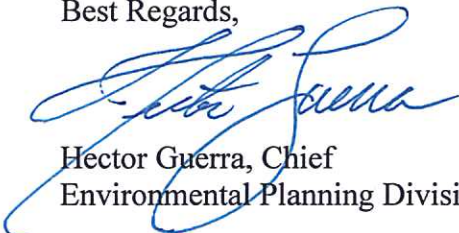
The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

In closing, we sincerely appreciate the Bureau’s comments which will be useful toward ensuring that the proposed Project complies with local, regional, and state regulations and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) Tulare County Farm Bureau comment letter, September 21, 2018

cc: file



TULARE COUNTY FARM BUREAU

Mission: to promote and enhance the viability of Tulare County agriculture.

September 21, 2018

Tulare County RMA
Hector Guerra, Chief Environmental Planner
5961 S. Mooney Blvd
Visalia CA 93277

Tulare County
Resource Management Agency

SEP 27 2018

RE: Comments on Antelope Valley Subdivision Development DEIR

REC'D

Dear Mr. Guerra,

Thank you for the opportunity to comment on the DEIR regarding the proposed Subdivision. The Tulare County Farm Bureau represents the interests of more than 1,800 member families in Tulare County and our mission is to protect and enhance the viability of agriculture.

In reviewing the Draft EIR, Tulare County Farm Bureau remains concerned about the proposed development, enumerated here for consideration as the subdivision permitting process is evaluated. The DEIR seems to have addressed many of our earlier comments, however we would still state our concern of the following issues:

- **Loss of Agricultural Resources:** 125 acres involving some current orchard crops would be removed as part of this development plan. While the DEIR states this mostly has a low soil index score, and is non-irrigated, it still represents a loss of productive acreage which Farm Bureau does not support.
- **Impacts to neighboring groundwater users:** There is ongoing concern that the groundwater resources are insufficient for the current number of properties and developed uses in the area, and the impact to the neighboring properties should be carefully monitored. As SGMA is implemented in the years ahead, the impacts of reduced pumping in order to achieve safe yield in the basin, seems counter-intuitive to allowing 43 new rural homesite parcels
- **Impacts to groundwater resources:** The impacts to water quality, and to water resources both still exist. The development should have to explore and provide solutions for water supply impacts the project may have, and how that might impact the water supply otherwise available for production agriculture, and nearby homesites, as well as alternatives for mitigation such as increased recharge. In addition there is concern that the impacts will not only affect those proximal to the development, but downstream in the basin that rely upon groundwater resources.

Thank you for the opportunity to provide comment on these concerns.

Sincerely,

TRICIA STEVER BLATTLER
Executive Director

Attachment 4

Comments Received from California Department of Fish
and Wildlife (CDFW) September 21, 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

October 8, 2018

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 E. Shaw Ave,
Fresno, CA 93710

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Ms. Vance,

Thank you for providing the California Department of Fish and Wildlife (CDFW) letter response (dated September 21, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013).

The County of Tulare (County) acknowledges and recognizes the CDFW's authority and expertise regarding Biological Resource 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.

General Clarification/Response: First, Mr. Guerra is the Chief Environmental Planner, not the Senior Environmental Planner as referred to in the letter. His is a management level position as opposed to a staff level position. He has management level authority and is granted decision-making authority in most cases. When necessary, Mr. Guerra will act as a facilitator and/or mediator with other agency management level staff and report directly to the Planning Director, Associate RMA Director, and RMA Director.

In the Executive Summary contained in the Biological Evaluation Report (BER, included in Appendix "B" of the DEIR), consultants Live Oak Associates (LOA) concludes; "The project site was surveyed on July 26, 2017 for its biotic habitats, the plants and animals occurring in those habitats, and significant habitat values that may be protected by state and federal law. The site consisted primarily of an olive orchard, but also included access roads and loading areas, two agricultural basins, and a residence. Four biotic habitat/land use types were identified on the project site: orchard, ruderal, agricultural basin, and residential. All habitats of the project site are disturbed and of relatively low quality for most native wildlife. Waters of the U.S. and sensitive natural communities are absent from the site; however, the site is

bordered to the north, east, and west by annual grassland habitat containing vernal pools. A vernal pool adjoins the project site to the north.”¹

The study includes numerous recommended mitigation measures which all, generally, involve pre-activity surveys. The results of the surveys (i.e., absence or presence of sensitive species) will then dictate the level of mitigation measures to be implemented. Table 1 of the Study provides a summary of Species, Status, Habitat/Range, and Occurrence on the Project Site. No special status species is listed as Present or Likely, only four (4) special status species were listed as possible (Loggerhead Shrike, Townsend’s Big Eared Bat, Pallid Bat, and Western Mastiff Bat); the balance were listed as absent or unlikely. These determinations were made based on actual site visits by the consulting biologists where a variety of physical features prevented, eliminated, marginalized, etc. the presence of special status species from occurring. Among the detriments are intensively managed habitats (in this instance, the existing olive orchard resulted in marginal habitat); barren, compacted dirt and gravel surfaces; unsuitable soils; unsuitable foraging habitat; unsuitable breeding habitat; unsuitable aquatic or nesting habitat; insufficient inundation; area outside of a species breeding range; and/or below elevational range(s) favored by special status species. Therefore, based on the biologist’s expertise and transecting the Project site (i.e., ground-truthing), the County believes the substantial evidence has been accumulated and presented to maintain its determination that the Project would have a less than significant impact with mitigation as applicable.

Comment Subject 1: Potential take of CTS, recommended mitigation measures, i.e., focused CTS surveys, CTS Take Avoidance, CTS Take Authorization.

Response, Mitigation Measure 4-3: While the Department is basing its recommendation on aerial images, the consulting biologist not only relied on aerial images but also conducted transects of the Project site and ground observations of the vicinity (without violating trespass laws) that the vernal pools adjacent to the site do not appear to have the prolonged seasonal inundation that this species requires. As indicated in the Biological Evaluation Report (BER, and included in Appendix “B” of the DIER), “The closest confirmed CTS breeding location is in a vernal pool approximately 3 miles northwest of the project site (CDFW, pers. comm.). Even if CTS were to breed in ponds within 1.3 miles of the site, they would be unlikely to aestivate within the intensively managed lands of the project site.”² Regardless, the County acknowledges the Department’s expertise and concurs with the Department’s statements. As such, **Mitigation Measure 4-3 Avoidance and Exclusion** will be modified to address Department recommendations for inclusion of focused surveys, take avoidance (buffer areas), and take authorization regarding CTS. Chapter 4.3 will be updated and the Mitigation Monitoring and Reporting Program (MMRP) will also be updated to reflect CDFW’s recommendations.

Response, Mitigation Measures 4-11 and 4-12: The DEIR contains **Mitigation Measures 4-10 through 4-12** which are intended to adequately protect burrowing owl. As noted earlier, preconstruction surveys would be conducted to determine presence/absence of burrowing owl. If absent, the recommendations provided by the Department would be moot. If present, CDFW

¹ Biological Evaluation Report. Page ii. Prepared by Live Oak Associates, October 2017 and included in Appendix “B” of the DEIR.

² Ibid. Table 1 List of Special Status Species That Could Occur In the Project Vicinity. Page 18.

would be consulted to determine specific and appropriate implementation measures to protect the species. As such, it is not necessary to “describe all avoidance measures” that would be used in the event that BUOW are discovered. It is not necessary to include measures in the Final EIR that are based on speculation. To reiterate, in the unlikely event that burrowing owl were to occur, the Department will be consulted and appropriate/applicable measures would be implemented. However, please note that **Mitigation Measures 4-11 and 4-12** have been modified to ensure that mitigation for Burrowing Owl does not have a significant impact on CTS.

Comment Subject 2: San Joaquin kit fox (SJKF) susceptible to construction-related activities and ground disturbing activities.

Response: As indicated in the BER, “The SJKF is uncommon in the project vicinity. There are only six occurrences of this species within 10 miles of the Project site with the most recent is from 1990. The intensively maintained habitats of the site would be marginal, at best, for denning and foraging by this species. Moreover, the kit fox is not generally associated with orchards.” However, as the Department appears to be relying on an abundance of caution, **Mitigation Measure 4-5** will be modified as recommended by the Department to monitor activity; **Mitigation Measure 4-6** will be modified regarding no-disturbance buffers and discovery of a natal or pupping den; **Mitigation Measure 4-9** will be modified as recommended by the Department regarding notification. These modifications will be reflected in Chapter 3.4 and the MMRP.

Comment Subject 3: Lake and Streambed Alteration, vernal pools.

Response: The comment letter is speculative regarding the use of “possible” that an impact would occur, yet dismisses the Mitigation Measures, General Plan Policies, Regional Water Quality Control Board requirements, U.S. Army corps of Engineers, and other standards, rules, order, etc., (as applicable) that would prevent any run-off and/or construction-related erosion. As such, the County maintains its determination that the impact to this resource would be less than significant with mitigation. As indicated in the BER, the site is adjoined on three sides by non-native grassland habitat, within which are located vernal pool complexes known to harbor this species. The CNDDB lists two vernal pool fairy shrimp occurrences immediately adjacent to the project site: a 2013 occurrence approximately 150 feet north of the site’s northeastern corner, and a 2012 occurrence approximately 500 feet northwest of the site’s northwestern corner. There are two additional occurrences within 3 miles of the site. A relatively large vernal pool borders the project site to the north. It is separated from the site by an earthen berm approximately 2 feet high. As the vernal pools are located anywhere from 150 to 300 feet away from the Project boundary, we fail to understand how any impact could occur to a vernal pool located approximately ½ length to a full length of an American football field away. Further, the vernal pools are located on adjacent, private property that the Project proponent has no rights of trespass and cannot legally enter said properties without permission. As such, it is unlikely that earthmoving/earth disturbances would occur on property where the vernal pools are located. Even if permission is granted to access adjacent properties, the distance to the nearest vernal pool makes impact highly unlikely. We do not agree with the speculative language regarding diversion or obstruction of natural flows altering the hydrology of vernal pool features as the Project area does not have natural flows on site. As such, how would it be

possible for substantial change or use of material from a non-existent bed, bank, or channel occur? Project design features, compliance with SWPP requirements, existing Tulare county General Plan policies, etc., would prevent deposition of debris, waste, sediment, toxic runoff or other material causing water pollution and degradation to the non-existent bed, bank or channels the Department is speculating. Respectfully, this speculation is not substantiated by fact, and by fact, any Project-related activities would occur within the Project boundary limits and would be totally absent from adjacent properties. Respectfully, we disagree that a wetland delineation is necessary as the nearest natural water courses are off-site and would not be impacted by the Project. The Department writes that construction activities have the potential to directly and indirectly impact adjacent vernal pools, resulting from deposition of construction-related debris and/or alternations in pool hydrology. The Department dismisses the fact that typical construction-related precautions (e.g., SWPP, debris disposal, etc.) and other best management practices would eliminate the speculative potential impacts cited by the Department. To reiterate, the nearest verified vernal pools are 150-300 feet off-site, and the nearest possible vernal pool is separated from the Project site by an existing off-site berm that the Project proponent has not control of and would not be disturbed by the Project. However, Mitigation **Measure 4-19** has been modified to include a requirement to consult with the Department prior to ground-disturbing activities to determine if a Wetland Delineation and a Lake or Streambed Alteration Agreement will be required.

Comment Subject 4: Editorial Comments and/or Suggestions.

Response, Mitigation Measure 4-5 – Preconstruction Surveys (SJKF): As discussed in Comment 1, **Mitigation Measures 4-5 and 4-6** have been modified to address the Department's recommendations.

Response, Mitigation Measure 4-9 – Mortality Reporting (SJKF): As discussed in Comment 1, **Mitigation Measure 4-9** has been modified to address the Department's recommendations.

Response, Mitigation Measures 4-15 through 4-18 – Roosting Bats: Preconstruction surveys would be conducted to determine presence/absence of roosting bats. If bats are absent, the recommendations provided by the Department would be moot. If present, the Department would be consulted to determine specific and appropriate implementation measures to protect the species. However, **Mitigation Measures 4-16 through 4-18** have been modified to address the Department's recommendations for buffer areas, monitoring, and consultation with the Department to determine if a Bat Eviction Plan would be required.

Response, Mitigation Measure 4-14 – Nesting Migratory Birds: The comment letter does not provide any new information pertinent to the County's conclusion that impacts to nesting birds would be less than significant with mitigation. The County is well aware of the Fish and Game Code, Migratory Bird Treaty Act, preconstruction surveys, monitoring, buffers, and consulting with the Department. It is our opinion that based on previous experiences, the County has worked well with Department and has been receptive to the Department's recommendations, guidance, etc., when actual (versus speculative) events have occurred. We are deeply appreciative of the Department's assistance and it is our desire to maintain our excellent working relationship with the Department.

As indicated in the BER, Table 1 provides a summary of Species, Status, Habitat/Range, and Occurrence on the Project Site; Northern Harrier, White-tailed Kite, Golden Eagle, and Burrowing Owl are listed as unlikely as the project site does not offer suitable breeding or foraging habitat for these species. However, as it is possible that Loggerhead Shrike may utilize grasslands in the project vicinity, **Mitigation Measure 4-14** has been modified to include establishment of behavioral baseline and monitoring if nesting birds are identified during preconstruction surveys.

Response, Environmental Data: We are well aware of reporting detection of special status species and natural communities to the CNDD and have done so accordingly. For example, the occurrence of a Springville clarkia was duly reported for a different project in 2017.

Response, Filing Fees: We are well aware of CDFW filing fees and have dutifully paid them as applicable.

The project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

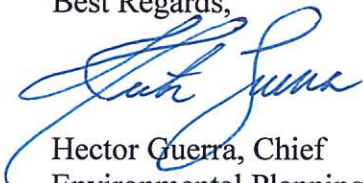
The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

In closing, we sincerely appreciate the CDFW's comments which will be useful toward ensuring that the proposed Project complies with CDFW regulations and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) CDFW comment letter, September 21, 2018

*cc: Craig Bailey, Senior Environmental Scientist, CDFW
file*



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



Tulare County
Resource Management Agency

September 21, 2018

SEP 27 2018

RECD

Hector Guerra, Senior Environmental Planner
Resource Management Agency
County of Tulare
5961 South Mooney Boulevard
Visalia, California 93277
HGuerra@co.tulare.ca.us

**Subject: Redfield Subdivision Development (Project),
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No.: 2017081013**

Dear Mr. Guerra:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the Tulare County Resource Management Agency for the above-referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State (Fish and Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, construction associated with the Project may be subject to CDFW's lake and streambed alteration (LSA) regulatory authority (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures activities associated with construction of the Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize these watercourses include the following: increased sediment input from road or structure runoff; toxic runoff associated with development activities and implementation; and/or impairment of wildlife movement along riparian corridors. The Regional Water Quality Control Board and United States Army Corps of Engineers also has jurisdiction regarding discharge and pollution to Waters of the State.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Proponent: County of Tulare

Objective: The objective of the Project is to divide approximately 125 acres, into 43 residential lots to allow for development of single-family housing.

Location: On the west side of Road 220 and the north side of Avenue 360 approximately one mile north of the City of Woodlake, Tulare County; 36.4467, -119.0854.

Timeframe: Unspecified, however the Project will be constructed as the market demands.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Tulare County in

adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. As requested, CDFW is providing recommendations on the scope and content of the DEIR for the Project. Editorial comments or other suggestions may also be included to improve the document.

On September 21, 2017, CDFW submitted a comment letter regarding a Notice of Preparation regarding the Project. At that time, CDFW expressed concerns about the potential of the Project to impact vernal pools and annual grassland bordering the site. Specifically, CDFW's primary concern was potential for impacts to special-status species that may occur in or near adjacent habitat features and to species that may move onto or through the Project site during future ground disturbing activities associated with the Project. Special-status species known to occur in the vicinity of the Project area include: the State endangered and federally threatened San Joaquin adobe sunburst (*Pseudobahia peirsonii*), the State endangered and federally threatened San Joaquin Valley Orcutt grass (*Orcuttia californica* var. *inaequalis*), State Rare and federally endangered Greene's tuctoria (*Orcuttia greenei*), the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State Fully Protected golden eagle (*Aquila chrysaetos*), the State Species of Special Concern burrowing owl (*Athene cunicularia*) (BUOW), western spadefoot (*Spea hammondi*), and American badger (*Taxidea taxus*).

Based on a review of the measures currently included in the DEIR, the Project continues to have the potential to significantly impact biological resources, through both direct and indirect impacts. For this reason, CDFW recommends that the DEIR be revised to more fully consider impacts to these biological resources. To determine if these species/resources are present on-site or in nearby habitat features, and if they could be impacted by the proposed Project, CDFW recommends that qualified biologists conduct focused biological surveys, during appropriate survey period(s), in advance of any ground disturbance and prior to Project implementation. Results of these surveys can be used to identify any potential permitting needs for the Project.

I. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS)?

COMMENT 1: California Tiger Salamander (CTS)

Biological Resources, Chapter 3.4, Mitigation Measure 4-3, page 3.4-12; Mitigation Measures 4-11 and 4-12, pages 3.4-15 through 3.4-16.

Issue: Mitigation Measure 4-3 is proposed to minimize impacts to CTS. However, as currently drafted, it is not clear if this measure will be sufficient in reducing impacts to a level that is less than significant. For example, Mitigation Measure 4-3 requires that “silt fencing be installed along the boundary of the project site wherever the site adjoins annual grassland habitat...” in order to “prevent CTS associated with surrounding grassland from wandering onto the project site during construction...”, though implementation of this measure may itself result in take of CTS. Despite this, Mitigation Measure 4-3 does not require acquisition of take coverage for the species from CDFW.

In addition, as currently drafted Mitigation Measures 4-11 and 4-12, although intended to minimize impacts for BUOW, also have the potential to impact CTS. Each of these measures require that no-disturbance buffers, implemented to avoid impacts to BUOW, be enclosed and demarcated using temporary fencing. For the same reasons as outlined above, installation of fencing to demarcate BUOW no-disturbance buffers could result in take of CTS.

Specific impact: CTS are known to occur in the area (CDFW 2018). The Project area abuts annual grassland and a minimum of two vernal pools adjoin the Project area’s northern boundary. In addition, although the Project area is currently an active olive orchard, the DEIR states that small mammal burrows are present under orchard trees near the Project area’s boundaries. Therefore, there is potential for CTS to be present in the Project area and for direct impacts to this species to occur.

Without appropriate avoidance and minimization measures, potential direct and indirect significant impacts associated with construction of the Project include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individual CTS. For example, entombment of CTS in burrows that are incidentally collapsed while conducting fencing-related trenching is possible. Catch and capture are defined as take under Fish and Game Code Section 86. Therefore, species caught within the exclusion fence are considered captured, which would require take authorization through the acquisition of an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b). In addition, indirect impacts include siltation or altered hydrology of the vernal pools that adjoin the Project area to the north. If CTS breed in these pools, this could result in reduced reproductive success or direct mortality of individuals.

Evidence impact would be significant: CTS are known to occur in the vicinity of the Project area (CDFW 2018). Up to 75% of historic CTS habitat has been lost to urban and agricultural development (Shaffer et al. 2013). Loss, degradation, and fragmentation of habitat is the primary threat to CTS in both the Central and San Joaquin Valleys (CDFW 2015, USFWS 2017). The Project area is within the range of CTS and is bordered by suitable upland habitat (i.e. grasslands interspersed with burrows). In addition, the Project area lies within 1.3 miles (observed CTS dispersal

distance) of surrounding seasonally flooded wetlands. As a result, there is potential for CTS to occupy or colonize the Project area and for the Project to impact CTS.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends editing Mitigation Measures 4-3 and 4-11 through 4-12 considering the preceding and following information. CDFW also recommends including the following measures as Conditions of Approval in the Project's Final EIR.

Focused CTS Surveys

Given that CTS are known to occur in the area and that the Project area supports suitable aestivation habitat (burrows), CDFW recommends that a qualified biologist evaluate potential Project-related impacts to CTS prior to ground-disturbing activities using the USFWS's "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (2003). CDFW advises that the survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS.

CTS Take Avoidance

CDFW advises avoidance for CTS include a minimum 50-foot no disturbance buffer delineated around all small mammal burrows within and/or adjacent to the Project construction footprint. If burrow avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.

CTS Take Authorization

If through surveys it is determined that CTS are occupying the Project area and take cannot be avoided, take authorization may be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code Section 2081(b). Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an ITP from CDFW.

COMMENT 2: San Joaquin Kit Fox (SJKF)

Biological Resources, Chapter 3.4, Mitigation Measures 4-5 through 4-6, pages 3.4-13 through 3.4-14.

Issue: The DEIR identifies the potential for SJKF to occur on the Project site. The DEIR currently requires preconstruction surveys (Mitigation Measure 4-5) and den avoidance (Mitigation Measure 4-6). However, as currently drafted, the guidance within these measures may not be clear enough to reduce impacts to SJKF to a level that is less than significant. For example, Mitigation Measure 4-5 does not describe how the

occupancy of dens will be evaluated. In addition, Mitigation Measure 4-6 does not describe the size of disturbance-free buffers that will be implemented in the event a den is found.

Specific impact: During construction, SJKF may be attracted to the Project Area due to the type and level of ground-disturbing activities (i.e. trenching, horizontal directional drilling, etc.) and the loose, friable soils resulting from intensive ground disturbance. Without appropriate avoidance and minimization measures for SJKF, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with construction of the Project include den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact would be significant: Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to SJKF. Very little suitable habitat remains in northern Tulare County (Cypher et al. 2013). The Project area is bordered by some of the only remaining suitable habitat in the vicinity, which is otherwise intensively managed for agriculture, increasing the potential for SJKF to be encountered at the Project site. Therefore, ground-disturbing activities within the Project area have the potential to significantly impact local SJKF populations, if present.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends editing Mitigation Measures 4-5 and 4-6 considering the preceding and following information. CDFW also recommends including the following measures as Conditions of Approval in the Project's Final EIR.

Focused SJKF Surveys

CDFW recommends assessing current use of any dens detected during preconstruction surveys following the USFWS' (2011) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011). Specifically, CDFW recommends monitoring activity at any detected dens for three days using a tracking medium or infrared camera to determine current use.

SJKF Take Avoidance

If dens are found during surveys, CDFW recommends implementing no-disturbance buffers, in accordance with the USFWS' (2011) recommendations. Specifically, if SJKF are found occupying atypical (i.e. manmade structure) den sites, a 50-foot no-disturbance buffer is recommended around the occupied den structure. If potential dens are found during surveys, CDFW advises implementing a 50-foot no-disturbance buffer around these structures as well. Consultation with CDFW and implementation of a 100-foot no-disturbance buffer around dens that are used or known to have been

used at any time in the past by SJKF is recommended. If a natal or pupping den is found during surveys, consultation with CDFW is warranted.

SJKF Take Authorization

SJKF detection warrants consultation with CDFW to discuss how to avoid take, or if take avoidance is not feasible, to acquire an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code Section 2081(b).

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

Biological Resources, Chapter 3.4, Mitigation Measure 4-19, pages 3.4-18.

COMMENT 3: Lake and Streambed Alteration

Issue: Review of aerial imagery indicates that a minimum of two vernal pools immediately adjacent to the Project area's northern boundary. During development of the Project, indirect impacts to these pools are possible. The only measure intended to minimize impacts to these pools is the installation of silt fencing. However, given the proximity of the pools to the Project area's boundary, installation of silt fencing itself has the potential to result in impacts to these pools. In addition, these pools may be subject to CDFW's LSA regulatory authority, pursuant to Fish and Game Code, Section 1600 et seq. However, the DEIR does not currently include a method for determining whether or not these features fall under CDFW's regulatory authority and does not require Notification to CDFW in the event that there are determined to.

Specific impact: Work within or adjacent to vernal pools has the potential to result in substantial diversion or obstruction of natural flows altering the hydrology of these features; substantial change or use of material from the bed, bank, or channel; deposition of debris, waste, sediment, toxic runoff or other materials causing water pollution and degradation of water quality. These impacts also have the potential to impact CTS, as outlined in Comment 1 above.

Evidence impact is potentially significant: Wetlands, vernal pools, and riparian communities have been severely degraded in the San Joaquin Valley. For example, less than 10% of historic riparian habitat persists and remaining vernal pool communities have been isolated to the edges of the Valley (USFWS 1998). Construction activities have the potential to directly and indirectly impact adjacent vernal pools, resulting from deposition of construction-related debris and/or alterations in pool hydrology.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts, CDFW recommends conducting the following evaluation and revising the Draft DEIR to include the following measures as Conditions of Approval for the Project.

Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine the exact number of vernal pools within the Project area's immediate vicinity. Currently, the DEIR indicates that there is only one on the Project area's northern boundary, however, based on aerial imagery, it appears that there is a minimum of two.

Wetland Delineation

Where applicable, CDFW recommends a formal wetland delineation be conducted by a qualified biologist to determine the location and extent of wetlands and waterways adjacent to the Project area. Please note that, while there is overlap, State and Federal definitions of wetlands, as well as which activities require Notification pursuant to Fish and Game Code Section 1602, differ. Therefore, CDFW further recommends that the delineation identify both State and federal wetlands on and adjacent to the Project site as well as which activities may require Notification to comply with Fish and Game Code. Fish and Game Code Section 2785 (g) defines wetlands; further Section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake (including riparian vegetation). It is important to note that while accurate delineations by qualified individuals have resulted in more rapid review and response from the United States Army Corps of Engineers and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW advises that site map(s) designating wetlands be included in the Projects Final EIR.

Notification of Lake or Streambed Alteration

Project-related activities that have the potential to change the bed, bank, and channel of streams and other waterways, may be subject to CDFW's regulatory authority pursuant to Fish and Game Code Section 1600 et seq., therefore Notification is recommended. Fish and Game Code Section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with

CEQA in the issuance of a LSA Agreement. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593.

II. Editorial Comments and/or Suggestions

Mitigation Measure 4-5 – Preconstruction Surveys (SJKF); pages 3.4-13 through -12.

As currently drafted Mitigation Measure 4-5 states that “if an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS shall be contacted immediately to determine the best course of action.” CDFW recommends revising this measure to also include notification to CDFW in the event that an SJKF den is detected within or immediately adjacent to the area of work.

Mitigation Measure 4-9 – Mortality Reporting (SJKF); page 3.4-14.

As currently drafted Mitigation Measure 4-9 states the mortality will be reported to CDFW within three working days. However, CDFW recommends this measure be revised to require immediate reporting of SJKF mortality.

Mitigation Measures 4-15 through 4-18 – Roosting Bats; pages 3.4-17 through -16.

Mitigation Measures 4-15 through 4-18 includes measures to reduce impacts to roosting bats. As currently drafted, in the event an active roost is found, the measure requires that roosting bats be humanely evicted from trees and/or buildings. The primary threat to bats worldwide is the loss of roost sites through development (Mickleburgh et al. 2002 *in* Mering and Chambers 2014). For this reason, CDFW recommends revision of Mitigation Measures 4-15 through 4-18 to also include the measures described below.

CDFW recommends that bats not be disturbed without specific notice to and consultation with CDFW. If a bat roost is detected, CDFW advises a minimum 50-foot no-disturbance buffer during activity, or postponing activity until repeat surveying documents that bats no longer use the roost. If avoidance or postponement is not feasible, CDFW recommends a request for a reduced buffer or a Bat Eviction Plan be submitted to CDFW for written approval prior to implementation. CDFW advises that a request for a reduced buffer include a rationale describing the adequate protection of the roost. CDFW further advises that a request to evict bats from a roost include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is complete.

Mitigation Measure 4-14 – Nesting Migratory Birds and Raptors, Including the Loggerhead Shrike; page 3.4-17.

As currently drafted, Mitigation Measure 4-14 describes conducting surveys for nesting birds up to 14 days prior to orchard tree removal and Project buildout. However, CDFW recommends that surveys for nesting birds be conducted in closer proximity to Project

activities, not just vegetation removal. In addition, the DEIR does not include any guidance regarding the size of no-disturbance buffers for nesting birds should an active nest be found. For these reasons, CDFW recommends revising Mitigation Measure 4-14 to include the measures outlined below.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by the project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be emailed to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, has the potential to impact fish and/or wildlife, and assessment of filing fees may be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the Tulare County Resource Management Agency in identifying and mitigating subsequent Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to Craig Bailey, Senior Environmental Scientist (Supervisor), at the address provided on this letterhead, by telephone at (559) 243-4014 extension 227, or by email at Craig.Bailey@wildlife.ca.gov.

Sincerely,



 Julie A. Vance
Regional Manager

REFERENCES

- California Department of Fish and Wildlife (CDFW), 2015. California Tiger Salamander Technical Review – Habitat, Impacts and Conservation. California Department of Fish and Wildlife, October 2015.
- CDFW, 2018. Biogeographic Information and Observation System (BIOS), CNDDDB_GOV/Spotted Owl Viewer. <https://www.wildlife.ca.gov/Data/BIOS>. Accessed September 19, 2018.
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http://www.canids.org/CBC/16/San_Joaquin_kit_fox_habitat_suitability.pdf
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- Shaffer, H. B., J. R. Johnson, and I. J. Wang, 2013. Conservation Genetics of California tiger salamanders. Final Report prepared for Central Valley Project Conservation Program, Bureau of Reclamation, Sacramento, California.
- U. S. Fish and Wildlife Service, 1998. Recovery Plan for Upland Species of the San Joaquin Valley, California. Region 1, Portland, OR. 319 pp.
- U.S. Fish and Wildlife Service, 2011. Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service. January 2011.
- USFWS, 2017. Recovery Plan for the Central California Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*). U. S. Fish and Wildlife Service, Region 8, Sacramento, California. June 2017.

Attachment 5

Comments Received from City of Woodlake
August 13, 2018

and

(See Attachment 6 for County Response to Comments)

Robert M. Dowd*
Robert W. Gin*†
Randy L. Edwards
Jim D. Lee†
Jeffrey L. Levinson*
Raymond L. Carlson
Ty N. Mizote*
Michael R. Johnson*
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August 13, 2018

VIA ELECTRONIC AND U.S. MAIL

HGuerra@co.tulare.ca.us

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

Re: *Antelope Valley [Redfield] Subdivision TM 805*

Dear Hector:

Our office represents the City of Woodlake (the "City"). We have reviewed the Draft Environmental Impact Review ("Draft EIR") document for the above referenced project. The Notice of Preparation ("NOP") for this project allowed for comments until the extended deadline of September 21, 2017. The City sent comments to you on September 21, 2017 via email.

However, in reviewing the Draft EIR, it appears that the comments were not included. "Appendix G" of the Draft EIR indicates that the City did not submit comments. Enclosed is the correspondence between the City and Tulare County RMA indicating that the City sent comments within the required timeline and the County acknowledged receipt of those comments.

The current scope of the Draft EIR does not include, address, or take into consideration the City's comments made during the NOP comment period, a copy of which is enclosed. The City believes that the current Draft EIR inadequately considers the full environmental impact of the project on the City because the City's comments were not considered when determining the scope and content of the EIR.

Although there is no statutory requirement to take comments into consideration for a NOP, the impact of the project greatly concerns the City. The statutory deadline for comments following a Draft EIR is forty-five (45) days following its release, pursuant to California Environmental Quality Act Guidelines section 15105(a). The Draft EIR for this project was received by the California Office of Planning and Research on August 10, 2018.

Antelope Valley [Redfield] Subdivision TM 805

August 13, 2018

Page 2

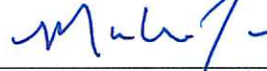
The City of Woodlake hereby requests that the County of Tulare review the comments which the City made in their September 21, 2017 letter in their response to the Draft EIR.

If you have any questions, please do not hesitate to contact us.

Sincerely,

GRISWOLD, LaSALLE, COBB,
DOWD & GIN, LLP

By:



MARIO U. ZAMORA

MUZ\sv

Enclosures

cc: Jason Waters
Ramon Lara

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Thursday, September 21, 2017 5:03 PM
To: Jason Waters <jwaters@ci.woodlake.ca.us>
Subject: Re: Redfield NOP Response - City of Woodlake

Hi Jason,

Thanks for your comments; they are very much appreciated.

Best Regards,

Hector

>>> Jason Waters <jwaters@ci.woodlake.ca.us> 9/21/2017 4:36 PM >>>
Hi Hector,

Attached is the City of Woodlake's response to the Redfield NOP. Please let me know that you received the letter. Thank you.

Jason Waters
City of Woodlake
559-564-8055

September 21, 2017

Hector Guerra
Chief Environmental Planner
5961 S Mooney Blvd
Visalia, CA 93277

RE: Redfield Subdivision Development Project

On behalf of the City of Woodlake, we offer the comments below on the Notice of Preparation for the Redfield Subdivision Development Project. We also note that we may have additional comments if the project proceeds.

The City of Woodlake is located approximately 1 mile south of the proposed Redfield Subdivision Development Project.

Hydrology, Water Quality, and Water Supply

The EIR should examine the impacts the project may have on the East Kaweah GSA's groundwater sustainability efforts.

The EIR should also measure the cumulative impacts that the project could have on the sub-basin as well as the City of Woodlake. During previous periods of drought, multiple County residents in the region had their wells go dry. Several of those County residents petitioned Woodlake to provide water services. A nearby County subdivision (Wells Tract) receives water and sewer services from the City of Woodlake due to insufficient County water and sewer infrastructure. Future impacts of the project may result in degradation of City services due to groundwater depletion and/or the providing of City services to County residents.

Population and Housing

The proposed project will have impacts on the City's ability to meet General Plan housing goals within City limits. The NOP mentions that the EIR will evaluate the project's effect on "population and housing in the local area". Those impacts should measure the impacts that the proposed project will have on Woodlake's ability to meet the goals in the City's Housing Element due to the proximity of the proposed project to Woodlake.

Public Services and Recreation

The costs to, impacts to, and degradation of Woodlake public services should be examined. The County does not operate any regional or local park space nearby. The proposed subdivision does not include any park space or recreational facilities. The proposed 43 residential lots will result in impacts to the

City's park programs, recreational facilities, and city park infrastructure which will result in increased costs to the City of Woodlake.

Transportation and Traffic

The proposed project should measure impacts to the City's local roads. Woodlake is the closest population center that can provide services to the proposed project area. Additional daily trips for shopping, groceries, gas, school, employment, etc. will have an impact on Woodlake's transportation infrastructure.

Utilities and Service Systems

The regional water impacts of the project should be examined, including the potential impacts to Woodlake's water and sewer services and the likelihood that Woodlake may have to provide these services to the proposed site due to inadequate County infrastructure.

The impacts to local City roads should be examined. Although the project is located off of Ave. 360, the condition of the nearby County roads will result in trips via Woodlake roads for commercial services, employment and schools.

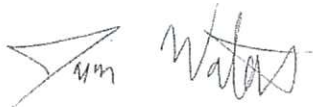
Growth Inducement

The County should consider the growth inducing impacts of the project including:

1. The impacts of urbanization of land in a rural agricultural setting.
2. The impacts of leap frog development due to the proximity to an existing urban site.
3. The precedent setting action of rural development without commercial, recreational or employment near City limits.
4. The increase to demand for goods and services that are not provided by the proposed project or by any nearby county developments.
5. The encouragement of additional rural development in the region.

If you have any questions or comments, please contact the City of Woodlake.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Waters". The signature is stylized with a large, sweeping initial "J" and "W".

Jason Waters
City of Woodlake

Attachment 6

Comments Received from City of Woodlake,
September 24, 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

October 8, 2018

Jason Waters, Community Services Director
City of Woodlake
350 N. Valencia Blvd.
Woodlake, CA 93286-1244

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Mr. Waters,

Thank you for providing the City of Woodlake's (City) letter responses (dated August 13, 2018, and September 24, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013).

The County of Tulare (County) appreciates comments submitted by the City regarding potential environmental issues relative to the proposed Project within the City's jurisdictional purview. 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 Letter Dated August 13, 2018

Comment Subject 1: Failure to include the City's NOP comments in the Draft EIR.

Response: See response to Comment Letter dated September 21, 2018, at "Comment Subject 3: NOP-related."

Comment Letter Dated September 21, 2018

In summary, the City of Woodlake (City) provided comments regarding site plan process, expiration of the preliminary site plan, potential failure to consider NOP comments for the City, and changes to site plan. DEIR issues comments include Chapter 3.2 Agricultural Land and Forestry Resources; Chapter 3.9 Hydrology and Water Quality; Chapter 3.13 Population and Housing; 3.14 Public Services; Chapter 3.15 Recreation; Chapter 3.16 Transportation/Traffic; Chapter 3.18 Utility and Service Systems; and the DEIR is insufficient.

Comment Subjects 1, 2 and 4: Site Plan-related.

Response: In 2007, Planning Staff accepted the Preliminary site plan in its current form. The Final site plan was subsequently denied by the Planning Commission (Commission or PC). The Applicant made changes to the site plan based on final site plan's denial and returned to the Commission with the final site plan and tentative map. In all cases, the planners at the time accepted the site plan and tentative map, as it was, and did not require any additional studies to be prepared. Further, by resolution, it identified what additional studies were needed, which specifically did not require those studies that City is stating are required under the County's Zoning Code. Under the streamlining map act, all maps are accepted within 30 days, unless given an incomplete letter (which, by practice, the County does not require and generally waives those requirements). In no case was an incomplete letter sent, so it is assumed that the existing plan was sufficient for County Zoning Code Standards (at the time in 2007) and a final plan submittal was made a year later to prevent the preliminary site plan from lapsing. In addition, in 2012, the Site Plan Review Committee was disbanded, including preliminary maps as a function of the committee as well.

It is noted that no exceptions have been requested for this revised map. All roads within the subdivision will be dedicated to the County and an assessment district will be established for their maintenance. The Public Works Branch provided comments that the two interior subdivision roads providing access/egress to/from Avenue 360 will require a 60-foot wide right-of-way and the other interior roads will require 56-foot rights-of-way. Since the roads will be dedicated to the County, they are not Private Vehicular Access Easements (PVAE), and do not exceed the maximum allowable distance of 660 feet.

Regarding Preliminary Site Plans (Sec. 16.2), it is our understanding that the County has never required the submission of these studies (geo-tech, etc.) at such an early stage of review. Plus, this preliminary review has been abolished and replaced with Project Review Committee (PRC), which is an informal discussion about what the applicant needs to do in order to have his project move through the system without delay.

Regarding Final Site Plans (Sec. 16.2). It is our understanding that the County has never required this information (i.e., grading and slope stabilization plans, etc., at this early stage of a project. This is not reasonable for a preliminary map. These drawings are typically done at the final map stage. Improvement drawings are costly and it would not be reasonable to prepare these studies for a project that has not been approved. These requirements would be acceptable for a single commercial development (e.g., a retail store), but not for a subdivision.

In 2011, the Board of Supervisor specifically required that the proposed Project be returned to staff, that staff specifically analyze potential traffic and water supply impacts, and that an EIR be prepared. No mention was made at the time that required additional Section "F" studies. In addition, staff discussed road standards at the time and were requiring off site right-of-way acquisition (which under the Subdivision Map Act cannot cause the failure of a final map). However, due to opposition from the Project's neighbors (the neighbors were not going to grant the owner the suggested easement) as they opposed the project and the County would not condemn property to acquire the easement(s).

When the City requested the maps, County staff appreciated the comment and suggested the County could accommodate the City and make those studies they were requesting a condition of approval as a final map requirement. They are zoning suggestions that have lapsed by Planning Director fiat. The Planning Director has waived those requirements.

The County of Tulare will interpret its own zoning code. Requiring the applicant to recreate those studies prior to the approval hearings would violate his due process rights under the Constitution and would not add any value to the environmental process because the requirements are not necessary under the context when there is sufficient requirements for storm water pollution prevention plans, fire hydrants, a traffic study and water study has been conducted, and there are no native trees.

Comment Subjects 3: NOP-related.

Response: The City's belief that the City's NOP comments were not taken into consideration during preparation of the DEIR are unfounded. The City is encouraged to carefully review the Draft EIR as it is the County's contention that topics raised by the City's NOP comment letter, where pertinent to the DEIR, are adequately addressed to satisfy CEQA. Further, the County did not indicate that it "failed to consider the City's comments". Rather, as shown in the City's DEIR comment letter as part of Attachment "C", Hector Guerra, Chief Planner, wrote, "The County inadvertently excluded the City's NOP comments." No where does the County indicate that it "failed to consider" the City's comments. In fact, as also shown in Attachment "C", Chief Guerra wrote (on 8/14/18) "We have updated the web link as follows: 'Please note, the City of Woodlake Notice of Preparation comment letter is found on pages 1178-1179 of 1230 of the PDF document'." We further wrote (to Mr. Mario Zamora), "Here's the link...which includes Appendix G "CEQA Notices" and all NOP comments received." As such, it is the County's belief that not only were the City's NOP comments considered, they were adequately addressed in the DEIR. And, as indicated above, the County took the extraordinary steps of updating the web link to guide the reader to the exact pages where the NOP could be found.

Comment Subject 5: Chapter 3.2 Agricultural Land and Forestry-related: (Incorrect classifying and failure to mitigate for prime farmland and Williamson Act)

Response: The County inadvertently indicated the agricultural land is not irrigated; in fact, the land is irrigated. Although this inadvertency will be remedied in the Final DEIR, the irrigation component plays a vital criterion in determining the level of farmland classifying as explained below. The County concurs that three small areas (the very northwest area (portions of parcels 14, 15, and 16), an area extending northeast from the lower quadrant of the eastern-most part of the project (portions of parcels 26, 27, and 28), and an area at the southeast quadrant's southern-most part (portion of parcel 6)) are classified as Prime Farmland. Cumulatively, this classification encompasses portions of approximately 18.48 acres (less than 15%) of the entire approximately 125-acre Project site (or about 0.00501% of the County's 368,527 acres of Prime Farmland in the County¹). Clearly, the overwhelming balance of the Project area (approximately 85%) is labeled as Farmland of Statewide Importance, not Prime Farmland. As such, the City alluding that the entire Project area is Prime Farmland is grossly

¹ State of California Department of Conservations 2015 California Farmland conversion Report Appendices at:
<http://www.conservation.ca.gov/dlrp/fimmp/Documents/fimmp/pubs/2010-2012/FCR/FCR%202015%20Appendices.pdf>

misleading and erroneous. Further, regarding classifying as Prime versus another classification is dependent upon irrigation. Without the current irrigation, the land would not be classified as Prime. The City's citation of PF-5.2 is accurate; however, the City's interpretation is flawed as the City ignores the qualifying portion at the end of the policy stating "...if Farmland of Statewide Importance or of lesser quality is available and suitable for development." As the applicant owns all 125 acres of the Project site (therefore land is available), approximately 85% is classified as Farmland of Statewide Importance, and the use is allowed in the P-D-FM zone, the County stands by its determinations that the Project would result in a less than significant impact.

Regarding Williamson Act Contracts (Contract), clarification is provided that although APN 064-014-32 remains under Contract, the Contract has been canceled and it will terminate on January 1, 2019 (See Attachment "12"). As such, since the parcel will be out of its Contract on January 1, 2019, it is not unreasonable to state that, for all intents and purposes, the parcel will not be under a Williamson Act Contract when development of this parcel would commence.

Therefore, the County maintains that determining that the Project would result in no impact remains unchanged.

Comment Subject 6: Chapter 3.9 Hydrology and Water Quality: (Inaccurate water consumption data; failure to considered allowed uses; failure to consider impacts on nearby water courses; and failure to address current flood conditions)

Response, Water Consumption: Regarding water consumption, the City's respondent(s) (whose qualifications and expertise are unknown), is dismissing the expert, qualified conclusions of consultants Roberts Engineering contained in the "Water Supply Sustainability Report, [Antelope Valley] Redfield Estates Residential Subdivision" and included in Appendix "D". We appreciate the City providing water consumption of nearby Wells Tract (which currently has 58 operative connections) in a distribution system operated and maintained by the County of Tulare. As the City is aware, via a standing/operative agreement between the City and County (see Attachment "13"), the City bills the County monthly for the water supply; as such, Wells Tract water users are indeed paying for services rendered. The City also fails to note that, despite water metering, the Wells Tract connections (users) pay a fixed monthly rate; as such, costs per each user is not based on consumption. If water usage is decreased as a result of water metering, which the City claims, the monthly usage report summary provided by the City clearly shows water consumption in excess of 1 million gallons per month between May 2017 and October 2018, with peak usage between July-September (which averages 2.28 million gallons/month), regardless of water metering. Whether or not Wells Tract connections practice water conservation (which is irrelevant and impertinent to the proposed Project), each connection pays a fixed monthly rate. Nonetheless, the County pays the City to provide water regardless of costs recovered through charges to Wells Tract connections. As with any water user, the County encourages water conservation by all City and County residents.

The use of calculating water usage based on acreage versus units is unfounded and unrealistic. Water usage estimates are typically based on user type (residential, commercial, industrial, etc.); not on acreage. The City makes an unsubstantiated assumption that the proposed Project,

based merely on its proposed lots sizes, would require a greater water demand/usage than an area with less acreage. This assumption is akin to claiming that 10 acres of single-story office uses (a large area) would require more parking than a 10-story office building on 5 acres (smaller area, but greater density). The City, without evidence, assumes that the balance of the non-developed remainder of each parcel would be landscaped and subsequently watered. Further, the City fails to account for mitigation measures designed to increase water efficiency and conservation through the use of water conserving fixtures (water closets, low flow showerheads, low flow sinks, etc.; and conformance with the County's Water Efficient Landscaping Ordinance (WELO)). Therefore, based on expert opinion, number of lots, and mitigation measures, the County stands by its determination that impacts to water supply (and consumption) would be less than significant.

Response, Allowed Uses: An analysis of other allowed uses is irrelevant and unnecessary. Although the P-D-FM zone allows a variety of uses including commercial, professional, industrial, mixed-uses, etc., the Project is a 43-unit, single-family, rural residential development. Analyzing any other use would serve no purpose regarding water consumption as no other uses (other than single-family residences) are contemplated or proposed and to do so would be speculative.

Response, Nearby Water Courses: There are two known water courses near the Project (i.e.; within ¼ mile of the Project location); however, none are located within the Project's proposed development area. No water courses would be impacted for two reasons: (1) the Project would not physically disrupt, change, or alter any of the existing water courses in any fashion. As evidence to this assertion, it is fact that at its northwesterly corner boundary, the Project is approximately 75 feet southeast of Antelope Creek; as such, the Project would not physically impact Antelope Creek. No grading, scraping, or any other earth-shaping activity which could impact Antelope Creek would occur. It is a fact that the culvert for a ditch on Avenue 360 is approximately 125 feet east of the Project boundary; as such, the Project would not physically impact this water course. It is a fact that the culvert for a ditch (the same ditch which also crosses beneath Avenue 360) is approximately 1,625 feet east of the southern quadrant of the Project and also approximately 880 feet south of the eastern (Road 220) boundary of the Project. The facts clearly substantiate that no water features are within, would be, or are currently impacted by the Project's existing use or proposed development. As such, a discussion on impacts to off-site water courses would not change the facts or the analyses but are provided herein to (1) demonstrate that such water courses would not be adversely impacted by the Project; and (2) the Project's stormwater collection and storage system (as a project design feature and/or to comply with local and state regulations) will be required to be designed to provide adequate stormwater handling which will be accommodated internally (that is, within the Project area). The County acknowledges that site specific locations, dimensions, capacities, etc., of where final storm water facilities will be located remain uncertain and cannot be determined until the subdivision map is finalized which includes engineering plans, grading plans, and storm water management facilities (storm drainage water collection and storage system). The Project would not physically impact any water courses nor would it contribute any storm or other water run-off (including sediments or other pollutants) off-site, including into or near any water course. Further, as contained in **Mitigation Measure 9-1**, the SWWP is enforceable and as such; satisfies and supports the County's determination that the Project would result in a less than significant impact with mitigation to this resource.

Response, Current Flood Conditions: The City comments that, “The area has had several flooding events located on and around the property...” While the County acknowledges minor flooding events near the Project, neither the City or nearby residents have provided evidence that flooding occurs within the Project property. In response, it is noted that the applicant will be required to implement **Mitigation Measure 9-1** as discussed earlier. This mitigation will contain/retain stormwater runoff within the Project area. Also as noted earlier, the precise location of storm water facilities have not been determined as it would be premature to do so without engineering plans, grading plans, and the SWPP. Regarding flooding events “around the property”; the photographs submitted by residents provides a baseline which shows flooding events are occurring even without the Project. Reference is made to Attachment “14” which provides an aerial overview of the two known water courses and associated flooding events, and their relative locations to the Project. As shown in this overview, photos 1, 2, 3 and 9 show overtopping/flooding of and by Antelope Creek. Antelope Creek is located approximately 1,975 west of the Project site. The photos clearly show localized flooding likely as a result of Antelope Creek overflowing. Photos 5, 6, and 7 clearly show localized flooding at/from the culvert beneath Avenue 360, which is located approximately 125 east of the Project boundary. Photo 8 shows localized flooding at/from the culvert beneath Road 220. This culvert is approximately 1,625 feet east of the southern quadrant of the Project and also approximately 880 feet south of the eastern (Road 220) boundary of the Project. Based on the absence of a water course flowing through the Project properties, unsubstantiated claims that the Project properties contribute to localized flooding at either Antelope Creek (at Avenue 360) or the ditch (and culverts at Avenue 360 and Road 220), and **Mitigation Measure 9-1** which would require implementation of a SWWP to contain/retain stormwater runoff within the Project area; the County maintains its determination that the Project would result in a less than significant impact with mitigation.

Comment Subject 7: Chapter 3.13 Population and Housing: (Growth Inducing Impacts)

Response, Growth Inducing Impacts: The City speculates that the Project has the potential to impact the City’s ability to meet their RHNA requirements. Conversely, the City omits that absent the Project, the County would not be able to meet its RHNA requirements. Further, the City fails to provide evidence substantiating how the Project could potentially impact its ability to meet their RHNA. The City inaccurately alludes that the Project will introduce homes into an area that is exclusively classified as Prime Agricultural Land. As discussed earlier, the County has demonstrated that this classification encompasses portions of approximately 18.48 acres (less than 15%) of the entire approximately 125-acre Project site (or about 0.0000501% of the County’s 368,527 acres of Prime Farmland in the County) and the overwhelming balance of the Project area (approximately 85%) is classified as Farmland of Statewide Importance, not Prime Farmland.

Response, Growth Inducing Impacts at sub-numbers 1 and 2: The City writes that, “The development will have *measureable* [emphasis added] impacts including:”...yet fails to provide substantial evidence of which measure (matrix) is used to conclude that a *measureable* [emphasis added] impact would occur. At sub-numbers 1 and 2, the City writes that urbanization of land in a rural agricultural setting and leap-frog development would occur. The Antelope Valley Project’s proposal to develop as a residential use is allowed, by-right, within

the P-D-FM zone and is consistent with the Tulare County General Plan 2030 Update (General Plan Update). The City is reminded that ultimate, planned development within rural settings may occur when a property owner desires to exercise his/her right in proposing an allowable use (development) in a P-D-FM zone. The City is also reminded that the Tulare County Board of Supervisors concurrently certified a Program Environmental Impact Report when it adopted the General Plan Update which accounted for conversion of agricultural lands to urban type uses (including residential uses) to accommodate eventual growth. Further, it is noted that the County has advocated growth within cities as a viable option to accommodate residential development. However, the County cannot, and will not, deny someone's option to exercise their right to pursue a residential development within a P-D-FM zone.

Response, Growth Inducing Impacts at sub-number 3: The City writes that the proposed development would be "precedent setting" of allowing rural development without commercial, recreational, or employment near City limits. We are unsure what the intent of this statement entails and request clarification in regards to which "precedent" is being established. Regardless of intent, the proposed residential development's proximity to Woodlake (similar to nearby Wells Tract) would allow some future residents to meet some shopping and employment needs in nearby Woodlake or other opportunities in nearby Exeter or Visalia.

Response, Growth Inducing Impacts at sub-number 4: The City speculates that the Project would result in an increase for goods and services, yet does not elaborate on what such "goods and services" would be. As such, we cannot provide a response as it would be speculative in nature to do so.

Response, Growth Inducing Impacts at sub-number 5: The City speculates that it would encourage additional rural development in the region yet fails to provide any substantiated evidence. However, it is noted that, for all intents and purposes, every area outside of any city in the county and every existing, developed unincorporated community (e.g. Goshen, Wells Tract, Traver, etc.), are essentially considered rural areas. The County has various land use controls such as land use plans (e.g., Rural Valley Lands Plan, Foothill Growth Management Plane, Corridor Development Plans, etc.) and zoning that prescribe what uses are allowed in what areas. Not all are suitable for development and have remained undeveloped. However, this Project is located within a P-D-FM zone and the applicant is allowed to pursue this by-right project where it is currently proposed.

Response, Growth Inducing Impacts at sub-number 3: The City fails to provide substantiation on the impact to "infrastructure". However, it is noted that City water and sewer will not be impacted as it will not be provided by the City. The DEIR is clear that the Project will develop/operate its own community water system and each parcel will utilize engineered septic systems.

Comment Subject 8: 3.14 Public Services (Police calls and parks)

Response, Police calls: The City fails to provide any evidence (e.g., number of calls, time of calls, frequency calls, etc., for service to Wells Tract or any other outlying unincorporated area in proximity of the City) which could substantiate its comment that "...a significant amount of stress and additional calls for the City of Woodlake." Without this critical and pertinent

information, this claim cannot be verified nor allow an analysis of potential impact. Further, the City states that "...there are times when only two officers are available to patrol and calls to the County may result in a severely under policed City." The City fails to document when the "times" occur (e.g., holidays, weekends, evenings, early morning hours, etc.) and uses speculative language in the form of "may result". Without substantiation, the City concludes that the Project would "further exacerbate the City police coverage problems." However, this statement is ambiguous as the use of "further exacerbate" implies that the City has an existing police coverage problem regardless of the Project.

In a conversation between Assistant Sheriff Cheri Lehner and Chief Environmental Planner Hector Guerra (10/01/18), Ms. Lehner indicated that, outside of regular business hours, the Sheriff's Office (S.O.) assumes dispatch duties for Woodlake throughout the course of evening hours and returns dispatch duties when Woodlake P.D. dispatch personnel return to work. As such, during this hand-over of dispatch duties, the S.O. is acutely aware of every request for service within and near Woodlake as the S.O. not only is capable of dispatching S.O. personnel, but also directly dispatches Woodlake P.D. Ms. Lehner also noted that the S.O., as part of its regular beat for the area, will also patrol Woodlake. Lastly, Ms. Lehner indicated that the S.O. will assist Woodlake P.D. in the event Woodlake P.D. requests assistance via a shared radio frequency. As such, it appears unlikely that the City would be underserved in regards to policing.

If the City can provide data to support this claim, the County can re-evaluate its determination of less than significant. However, without substantiation, the County maintains that the DEIR adequately address police services and the use of a less than significant impact conclusion remains applicable.

Response, Parks: See Response to Comment 9, below.

Comment Subject 9: Chapter 3.15 Recreation

Response: It remains speculative that Antelope Valley residents would use city parks as every parcel (which would be a minimum 2.5 acres) is larger than the un-named, 0.5 acre park the City required of a 98-unit subdivision noted in the comment letter. One Antelope Valley parcel alone is at least 2.0 acres larger than the un-named 0.5-acre City park that provides recreational opportunities to 98 residential units within the City. Antelope Valley residents would not need to rely on any park that provides open space or passive recreation as their parcels have the area to accommodate such use. Despite the City's unsubstantiated claim that "...the County's *expectation* (emphasis added) that the City provide the *bulk* (emphasis added) of the park services."; the DEIR merely states that "...it is possible that any future population would utilize local and regional recreational assets including nearby federal and state facilities, including those areas within the City of Woodlake. As such, the DEIR does not conclude that the County has an "*expectation*" (emphasis added) or that the "*bulk*" (emphasis added) of park services would rely on the City's facilities. Even if some Antelope Valley subdivision residents were to utilize any City recreational facility, it is speculative that all 145 projected residents would utilize the City's facilities at any given moment and with such frequency that the City's facilities would be adversely impacted. As such, as the City has not provided any supporting

substantiation of any manner, the County concludes that its determination that the Project would result in a less than significant impact.

Comment Subject 10: Chapter 3.16 Transportation/Traffic (poor road conditions and poor maintenance)

Response: The City writes that “The proposed Project contains both dangerous features and incompatible uses because of road width, road condition, and incompatible uses.” The CEQA question is if a project would “Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).” A Traffic Impact Study (TIS, included in Appendix “F” of this DEIR) prepared by qualified consultants VRPA Technologies concluded that the Project will not substantially increase such hazards. The County agrees with the conclusions contained in the TIS.

The City also writes that the road is used “regularly” by farm equipment, without substantiation or evidence of its definition of “regularly” (for example, days of the week, a.m. or p.m. peak hours, seasonality, etc.), nor without providing actual observed (or otherwise documented) vehicle types (e.g., automobiles or farm equipment) usage. As there are neither sharp curves or dangerous intersections, the Project would not result in increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). Regarding incompatible uses (e.g., farm equipment), due to the very overall nature of agricultural uses and commingling of rural residences within, near, adjacent, etc., rural residences in rural areas within Tulare County, there is an expectation that all vehicle users will operate their respective vehicle commensurate to the road conditions (e.g., width, condition, day- or night-time, on- or off-peak hours, etc.) as they travel along any rural road. Rural residences are allowed in the P-D-FM Zone; therefore, this type of land use is compatible with agricultural uses. As such, the County supports the conclusions contained in the Traffic Impact Study prepared by qualified consultants VRPA Technologies.

As noted in the DEIR, the proposed Project is in a rural setting, with existing uses consisting of large lot rural residences and some agricultural use (e.g., row crops, orchards, grazing lands). The City misquotes the DEIR (at page 3.16-16) which clearly states “...a rural area surrounding[ed] by rural/agricultural uses.” No where, as written by the City, does the analysis use the language “most of the surrounded uses are agricultural...” The DEIR acknowledges that there will be an increase in vehicle volumes as a result of the Project, both accessing/egressing the site and an increase in vehicle volumes using Avenue 360, and nearby Road 212 and Sentinel Drive; however, the increase in volumes would not result in a substantial impact.

Although Avenue 360 is not within the City’s jurisdictional purview, the City has nonetheless opined/concluded that, “The width and poor conditions of Avenue 360 also poses a substantial risk to residents if the project is built. Currently there are no streetlights proposed, the road is in very poor conditions and increases the risk of accidents, the road narrows to around 13 feet, and the road shares uses with agricultural uses.” The Project does not meet the criteria for street lighting as established in the Board of Supervisor’s Policy on Street Lights, Resolution No. 71 4871 (see Attachment “15” to Chapter 11 of the Final EIR). The County is unaware on the methodology/criteria used by the City in determining that a County “...road is in very poor

condition and increases the risk of accidents...” The City has not provided qualitative or quantitative information that road width or condition would *increase* (emphasis added) risk on a County road. Further, according to the County’s Paved Management System (PMS) database, the actual right-of-way of Avenue 360 (and Road 220) is 40 feet. An actual right-of-way does not necessarily result in a paved road’s actual surface area. The PMS also indicates a 16-foot width; however, it is possible that some areas of Avenue 360 may be “around” 13 feet wide as apparently measured by the City. Regarding flooding, see earlier discussion at Subject 6. The County concurs that Avenue 360 is, like many County roads, shared by agricultural equipment/vehicles resulting from adjacent or nearby agricultural land uses. However, the County would like to believe that appropriate precautions, courtesy, and common sense would prevail when any road is used by persons driving or operating any vehicle along such roads (whether or not it is wide or narrow, rural or urban, straight or winding, etc.). As indicated earlier, there is an expectation that all vehicle users will operate their respective vehicle commensurate to the road conditions (e.g., width, condition, day- or night-time, on- or off-peak hours, etc.) as they travel along any rural road.

The photos included in Appendix G of the City’s comments do not provide a reference point. As such, the County cannot respond to the content or context of the photos which the City references in their comment letter at “Part 1 Dangerous Road Conditions and Poor Maintenance.” The photo itself appears to be taken looking southward and adjacent to the property south of the Project site. It is noted that the Project will not have any direct or indirect access/egress point along Road 220. It is not anticipated that any vehicle trips generated by the Project would use Road 220 in an effort to access another road as Road 220 would does connect to any other road. According to the County’s Public Works Branch, because Road 220 is not a through road that connects to any other roads, terminates approximately 0.50 north of Avenue 360, has limited access points (three) by adjacent property owners, adjacent uses are agricultural in nature (currently olive orchards and rangeland), and has low traffic volumes; road maintenance is not a priority. As such, the road conditions photos of Road 220 provided in Appendix G are irrelevant and inapplicable to the proposed Project for a CEQA determination of impact caused by the project.

Comment Subject 11: Chapter 3.18 Utility and Service Systems

Response: The City does not identify which “Past county developments located just outside of the City...” it is referencing. However, if it is referring to the nearby unincorporated enclave of Wells Tract, the City fails to point out that Wells Tract residents, similar to resident within the City of Woodlake, “pay as you go” for City services rendered. If the City contends that despite receiving payment for providing these services that payments are insufficient, it is their responsibility to provide evidence that adjusted compensation is in order for Wells Tract (or other County residents that receive City services) pay their fair share similar to City residents. The City provides no evidence on how the impact is “felt” (e.g., costs, capacity, maintenance, etc.) or why it “must” provide sewer and water service. There are standing, operative, mutually agreed upon agreements between the City and County for provision of water and sewer services. In each agreement, Wells Tract residents are responsible for paying their fair share to receive such services. It is speculative for the City to conclude that this Project would ultimately require or impact City services as the Project will have its own community water system and each parcel will have its own engineered septic system. This Project has no need

to rely on or desires connection to City water and/or sewer services. As such, the County stands by its determination that the Project would result in no impact to this resource.

Comment Subject 12: Storm Drain Systems

Response: The City comments that, “The Project is known to flood on a regular basis, as is evidenced by the pictures provided by local residents.” A careful review of the photos provided by the residents shows that not one episode of flooding is occurring from the site. The County provides Figure 11-1 (see Attachment “14”) which shows the approximate location of where the nine (9) photos appear to be taken from. Also, no photos actually show water occurring on or flowing from the Project site. The photos show flooding at or directly adjacent to Antelope Creek (located approximately 1,975 feet west of the western most boundary of the Project site, localized flooding at/from the culvert beneath Avenue 360 (which is located approximately 125 east of the Project boundary), and localized flooding at/from the culvert beneath Road 220 (approximately 1,625 feet east of the southern quadrant of the Project and also approximately 880 feet south of the eastern (i.e., Road 220) boundary of the Project). The City writes, “Currently, the storm water from the site flows south and enters the City of Woodlake at Wutchuma Blvd, near Castlerock” yet provides no evidence of actual flows leaving the Project site, no evidence of a qualified expert’s analysis of any Project site storm water origin or destination (e.g., an engineering or hydrology report, sequential photos of the flood water’s course, etc.), or evidence of storm or flood waters flowing toward Castlerock. As noted earlier, the County acknowledges that site specific locations, dimensions, capacities, etc., of where internal final storm water facilities will be located remain uncertain and cannot be determined until the subdivision map is finalized which includes engineering plans, grading plans, and storm water management facilities (storm drainage water collection and storage system). **Mitigation Measure 9-1** would require implementation of a SWWP to contain/retain stormwater runoff within the Project area. As contained in **Mitigation Measure 9-1**, the SWWP is enforceable and as such; satisfies and supports the County’s determination that the Project would result in a less than significant impact with mitigation to this resource.

Lastly, the County appreciates the City pointing out the inadvertency of including information from the Three Rivers EIR. The County makes every effort to constantly keep its environmental documents streamlined, consistent, and current which could (and has in this instance) result in irrelevant information germane to the Project. The Final EIR will show that this inadvertency was deleted.

Comment Subject 13: DEIR is insufficient

Response: As the Lead Agency for this DEIR, the County respectfully disagrees with the City regarding the adequacy of the DEIR. Based on the lack of substantive information that supports the City’s comments, the County maintains, based on substantial evidence admitted into the record (such as technical studies prepared by qualified experts and included as part of resource-specific appendices) that the DEIR adequately and satisfactorily meets all CEQA requirements.

The project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

In closing, we sincerely appreciate the City's comments which will be useful toward ensuring that the proposed Project complies with applicable Air District, Caltrans, Regional Water Quality Control Board, and County regulations and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) City of Woodlake comment letter, September 24, 2018
(2) City of Woodlake comment letter, August 13, 2018 (via Griswold LaSalle)

cc: Mario U. Zamora, Griswold, LaSalle, Cobb, Dowd & Gin, LLP
file

September 24, 2018

Hector Guerra
Chief Environmental Planner
5961 S Mooney Blvd
Visalia, CA 93277

RE: Redfield Subdivision Development Project

On behalf of the City of Woodlake, we offer the comments below on the Draft EIR for the Redfield Subdivision Development Project. According to the DEIR Project Description, the City of Woodlake is located approximately 1 mile south of the proposed Redfield Subdivision Development Project.

Procedural Comments

Part I: Failure to Comply with Site Plan Process

Tulare County Ordinance No. 352 establishes the Land Use and Zoning classifications for Tulare County and establishes the procedures for many of the planning processes within Tulare County. Ordinance No. 352 specifically outlines the Site Plan process as it relates to properties found in the PD-F-M zone (the zone of proposed project).

The Project Summary of the DEIR (Page 1-1), states the following:

*The County of Tulare is proposing the Redfield Subdivision Development Project to allow the development of the Redfield Subdivision Development Plan (Tentative Subdivision Map No. TM 805) as a **Tentative Subdivision Map and Final Site Plan** to divide 125 acres into 43 lots (2.00 acre minimum lots) in the PD-F-M (Planned Development-Foothill Combining-Special Mobilehome) Zone located on the west side of Road 220, approximately a quarter mile north of Avenue 360, north of the City of Woodlake. Included as part of the proposal is one Exception to the Subdivision Ordinance from Section 7-01-2230 pertaining to the exceedance of the maximum access easement length of 660 feet in a non-mountainous area. Access to the site is by Avenue 360.*

Page 3.10-10 of the DEIR states that:

*The PD Overlay requires approval of preliminary and final site plans. **The Project was initially approved by the Site Plan Review Committee on April 13, 2007 (by Resolution No. 07-082) as Preliminary Site Plan, No. PRE 06-045***

Chapter 3, Section 18.7 of Ordinance No. 352 states this about site plans in “F” classification zones, which applies to the proposed project (Zoned PD-F-M):

Preliminary Site Plans

1. In addition to the requirements of Section 16.2 of this ordinance, any preliminary site plan filed for property within the F Zone shall be accompanied by the following additional statements:

a. The preliminary geological-hydrological report required in Section 16.2 of this ordinance shall contain the following additional information:

(1) If sewage disposal systems are proposed which utilize leach lines, seepage pits or other similar means of disposal of liquid waste effluent Chapter 3, Section 18.7, in a soil medium, percolation tests shall be submitted which are conducted in accordance with the Manual of Septic Tank Practice

(U.S. Department of Health, Education, Welfare and Public Health 1969).

(2) Depth-bedrock test results (soil borings) not to exceed fifteen (15) feet in depth. A sufficient number of tests shall be conducted to permit a reasonably accurate determination regarding the depth and character of the soils in the area proposed for development.

(3) Soil types existing on the subject site based on information secured from the Soil Conservation Service, U.S. Department of Agriculture or field tests conducted under the direction of a registered civil engineer, geologist or soils scientist.

(4) Data pertaining to the constant pumping of an on-site test well over a forty-eight (48) hour period.

b. A map drawn to a scale of one (1) inch equals one- hundred (100) feet with contours plotted at 5-foot intervals, showing slopes in the following categories:

(1) Areas with slopes averaging thirty percent (30%) or more in grade.

(2) Areas with slopes ranging from fifteen percent (15%) to twenty-nine percent (29%) in grade.

(3) Areas with slopes of less than fifteen percent (15%) in grade.

Final Site Plans

2. In addition to the requirements of Section 16.2 of this ordinance, any final site plan filed for property within the F Zone shall be accompanied by the following additional statements and plans:

a. A grading and slope stabilization plan prepared by a licensed civil engineer for that portion of the site which is to be disturbed. The grading and slope stabilization plan shall contain the following information:

(1) A contour map showing proposed property lines, if applicable, and existing and proposed ground elevations and natural drainage channels.

(2) A plan for slope stabilization. If the plan includes landscaping, the types of landscaping materials to be used shall be provided.

(3) The location of all native trees in the area to be disturbed which have a trunk diameter of six (6) inches or more at a point measured at three (3) feet above ground surface.

(4) The method of foundation construction.

b. A general development plan indicating how the construction of the project will be phased and time estimates for completion of construction.

c. A drainage plan that indicates the pattern of storm water run-off and explains how natural water courses will be protected against sediment overloading and contamination.

d. A fire protection plan which indicates how potential hazards of structural or wildland fire will be minimized.

e. For any non-residential development, a landscaping and parking plan shall be provided.

SPECIAL FINDINGS

E. In addition to the findings required in Section 16.2 of this ordinance, the Site Plan Review Committee shall also make the following findings with regard to any site plan approved or recommended for approval for any project in the F Zone:

1. That the proposed use of land is consistent with the land use and circulation plan as set forth in the Foothill Growth Management Plan.

2. That the density of uses delineated on the site plan do not exceed the holding capacity of the site as determined by the physical limitations described in the final geological-hydrological report.

3. That the proposed site plan conforms to all policies and development standards set forth in this Section and the Foothill Growth Management Plan.

The City of Woodlake requested the required site plan documents listed above from the County of Tulare Planning Department. The response from the Tulare County Planning Department to this request was as follows (Attachment A):

We will send the request list below through the final mapping process. We will add this request as conditions to the tentative map. Also, with the copy of the tentative map and final approval resolution and conditions attached thereto. If you need further assistance regarding the County's tentative/final map processes, please contact Aaron Bock, Interim Assistant Director-Planning/Project Processing Chief (abock@co.tulare.ca.us).

The City has yet to receive the required documents listed in Ordinance No. 352 for the final site plans.

The County's decision to "*add this request as conditions to the tentative map*" **after** the preliminary site plan was already approved, after the final site plan was submitted, and after the EIR process has been completed violates the procedures set forth in Ordinance No. 352. Furthermore, delaying the requirement to submit these documents does not provide the public with the information needed to comment on the project and changes the scope and information provided in the EIR.

The County's own Final Site Plan application (Attachment B) clearly states that the items listed in Ordinance 352 are required when the Final Site Plan is submitted. On page 2, the Final Site Plan application states:

"The application form must be filled out completely and in every respect with all questions answered and all required attachments included before the County can officially accept the application for processing. "

The items required by Ordinance No. 352 should be available with that application and are a crucial part of understanding the environmental impacts of the proposed project.

Part II: Expiration of the Preliminary Site Plan

Section 16.2 of the Ordinance No. 352 says this about Preliminary Site Plans:

2. a. Preliminary Site Plans:

(1) A preliminary site plan approval shall lapse and become null and void one (1) year following the date of approval by the Site Plan Review Committee unless, prior to the expiration of one (1) year, a final site plan for the proposed project has been submitted to the Planning Director.

(2) Upon written application by the applicant filed prior to the expiration of the approved or conditionally approved preliminary site plan, the time at which such site plan expires may be extended by the Site Plan Review Committee for an additional period or periods of not more than one (1) year. If the Site Plan Review Committee denies an applicant's request for an extension, the applicant may appeal the decision to the Board of Supervisors.

The DEIR Project Summary indicates that the "...[Redfield Subdivision Development Project](#) to allow the development of the [Redfield Subdivision Development Plan](#) (Tentative Subdivision Map No. TM 805) as a [Tentative Subdivision Map and Final Site Plan](#) to divide 125 acres into 43 lots..." (pg 1-1).

As indicated in the DEIR, the "Project" consist of approval of a Tentative Subduction Map and Final Site Plan.

In accordance with Ordinance No. 352, the Preliminary Site Plan for the proposed project expired on April 13, 2008, one year after its adoption (pg 3.10-9). The DEIR does not mention any renewal of the preliminary site plan or provide any information a final site plan. According to the scope of the DEIR, it examines the potential impacts of a Final Site Plan, but there hasn't been an approved Preliminary Site Plan for over 10 years which would prevent a Final Site Plan from being examined or approved. The documents of the original approval provided by the County Planning Department clear state "*Please note that the preliminary subdivision will expire one year from April 13, 2007. If the tentative subdivision application and map has not been submitted by April 12, 2008, the preliminary approval will expire and no further action may be taken until a new preliminary application has been submitted and processes. A single, one-year extension of time may be requested, in writing prior to the expiration of the preliminary approval.*" (Attachment H)

Part III: Potential Failure to Consider NOP Comments for the City of Woodlake

As part of the NOP comment process, the City of Woodlake submitted comments to be considered in the preparation of the DEIR.

When the DEIR was initially released it showed that the City of Woodlake had submitted “no comments” to the NOP and the comments were not taken into consideration during the preparation of the DEIR. The City immediately contacted the County and the County indicated that they failed to consider the City’s comments (Attachment C).

Although the City’s comments were added to the DEIR and the County is not required to recirculate or respond to the comments, the City is concerned that important elements of the DEIR may not have considered the impacts of the proposed project on the City due to the lack of consideration of the City’s NOP comments by the County.

Part IV: 2007 Final Site Plan Has Changed from Previously Approved Final Site Plan

As indicated above, the final map that was approved in 2007 expired in 2008; however, it should be noted that the map and findings approved in 2007 and the proposed “new” final map referenced in the DEIR are significantly different. Both maps are considered to be TSM 805. (Attachment I)

They differences are apparent enough (completely new configuration, increased project scope, larger lots, additional parcels developed, etc.) that a new site plan process should be completed because it exceeds the “Minor Deviation” requirement found in Ordinance No. 352.

Chapter 3.2: Agricultural Land and Forestry Resources

The DEIR indicates that the proposed project will have “*Less than Significant Impact*” as it relates to Agricultural Land.

Part I: Incorrect Labeling and Failure to Mitigate for Prime Ag Land

Page 3.2-9 states, “*The 125-acre proposed Project site is currently in active agricultural production and farmed with olives*”. Page 3.2-13 identifies the site as “*Farmland of Statewide Importance*”. The project impact is deemed to be “*Less Than Significant*” for “*Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance*” (pg 3.2-13).

The reasoning for the “*Less than Significant*” designation is that the DEIR indicates, on page 3.2-13, that the “*The Project would not result in the conversion of prime agricultural land to non-agricultural*” and that:

“The Tulare County Important Farmland 2016 (Rural Land Mapping Edition, Sheet 1) map identifies the Project site as Farmland of Local Importance, which is similar to Prime or Statewide Importance except for the lack of irrigation water (see ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/tul16_no.pdf).

As the Project site is not irrigated, the site is not capable of growing common cultivated crops and pasture plants over a long period without deterioration.

As the DEIR indicates on Page 3.2-9, the site is actively farmed and is therefore being irrigated. Stating that the “site is not irrigated” is clearly inaccurate.

Furthermore the linked map (ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/tul16_no.pdf) clearly shows that the proposed site is actually “Farmland of Statewide Importance” and “**Prime Farmland**”, the

highest quality farmland in Tulare County, not just “Farmland of Statewide Importance” as indicated by the DEIR (Attachment D). The development of this property would result in the removal of Prime Farmland that is irrigated, two important items that the DEIR failed to consider.

The County has specific policies discouraging the loss of Prime farmland in the Tulare County General Plan:

PF-5.2

12. Planned communities should not cause any conversion of Prime Farmland if Farmland of Statewide Importance or of lesser quality is available and suitable for development.

Part II: Possibility of Williamson Act Land Under Contract

Page 3.2-14 states, *“The Project site does not have a Williamson Act contract; as such, there would be no impact to a Williamson Act Contract.”*

The County’s online GIS mapping system shows 064-140-032 as under a Williamson Act contract. The City of Woodlake called the Tulare County Assessor’s Office on 9/24 and they confirmed that the parcel was under contract. A call was also made to the Tulare County Planning Department to verify the map and the information from the Assessor’s Office but there was no one available to answer the question.

If there is a parcel under Williamson Act Contract the assignment of “No Impact” related to conflict with Williamson Act contracts would be inaccurate, furthermore the development of the parcel would be premature and the impacts on agricultural land would be measurable.

Chapter 3.9: Hydrology and Water Quality

Part I: Inaccurate Water Consumption Data

The DEIR indicates that the proposed project will have “*Less than Significant Impact*” as it relates to Water and Hydrology.

The DEIR estimates the development’s domestic water consumption will be “about 7.8 million gallons” per year (DEIR, Appendix D). This calculation is based on the Water Use in California Residential Home Jan 2010 Report. The estimated consumption is not accurate and is not consistent with known Rural Residential County consumption for the following reasons:

1. As indicated in Appendix D, most residential water consumption occurs outside of the home for landscaping. The proposed subdivision consists of large residential lots, not “average single-family homes”, as measured in the Water Use in California Residential Home Jan 2010 Report.

2. The City of Woodlake serves and tracks water consumption of a nearby County subdivision that is adjacent to the City of Woodlake and within 3 miles of the proposed site, which provides a more realistic and accurate example of water consumption in County subdivisions. The area consists of approximately 40 acres of County residential development with an average lot size of under 1 Acre (Wells Tract). The most recent water consumption for Wells Tract is found below (Attachment E):

Month	Sep 2017	Oct 2017	Nov 2017	Dec 2017	Jan 2018	Feb 2018	March 2018	April 2018	May 2018	June 2018	July 2018	Aug. 2018	1 Year Total
Gallons	2,078,940	1,509,670	995,780	753,700	659,330	704,350	534,020	730,680	1,392,790	1,859,720	2,228,380	2,537,920	15,985,280

Most Wells' Tracts lots are smaller than the proposed Redfield development and are metered to discourage excess water consumption. As indicated in the Water Use in California Residential Home Jan 2010 Report, we suspect most use of their water is outside of the home. It is likely that the Redfield development, per acre, will use more water than Wells Tract because there is more outdoor surface area and the proposed subdivision will not be metered. However, using Wells Tract as a **low-estimate baseline** for residential County water consumption, the Redfield development would use at least:

$$399,632 \text{ Gallons per Acre, per Year (based on Wells Tract consumption per acre)} \times 125 \text{ Acres} = \\ \mathbf{49,954,000 \text{ Gallons per year}}$$

The 7.8 Million Gallon estimate in the DEIR does not represent accurate water consumption for the proposed development and the methodology used to calculate that use does not apply to the type of development proposed. The DEIR estimate was determined by assuming "average residential water use" when this development is clearly not a typical "single family residential" development. Nearby County residential water consumption also far exceeds what is proposed in the DEIR. The aforementioned community of Wells Tract, to whom Woodlake provides water for approx. 40 acres, uses almost **16,000,000 gallons annually**. It should be noted that Wells Tract which is about 1/3rd of the size of the proposed Redfield development, has metered water bills (which decreases use), and will have far less "outdoor watering space" but still uses nearly double of what is shown in the Redfield DEIR.

Part II: Failure to Consider Allowed Uses

The Water Study also fails to address actual allowed uses in the zone. For example, the report states that the water consumption will be less than what is currently being used in the orchard but orchards are allowed by use in the PF-F-M zone. The DEIR states:

The purpose of the PD Zone is to provide for design and flexibility in single-family, multi-family, commercial, professional, industrial and mixed-use developments, stimulate a more desirable living and working environment, encourage innovative and creative approaches to land use and development, provide a means to reduce development costs, conserve natural features and open space, and implement general and specific plans which require a planned development approach.

Ordinance No. 352 specifically states the PD-F zone may be used for:

Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock.

According to the County's zoning ordinance, water heavy agricultural, commercial, and industrial uses may still exist in the PD-F-M zone.

Part III: Failure to Consider Impacts on Nearby Water Courses

The DEIR also claims the Project will have less than significant impacts on watercourses. However, there is a watercourse near the southeast corner of the Project site. There is no disclosure of impacts on this watercourse and it is not even identified.

Furthermore, the DEIR states *"Storm water run-off will be retained on each lot and drained through natural drainage channels without effecting adjacent properties"* (pg 2-2) but there is no indication of what or where those "natural drainage channels" are located. With the additional of development and non-permeable surfaces, allowing water to flow through "natural drainage channels" will increase the amount of storm water introduced into those channels, thus impacting neighboring properties and the City of Woodlake's storm drain system, which collects water from County properties to the north of the City (see DEIR Figure 3.18-1)

The DEIR mentions the possibility of protentional retention ponds, but the site plan does not show any of these ponds. Ordinance No. 352 specifies that the preliminary site plans must provide:

j. Preliminary drainage plan.

n. Locations and names of watercourses and areas subject to flooding or ponding of surface water.

o. The proposed method of flood protection for any area subject to flooding or ponding of surface water.

Without any plans showing how water will be stored or where surface flow will go, it is impossible to know the potential impacts on neighboring properties and the City of Woodlake, where County water from that area currently flows.

Part IV: Failure to Address Current Flood Conditions

Page 3.9-29 states that *"The proposed Project is not located near a major levee or dam. In addition, the proposed Project does not involve significant water storage or changing the alignment of an established watercourse."*

The area has had several flooding events located on and around the property that is proposed for development. Reducing permeable ground space will exacerbate the issue (Attachment F). During the NOP process, residents provided photographs of the flooding, but the DEIR found the storm water impacts to be "Less than Significant". It is unlikely that determination can be made without some type of storm drain plan, which isn't provided in the DEIR.

Chapter 3.13 Population and Housing

Part I: Growth Inducing Impacts

On page 3.13-9 it states that the project will have a “Less than Significant” impact on inducing substantial population growth in an area. The project will introduce 43 homes into an area that that page 3.1-2 describes as:

The 109 acre proposed Project site lies north of the City of Woodlake and as such, land uses in the Project area consist of agricultural, farmed and pastured land.. The proposed Project site can be characterized as agricultural land with scattered rural residences. Surrounding agricultural lands consist of olive orchards, grape and other farmed lands.

The project will introduce homes into Prime agricultural land in an area that is completely undeveloped. It also has the potential to impact the City of Woodlake’s ability to meet their RHNA requirements.

The development will have measurable impacts including:

1. The impacts of urbanization of land in a rural agricultural setting.
2. The impacts of leap frog development due to the proximity to an existing urban site.
3. The precedent setting action of rural development without commercial, recreational or employment near City limits.
4. The increase to demand for goods and services that are not provided by the proposed project or by any nearby county developments.
5. The encouragement of additional rural development in the region.
6. The City also disagrees with the statement of “Long term economic benefits include payment of property taxes as well as on-going income expenditures of the residents of the new housing in and around the City of Woodlake (such as groceries, gasoline, household items, etc.).” found on page 7-1, due to the impacts on the City’s infrastructure without collecting property tax or impact fees.

None of these impacts are considered in the DEIR.

Chapter 3.14: Public Services

Part I: Reliance on City Services Without Contributing to City Financing

The DEIR mentions, on pg 2.2 that the City will;

Woodlake Police Department may serve the subdivision in a back-up capacity, and with concurrence and authorization made possible by a Memoranda of Understanding (MOU) with the Tulare County Sheriff’s Department.

Similar to the Sherriff, Tulare County/Cal Fire will continue to service the site. The City of Woodlake Ambulance/Fire may act as a first responder given the physical proximity of the Project site to the City of Woodlake and the public safety services located there.

Previous County developments near the City of Woodlake has resulted in a significant amount of stress and additional calls for the City of Woodlake. For example, the Woodlake Police Department regularly responds to the nearby County community of Wells Tract. Due to the small size of the City, there are times when only two officers are able to patrol and calls to the County may result in a severely under policed City. By the County adding an additional burden on the City, it will further exacerbate the City's police coverage problems.

The DEIR also claims the project impact on Woodlake's Parks are "Less Than Significant". On page 3.14-11 the DEIR states:

The Project lies approximately one half mile north of the City of Woodlake Urban Area Boundary (UAB). The City of Woodlake currently has two developed park sites (Willow Court Park, and Miller-Brown Park). In addition to the city's parks, the athletic fields on the campuses of several of Woodlake's schools provide recreational opportunities after school hours. Based on this assessment the Project's projected buildout population of 145 people is minor in nature and would result in no adverse effect to the activities, features, or attributes typically occurring in area parks.

145 new people using City parks and facilities will impact the City of Woodlake. For example, the City recently broke ground on a subdivision that will add approximately 198 new people to the City. Due to the City's lack of park space we required the developer to build approximately ½ acre park with equipment.

Another under-construction subdivision that will likely house around 230 people added a ½ acre park with park equipment.

Relying on the City to provide park space and coming to the determination is "minor" is not consistent with the City's park development patterns.

The nearest County park listed on page 3.14-4 (Cutler Park or Ledbetter Park) is over 12 miles away and nearly a 20 minute drive and is not realistically accessible on foot or via transit.

Because this development will not result in City property tax or impact fees and only a very small amount in "possible" sales tax. The City will have to shoulder the burden of providing services without receiving revenue to offset the costs.

Chapter 3.15: Recreation

Part I: Lack of Park Space

The "Less Than Significant" determination on park impacts found on pg 3.15-10 is based on impacts to Tulare County parks. The *"1,000 person threshold discussed in the Tulare County General Plan"* indicates the project does not meet the significance threshold established by the County, this policy does not apply to the City of Woodlake. As indicated earlier, the City is building park space with every residential

development because of a lack of available parks in the City. It is clear in the DEIR that the County expects the 145 new residents to use Woodlake Parks because the DEIR regular references the City's park proximity on page 3.14-11:

The Project lies approximately one half mile north of the City of Woodlake Urban Area Boundary (UAB). The City of Woodlake currently has two developed park sites (Willow Court Park, and Miller-Brown Park). In addition to the city's parks, the athletic fields on the campuses of several of Woodlake's schools provide recreational opportunities after school hours"

While conversely the County's parks are described as being:

The nearest County of Tulare park is Ledbetter Park which is located approximately 12 miles northwest of the Project site. Other nearby non-County public parks include the City of Woodlake's Woodlake City Park and Willow Court Park.

The City was not consulted on the impacts to the City parks that the project would have, despite the County's expectation that the City provide the bulk of the park services. The County has not provided any parks or recreational opportunities within a reasonable distance of the site.

Chapter 3.16: Transportation/Traffic

Part I: Dangerous Road Conditions and Poor Maintenance

On page 3.16-16 the DEIR indicates a "Less the Significant Impact" as it relates to the substantially increasing hazards due to a design feature e (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).

The proposed project contains both dangerous features and incompatible uses.

Page 3.16-17 indicates that two driveways will be created along Avenue 360 to access the development Avenue 360 is described as a 2 Lane Undivided road in the DEIR.

Calling Avenue 360 a 2 lane road is not accurate. Measurements of road width in the area show that the road, at its narrowest points are about 13 feet (Attachment G). As mentioned in the DEIR, most of the surrounded uses are agricultural which results in farm equipment regularly using these roads. Stating the there is a "Less than Significant Impact" as it relates to incompatible uses cannot be accurate when you have a narrow road that is shared between farm related uses and a residential subdivision with 145 people.

The width and poor conditions of Ave 360 also poses a substantial risk to residents if the project is built. Currently there are no streetlights proposed, the road is in very poor conditions and increases the risk of accidents, the road narrows to around 13 feet, and the road shares uses with agricultural uses. The DEIR does not mention or recommend any mitigation related to the poor conditions, narrow width, street flooding, lack of lighting or incompatible uses on Ave 360.

Pictures of the poor road conditions that are proposed to support two way traffic to a 43-unit residential subdivision are attached as Attachment G.

Chapter 3.18: Utility and Service Systems

Part I: Inaccurate Water Consumption Data

The concerns in section 3.9 regarding water apply here as well regarding the water consumption estimates.

Part II: County Maintenance of Utility Systems

The DEIR indicates that *“Wastewater and sewage treatment within the Project area will be through the use of individual wastewater disposal systems consisting of septic tanks and leach fields to serve the Project site’s residents’ wastewater needs.” (Pg 3.18-12)*

As indicated in the DEIR, the proposed development is ½ mile north of the City’s UAB. Past County developments located just outside of the City have resulted in the City having to provide water and wastewater services due to the lack of maintenance of County systems. Today, the impact of these county developments is felt by the City of Woodlake, who now must provide sewer and water services to County residents due to lack of maintenance of County systems. The impacts of County development near City UAB boundaries will eventually impact the City’s water and sewer systems.

Part III: Storm Drain Systems

Page 3.18-14 indicates that *“The Project will require the construction of new storm water drainage facilities. All construction to this end will mandate the provisioning of adequate levels of storm water drainage infrastructure to protect the public and property from storm water damage and minimize flooding.”*

The project site is known to flood on a regular basis, as is evidenced by the pictures provided by local residents. The proposed project shows no “on site” storm water retention facilities and does not give any indication of how storm water will be moved off site. Currently, the storm water from the site flows south and enters the City of Woodlake at Wutchuma Blvd, near Castlerock. The significant impacts of enhanced runoff are not identified, let alone analyzed. The DEIR fails to mitigate these impacts.

Part IV: Three Rivers Community Plan Update Reference

The first sentence in Chapter 3.18 states: *“The proposed Three Rivers Community Plan Update (Project) will result in Less Than Significant impacts to Utilities and Service Systems with mitigation.”*

The City assumes that language is left over from the Three Rivers EIR prepared earlier this year.

Conclusion

Based on the above, the DEIR is insufficient as a CEQA document and should be withdrawn, revised and reissued to conform to the requirements of CEQA to address all foreseeable impacts and to mitigate them. Also, the City hereby refers to and incorporates by reference the City's comments previously submitted on the NOP for the Project

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Waters". The signature is stylized with a large, sweeping "J" and "W".

Jason Waters

City of Woodlake

Jason Waters

From: Jason Waters
Sent: Wednesday, September 19, 2018 10:03 AM
To: 'Hector Guerra'; Aaron Bock
Cc: Ramon Lara
Subject: RE: Final Site Plan for Redfield

Hi Aaron,

Can I get a copy of the resolution for the Redfield preliminary site plan that was approved in 2007 and the documents that the applicant submitted as part of the final site plan, which is referenced in the DEIR?

I would like all of the required final site plan items listed in Tulare County Ordinance No. 352 Chapter 3, Section 16.2 and Section 18.6.

Jason Waters
City of Woodlake
559-564-8055

-----Original Message-----

From: Hector Guerra <HGuerra@co.tulare.ca.us>
Sent: Wednesday, September 19, 2018 8:19 AM
To: Jason Waters <jwaters@ci.woodlake.ca.us>
Cc: Ramon Lara <rlara@ci.woodlake.ca.us>; Aaron Bock <ABock@co.tulare.ca.us>
Subject: Re: Final Site Plan for Redfield

Hi Jason,

We will send the request list below through the final mapping process.

We will add this request as conditions to the tentative map.

Also, with the copy of the tentative map and final approval resolution and conditions attached thereto.

If you need further assistance regarding the County's tentative/final map processes, please contact Aaron Bock, Interim Assistant Director-Planning/Project Processing Chief (abock@co.tulare.ca.us).

Best Regards,

Hector Guerra
Chief-Environmental Planning Division
Economic Development and Planning Branch Tulare County Resource Management Agency

>>> Jason Waters <jwaters@ci.woodlake.ca.us> 9/17/2018 3:56 PM >>>
Hi Hector,

Can you send me the following items for the Redfield Final Site plan?

a. A graded and slope stabilization plan prepared by a licensed Civil Engineer for that portion of the site which is to be disturbed. The grading and slope stabilization plan shall contain the following information:

- 1) A contour map showing proposed property lines, if applicable, and existing and proposed ground elevations and natural drainage channels.
 - 2) A plan for slope stabilization, if the plan includes landscaping, and the types of landscaping materials to be used shall be provided.
 - 3) The location of all native trees in the area that may be disturbed and which have a trunk diameter of six (6) inches or more at a point measured at three (3) feet above ground surface.
 - 4) The method of foundation construction.
 - 5) A general development plan indicating the pattern of storm water runoff and an explanation of how natural water courses will be protected against sediment overloading and contamination.
 - 6) A drainage plan indicating the pattern of storm water runoff and an explanation of how natural water courses will be protected against sediment overloading and contamination.
- b. A fire protection plan which indicates how potential hazards of structural or wild-land fires will be minimized.

Also, can you send me a copy of the site plan and approval?

Thanks.

Jason Waters
City of Woodlake
559-564-8055



TULARE COUNTY RESOURCE MANAGEMENT AGENCY APPLICATION

GENERAL INFORMATION / COVER SHEET



FINAL SITE PLAN

General Information:

Applicant _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Property Owner (if different) _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Agent (if applicable) _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Site Address: _____

Physical Location of Site (cross streets & nearest community): _____

Assessor's Parcel No(s): _____

THIS SPACE FOR OFFICE USE ONLY

Application Received/Reviewed by: _____ **Project Number(s)** _____

Use Description _____

Current Zoning: _____ **Economic Development Project:** _____

Land Use Designation: _____

Agricultural Preserve & Contract Nos. (if applicable) _____

Filing Fee(s): _____ **Total Amount Paid:** _____

Date Received: _____ **Payment Type:** _____

Receipt Number(s) _____ **Existing Entitlements/References:** _____

PERMIT CENTER HOURS: Monday-Thursday 9:00 a.m. to 4:30 p.m. – Friday 9:00 a.m. to 11:00 a.m.

FINAL SITE PLAN APPLICATION

REQUIREMENTS, FEES AND INSTRUCTIONS *(Please use dark blue or black ink)*

The application form must be filled out completely and in every respect with all questions answered and all required attachments included before the County can officially accept the application for processing. In the course of accepting and processing the application, the Permit Center Official or Planner may ask the applicant to clarify, correct or otherwise supplement the required information. The completed application may be filed with the Resource Management Agency Permit Center, at 5961 S. Mooney Blvd., Visalia CA 93277. Phone is 559/624-7100.

1. Ordinance No. 352, as amended, requires a filing fee to be paid at the time of filing an application for a Special Use Permit. This fee is to cover the cost to the County for advertising, investigations and processing the application through its various stages. If the costs of preparing the written staff report and environmental review exceed the deposit paid, additional deposits may be required, or the applicant will be billed an additional \$100/hour for staff time. A public hearing will not be scheduled until payment is received.

Description	Fee Due at time of Application Submittal (SUBJECT TO CHANGE AT ANY TIME)
Final Site Plan	\$3,415.00 Deposit plus \$100/hour (Average Cost for Processing: \$1,936)
Extension of Time	\$179.00
Minor Modification	\$510.00
Additional Charge, if located in an Airport Safety Review Zone (except for Conical Zone) for Airport Land Use Commission (ALUC) consultation response	\$200 if an ALUC informational item; \$1,500 deposit plus \$100/hour if an ALUC action item)
Waiver of Information Request	\$238.00
Additional Fees Due Prior to Setting the Public Hearing <i>(if applicable)</i>	
Compliance Monitoring Fee (2 inspections at \$65.00 each)	\$130.00 deposit
State Fish & Game fee for ND or MND	\$2,156.25
State Fish & Game fee for Environmental Impact Report	\$2,995.25
County Clerk Filing Fee for NOD/NOE	\$58.00
Recording Fee (Including SB2 - Building Homes and Jobs Act Fee)	\$150.00
Additional Charge for Staff Time	To Be Determined

IMPORTANT NOTICE: The applicant is responsible for the payment of all fees associated with this application, including the initial deposit and additional fees charged for processing. In addition, the applicant may be required to submit to the County additional deposits. All fees charged for this application are required to be paid to the County prior to approval of the proposal.

2. This application must be completely filled out and must be signed by at least one of the property owners.
3. The optional Waiver of Information Application enables an applicant to request the Decision Making Body to waive the submittal of required information items.
4. If the proposed project does not qualify as categorically exempt per the California Environmental Quality Act, the California Department of Fish and Game (DFG) charges a fee to allocate the costs of fish and wildlife protection to those who consume those resources through urbanization and development. The fee increases annually. The applicant may apply for a waiver by contacting the DFG office in Fresno at (559) 243-4017.
5. A minimum of 15 copies of the Development / Site Plans shall be submitted so that a complete evaluation is made of the application by the Planning Branch and other agencies, as required. Additional copies of the site plans for a complex project may be required.
6. The Tulare County Planning Commission has adopted standards for facilities as listed below. Copies of these standards are available upon request and should be utilized in preparation of site plans.
7. The Planning Commission will refer to the adopted standards in evaluating all requests submitted to them for review. In order to eliminate delay in processing the application, the submitted plans must be complete as follows:
 - a. The plans should be drawn to scale, legible, with full dimensions, and net areas (in acres and/or square feet). Show location of the proposed use on the subject parcel.
 - b. Boundary of the entire site (including Assessor's parcel lines). Within the boundary, show all existing and proposed buildings and/or structures, including location, size (sq. ft.), floor plans, and height. Also identify each as existing or proposed uses.
 - c. Note the location address and/or Assessor Parcel Number on the site plan.
 - d. Show distances (in feet) between all buildings/structures, and from structures to closest lot line.
 - e. Label and show all existing and proposed open space areas, including yards, and recreation areas.

- f. Show walls, fences and barriers, including location, height and construction materials (masonry, cyclone, wood, dirt).
 - g. Show all parking and loading areas including location, number of spaces, dimensions of spaces, type of surfacing and internal circulation pattern.
 - h. Access to the site: show pedestrian walkways and vehicular and/or service roads and driveways, including ingress and egress locations.
 - i. Show any existing or proposed signs, including location, size, height, material and illumination, if applicable.
 - j. Lighting: indicate the type, location, height, general nature and direction of illumination.
 - k. Circulation: show all names, locations and dimensions of adjoining streets/roads.
 - l. In foothill and mountain areas, development/site plans must include contour and other relevant topographic information for the entire site.
 - m. On-site drainage: indicate general direction and method of disposal.
 - n. Landscaping: indicate existing large trees and existing or proposed landscaping, with location and type of irrigation system(s).
 - o. Show the location of all existing and proposed septic tank-leach line systems, community sewage systems and potable water sources in accordance with the Tulare County Environmental Health Services Standards. (Note: proposed septic tank-leach line systems must be a minimum of 100 ft. from any on- or off-site wells.)
 - p. Indicate the location, length, width, and surface type of all existing and/or proposed easements including those for access and public utilities and private vehicular access easements.
 - q. The attached "Indemnification Agreement" must be signed by the property owner and submitted with the completed application.
8. Operational Statement: Please attach a detailed operational statement.
 9. **Special Requirements For PD-F-M Zone:** Final Site Plans submitted for property located in the PD-F-M (Planned Development – Foothill Combining – Special Mobilehome) Zone shall be accompanied by the following additional information:
 - a. A graded and slope stabilization plan prepared by a licensed Civil Engineer for that portion of the site which is to be disturbed. The grading and slope stabilization plan shall contain the following information:
 - 1) A contour map showing proposed property lines, if applicable, and existing and proposed ground elevations and natural drainage channels.
 - 2) A plan for slope stabilization, if the plan includes landscaping, and the types of landscaping materials to be used shall be provided.
 - 3) The location of all native trees in the area that may be disturbed and which have a trunk diameter of six (6) inches or more at a point measured at three (3) feet above ground surface.
 - 4) The method of foundation construction.
 - 5) A general development plan indicating the pattern of storm water runoff and an explanation of how natural water courses will be protected against sediment overloading and contamination.
 - 6) A drainage plan indicating the pattern of storm water runoff and an explanation of how natural water courses will be protected against sediment overloading and contamination.
 - b. A fire protection plan which indicates how potential hazards of structural or wild-land fires will be minimized.
 - c. For any non-residential development, a landscaping and parking plan shall be provided.

SUMMARY OF REQUIREMENTS TO BE SUBMITTED FOR A FINAL SITE PLAN APPLICATION

	Applicant	Staff
1. Completed Application	<input type="checkbox"/>	<input type="checkbox"/>
2. Owner's Affidavit (<i>signed by property owner</i>)	<input type="checkbox"/>	<input type="checkbox"/>
3. Filing Fees	<input type="checkbox"/>	<input type="checkbox"/>
4. Development/Site Plans (15 copies) (Note: additional copies may be required)	<input type="checkbox"/>	<input type="checkbox"/>
5. Indemnification and Cost Recovery Agreement (<i>separate attachment</i>)	<input type="checkbox"/>	<input type="checkbox"/>
6. Supplemental Information – Review of "Identified Hazardous Waste Sites" List	<input type="checkbox"/>	<input type="checkbox"/>
7. Applicant's Request for Notification of Proposed Land Use Action	<input type="checkbox"/>	<input type="checkbox"/>
8. Operational Statement (<i>if required by County</i>)	<input type="checkbox"/>	<input type="checkbox"/>
9. "Will Serve" letter from the off-site Community water and/or sewage disposal provider	<input type="checkbox"/>	<input type="checkbox"/>
10. Water availability information for all existing and/or proposed on-site domestic wells.	<input type="checkbox"/>	<input type="checkbox"/>
11. Request for Unused Fees Form (Signed by Applicant)	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE FILL OUT THE FOLLOWING INFORMATION COMPLETELY (ADD ADDITIONAL PAGES IF NECESSARY):

1. Proposed use of the project site *(Please state exactly and in detail what is intended to be done on, or with, the property, including a statement of the relative proportions of the total area of the project site proposed to be devoted to each use.*

2. Is this proposal being processed in conjunction with a Special Use Permit, Tentative Parcel Map, or Tentative Subdivision Map? If yes, state the project file number of the related application.

3. Describe any changes in the project which have occurred since the approval of the Preliminary Site Plan, if any, other than those required by the Site Plan Review Committee.

4. Describe the type of street improvements and utilities, which the applicant proposes to install.

5. Describe type of street tree planting or other landscaping plan, if required by Site Plan Review Committee.

6. Statement of other improvements proposed to be made or installed.

7. Describe the anticipated time frame for completion of the development project, including any phasing and a description of each phase.

8. List any deed restrictions, if any.

ENVIRONMENTAL SETTING

9. Describe the project site, prior to the proposed use, including all above and below ground developed improvements *(residences, outbuildings, barns, sheds, covers, shop buildings, septic tank-leach line systems, domestic/agricultural wells, fuel storage tanks, etc.)*, including the size of each.

10. Describe the slopes and general terrain of the subject site:

11. Trees: identify the type and size of any large trees on site (breast-height diameter).

12. Water courses: identify the type and location of any on-site or nearby water courses *(rivers, canals, ditches, streams, natural drainage channel, creeks, etc.)*.

13. Describe the character and land use of the surrounding properties *(orchards, vineyards, row crops, pasture, open space, water courses, railroads, roads, rural residential, subdivisions, commercial, schools, churches, vacant, city or county boundary)*:

<u>DIRECTION</u>	<u>CHARACTER/LAND USE</u>
North	
South	
East	
West	

14. Liquid waste disposal (*please check appropriate box*): ☐ Existing ☐ Proposed
- ☐ Septic Tank-Leach Lines: Size of tank _____gallons & length of lines _____ ft.
- ☐ Seepage Pit - Size _____
- ☐ Community System – Name: _____
- ☐ Aerobic tank - Size of tank _____

15. Water supply (*please check appropriate box*): ☐ Existing ☐ Proposed
- ☐ Domestic Well – Size of pump _____ Gallons per minute _____
- ☐ Irrigation Well: _____
- ☐ Irrigation District – Name: _____
- ☐ Private Water Company – Name: _____
- ☐ Community System – Name: _____

Note: A “Will Serve” letter from any off-site community water and/or sewage disposal provider must be submitted as part of this application. In addition, water availability information for all existing and/or proposed on-site domestic wells must also be provided.

16. Source of energy (*please check appropriate box*):
- ☐ Electricity – Company name: _____
- ☐ Natural Gas – Company name: _____
- ☐ Propane: Size of tank _____ Provider _____

17. Will the project require the development of public service facilities (*roads, sewer lines, water lines, etc.*)? If so, describe the required development improvements:

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

HAZARDOUS WASTE AND SUBSTANCES STATEMENT:

Per California Government Code Section 65962.5(f), before the County accepts as complete an application for any development project, the applicant or owner shall consult the State's lists of hazardous waste facilities, shall submit a signed statement to the County indicating whether the project is located on a site that is included on any of the lists. The "Identified Hazardous Waste Sites" list may be viewed on the web at <http://www.envirostor.dtsc.ca.gov/public> or reviewed at the Resource Management Agency Permit Center, 5961 South Mooney Blvd., Visalia, California.

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

STATEMENT:

I have reviewed the "Identified Hazardous Waste Sites" list (which may be viewed on the web at <http://www.envirostor.dtsc.ca.gov/public>) dated _____, 20____, and state that:

"The site(s) of the project subject to this application ____ is / ____ is not on the "Identified Hazardous Waste Sites" list."

(If the site is on any of hazardous waste facilities lists, the applicant shall inform the County of which list, the date of the list, the regulatory identification number of the site on the list and corrective measures that will be taken to remove the site from the State list.)

CERTIFICATION:

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

Signed: _____

Dated: _____

**APPLICATION FOR WAIVER OF INFORMATION
REQUIRED ON SITE PLAN**

Applicant or Authorized Agent: _____

Mailing Address: _____
City _____ State _____ Zip _____

Phone No. _____ Cell _____

In accordance with Section 16.2-F-6 of the Tulare County Zoning Ordinance, application is hereby made for waiver of the requirement to file the informational items listed below. I fully understand that the Site Plan Review Committee can waive the filing of the items only if it finds that the filing of such information will not serve the purposes set forth in Ordinance No. 352 (Zoning Ordinance) or the goals and objectives of the Tulare County General Plan.

List the informational items for which this application is being submitted and explain fully the grounds for which the waiver is being requested.

1. Waiver request: _____
Explanation: _____

2. Waiver request: _____
Explanation: _____

3. Waiver request: _____
Explanation: _____

4. Waiver request: _____
Explanation: _____

(You may attach additional sheets, if necessary.)

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

Signed _____ Date _____

OWNER'S AFFIDAVIT
(Must be signed by property owner)

STATE OF CALIFORNIA)
COUNTY OF TULARE)

SS.

I, (We,) the undersigned, say:

I (We) own property involved in this application and I (we) have completed this application and other documents and maps required hereby to the best of my (our) ability and the statements and information above referred to are, in all respects, true and correct to the best of my (our) knowledge and belief. I (We) declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____, at _____

Name: _____ Signature: _____

Address: _____ State: _____ Zip: _____

Optional – additional property owner

Name: _____ Signature: _____

Address: _____ State: _____ Zip: _____

If there is an agent, title company, or prospective buyer who desires notification of the action taken on this application, please enter name here.

Name: _____

Relationship: _____

Address: _____

State: _____ Zip: _____

Telephone: _____

FAX No.: _____

In the case of applications which are subject to the authority of the Zoning Administrator, (see list of projects), the Zoning Ordinance provides that the applicant has the right to request that the Planning Commission hear the application rather than the Zoning Administrator. Please sign below if you wish to have your application heard by the Planning Commission. Note: An additional fee is required for the Planning Commission process.

Signed: _____ Date: _____

**APPLICANTS' REQUEST FOR NOTIFICATION
OF PROPOSED LAND USE ACTION**

NOTICE:

Under Section 65945(a) of the California Government Code, at the time of filing an application for a development permit, the applicant may make a written request to receive notice from the County of a proposal to adopt or amend any of the following plans or ordinances which may affect the proposed development permit:

1. A General Plan
2. A Specific Plan
3. A Zoning Ordinance
4. An Ordinance affecting building permits or grading permits

The applicant shall specify, in written request, the types of proposed actions for which notice is requested. Prior to taking any of those actions, the County is required to give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the County if the County determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

REQUEST:

[] I hereby request under Section 65945(a) for the following types of actions (see above). Circle those that apply:

1 2 3 4

[] I hereby waive notice under Section 65945(a).

I understand that any rights to notice under Section 65945(a) will lapse at the time that final action is taken on my development project.

Signed: _____
(applicant or authorized agent)

Dated: _____

Permit No.: _____

The County of Tulare
“INDEMNIFICATION AND COST RECOVERY AGREEMENT”
(must accompany this application)

Please download or print out the form from the
County Web Site
(located with the list of land use applications).

The Indemnification and Cost Recovery Agreement
must be filled in and signed by the applicant and must be
submitted as part of any land use application requiring
discretionary review by the County.

This Agreement must be signed by the Applicant

Please sign the Agreement in blue ink (preferred)
and submit the original, signed document with the appropriate
land use application.

WITHDRAWAL OF APPLICATION

Should you, at any time during the processing of your application, wish to withdraw your application and request a refund of fees paid, you may do so by forwarding a letter to the Resource Management Agency making that request. Please state clearly that you no longer wish to proceed with your land use project (*state the project number*), and that you are requesting a withdrawal of your project and a refund of any fees that have not been expended for the processing of your application.

Please date and sign the letter and include a mailing address where you would like any refund of fees (if applicable) to be mailed. Forward the request to the attention of the project planner.

REQUEST FOR REFUND OF FEES

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

Project Number: _____

Please refund any unused fees associated with this application to the designated name and address below.

(please print name)

(Street Address, Suite/Apt. No.)

(City, State, Zip)

Signature

Date

Jason Waters

From: Hector Guerra <HGuerra@co.tulare.ca.us>
Sent: Tuesday, August 14, 2018 3:26 PM
To: Mario U.Zamora
Cc: Jason Waters; Ramon Lara; Sarah Valencia
Subject: Re: Antelope Valley (Redfield) Subdivision TM 805

Mario,

We have updated the web link as follows: "Please note, the City of Woodlake Notice of Preparation comment letter is found on pages 1178-1179 of 1230 of the PDF document." Here's the link:
<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>
which includes Appendix G "CEQA Notices" and all NOP comments received.

Best Regards,

Hector

>>> Hector Guerra 8/14/2018 10:36 AM >>>
That's a very good suggestion; we will do it immediately.

>>> "Mario U. Zamora" <zamora@griswoldlasalle.com> 8/14/2018 10:32 AM
>>>
Hector,

We believe it is important that something get posted - such as an addendum on the website that comments were received from the City. We are not asking that those comments be addressed in the DEIR at this time.

But by stating in the documents that no comments were received, which you acknowledge was clearly an error on the County's part, it indicates to the public and those involved that the City does not have a sufficient stake in the project when clearly it does, especially considering the impacts on the City mentioned. Failing to do so is likely to discourage other members of the public from participating in the process because they will wrongly believe that the City has no interest.

Mario U. Zamora
zamora@griswoldlasalle.com
Griswold, LaSalle, Cobb, Dowd & Gin, LLP
111 E. Seventh Street
Hanford, CA 93230
T: (559) 584-6656 x 109
F: (800) 948-6085

On Tue, Aug 14, 2018 at 10:10 AM, Hector Guerra <HGuerra@co.tulare.ca.us> wrote:

> Thank you for your comments.

>

> The County inadvertently excluded the City's NOP comments. We will
> address and provide responses to the City's comments in the Final
EIR.

>

> Best Regards,

>

> Hector

>

>

> >>> Sarah Valencia <valencia@griswoldlasalle.com> 8/13/2018 3:53 PM

> >>>

> Good afternoon Hector,

>

> Our office represents the City of Woodlake. Please see the attached
> letter from Mario Zamora regarding the above referenced project. A
> hard

copy

> of

> the same is also being mailed. Please do not hesitate to contact
our

> office if you have any questions.

>

> Sarah Valencia, Paralegal

> GRISWOLD, LaSALLE, COBB, DOWD & GIN, L.L.P.

> 111 East Seventh Street

> Hanford, California 93230

> Office: (559) 584-6656 x 131

> Fax: (559) 582-3106

>

> _____

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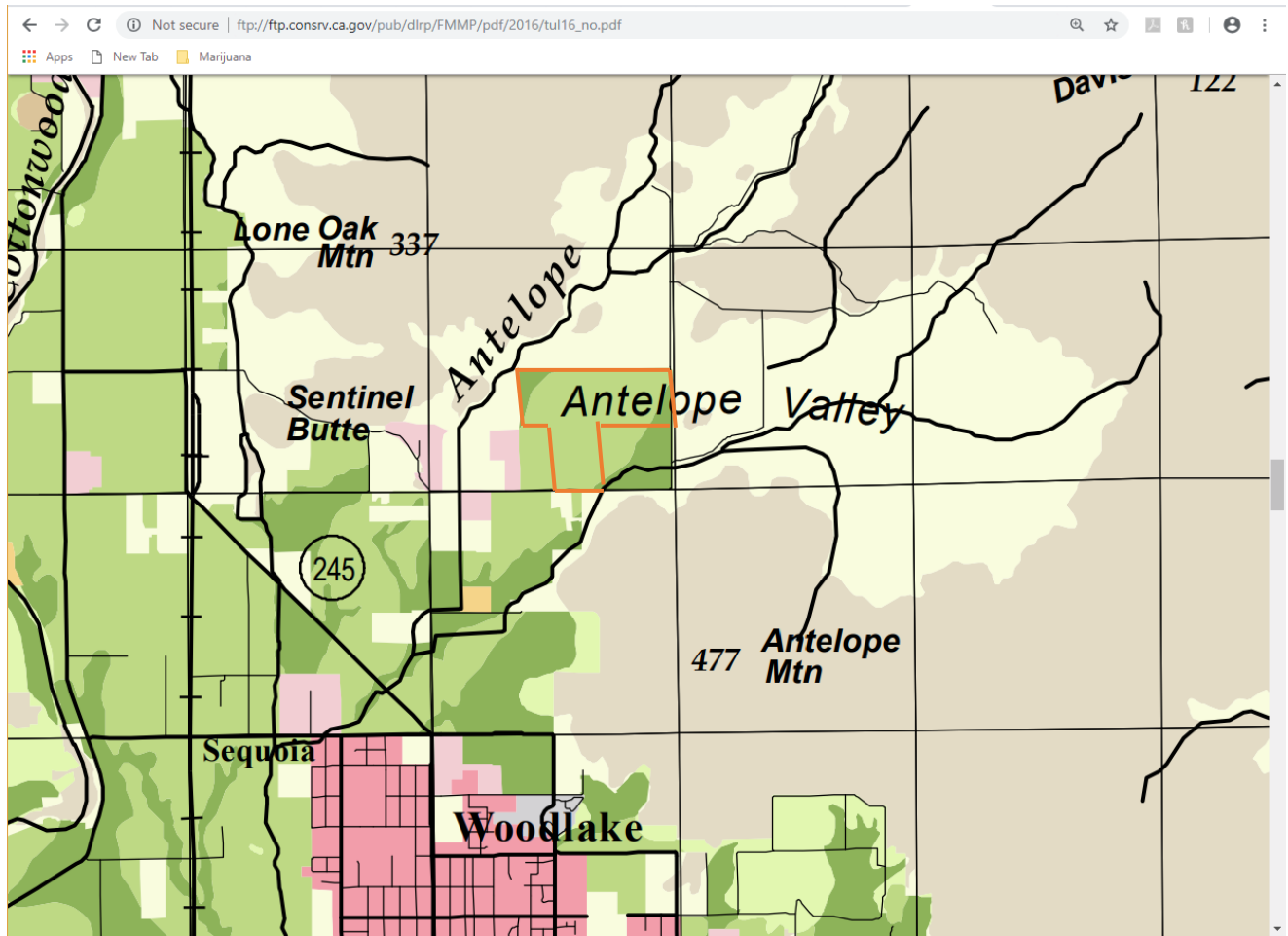
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ATTACHMENT D



PRIME FARMLAND

PRIME FARMLAND HAS THE BEST COMBINATION OF PHYSICAL AND CHEMICAL FEATURES ABLE TO SUSTAIN LONG-TERM AGRICULTURAL PRODUCTION. THIS LAND HAS THE SOIL QUALITY, GROWING SEASON, AND MOISTURE SUPPLY NEEDED TO PRODUCE SUSTAINED HIGH YIELDS. LAND MUST HAVE BEEN USED FOR IRRIGATED AGRICULTURAL PRODUCTION AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.



FARMLAND OF STATEWIDE IMPORTANCE

FARMLAND OF STATEWIDE IMPORTANCE IS SIMILAR TO PRIME FARMLAND BUT WITH MINOR SHORTCOMINGS, SUCH AS GREATER SLOPES OR LESS ABILITY TO STORE SOIL MOISTURE. LAND MUST HAVE BEEN USED FOR IRRIGATED AGRICULTURAL PRODUCTION AT SOME TIME DURING THE FOUR YEARS PRIOR TO THE MAPPING DATE.

Acct Type	Description	01/20/18	Percentage	02/20/18	Percentage	03/20/18	Percentage	04/20/18	Percentage	05/20/18	Percentage	06/20/18	Percentage	07/20/18	Percentage	08/20/18	Percentage	Annual Total	Percentage		Acct Type	Description
1	Single Family Residential	13,132,880.00	63.15%	13,773,930.00	63.46%	11,202,200.00	61.19%	14,262,300.00	64.71%	23,969,630.00	63.42%	31,493,000.00	59.71%	34,539,950.00	58.48%	37,941,320.00	57.89%	180,315,210.00	60.51%		1	Single Family Residential
2	Multiple Unit Residential	3,904,020.00	18.77%	3,938,870.00	18.15%	3,456,630.00	18.88%	3,921,430.00	17.79%	5,097,630.00	13.49%	6,754,210.00	12.81%	7,605,259.00	12.88%	8,098,430.00	12.36%	42,776,479.00	14.35%		2	Multiple Unit Residential
3	Commercial	1,013,950.00	4.88%	1,069,295.00	4.93%	1,197,940.00	6.54%	1,049,530.00	4.76%	1,594,020.00	4.22%	2,531,180.00	4.80%	2,847,240.00	4.82%	3,165,290.00	4.83%	14,468,445.00	4.86%		3	Commercial
4	Industrial	822,980.00	3.96%	1,023,460.00	4.72%	792,180.00	4.33%	941,590.00	4.27%	871,550.00	2.31%	817,410.00	1.55%	926,550.00	1.57%	1,025,140.00	1.56%	7,220,860.00	2.42%		4	Industrial
5	Wells Tract	659,330.00	3.17%	704,350.00	3.25%	534,020.00	2.92%	730,680.00	3.32%	1,392,790.00	3.68%	1,859,720.00	3.53%	2,228,380.00	3.77%	2,537,920.00	3.87%	10,647,190.00	3.57%		5	Wells Tract
6	Schools	623,728.00	3.00%	761,924.00	3.51%	636,317.00	3.48%	643,565.00	2.92%	2,903,077.00	7.68%	5,814,096.00	11.02%	6,910,563.00	11.70%	8,268,643.00	12.62%	26,561,913.00	8.91%		6	Schools
7	Parks	414,810.00	1.99%	179,310.00	0.83%	240,010.00	1.31%	244,920.00	1.11%	1,377,020.00	3.64%	2,554,110.00	4.84%	2,872,010.00	4.86%	3,238,870.00	4.94%	11,121,060.00	3.73%		7	Parks
8	Churches	150,530.00	0.72%	112,890.00	0.52%	138,210.00	0.75%	129,650.00	0.59%	193,790.00	0.51%	318,630.00	0.60%	382,800.00	0.65%	426,530.00	0.65%	1,853,030.00	0.62%		8	Churches
9	Lighting and Landscaping	73,940.00	0.36%	139,250.00	0.64%	110,640.00	0.60%	117,360.00	0.53%	398,300.00	1.05%	603,660.00	1.14%	746,490.00	1.26%	843,350.00	1.29%	3,032,990.00	1.02%		9	Lighting and Landscaping
		20,796,168.00	100.00%	21,703,279.00	100.00%	18,308,147.00	100.00%	22,041,025.00	100.00%	37,797,807.00	100.00%	52,746,016.00	100.00%	59,059,242.00	100.00%	65,545,493.00	100.00%	297,997,177.00	100.00%			

Acct Type	Description	01/20/17	Percentage	02/20/17	Percentage	03/20/17	Percentage	04/20/17	Percentage	05/20/17	Percentage	06/20/17	Percentage	07/24/17	Percentage	08/20/17	Percentage	09/20/17	Percentage	10/20/17	Percentage	11/20/17	Percentage	12/20/17	Percentage	Annual Total
1	Single Family Residential	11,674,810.00	66.38%	11,225,110.00	55.83%	10,599,190.00	64.78%	13,355,620.00	66.50%	20,487,940.00	61.89%	29,829,523.00	62.21%	39,181,077.00	60.91%	30,543,470.00	59.74%	31,789,100.00	59.80%	23,267,370.00	58.69%	18,714,490.00	60.89%	13,984,620.00	63.68%	254,652,320.00
2	Multiple Unit Residential	3,608,670.00	20.52%	5,792,780.00	28.81%	3,454,350.00	21.11%	3,976,170.00	19.80%	4,809,360.00	14.53%	6,535,542.00	13.63%	7,943,946.00	12.35%	7,313,473.00	14.30%	7,335,473.00	13.80%	5,842,444.00	14.74%	5,070,686.00	16.50%	4,073,894.00	18.55%	65,756,788.00
3	Commercial	893,430.00	5.08%	807,300.00	4.02%	744,488.00	4.55%	918,427.00	4.57%	1,403,993.00	4.24%	2,504,750.00	5.22%	2,974,550.00	4.62%	2,362,270.00	4.62%	2,514,080.00	4.73%	1,834,980.00	4.63%	1,437,760.00	4.68%	1,129,710.00	5.14%	19,525,738.00
4	Industrial	66,190.00	0.38%	63,030.00	0.31%	72,330.00	0.44%	97,850.00	0.49%	143,760.00	0.43%	739,410.00	1.54%	694,720.00	1.08%	709,560.00	1.39%	606,940.00	1.14%	311,230.00	0.79%	715,100.00	2.33%	714,480.00	3.25%	4,934,600.00
5	Wells Tract	535,540.00	3.04%	1,530,161.00	7.61%	470,549.00	2.88%	674,920.00	3.36%	1,034,620.00	3.13%	1,541,460.00	3.21%	2,355,390.00	3.66%	1,911,100.00	3.74%	2,078,940.00	3.91%	1,509,670.00	3.81%	995,780.00	3.24%	753,700.00	3.43%	15,391,830.00
6	Schools	510,730.00	2.90%	588,870.00	2.93%	902,688.00	5.52%	759,810.00	3.78%	3,380,890.00	10.21%	4,157,460.00	8.67%	6,939,830.00	10.79%	5,386,990.00	10.54%	6,638,270.00	12.49%	4,892,100.00	12.34%	2,318,645.00	7.54%	658,234.00	3.00%	37,134,517.00
7	Parks	330.00	0.00%	10.00	0.00%	31,430.00	0.19%	114,973.00	0.57%	1,459,102.00	4.41%	1,813,425.00	3.78%	2,850,164.00	4.43%	1,656,380.00	3.24%	819,710.00	1.54%	983,720.00	2.48%	721,700.00	2.35%	281,110.00	1.28%	10,732,054.00
8	Churches	108,750.00	0.62%	83,780.00	0.42%	71,970.00	0.44%	135,680.00	0.68%	178,780.00	0.54%	292,590.00	0.61%	355,370.00	0.55%	351,520.00	0.69%	347,390.00	0.65%	272,430.00	0.69%	222,590.00	0.72%	192,020.00	0.87%	2,612,870.00
9	Lighting and Landscaping	189,900.00	1.08%	13,170.00	0.07%	14,590.00	0.09%	50,730.00	0.25%	203,200.00	0.61%	538,790.00	1.12%	1,030,910.00	1.60%	892,570.00	1.75%	1,030,540.00	1.94%	728,500.00	1.84%	538,900.00	1.75%	172,060.00	0.78%	5,403,860.00
		17,588,350.00	100.00%	20,104,211.00	100.00%	16,361,585.00	100.00%	20,084,180.00	100.00%	33,101,645.00	100.00%	47,952,950.00	100.00%	64,325,957.00	100.00%	51,127,333.00	100.00%	53,160,443.00	100.00%	39,642,444.00	100.00%	30,735,651.00	100.00%	21,959,828.00	100.00%	416,144,577.00

Ave 360 Looking East
Flooding at Antelope Creek
2010 + 2016-17

Attachment F



LOOKING NORTH FROM
ATELOPE CREEK BRIDGE
2010 + 2016-17



LOOKING EAST AUR 360
3RD CROSSING Flooding
WASH OUT 2016-17
2010 + 2016-17



LOOKING EAST AVE 360
3RD CROSSING CULVERT
FLOODED
2010+2016-17



LOOKING EAST ON 360
MORE FLOODING
2010 + 2016-17



LOOK WEST ON AVE 360
2ND CROSSING FLOODED
2010 & 2016-17



LOOKING NORTH ON Rd 209
ADJACENT TO PROJECT ON EAST SIDE
204 IN VERY POOR CONDITION
2010 + 2016-17



HOARD CULVERT ON Rd 204
LOOKING EAST
2010 + 2016-17



Attachment G







ATTACHMENT NO 5
RESOURCE MANAGEMENT AGENCY

Attachment H

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

Britt L. Fussell	Engineering
William Hayler	Comm & Dev Services
Jean P. Brou	Transportation
George Finney	Planning
Hal Cyfert	Support Services
Roger Hunt	Administrative Services

HENRY HASH, DIRECTOR

MICHAEL D. ELLZEY, ASSOCIATE DIRECTOR

April 16, 2007

Ronald Redfield
21606 Avenue 360
Woodlake, CA 93286

SUBJECT: Design Conference Letter for Preliminary Subdivision No. PRE 06-045

Dear Mr. Redfield:

On April 13, 2007, the Site Plan Review Committee considered your preliminary subdivision to divide 89 acres into 37 lots in the PD-F-M (Planned Development-Foothill Combining-Special Mobilehome) Zone. The site is located on the west side of Road 220, approximately ¼ mile north of Avenue 360, north of Woodlake.

The meeting was attended by Beverly Cates, RMA Project Review Division, Sabine Geaney, Tulare County Environmental Health Services Division, Mike Whitlock, Tulare County RMA-Engineering Branch, Kurtis Brown, Tulare County Fire Department, Fred Weber, agent, and myself as Project Planner. On the basis of the comments submitted by various State and local agencies, the Site Plan Review Committee approved the preliminary subdivision by Resolution No. 07-082 (copy enclosed) and recommended that the following additions and/or modifications be incorporated into, and/or submitted with, the tentative subdivision map and application prepared for this project:

1. Phasing of the subdivision shall be shown on the Tentative Subdivision Map, if applicable.
2. Recent water test for Nitrates and Gross Alpha (radiological) from one on-site well.
3. A minimum of one percolation test and one ten-foot soil boring shall be performed on Lots 3, 8, 13, 19, 25, and 32, as specified by the Environmental Health Division.
4. Exceptions to the Subdivision Ordinance for the following:
 - Length of the cul-de-sac, which exceeds the maximum allowed of 660 feet
 - Community water for parcels less than 10 acres in the PD-F-M Zone
5. The 20 ft. wide private vehicular access easement along the western boundary of Lots 8-12 shall be identified on the Tentative Map.

6. Street name(s) shall be designated on the Tentative Map.
7. A focused Traffic Impact Study, prepared by a Registered Civil Engineer or Traffic Engineer, shall be prepared. The Traffic Impact Study shall include details of existing road conditions providing access to the site and an analysis of traffic to be generated by the development. The limits of the Study shall include Road 212 from State Route 245 to Avenue 360, Avenue 360 from Road 212 to Road 220, and Road 220 from Avenue 360 to the subdivision entrance.

The Traffic Study shall also include discussion and recommendations for necessary improvements to the roads identified, due to the increased traffic generated by this subdivision.

The Site Plan Review Committee also identified the following preliminary conditions of approval if this project is approved. Please be advised that these conditions may be added to, modified and/or deleted prior to or during the course of the public hearing(s) on this matter.

1. All public improvements serving this subdivision shall be constructed in accordance with the Tulare County Improvements Standards, unless and except as such standards are modified herein.
2. All utility easements shall be shown on the final map.
3. All water, gas, electric, telephone, cable television, storm drain, and related infrastructure to be extended along any road in the subdivision, or adjacent to the subdivision, shall be constructed prior to surfacing of roads.
4. The subdivider shall make all necessary arrangements for the relocation of all overhead and underground utility facilities that interfere with any improvement work required of this subdivision. In addition, the subdivider shall make all necessary arrangements with the public utility company for the cost of relocating such facilities, as no relocation costs will be borne by the County.
5. The subdivider shall be responsible for the cost of materials and installation for street name and traffic signs at locations recommended by the County Engineer.
6. A drainage and erosion control plan for driveways and building pads prepared by a registered civil engineer shall be submitted to and reviewed and approved by the Resource Management Agency prior to issuance of building permits and prior to commencement of grading or any construction.
7. All runoff generated from this subdivision shall be directed to natural drainage areas without adversely impacting adjacent property. Improvement plans and hydraulic calculations detailing the design of the storm drainage improvements and site grading shall be submitted to and approved by the County Engineer or

his designee prior to recordation of the final map. Such drainage plans shall clearly show the following information:

- a. Existing and proposed contours for the entire project site
 - b. All off-site flows reaching and potentially impacting the project
 - c. Storm drain plans as required
 - d. Hydraulic calculations of pipe sizes, drainage channels, etc.
8. A Registered Civil Engineer will be required to prepare improvement plans for this subdivision. The improvement plans shall address all aspects of constructing the improvements and shall identify existing topography, lot grading, road improvement details, storm drainage system details, sewer and water system details, street light locations, street sign locations, utility relocations and any other details relevant to constructing the improvements. The improvement plans shall be submitted to and approved by the County Engineer or his designee prior to initiation of construction.
9. The subdivider shall submit an application and pay the required fee to the Tulare County RMA for the formation of an assessment district for the maintenance of the public streets and roadways within the boundary of the subdivision. Formation of the assessment district must be completed before the recordation of the final map. The formation process will begin at the time the application and fee are received by the RMA Engineering Branch. The subdivider may also submit proof to the Tulare County RMA of an alternative means of providing for permanent, long-term maintenance of the public streets and roadways such as a homeowners association. The alternative means will need to be approved by the Tulare County RMA and the process completed before the recordation of the final map.
10. The subdivider or his contractor shall obtain all necessary encroachment permits from the Tulare County RMA before performing work within the County road rights-of-way of Road 220 or Avenue 360.
11. The applicant shall comply with all of the Land Alteration requirements of the (F) Foothill Combining Zone as set forth in Attachment No. 1.
12. New sewage disposal systems shall be designed by a Registered Civil Engineer, Registered Environmental Specialist or Registered Engineering Geologist. The specifications and engineering data for said system shall be submitted to the Tulare County Environmental Health Services Division for review and approval prior to issuance of a building permit.
13. Any out of service wells, fuel storage or sewage disposal tanks shall be properly abandoned per Tulare County permit requirements.
14. The applicant shall install a fire hydrant system, sprinklers, or other alternate means in compliance with the Tulare County Improvement Standards prior to the recording of the final map. New fire hydrants shall be installed at locations and to the specifications of the Tulare County Fire Warden. Copies of the improvement


plans shall be submitted to the Fire Warden's Office (2 copies) and the Tulare County Resource Management Agency-Engineering Division (2 copies) for review and approval prior to construction.

15. Blue raised reflective markers shall be located in the street to identify fire hydrant locations to the specifications of the Tulare County Fire Warden.
16. Location of street lights shall coincide with fire hydrant locations where possible.
17. Any revisions to the subdivision map involving the changing of lot numbers will require further review by the Tulare County Fire Department.
18. All new construction, roadways and/or driveways shall comply with the County Fire Safe Regulations pertaining to driveways, gate entrances, defensible space, addresses identifying buildings, and fire safe standards for new buildings. All building permit applications for parcels created by this parcel map shall be reviewed and approved by the Tulare County Fire Warden's Office prior to their issuance. All required improvements shall be completed prior to occupancy of structure and prior to the issuance of occupancy permits.

The action taken by the Committee authorizes the applicant to proceed to the next stage, which is the submittal of a tentative map/final site plan.

Please note that the preliminary subdivision approval will expire one year from April 13, 2007. If the tentative subdivision application and map has not been submitted by April 12, 2008, the preliminary approval will expire and no further action may be taken until a new preliminary application has been submitted and processed. A single, one-year extension of time may be requested, in writing, prior to the expiration of the preliminary approval.

Respectfully,


Charlotte Brusuelas, Project Planner
Project Review Division

xc: Fred Weber, Forester, Weber & Associates, 1620 W. Mineral King Avenue,
Suite B, Visalia, CA 93291
T.C. Environmental Health Department
T.C. RMA, Engineering Division
T.C. Fire Warden
File – PRE 06-045

BEFORE THE SITE PLAN REVIEW COMMITTEE
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF DESIGN)
CONFERENCE REGARDING)
PRE 06-045)
FOR RONALD REDFIELD)

RESOLUTION NO. 07-082

UPON MOTION OF COMMITTEE MEMBER WHITLOCK, SECONDED BY
COMMITTEE MEMBER GEANEY, THE FOLLOWING WAS APPROVED BY THE SITE
PLAN REVIEW COMMITTEE AT AN OFFICIAL MEETING HELD APRIL 13, 2007, BY
THE FOLLOWING VOTE:

AYES: WHITLOCK, GEANEY, CATES
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE


Beverly Cates, Chairperson

Approved Preliminary Site Plan Review No. PRE 06-045, with conditions and recommendations as set forth in staff's report and as discussed at the meeting, requested by Ronald Redfield, 21606 Avenue 360, Woodlake, CA 93286, to allow the subdivision of 89 acres into 37 lots in the PD-F-M (Planned Development-Foothill Combining-Special Mobilehome) Zone. The subject property is located on the west side of Road 220, approximately ¼ mile north of Avenue 360, north of Woodlake.

REDFIELD ESTATES TENTATIVE SUBDIVISION FINAL SITE PLAN

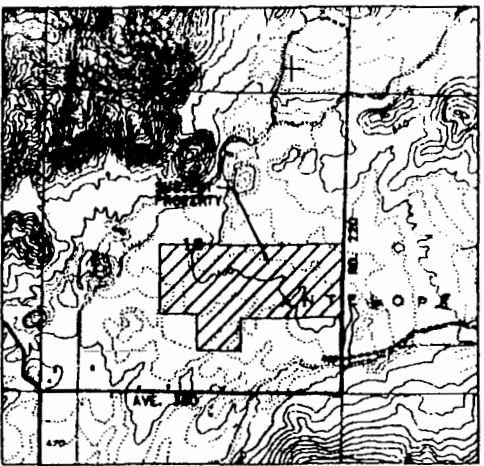
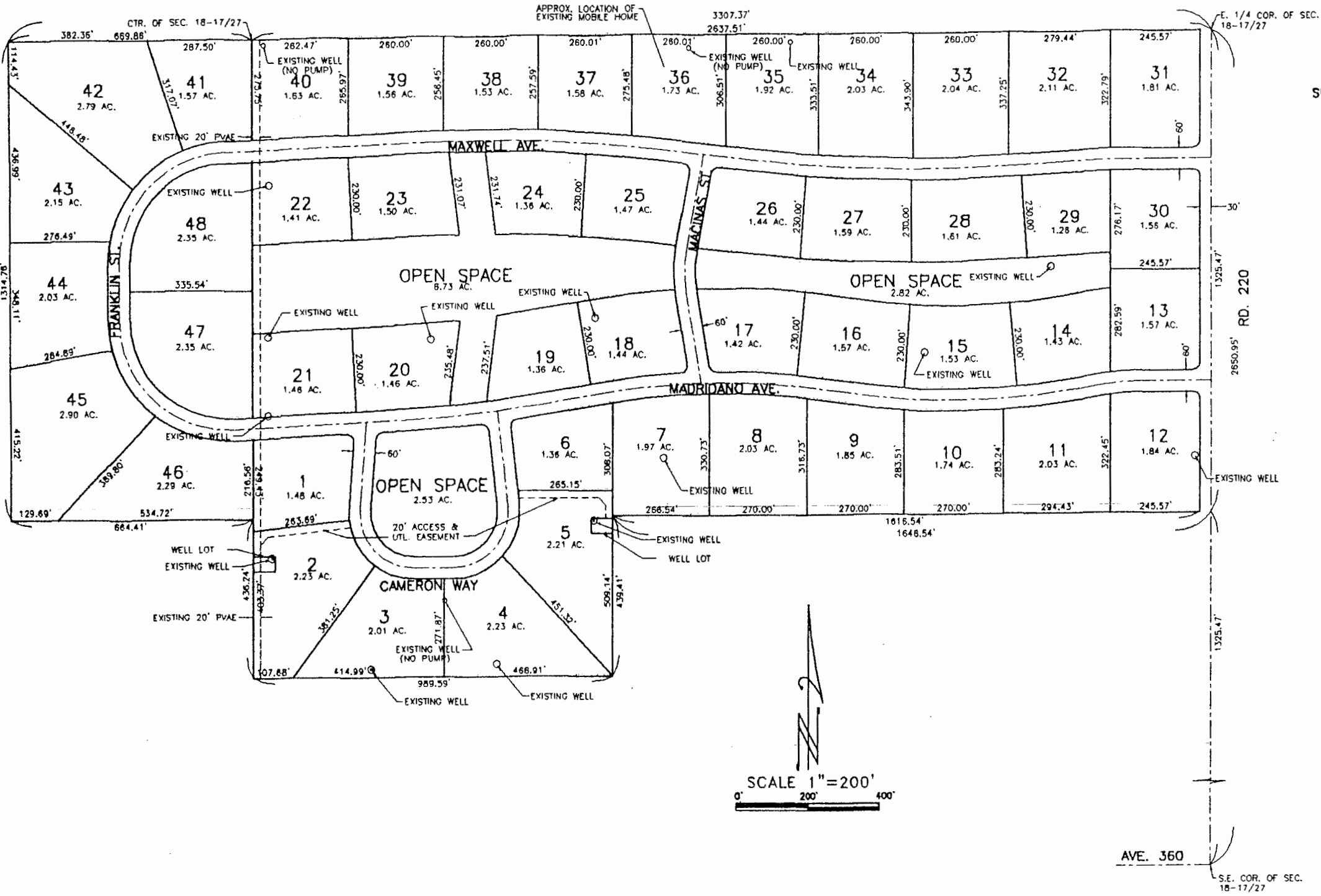
BEING A PORTION OF THE S.E. 1/4 OF SEC. 18 T.17S., R.27E., M.D.M. LOCATED IN THE
COUNTY OF TULARE, STATE OF CALIFORNIA.

REVISED
MARCH, 2010

OWNER: **RON REDFIELD**
21606 AVE. 360
WOODLAKE, CALIFORNIA 93286

SURVEYOR: **FORESTER, WEBER & ASSOCIATES, LLC**
1620 W. Mineral King Ave., Suite B
Visalia, California 93291
(559) 732-0102

NOTES:
EXISTING PROPERTY USE: AG/RES
PROPOSED PROPERTY USE: RESIDENTIAL
ZONING: PDPM
AREA = 110.00 AC.±
APN: 064-014-017,018,019,024,025,026 & 027
FLOOD ZONE: 'C'
ALL EXISTING WELLS ARE APPROXIMATE LOCATIONS





September 21, 2017

Hector Guerra
Chief Environmental Planner
5961 S Mooney Blvd
Visalia, CA 93277

RE: Redfield Subdivision Development Project

On behalf of the City of Woodlake, we offer the comments below on the Notice of Preparation for the Redfield Subdivision Development Project. We also note that we may have additional comments if the project proceeds.

The City of Woodlake is located approximately 1 mile south of the proposed Redfield Subdivision Development Project.

Hydrology, Water Quality, and Water Supply

The EIR should examine the impacts the project may have on the East Kaweah GSA's groundwater sustainability efforts.

The EIR should also measure the cumulative impacts that the project could have on the sub-basin as well as the City of Woodlake. During previous periods of drought, multiple County residents in the region had their wells go dry. Several of those County residents petitioned Woodlake to provide water services. A nearby County subdivision (Wells Tract) receives water and sewer services from the City of Woodlake due to insufficient County water and sewer infrastructure. Future impacts of the project may result in degradation of City services due to groundwater depletion and/or the providing of City services to County residents.

Population and Housing

The proposed project will have impacts on the City's ability to meet General Plan housing goals within City limits. The NOP mentions that the EIR will evaluate the project's effect on "population and housing in the local area". Those impacts should measure the impacts that the proposed project will have on Woodlake's ability to meet the goals in the City's Housing Element due to the proximity of the proposed project to Woodlake.

Public Services and Recreation

The costs to, impacts to, and degradation of Woodlake public services should be examined. The County does not operate any regional or local park space nearby. The proposed subdivision does not include any park space or recreational facilities. The proposed 43 residential lots will result in impacts to the

City's park programs, recreational facilities, and city park infrastructure which will result in increased costs to the City of Woodlake.

Transportation and Traffic

The proposed project should measure impacts to the City's local roads. Woodlake is the closest population center that can provide services to the proposed project area. Additional daily trips for shopping, groceries, gas, school, employment, etc. will have an impact on Woodlake's transportation infrastructure.

Utilities and Service Systems

The regional water impacts of the project should be examined, including the potential impacts to Woodlake's water and sewer services and the likelihood that Woodlake may have to provide these services to the proposed site due to inadequate County infrastructure.

The impacts to local City roads should be examined. Although the project is located off of Ave. 360, the condition of the nearby County roads will result in trips via Woodlake roads for commercial services, employment and schools.

Growth Inducement

The County should consider the growth inducing impacts of the project including:

1. The impacts of urbanization of land in a rural agricultural setting.
2. The impacts of leap frog development due to the proximity to an existing urban site.
3. The precedent setting action of rural development without commercial, recreational or employment near City limits.
4. The increase to demand for goods and services that are not provided by the proposed project or by any nearby county developments.
5. The encouragement of additional rural development in the region.

If you have any questions or comments, please contact the City of Woodlake.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Waters". The signature is stylized with a large, sweeping initial "J" and a long, horizontal flourish extending to the right.

Jason Waters
City of Woodlake

Attachment 7

Comments Received from
San Joaquin Valley Unified Air Pollution Control District
October 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

October 8, 2018

Brian Clements
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Ave.
Fresno, CA 93726

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Mr. Clements,

Thank you for providing the San Joaquin Valley Air Pollution Control District (Air District) letter response (dated October 3, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013).

The County of Tulare (County) acknowledges and recognizes the Air District's authority and expertise regarding air quality related 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: Significance Impact for Annual Criteria Pollutant Emissions; the Project specific annual emissions of criteria pollutants are not expected to exceed any of the Air District's significance thresholds.

Response: We agree, in-house subject matter experts Hector Guerra (Chief Environmental Planner) and Jessica Willis (Planner IV) have approximately 22 years of experience as former Air District staff and provided the initial determination that the Project's potential criteria pollutants are below Air District significance thresholds.

Comment Subject 2: District Rule 9510 (Indirect Source Review); the Project is below the Rule 9510 applicability threshold for a residential development.

Response: We agree, in-house subject matter experts Hector Guerra and Jessica Willis provided the initial determination that the Project's is below Rule 9510's threshold for residential projects.

Comment Subject 3: District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

Response: It is unlikely the Rule 4002 will apply as there are no existing buildings on the Project site that require renovation, demolition, or removal.

Comment Subject 4: Regulation VIII (Fugitive PM10 Prohibitions)

Response: We agree. As an orchard will be removed, earthmoving operations (for roads, building pads, storm water retention/detention basin(s), etc.) will occur, potential carryout/trackout may occur, unstabilized surfaces will occur, etc., the developer will be required to implement applicable rules contained in Regulation VIII as project design features. As noted earlier, in-house subject matter expert Hector Guerra previously worked as staff for the Air District and is intimately familiar with Regulation VIII as he was Project Manager during its development and subsequent adoption.

Comment Subject 5: Other District Rules and Regulations

Response: The development will be subject to the limitations contained in Rule 4103 (Open Burning) regarding orchard removal.

Comment Subject 6: Potential Air Quality Improvement Measures

Response: The rural nature of the Project does not avail itself to many opportunities to implement the suggest measures. The internal street network provides an opportunity for residents to walk or cycle, the large lots encourage use of open space for passive recreational activities, and the Project is approximately 1.5 miles to nearby shopping and employment opportunities in nearby Woodlake.

Comment Subject 7: District's comment letter should be provided to the Project proponent

Response: We agree. The Project proponent will be receiving a copy of this letter.

The project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

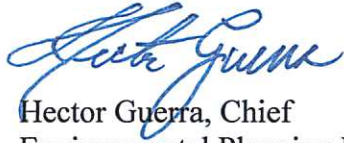
The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

In closing, we sincerely appreciate the Air District's comments which will be useful toward ensuring that the proposed Project complies with Air District regulations and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,

A handwritten signature in blue ink, appearing to read "Hector Guerra".

Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) Air District comment letter, October 3, 2018

cc: file

October 3, 2018

Dana Mettlen
County of Tulare
Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

**Project: Draft Environmental Impact Report (DEIR); Tentative Subdivision Map
(TSM) 805 – Redfield**

District CEQA Reference No: 20181029

Dear Ms. Mettlen:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project consisting of a Tentative Subdivision Map (TSM) for the Antelope Valley (Redfield) Subdivision Development consisting of 43-unit single-family units (Project). The approximately 125-acre project site is located on the west side of Road 220 and the north side of Avenue 360, approximately one mile north of the City of Woodlake in rural Tulare County. (APNs: 064-140-17, 18, 19, 24, 25, 26, 27, and 32). The site is currently zoned PD-F-M (Planned Development-Foothill combining –Special Mobile Home) Zone. The District offers the following comments:

1. Significance Impact for Annual Criteria Pollutants Emissions – Based on the analysis provided in the DEIR, 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 (NO_x), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO_x), 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 (PM_{2.5}). 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) - 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 fees. The Project is not subject to District Rule 9510 because the

Samir Sheikh
Executive Director/Air Pollution Control Officer

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

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

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

project size is below the Rule 9510 applicability threshold for a residential development.

3. District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants) - In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <http://www.valleyair.org/busind/comply/asbestosbuln.htm>.
4. Regulation VIII (Fugitive PM10 Prohibitions) - The Project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*. Information on how to comply with Regulation VIII can be found online at: http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm
5. Other District Rules and Regulations – The above list of rules is neither exhaustive nor exclusive. For example, the Project may be subject to the following District rules, including: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). To identify other District rules or regulations that apply to this Project or to obtain information on the District's permit requirements, such as an Authority to Construct (ATC), the Project proponent is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888 or e-mail SBA@valleyair.org. Current District rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.
6. Potential Air Quality Improvement Measures - The District encourages the following air quality improvement measures to further reduce Project related emissions from construction and operation. A complete list of potential air quality improvement measures can be found online at: <http://www.valleyair.org/ceqaconnected/aqimeasures.aspx>.
 - a. Cleaner Off-Road Construction Equipment – This measure is to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

- b. Improve Walkability Design – This measure is to improve design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments.
- c. Improve Destination Accessibility – This measure is to locate the project in an area with high accessibility to destinations. Destination accessibility is measured in terms of the number of jobs or other attractions reachable within a given travel time, which tends to be highest at central locations and lowest at peripheral ones. The location of the project also increases the potential for pedestrians to walk and bike to these destinations and therefore reduces the (vehicle miles traveled) VMT.
- d. Increase Transit Accessibility – This measure is to locate the project with high density near transit which will facilitate the use of transit by people traveling to or from the Project site. The use of transit results in a mode shift and therefore reduced VMT. A project with a residential/commercial center designed around a rail or bus station, is called a transit-oriented development (TOD). The project description should include, at a minimum, the following design features:
- A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly ¼ mile from stop to edge of development), and/or
 - A rail station located within a 20 minute walk (or roughly ½ mile from station to edge of development)
 - Fast, frequent, and reliable transit service connecting to a high percentage of regional destinations
 - Neighborhood designed for walking and cycling

The District recommends that a copy of the District's comment letter be provided to the Project proponent. District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this Project. If you have any questions or require further information, please call Georgia Stewart at (559) 230- 5937 or e-mail Georgia.Stewart@valleyair.org. When calling or emailing the District, please reference District CEQA number 20181029.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM: gs

Attachment 8

Comments Received from Bill and Laura Manser
September 20, 2018



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

October 11, 2018

Bill and Laura Manser
35859 Road 212
Woodlake, CA 93286

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Mr. and Ms. Manser,

Thank you for providing your comments (dated September 20, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013). Your and other interested person's and agencies' comments have been taken into consideration, and the County has responded to your comments as contained in the Final Environmental Impact Report (FEIR). As such the County is providing the attached Notice of Public Hearing for the Project. The Final FEIR (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 project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,

A handwritten signature in blue ink, appearing to read "Hector Guerra".

Hector Guerra, Chief
Environmental Planning Division

cc: file

From: Hector Guerra
To: Aaron Bock; Michael Washam; Jessica Willis
Date: 9/20/2018 4:11 PM
Subject: Fwd: Re: Antelope Valleu (Redfield) Subdivision Draft Environmental Impact Reort
Comments
Attachments: DEIR Antelope Valley.docx

FYI.

Jessica, please add to the record.

>>> Hector Guerra 9/20/2018 4:09 PM >>>
Thank you for your comments.

As you and Mr. Manser are on our notification list you will continue to receive any notifications regarding this project.

Again, your comments are much appreciated and your participation in encouraged.

Best Regards,

Hector

>>> Laura Riggs <ldriggs5@gmail.com> 9/20/2018 3:09 PM >>>
Attached please find our comments and concerns regarding the Redfield Subdivision. We would like to be notified of any public hearings regarding this project.

This letter is also being sent via first class mail.

Thank you

- Laura & Bill Manser
35859 Road 212
Woodlake, CA 93286
559-468-4546

Bill and Laura Manser
35859 Road 212
Woodlake, Ca 93286
559-468-4546

September 20, 2018

Hector Guerra, Chief Environmental Planner
Resource Management Agency
Tulare County
5961 S Mooney Blvd
Visalia, CA 93277-9394

Dear Mr. Guerra,

This is in response to the Draft Environmental Impact Report (Sch# 2017081013) for the Antelope Valley (Redfield) Subdivision TM 805. We would like to submit our issues and concerns.

We live .7 miles from this planned development on Road 212. We have lived here for 4 ½ years and have gotten to know much of this valley's rich history and aesthetics. Below are several areas of concerns and questions.

1. WATER – This is a huge concern for the whole Antelope Valley. Ron Redfield has drilled approx. 18 plus wells and many have been capped due to running dry forcing him to continue drilling. Drilling 40 plus new wells for this project will make this issue worse. Even if a community water system is implemented the overall concern is still valid. Our first well went dry and our second well may need to be re-drilled soon. This is a well that is currently at 230'.

In the DEIR in Chapter 3.9-25 the acres used for the project water demands based on water supply sustainability report incorrectly states the development at 108 acres, not the 125 acres mentioned in the cover letter.

The water usage that is stated in the DEIR we believe is way understated when looking at houses, mini-ranches or Mac-Mansions that could be going in. The 2 plus acre parcels will have landscaping, pools, lawns (a very high use of water) etc. and would be using much more water than an established olive orchard.

Having 43 septic systems above our sole source for drinking water is a major concern for ongoing water quality. The amount of nitrates and other pollutants that would filter down into the aquifer would be drastically increased. With many shallow wells in the area, water quality would be impacted.

As stated in the conclusion C on page 3.9-26 that the proposed project site is not located along a natural water feature is incorrect. There is a creek running through this property, that has caused flooding in wet years. We have witness this flooding when walking down Ave 360 in the past and have seen water flowing over the road and standing water in the orchard at the proposed site. We see no provisions for water containment in this development.

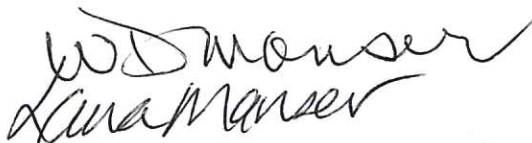
2. Transportation / Traffic – The 2 main roads that will be the main routes for these new homes are narrow and in poor condition. There is only 1 road that will access this property – Ave 360 which is very narrow. Cars must pull over to pass. Road 212 is also narrow and dangerous; this road is used by farm equipment and commercial trucks to support already existing infrastructure. Road 212 is currently a quiet road with little traffic which is what drew us to settling here in Antelope Valley. With the construction vehicles, air and noise pollution would disrupt our quality of living. Once construction is complete the estimated 500 vehicle trips, most of which would be traveling down our road will cause ongoing traffic, noise and air pollution. Antelope Valley is small and surrounded by the foothills, making it like an amphitheater which traps not only dust and pollutants, but also noise, especially traffic.

As there are no plans for any park or open space in this development, which only means that for any recreation the residents would have to drive to another location. This will only add to the traffic and congestion of the area.

3. Public Services – Many services are already overworked and understaffed and would be further stretched by this project. With the closest sheriff's office being in Visalia, response time would be an issue. There would also be the issue of there only being one road into this project. Getting fire, police, or ambulances access could be a problem.
4. Cultural – There is a concern over Native American Village sites that are in close proximity to this project. There are recorded sites of villages, pictographs and bed rock mortars within a few miles of the project.

In closing we would like it to be noted that we are very much against this project development going forward. From 2009-2010 Mr. Redfield has proposed similar plans to develop this property with 40 plus homes sites. When the community in Antelope Valley fought these past projects, they were denied. Now again in 2018 a similar project is being contemplated and nothing has been improved and in fact our water situation has gotten more dire. We do plan on being at any public meetings to voice our concerns for any approvals to move forward.

Sincerely,

Handwritten signatures of Bill and Laura Manser. The signature for Bill is written above the signature for Laura.

Bill and Laura Manser

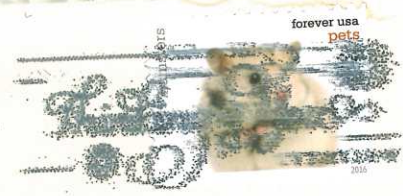
Sent via email and USPS



Bill Manser
Laura Riggs Manser
35859 Road 212
Woodlake, CA 93286

SANTA CLARITA CA 913

20 SEP 2018 PM 5:1



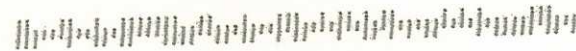
Hector Guerra, Chief Environmental Planner
Resource Mgmt Agency
5961 S Mooney Blvd
Visalia, CA 93277-9394

Tulare County
Resource Management Agency

SEP 24 2018

REC'D

93277-939461



Attachment 9

Comments Received from Vicente and Maria Gonzalez
September 23, 2018



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

October 11, 2018

Vicente and Maria Gonzalez
35928 Road 212
Woodlake, CA 93286

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Mr. and Ms. Gonzalez,

Thank you for providing your comments (dated September 23, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013). Your and other interested person's and agencies' comments have been taken into consideration, and the County has responded to your comments as contained in the Final Environmental Impact Report (FEIR). As such the County is providing the attached Notice of Public Hearing for the Project. The Final FEIR (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 project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,

A handwritten signature in blue ink, appearing to read "Hector Guerra", is written over a horizontal line.

Hector Guerra, Chief
Environmental Planning Division

cc: file

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

Re: Antelope Valley Subdivision Draft Environmental Impact Report

Dear Hector:

Please accept this letter as my opposition for the proposed Antelope Valley Subdivision and the Draft Environmental Impact Report. I oppose the project due to the impact it will have on the area regarding water, streets, storm water, septic, the environment and safety.

The Draft Environmental Impact Report failed to consider the concerns residents that live in the Antelope Valley already have and deemed those concerns of "No Significant Impact". No real effort was ever done by the County of Tulare to measure water depths, flooding concerns, road conditions, the impacts more septic systems will have in the area and what health and safety issues may arise by adding more homes to an area that is greatly undeveloped.

The DEIR makes many assumptions using unverified data that does not actually consider the specifics of Antelope Valley. The County of Tulare and the Board of Supervisors needs to properly study this potential development before making any irrational decisions that promote bad development that is not sustainable and will hamper the livelihood of those already living in the area.

Sincerely,



Vicente and Maria Gonzalez

35928 Road 212
Woodlake, Ca. 93286

Cc: Eddie Valero, Supervisor District 4

Attachment 10

Comments Received from Jesus and Nancy Rodriguez
September 23, 2018



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

October 11, 2018

Jesus and Nancy Rodriguez
21303 Ave 360
Woodlake, CA 93286

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Mr. and Ms. Rodriguez,

Thank you for providing your comments (dated September 23, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013). Your and other interested person's and agencies' comments have been taken into consideration, and the County has responded to your comments as contained in the Final Environmental Impact Report (FEIR). As such the County is providing the attached Notice of Public Hearing for the Project. The Final FEIR (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 project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,

A handwritten signature in blue ink, appearing to read "Hector Guerra".

Hector Guerra, Chief
Environmental Planning Division

cc: file

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

Re: Redfield Development Draft Environmental Impact Report

Dear Hector:

Please accept this letter as my opposition for the proposed Redfield Development and the Draft Environmental Impact Report. I oppose the project due to the impact it will have on water, streets, storm water, the environment and the safety of my neighbors and that of my family.

The Draft Environmental Impact Report failed its purpose by not seriously taking into consideration the impacts this project will have in our area. While many of my neighbors previously submitted serious concerns as part of the NOP process the County of Tulare simply brushed them away and arbitrarily deemed them of "No Significant Impact". If there are no impacts why do those of us that live in this area continue to have to deal with same issues daily? Please address my concerns below and those of my neighbors:

If my neighbors and I continue to have our wells go dry and continue to have to dig deeper wells how can we believe that there is not a water issue?

If water is so great in the area why have the once plentiful olive orchards become fallow land?

If every time we drive down the road and see another vehicle or agricultural equipment on our deteriorated roads one of us must pull into the dirt shoulders because the roads are so narrow how can we believe there is no issue?

If every time it rains the roads flood how can we have no flooding issues?

While those against the project have clearly provided information and pictures during the NOP process the County of Tulare has simply relied on unverified data that does not relate to the proposed subdivision. The County of Tulare and the Board of Supervisors needs to take their time and do their due diligence on this project before we end up with another water tragedy like East Porterville and other surrounding County areas that have ended up with no water. Ask anyone in the neighborhood, a day will come when these new homes will be without water.

Sincerely,


Jesus and Nancy Rodriguez

21303 Ave 360
Woodlake, Ca. 93286

Cc: Eddie Valero, Supervisor District 4

Attachment 11

Comments Received from Everett and Susan Welch
September 23, 2018



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

October 11, 2018
Everett & Susan Welch
21248 Ave 360
Woodlake, CA 93286

Subject: Response to Comments, DEIR – Antelope Valley (Redfield) Subdivision TM 805,
SCH# 2017081013

Dear Mr. and Ms. Welch,

Thank you for providing your comments (dated September 23, 2018) regarding the Draft Environmental Impact Report (DEIR) for the Antelope Valley (Redfield) Subdivision TM 805 Project (State Clearinghouse #2017081013). Your and other interested person's and agencies' comments have been taken into consideration, and the County has responded to your comments as contained in the Final Environmental Impact Report (FEIR). As such the County is providing the attached Notice of Public Hearing for the Project. The Final FEIR (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 project will be taken to the Tulare County Planning Commission on **Wednesday, October 24, 2018**, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project.

The Final EIR will be available for public review on **Friday, October 12, 2018**, at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/redfield-subdivision-development/>

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,

A handwritten signature in blue ink, appearing to read "Hector Guerra", is written over a horizontal line.

Hector Guerra, Chief
Environmental Planning Division

cc: file

Everett & Susan Welch
21248 Ave 360
Woodlake, CA 93286
559-786-9028

September 23, 2018

Hector Guerra, Chief Environmental Planner
TCEMA
Planning Branch
5961 South Mooney Blvd.
Visalia, CA 93277-9394

Dear Mr. Guerra,

With regards to the draft EIR for the Redfield Subdivision Development Project, we would like to submit to you our issues and concerns. The comments below were written by another neighbor but express the same issues that I had written about in my letter dated 9/4/2017 but in somewhat more detail.

We are writing this letter to oppose the proposed Antelope Valley Subdivision and comment on the DEIR. The opposition is due to the impacts that the project will have on water, infrastructure, the environment, and safety of nearby residents and my home.

The DEIR fails to consider the significant and possibly dangerous impacts of the proposed project. Many of my neighbors submitted their concerns regarding the project during the NOP process but none of those comments were addressed or considered in the DEIR. **I had submitted flooding pictures that were not addressed in this draft. We are resubmitting my flooding pictures. We have also submitted a picture of two ag vehicles passing each other on Ave 360 to illustrate the narrow unsafe passing situations talked about below under road conditions.**

Water

The water report included in the DEIR is completely inaccurate. Nearby residents and myself have reported dropping water table depths for years, but somehow the report has determined that additional homes in the area present "No Significant Impact". As a resident of this area I would disagree with that assumption.

As shown in the comments submitted by residents in the area, a nearby resident's well was "previously at 53 feet" but by December 2014 the depth of that well was "re-drilled to 386 feet" due to a drop in the water table. Six months later the well had to be lowered to a "depth of 505 ft". Others mentions wells that began at 50 feet and are now at 800 feet. Others mention drilling 18+ wells due to falling water tables. How can the County authorize additional homes in the area, when it's clear that these new residents will also have to face the public health and environmental health impacts created by lack of water? Why was this not considered in the DEIR despite it being mentioned during the NOP?

The "Water Sustainability Report" does not give an accurate measurement of the current conditions of the site. There is only mention of generic information about average rain, pumping capacity, and theoretical water that could be available in the basin, none of which give any indication of how scarce water is in this area and how residents have had to fallow ag land due to water scarcity, as clearly indicated in the resident comments. Olive orchards all around the area are now dead because of the lack of water and continue to present a fire hazard for the area. Also, for some reason the "Water Sustainability Report" assumes that the water is plentiful because the Cottonwood Creek basin receives "113,225 acre feet of water" in precipitation, which is more than "4,698 times this project needs". Is the assumption that the new subdivision somehow has a monopoly on all 113,225 acre feet? How does calculating the total amount of rain give any indication of how much water is available to new homes? Is the assumption also that all precipitation will be captured in this area and reused?

When the proposed "individual wells" go dry at the Antelope Valley Subdivision due to regularly dropping water tables, which nearby residents have already experienced, how will the County mitigate the damage caused to those residents? Nearly every comment to the NOP mentions water scarcity, the data shows that water is scarce, but the County ignored these comments, has failed to measure the water table conditions, has failed to mitigate for the subdivision, relies on an obviously flawed water report, and continues to move forward with a finding of "No Significant Impact".

Building the subdivision creates public health concerns based on the information available to us. Why build homes in an area known for water shortages and subject new residents to water scarcity? When 150 residents go dry, due to known conditions that were reported to the County, what will be the County's response when it is shown that they did not properly measure or mitigate impacts, despite being presented with clear warnings?

Flooding

As indicated in the NOP, this area regularly floods due to poor storm water systems in the area. The DEIR states there is a "Less Than Significant Impact". Multiple pictures were submitted to the County showing the extreme flooding that takes place in the area. It is already very dangerous when it rains, adding more homes and more water runoff makes a dangerous situation even worse. I am concerned about flooding in homes in the neighborhood because the County has deemed that adding the housing and more water runoff is not a significant impact. Is there a plan to mitigate for future flooding if the development is allowed?

Road Condition

Avenue 360 is narrow and in poor condition. It is dangerous, as is, but adding more homes and more traffic could make a dangerous road extremely dangerous. It is impossible for two cars to pass without driving on the shoulder, the road is filled with potholes, there are no shoulders, no curbs, no sidewalks, and no lighting. The road is also shared with tractors that farm nearby, which creates a conflict. The project makes no mention of the narrow roads and the dangerous situation that would be created by adding more traffic. Is there a plan to improve the roads and stabilize the shoulders while adding lighting?


Final Comments

This subdivision is ill conceived, and the DEIR does not accurately measure the impacts.

The project is genuinely dangerous. Regular flooding, lack of water, bad infrastructure, unsafe roads, an addition of septic tanks that will impact water quality, are only a few of the reasons this project is dangerous.

The County has experienced what happens when these developments take place. Is another East Porterville what the County desires? In the future, when Tulare County is footing the bill for transporting potable water, building water tanks, responding to flooded homes, and figuring out a way to reduce the number of accidents that take place on Ave. 360, the project won't seem like such a good idea.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan Welch". The signature is fluid and cursive, with the first name "Susan" written above the last name "Welch".

Everett & Susan Welch

LOOKING NORTH FROM
ATELOPE CREEK BRIDGE
2010 + 2016-17



LOOKING EAST ON 360
MORE FLOODING
2010 + 2016-17



Ave 360 Looking East
Flooding at Antelope Creek
2010 + 2016-17



LOOKING EAST AUR 360
3RD CROSSING Flooding
WASH OUT 2016-17
2010 + 2016-17



FLOOD LULBERT ON Rd 204
LOOKING EAST
2010 + 2016-17



LOOKING EAST AVE 360
3RD CROSSING CULVERT
FLOODED
2010+2016-17



LOOK WEST ON AVE 360
2ND CROSSING FLOODED
2010 & 2016-17



LOOKING NORTH ON Rd 204
ADJACENT TO PROJECT ON EAST SIDE
204 IN VERY POOR CONDITION
2010 & 2016-17



Lookin East on Ave 360
Ag Vehicles Passin



Tulare County
Resource Management Agency
SEP 24 2018
@ 10:41 AM

Hector Guerra, Chief Environmental
Planner
TCEMA
Planning Branch
5961 South Mooney Blvd.

Attachment 12

Williamson Act Contract for APN 064-140-032

FNR 09-005



2009-0060017

RECORDING REQUESTED BY:

Free

Recorded
Official Records
County of
Tulare
GREGORY B. HARDCASTLE
Clerk Recorder

REC FEE 0.00

AND WHEN RECORDED MAIL TO:

Clerk, Board of Supervisors
2800 West Burrel Avenue
Visalia, CA 93291-4582

08:01AM 28-Sep-2009 PB Page 1 of 4

THIS SPACE FOR RECORDER'S USE ONLY

Foil - Nonrenewal

Case No. FNR 09-005

RECORDING REQUESTED BY and
WHEN RECORDED RETURN TO:

Clerk, Board of Supervisors
2800 West Burrel Avenue
Visalia, CA 93291-4582
(No Recording Fee, Per Govt. Code Section 6103)

SPACE ABOVE FOR RECORDER'S USE ONLY

NOTICE OF FULL NONRENEWAL OF LAND CONSERVATION CONTRACT

[DIRECTIONS: Provide the information requested on Page 1, with all owners' signatures Notarized; include the legal description of the subject contracted parcel(s) under "Exhibit A" on Page 3; and attach a copy of the most recent deed for the parcel(s). Return the completed application form and deed to the Tulare County Resource Management Agency (RMA), Permit Center, 5961 S. Mooney Blvd, Visalia, CA 93277, along with the current Filing Fee.]

This is to notify the County of Tulare that the (Williamson Act Agricultural Preserve) Land Conservation Contract on the property herein described will not be renewed as of January 1, 2010. The legal description of the affected land subject to said Contract is included as "Exhibit A".

Assessor's Parcel No(s). 064-140-016

Acreage 19.55 acres If applicable: Condition of Approval of Project No. PPM 09-003/PSR
By execution hereof, the undersigned parties declare under penalty of perjury that he/she/they constitute and are all of the fee title owners of the property described herein, and are, or are the successors-in-interest of, the owners of such property who entered into the Land Conservation Contract.

Name, mailing address, and phone number of each current owner of subject property: (please type or print)

LEROY J. MALLOY 21638 AVE 360 WOODLAKE 93286 559 564 8585

Sandra Maloy 21638 Ave 360, Woodlake, CA 93286 559-564-8585

Signature of each current owner: (witnessed by below-named Notary Public)

[Signature of Leroy J. Malloy]
[Signature of Sandra G. Malloy]

STATE OF CALIFORNIA
COUNTY OF TULARE } s. s.

On MAY 5, 2009 before me,

ANDRES I. AVITUA a Notary Public
in and for said County and State, personally appeared (printed names):

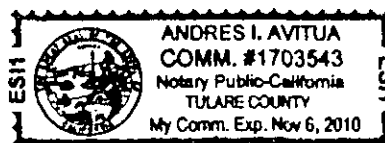
LEROY J. MALLOY & SANDRA G. MALLOY

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature [Signature of Andres I. Avitua]



RECEIVED MAY 06 2009

NOTE to Applicants: This form can be used to nonrenew only one Land Conservation Contract. If your application involves more than one Assessor's Parcel Number (APN) and said APNs are under different contracts (or are under different vestings/ownerships), then you must file separate Nonrenewal applications for each contract or vesting. Please contact RMA staff (at 559-733-6291 or address above) for verification, if more than one APN is applied for.

(Below For Official Use Only)

The County of Tulare RMA, Planning Division, has advised the Clerk of the Board of Supervisors that the foregoing Notice of Nonrenewal applies to the following Land Conservation Contract:

Agricultural Preserve No. 2097 Land Conservation Contract No. 05756

Recorded on (Date) February 23, 1971 as Document No. 8644

Name(s) of Original/Contract Owner(s) Thomas H. Davis &
Leanne M. Davis

According to the information provided, such Notice of Full Nonrenewal was served upon the County of Tulare by filing the completed Notice with the appropriate processing fees with the Board of Supervisors of the County of Tulare on May 16, 2009.
(Date Served)

Dated: September 24, 2009 Danise A. Ybarra
Deputy Clerk of the Board of Supervisors of the County of Tulare

STATE OF CALIFORNIA)
COUNTY OF TULARE)

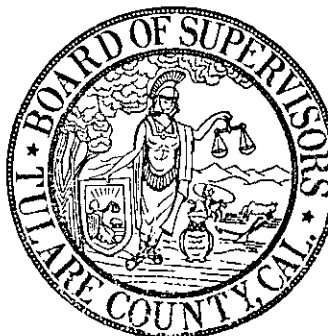
On 9/24/09 before me, Wanna K. Bush, a Deputy Clerk of the Board of Supervisors of the County of Tulare, appeared Danise A. Ybarra who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness by hand and official seal.

Clerk of the Board of Supervisors
County of Tulare, pursuant to the
Authority of Civil Code
Sections 1181 and 1184.

Signature: Wanna K. Bush
Deputy Clerk



COPIES SENT TO:

RMA, Planning Branch
Assessor - 2
State Dept. of Conservation

DATE: _____

“Exhibit A”

Legal Description of land affected by this “Notice of Full Nonrenewal of Land Conservation Contract”

The South 880.66 feet of that portion of the Southeast quarter of Section 18, Township 17 South, Range 27 East, Mount Diablo Meridian, County of Tulare, State of California, according to the Official Plat thereof described as follows:

Commencing at the southeast corner of said Section 18; thence west along the south line of the southeast quarter of said Section 18, a distance of 1646.50 feet to the True Point of Beginning; thence North a distance of 2640.26 feet to a point in the north line of said southeast quarter, said point being 1646.50 feet west of the northeast corner of said southeast quarter; thence west along the north line of said southeast quarter a distance of 991.03 feet to the northeast corner of said southeast quarter; thence south along the west line of said southeast quarter a distance of 2633.81 feet to the southwest corner of said southeast quarter; thence east along the south line of said southeast quarter a distance of 988.93 feet to the Point of Beginning.

8644

71 1937

LAND CONSERVATION CONTRACT

THIS CONTRACT, made and entered into as of this _____ day of
FEB 16 1971, 19____, by and between _____

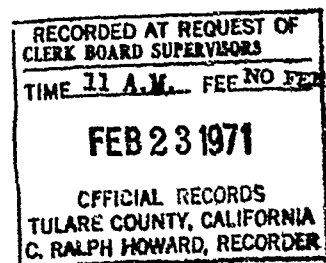
Thomas H. Davis, Jr. and Leanore M. Davis

hereinafter referred to as the "Owner", and the County of Tulare,
hereinafter referred to as the "County";

W I T N E S S E T H

WHEREAS, the Owner owns real property in the County of Tulare,
State of California, hereinafter referred to as the "Subject Property",
which is described as follows:

The Southeast quarter and the East one-half of the Northeast quarter
of the Southwest quarter of Section Eighteen (18), Township Seventeen
(17) South, Range Twenty-seven (27) East, Mount Diablo Base and Meridian,
in the County of Tulare, State of California, according to the official
plat of the survey of said land on file in the Bureau of Land Management
at the date of the issuance of the Patent thereof.



- 1 -

TULARE COUNTY AGREEMENT NO. 5756

1 WHEREAS, the Subject Property is now devoted to agricultural uses and
2 uses compatible thereto; and

3 WHEREAS, the Subject Property is located in Agricultural Preserve
4 No. 2097 which was established by the Board of Supervisors of the
5 County by Resolution No. 70-3938; and

6 WHEREAS, the Owner and the County desire to limit the use of the
7 Subject Property to agricultural uses and uses compatible thereto in order
8 to preserve a maximum of agricultural land, to conserve California's
9 economic resources, to maintain the agricultural economy, to assure a
10 supply of food and fiber for future residents of the State and to dis-
11 courage the premature and unnecessary conversion of agricultural land to
12 urban uses, recognizing that such land has public value as open space
13 and constitutes an important physical, social, esthetic and economic
14 asset to the Owner and the County; and

15 WHEREAS, this Contract is entered into pursuant to the Williamson
16 Act (Government Code, Section 51200, et seq.) and constitutes an
17 enforceable restriction under the provisions of section 421 et seq. of
18 the Revenue and Taxation Code;

19 NOW, THEREFORE, IT IS AGREED as follows:

20 1. This Contract is entered into pursuant to the Williamson
21 Act and all of the provisions of said Act, including any amendments
22 hereafter enacted, are hereby incorporated by reference and made a part
23 of this Contract as if fully set forth herein.

24 2. During the term of this Contract and any renewals thereof
25 the Subject Property shall not be used by the Owner, or his successors
26 in interest, for any purpose other than the production of agricultural
27 commodities for commercial purposes, and those compatible uses which are
28 listed in the Resolution establishing the Agricultural Preserve within
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1 which the land is located. The Board of Supervisors of the County may
 2 from time to time during the term of the Contract and any renewals
 3 thereof, by Resolution, add to the permissible uses of the Subject
 4 Property listed in the Resolution establishing the Preserve. However,
 5 the Board of Supervisors may not during the term of the Contract and
 6 any renewals thereof eliminate any of the permitted uses for the
 7 Subject Property, as set forth in said Resolution, without the prior
 8 written consent of the Owner.

9 3. Nothing in this Contract shall limit or supersede the
 10 planning, zoning and other police powers of the County, and the
 11 right of the County to exercise such powers with regard to the Subject
 12 Property.

13 4. There shall be no payment to the Owner by the
 14 County.

15 5. The term of this Contract shall be for ten (10) years,
 16 commencing on the date that this Contract is executed by the Board
 17 of Supervisors of the County. The 1st day of January of each year
 18 shall be the annual renewal date of this Contract.

19 6. This Contract shall be automatically renewed on the
 20 annual renewal date each year for an additional period of one (1)
 21 year unless notice of nonrenewal is given in accordance with the
 22 Williamson Act. No notice of renewal is required to be given or
 23 recorded by either party to effectuate the automatic renewals
 24 provided for in this paragraph.

25 7. This Contract may be cancelled only in accordance with
 26 the provisions of the Williamson Act governing cancellation of
 27 Contracts.

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1 8. Any notices required to be given to the County under
2 this Contract shall be delivered to the Clerk of the Board of Super-
3 visors of the County, and any notices to be given to the Owner shall
4 be mailed to him at P. O. Box 211, Woodlake, Ca 93286
5 _____
6

7 IN WITNESS WHEREOF, the parties have executed this Contract as
8 of the date first above written.

9 Feb. 14, 1971

10 Thomas K. Davy

11 Leanne M. Davis
12 "Owner"
13

14
15 COUNTY OF TULARE

16 By Raymond J. Muller
17 Chairman, Board of Supervisors
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ATTEST: JAY C. BAYLESS, County
Clerk and Ex-officio Clerk of
the Board of Supervisors

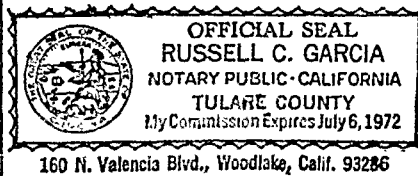
By Aylmer Halliwell Deputy

"County"

STATE OF CALIFORNIA)
(SS.
COUNTY OF TULARE)

On February 16, 1971, before me, the undersigned,
a Notary Public in and for said County and State, personally
appeared Thomas H. Davis, Jr. and Leanore M. Davis,
known to me to be the persons whose names are subscribed to the
within instrument and acknowledged to me that they executed the
same.

WITNESS my hand and official seal.

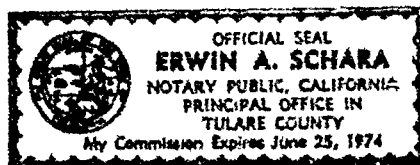


Russell C. Garcia
Notary Public in and for said
County and State

STATE OF CALIFORNIA)
(SS.
COUNTY OF TULARE)

On Feb. 18, 1971, before me, the undersigned,
a Notary Public in and for said County and State, personally
appeared Raymond J. Muller and Sylvia Hallows,
known to me to be the Chairman and Deputy County Clerk, respectively,
of the Board of Supervisors of the County of Tulare, the political
subdivision described in and that executed the within instrument,
and also known to me to be the persons who executed it on behalf
of the County of Tulare and they acknowledged to me that such
political subdivision executed the same.

WITNESS my hand and official seal.



Erwin A. Schara
Notary Public in and for said
County and State

Attachment 13

City-County Agreement for Wells Tract

1 AMENDMENT NO. 2 TO TULARE COUNTY AGREEMENT NO. 15539 FOR THE
2 OPERATION, MAINTENANCE AND USE OF
3 CITY OF WOODLAKE REGIONAL WASTEWATER TREATMENT
4 AND DISPOSAL FACILITIES

5 THIS AMENDMENT NO. 2 TO TULARE COUNTY AGREEMENT NO. 15539 FOR
6 THE OPERATION, MAINTENANCE AND USE OF CITY OF WOODLAKE REGIONAL
7 WASTEWATER TREATMENT AND DISPOSAL FACILITIES, made and entered into this
8 20th day of Dec., 1994, by and between the CITY OF WOODLAKE, hereinafter
9 referred to as the "City", and the COUNTY OF TULARE acting for and on behalf of the Wells
10 Tract County Service Area No. 2, hereinafter referred to as "Wells Tract".

11 WITNESSETH:

12 WHEREAS, Wells Tract and the City entered into an Agreement for the Operation,
13 Maintenance and Use of the City of Woodlake Regional Wastewater Treatment and Disposal
14 Facilities on August 22, 1989 and the first amendment thereto; and

15 WHEREAS, the City does not have personnel to adequately perform the required
16 maintenance and operation of the Wells Tract collection system, lift station and force main
17 (Wells Tract System) in accordance to the system's operation and maintenance manual; and

18 WHEREAS, the City has never provided operation and maintenance services to the Wells
19 Tract System or has been compensated for such services; and

20 WHEREAS, the Wells Tract through County of Tulare personnel and contract operators,
21 has provided for the operation of the Wells Tract System; and

22 WHEREAS, both the City and Wells Tract wish to clarify the responsibilities each party
23 has in the operation and maintenance of the Wells Tract System.

24 NOW, THEREFORE, BE IT AGREED as follows:

25 1. Section 3.02 - Measuring Device of Tulare County Agreement No. 15539 (as
26 previously amended by Tulare County Agreement No. 15539-A) is hereby amended to read:

27 Section 3.02 - Measuring Device. Wells Tract shall provide a measuring device on its
28 interceptor sewer prior to its confluence with flows other than those generated from Wells Tract
29 which shall be capable of indicating, totalizing and recording flow. Wells Tract shall be the
30 owner of said measuring device and shall operate and maintain said device.

TULARE COUNTY AGREEMENT NO. 15539-B

1 The gallonage flow from Wells Tract shall be recorded by the City at regular intervals
2 and the records maintained. Should said measuring device, in the judgment of the City, not
3 function reliably, said daily determinations shall be made by the best methods available and
4 agreed to by the City of Woodlake personnel and County of Tulare personnel

5 2. Section 4.01 - Collection System - Ownership, Title, and Operation and Maintenance
6 of Tulare County Agreement No. 15539 (as previously amended by Tulare County Agreement
7 No. 15539-A) is hereby amended to read:

8 Section 4.01 - Collection System, Lift Station and Force Main - Ownership, Title, and
9 Operation and Maintenance.

10 Wells Tract shall own, construct, operate and maintain all sanitary sewage collection
11 works, lift stations and force main pipeline which is part of the Wells Tract System, to its
12 discharge point into the City's collection system unless otherwise provided for herein.

13 Wells Tract in collecting, conveying and discharging wastewater to the City Wastewater
14 Treatment and Disposal Facilities agrees to comply with all terms and conditions of this
15 Agreement and with all applicable laws, rules and regulations.

16 3. The first paragraph of Section 4.02 - Treatment and Disposal Facilities - Ownership,
17 Title and Operation and Maintenance Manual of Tulare County Agreement No. 15539 (as
18 previously amended by Tulare County Agreement No. 15539-A) is hereby amended to read:

19 The City shall own, operate and maintain the City Wastewater Treatment and Disposal
20 Facilities in an efficient and economical manner within its financial capacity, maintain and
21 preserve them in good repair and working order in accordance with sound engineering practices.
22 The City will perform all daily operational work necessary to operate and maintain the City
23 Wastewater Treatment and Disposal Facilities in conformity with the State approved operation
24 orders and will record and maintain the data necessary as required by State Water Quality
25 Control Board for Monitoring and Reporting Program No. 85-171. Copies shall be provided to
26 Wells Tract service area manager monthly.

27 4. Section 5.01 - Treatment and Disposal Facilities of Tulare County Agreement No.
28 15539 (as previously amended by Tulare County Agreement No. 15539-A) is hereby amended to
29 read:

1 (a) The City shall annually establish the monthly service cost, which cost shall
2 represent each user's share of the Wells Tract proportional share of: 1) the total expenses
3 incurred by the City in the operation and maintenance of the City Wastewater Treatment and
4 Disposal Facility; and 2) the operation and maintenance expenses of that portion of the City
5 sewage collection system utilized to convey Wells Tract wastewater from Wells Tract to the City
6 Wastewater Treatment and Disposal Facility. Included in the maintenance and operational
7 expenses shall be a depreciation factor fixed and determined by the City. The depreciation factor
8 paid by the Wells Tract occupants shall represent the depreciation on the City-owned facilities
9 attributable to Wells Tract and shall be paid into a separate depreciation fund in the hands of the
10 City and used by the City as otherwise provided in this Agreement. The City service cost to be
11 paid shall be \$7.00 per month per household less \$1.62 per month per household (for billing
12 services) for a total of \$5.38 per month per household until changed by the City. In making any
13 change in such costs after this date, the City agrees not to discriminate between City and Wells
14 Tract users but to establish such costs on a parity basis.

15 (b) Annually on or before the last day of April of each year, the City shall determine
16 the cost of their services as defined in Paragraph a, Section 5.01. The city shall forward to Wells
17 Tract in accordance with Section 7.04 on or before the first day of May of each year the amounts
18 established under this Section 5.01 and documentation supporting the determination of such costs
19 for use by the County in setting the total sewer service fees in Wells Tract creating the budget for
20 Wells Tract. Time is particularly of essence in regard to the provisions of this Section 5.01.

21 This amount shall be billed and collected by Wells Tract. Wells Tract shall pay the City
22 invoiced charges on a monthly basis. On or before the 15th day of the month after the end of the
23 month in which City services were provided, Wells Tract shall pay to the City from Wells Tract
24 funds, the then current City monthly costs established under subsections (a) and (b), without
25 regard to whether or not the users connected have paid the same.

26 5. Section 5.02 - Wells Tract Collection and Pumping Facilities of Tulare County
27 Agreement No. 15539 (as previously amended by Tulare County Agreement No. 15539-A) shall
28 hereby be deleted.

29 /

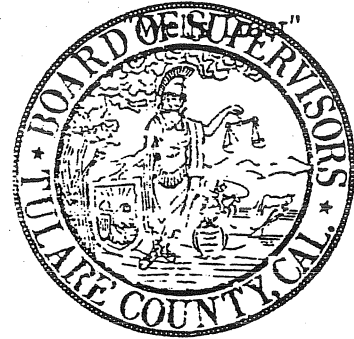
30 /

6. All other terms and conditions of Tulare County Agreement No. 15539 (as previously amended by Tulare County Agreement No. 15539-A) shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers authorized by resolution of their respective legislative bodies as of the day and year first above written.

COUNTY OF TULARE

By James E. Snyder
Chairman, Board of Supervisors



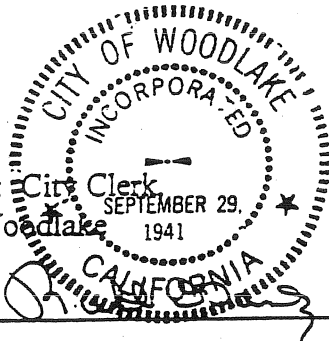
ATTEST: THOMAS F. CAMPANELLA
County Administrative Officer/
Clerk of the Board of Supervisors
of the County of Tulare

By Janice M. Foster
Deputy Clerk

CITY OF WOODLAKE

By Alvin Harvey
Mayor, City Council

"City"



ATTEST: City Clerk
City of Woodlake
By [Signature]

Approved as to form:

COUNTY COUNSEL

By [Signature]
Deputy

Approved as to form:

CITY ATTORNEY

By: _____
Deputy

1 AMENDMENT NO. 1 TO AGREEMENT FOR THE
2 OPERATION, MAINTENANCE AND USE OF
3 CITY OF WOODLAKE REGIONAL WASTEWATER TREATMENT
4 AND DISPOSAL FACILITIES

5 THIS AMENDMENT NO. 1 to the AGREEMENT FOR THE OPERATION, MAIN-
6 TENANCE AND USE OF CITY OF WOODLAKE REGIONAL WASTEWATER TREATMENT AND DIS-
7 POSAL FACILITIES is made and entered into this 22nd day of August, 1989, by
8 and between the CITY OF WOODLAKE, hereinafter referred to as the "City",
9 and the COUNTY OF TULARE acting for and on behalf of the Wells Tract Zone
10 of Benefit of the County of Tulare's County Service Area No. 1, hereinafter
11 referred to as "Wells Tract".

12 W I T N E S S E I H:

13 WHEREAS, Wells Tract and the City entered into an Agreement for
14 the Operation, Maintenance and Use of the City of Woodlake Regional Waste-
15 water Treatment and Disposal Facilities on August 22, 1989; and

16 WHEREAS, the cost of City legal services necessary for the
17 negotiation and preparation of joint powers between Wells Tract and the
18 City for such purposes was to have been included in but was inadvertently
19 omitted from the negotiated purchase price of Wells Tract's perpetual right
20 to discharge a fixed quantity of sewage into the City Wastewater Treatment
21 and Disposal Facility; and

22 WHEREAS, both the City and Wells Tract wish it to be clear that
23 Wells Tract had no control or influence over any legal assistance obtained
24 for and on behalf of the City;

25
26 TULARE COUNTY AGREEMENT NO. 15539-A
27
28

1 NOW, THEREFORE, BE IT AGREED as follows:

2 1. The second paragraph of Section 3.01 is hereby amended to
3 read:

4 "Wells Tract shall pay to the City \$168,801.20 from local and
5 grant funds for the purchase of the perpetual right to discharge
6 a fixed quantity of sewage into the City Wastewater Treatment and
7 Disposal Facility. Of such price, \$167,700.00 shall be paid di-
8 rectly to the City within one hundred twenty (120) days following
9 execution of this contract by the parties hereto. Assignment of
10 the balance (\$1,101.20) is hereby made to the Law Offices of
11 McCormick, Kabot & Michner and shall be made upon receipt of an
12 invoice for the same by Wells Tract's contract engineer, Dennis
13 Keller. The right to discharge shall be free of encroachment
14 from the City, or any other entity that may contract to connect
15 to the City Wastewater Treatment and Disposal Facility, but shall
16 be no more and no less than the same fractional share of the
17 capacity of said facility as existed on the date of completion of
18 the improvements to the facility needed to accommodate the quan-
19 tity of the discharge by Wells Tract specified herein."

20 2. The City acknowledges and agrees that it is fully aware of
21 the payment by Wells Tract to the Law Offices of McCormick, Kabot and Mich-
22 ner under this Agreement and waives any conflict of interest which may ex-
23 ist or appear to exist because of such payment arrangement for Mr. McCor-
24 mick's services in this limited situation.

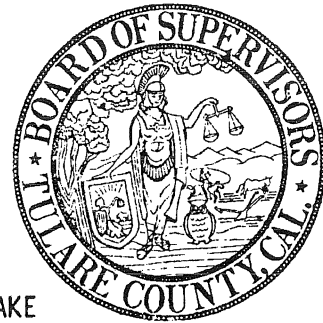
1 IN WITNESS WHEREOF, the parties have caused this Agreement to be
2 executed by their respective officers authorized by resolution of their
3 respective legislative bodies as of the day and year first above written.

4 COUNTY OF TULARE

5
6 By *Chad Smith*
7 CHAIRMAN Board of Supervisors
8 "Wells Tract"

9 ATTEST: LOUIS J. FERNANDEZ, Acting
10 County Executive/Clerk of the Board
11 of Supervisors of the County of Tulare

12 By *Linda Maganin*
13 Deputy Clerk



14 CITY OF WOODLAKE

15 By *Dusty Herrera*
16 Mayor, City Council
17 "City"

18 ATTEST: CITY CLERK
19 of the City of Woodlake

20 By *Ruth Gogely*
21 Clerk



Agenda 12/21/94

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

* * *

*IN THE MATTER OF Amendment
to Sewer Operation and
Maintenance Agreement with
the City of Woodlake*

)
)
)
)

**RESOLUTION NO. 94-1517
AGREEMENT NO. 15539-B**

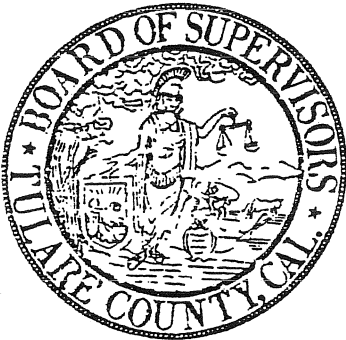
UPON MOTION OF SUPERVISOR MAZE, SECONDED BY SUPERVISOR RICHMOND,
THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL
MEETING HELD DECEMBER 20, 1994, BY THE FOLLOWING VOTE:

AYES: Supervisors Sanders, Richmond, Maze and Maples

NOES: None

ABSTAIN: None

ABSENT: Supervisor Harness



ATTEST: THOMAS F. CAMPANELLA
ADMINISTRATIVE OFFICER/CLERK
BOARD OF SUPERVISORS

BY: _____

Janice McFarlin
Deputy Clerk

* * * * *

*Approved the amendment to the Sewer Operation and Maintenance Agreement with
the City of Woodlake to transfer sewer service billing from the City of Woodlake to
the County and to clarify the operation and maintenance responsibilities between the
City and the County effective January 1, 1995.*

*Pub Wks
Treas/Tax
Auditor
FN 9428*

*12/21/94
jm*

ORIGINAL

AGREEMENT FOR THE OPERATION, MAINTENANCE,
AND USE OF CITY OF WOODLAKE REGIONAL WASTEWATER
TREATMENT AND DISPOSAL FACILITIES

THIS AGREEMENT, made and entered into this 22nd day
of August, 1989, by and between the City of Woodlake,
hereinafter referred to as the "City," and The County of Tulare
acting for and on behalf of the Wells Tract County Service Area No.
2, hereinafter referred to as "Wells Tract."

WHEREAS, the City and Wells Tract have the legal right to
construct, maintain, repair and replace sewerage facilities within
their respective jurisdictions, and to provide sanitary sewer
collection services to residences, commercials and business
establishments, public properties and industries; and

WHEREAS, Parties have found and determined that it is in the
best interest and advantage of the City and Wells Tract to
authorize and provide for expansion and improvement of their
sewerage treatment and disposal facilities and to provide for
discharge of effluent into the same by Wells Tract and payment for
and the terms and condition thereto, all as herein provided; and

WHEREAS, Wells Tract is responsible for the operation and
maintenance of a wastewater collection and export system serving
the community of Wells Tract, California; and

WHEREAS, the City has in its employ personnel certified by the
State Water Resources Control Board and qualified to operate and

maintain the Wells Tract sewage collection and export system;
and;

WHEREAS, City has available to it all needed maintenance and testing facilities required for the proper operation of a sewage collection system.

WHEREAS, the City and Wells Tract are authorized to contract with each other for the joint exercise of any common power under §37392.1 of the Government Code of the State of California; and

WHEREAS, proper operation of the City's sewage treatment and disposal system and public health and welfare requires that rules and regulations be adopted which will regulate that the quantity and quality of sewage discharged into said connected systems,

NOW, THEREFORE, IT IS AGREED:

ARTICLE I

PURPOSE AND INTENT

SECTION 1.01 - Purpose and Intent. The purpose of this Agreement is to provide for the joint capacity use and capacity rights of the parties in the City Wastewater Treatment and Disposal Facilities; to impose conditions on acceptance of effluent into the City's Disposal Facilities; to provide for the day-to-day management, operation and maintenance by the City and Wells Tract of the combined sewerage facilities; to fix and establish capital and operating cost contribution by the parties and bases therefore; and to regulate the discharge of wastewater into and from the City Wastewater Treatment and Disposal Facilities.

Under the terms of this Agreement, Wells Tract will have and

does acquire from the City, the right to discharge a fixed amount of effluent into the City collection system and wastewater treatment and disposal facilities and shall have the duty to pay the agreed sums therefore. Such rights shall remain undivided and unchanged until altered by a future agreement between the parties. Each, therefore, recognizes the obligation to cooperate with the other to the extent necessary to maintain an environmentally suitable and physically and financially sound sewerage system.

ARTICLE II

DEFINITIONS

1. Average Daily Annual Flow (ADA). Year round average daily flow.
2. Average Dry Weather Flow (ADWF). The mean daily volume of wastewater during the maximum month not influenced by rainfall.
3. BOD₅. Biochemical oxygen demand is determined in accordance with standard laboratory procedures as presented in the latest edition of "Standard Methods" and, unless otherwise noted, exerted in a period of five days at 20 degrees Celsius.
4. Capacity. Capacity refers to that quantity that can be contained exactly within the elements of the collection, treatment and disposal facilities either in terms of rate of flow or organic strength.
5. City. The City of Woodlake, County of Tulare, State of California.
6. City Wastewater Treatment and Disposal Facilities. The City of Woodlake wastewater treatment disposal facilities.

6. Compatible Pollutant. A components of wastewater which does not interfere with, or is not otherwise incompatible with, the City Wastewater Treatment Facilities or its processes or the mode of disposal being utilized.

8. Cost. An amount of money associated with a specific item or purpose. Costs may be calculated amounts (such as depreciation) or actually incurred or accrued expenses.

9. EPA. The Federal Environmental Protection Agency.

10. Federal Water Pollution Act of 1972. Public Law 92-500, officially entitled the "Federal Water Pollution Control Act of 1972" as amended.

11. Incompatible Pollutant. A component of commercial wastewater which interferes or is otherwise incompatible with the City Wastewater Treatment Facilities or its processes, or mode of disposal being utilized.

12. Industrial Discharger. Any nongovernmental discharger to publicly owned treatment works that is not domestic.

13. Industrial Waste. The waterborne waste and wastewater from any producing, manufacturing, or processing operation of whatever nature, including institutional and commercial operations where water is used for laundering, vehicle cleaning, or the removal of significant quantities of wastes of non-human origin, as distinct from sanitary sewage.

14. Infiltration. Water entering the sanitary sewage collection system through the ground.

15. Inflow. Water entering the sanitary sewage collection

system directly from drainage sources and cooling water systems.

16. MGD. Abbreviation for million gallons per day.

17. O&M. Operation and maintenance.

18. Peak Wet Weather Flow (PWWF). Peak rate of flow occurring during or from the effects of infiltration and/or inflow.

19. Sewage. The waterborne wastes received from human habitation and use of buildings for residential, business, institutional and industrial purposes.

20. Suspended Solids (SS). Particulate matter present in sewage and retained on a filter (nonfilterable) determined in the manner presented in the latest edition of "Standard Methods."

21. Treatment Component. Structures, equipment and appurtenances related thereto designed for a specific treatment purpose.

22. Wastewater. Sewage, industrial and other wastes and waters, whether treated or untreated, discharged into or permitted to enter a community sanitary sewer collection system.

34. Wells Tract. Wells Tract County Service Area No. 2, County of Tulare, State of California.

ARTICLE III

CITY WASTEWATER AND TREATMENT DISPOSAL FACILITIES

Section 3.01 - Treatment Plant. The wastewater treatment and disposal facilities are located on the property described in Exhibit "A," attached hereto and consist of all facilities necessary for the handling, pumping and treatment of raw sewage influent and disposal of treated wastewater effluent. It is

designated as the City Wastewater Treatment and Disposal Facility.

Wells Tract shall pay to the City \$167,700.00 from local and grant funds for the purchase of the perpetual right to discharge a fixed quantity of sewage into the City Wastewater Treatment and Disposal Facility. The agreed price shall be paid to the City within one hundred twenty (120) days following execution of this contract by all parties hereto. The right to discharge shall be free of encroachment from the City, or any other entity that may contract to connect to the City Wastewater Treatment and Disposal Facility, but shall be no more and no less than the same fractional share of the capacity of said facility as existed on the date of completion of the improvements to the facility needed to accommodate the quantity of the discharge by Wells Tract specified herein.

Section 3.02 - Measuring Device. The City shall operate and maintain all measuring devices covered by this Agreement. Wells Tract shall provide a measuring device on its interceptor sewer prior to its confluence with flows other than those generated from Wells Tract which shall be capable of indicating, totalizing and recording flow and telemeter the same to a remote location. Wells Tract shall be the owner of said measuring device and shall pay all costs incurred by the City in maintaining said measuring device which costs shall be in addition to the cost established by the City under Section 5.01.

Wells Tract agrees that the equipment furnished shall be compatible with the other equipment installed, or caused to be

installed by the City.

The gallonage flow from Wells Tract shall be recorded by the City at regular intervals and the records maintained. Should said measuring device, in the judgment of the City, not function reliably, said daily determinations shall be made by the best methods available.

ARTICLE IV

GENERAL PROVISIONS

Section 4.01 - Collection System - Ownership, Title, and Operation and Maintenance.

Wells Tract shall own, construct, operate and maintain all sanitary sewage collection works within its respective jurisdictional boundary unless otherwise provided for herein.

Wells Tract in collecting, conveying and discharging wastewater to the City Wastewater Treatment and Disposal Facilities agrees to comply with all terms and conditions of this Agreement and with all applicable laws, rules and regulations.

The City will perform all daily operational work necessary to operate and maintain the Wells Tract and combined systems in conformity with the State approved operation orders and will record and maintain the data necessary for the Monitoring and Reporting Program No. 85-171. Copies shall be provided to Wells Tract monthly.

Section 4.02 - Treatment and Disposal Facilities - Ownership, Title, and Operation and Maintenance. The City shall own, operate and maintain the City Wastewater Treatment and Disposal Facilities

in an efficient and economical manner within its financial capacity, maintain and preserve them in good repair and working order in accordance with sound engineering practices.

The City agrees to accept, treat and dispose of all wastewaters discharged into these treatment facilities under the terms of this Agreement not in excess of the maximum quantity herein provided for in compliance with all applicable laws, rules and regulations and, in particular, to provide a fair and equitable distribution of costs.

Section 4.03 - Limitations. Nothing herein shall be deemed to have caused Wells Tract to have acquired any capital or other proprietary interest in the wastewater collection, interceptor, land or treatment and disposal systems of the City, as they now exist or as hereafter enlarged or improved, any provisions herein to the contrary notwithstanding. Nothing herein shall be deemed to have caused the City to have acquired any such interest in such property or facilities of Wells Tract.

Section 4.04 - Commencement of Operation. Permission to commence discharging by Wells Tract shall not be given unless all costs contained in Section 3.01, attributable to Wells Tract have been paid.

Section 4.05 - Term. The City agrees to accept for treatment and disposal all wastewaters from Wells Tract, in amounts not to exceed the following capacity parameters:

- (a) 0.019 MGD ADA (average daily annual flow) =
19,000 gals day

- (b) 0.026 MDG ADWF (maximum month) = 26,000 gals day
- (c) 0.063 MDG PWWF = 63,000 gals day
- (d) 46 lbs. per day (average day) BOD₅ organic capacity
- (e) 53 lbs. per day (maximum month) BOD₅ organic capacity
- (f) 46 lbs. per day (average day) SS organic capacity
- (g) 53 lbs. per day (maximum month) SS Organic capacity

The quantities expressed in this paragraph are absolute maximum limits on the permissible discharges by Wells Tract into the City Waste Water Treatment and Disposal System. In cases where the expressed absolute maximums as expressed herein exceed the percentage share of Wells Tract in operational maximum capacity of said system, the absolute maximums expressed herein shall not apply and the percentage share of Wells Tract in the operational maximum capacity shall apply. The percentage share of Wells Tract in the operational maximum capacity for the purposes of this Agreement shall be defined as "the percentage share of the total actual operational capacity of the City Waste Water Treatment and Disposal System measured on the date of completion of all alterations performed to accommodate the Wells Tract discharge as compared with the other absolute maximum quantities herein expressed." The percentage so established expressed in quantities shall become the measure of the Wells Tract maximum discharge permitted until the

operational maximum capacity is otherwise increased. When an increase in operational capacity is experienced, the percentage share of the whole attributable to Wells Tract shall increase until the expressed maximum quantities are reached.

The parties agree that this paragraph sets forth the maximum quantities that the City will treat and dispose of through the City Wastewater Treatment and Disposal Facilities in accordance with the terms of this Agreement provided that the amount specified does not exceed the Wells Tract percentage share of the operational maximum capacity after the alterations are completed which are required for acceptance of Wells Tract discharge.

Section 4.06 - Capacity Service. Upon performance of Wells Tract of all agreements and covenants herein contained, the City agrees that Wells Tract shall have and be granted the right to discharge the amounts of wastewater set forth in Section 4.05 hereof into the City Wastewater Treatment and Disposal Facilities. Said right is hereinafter referred to as "Capacity Service." The capacity service in treatment and disposal and reclamation work shall be the ADA (Average, Daily Annual Flow).

In the event that Wells Tract exceeds any of the criteria of its capacity service quantities or takes steps which could cause it to exceed its capacity service without acquiring or providing, in advance, additional capacity, satisfactory to the City, the City shall notify Wells Tract of such a breach thereof and if deemed reasonably necessary by the City, the City shall take appropriate action including filing for necessary injunctions or restraining

orders to obtain compliance by Wells Tract with this agreement.

ARTICLE V

ADMINISTRATION, OPERATION AND MAINTENANCE

? Section 5.01 - Treatment and Disposal Facilities.

The City shall annually establish the monthly service cost, which cost shall represent each user's share of the Wells Tract proportional share of the total expense incurred by the City in the operation and maintenance of the City Wastewater Treatment and Disposal System and the operation and maintenance expenses of that portion of the City sewage collection system utilized to convey Wells Tract wastewater from Wells Tract to the City Wastewater Treatment and Disposal Facility and which shall include the operational expenses of the Wells Tract Collection System and Lift Station Facilities. Included in the maintenance and operational ~~expenses shall be a depreciation factor~~ fixed and determined by the City. The depreciation factor paid by the Wells Tract occupants shall represent the depreciation on the City-owned facilities attributable to Wells Tract and shall be paid into a separate depreciation fund in the hands of the City and used by the City as otherwise provided in this Agreement. The initial cost to be paid until July 1, 1990 shall be \$7.00 per month per household.

Station Force main

In addition to the monthly service cost fixed and determined by the City, the parties contemplate that County shall add an amount to the amount fixed by the City of Woodlake to cover other expenses of operation of the Wells Tract including depreciation on the Wells Tract owned system which said fund, when collected, shall

be administered by the County.

Annually on or before the last day of April of each year, the City shall determine this monthly sewer service cost per user to be paid to it by Wells Tract. When determined, the amount shall be forwarded to the County of Tulare for its use in establishing sewer user fees in Wells Tract and in creating the budget of the Wells Tract. On or before the 1st day of July of each year, the County will respond to the City, informing the City of the total rate including the City's cost to be charged to each of the users of the Wells Tract Sewage Collection System. This amount shall be billed and collected by the City. Any amounts collected over the City's sewer service costs shall be forwarded to the County of Tulare within thirty (30) days of receipt.

Should the City experience any net income from the operation of its Waste Water Treatment And Disposal Facility that income shall be taken into account in determining the net operational maintenance cost to be charged to Wells Tract.

The term "maintenance and operation" used herein shall mean the repairs and upkeep made necessary by ordinary use and operation of the facilities. Annual operation and maintenance costs shall be defined and include all labor costs such as salaries and wages of employees of the City of Woodlake, including overtime, premium pay, health and welfare and all fringe benefits, an appropriate share of management costs and all general occupational expenses, education and travel expenses, building, grounds and equipment maintenance expense, capital outlay expenses, plus incidental

expenses for insurance and special charges. In addition, these charges shall include other direct and indirect charges for overhead representing actual costs of service.

Section 5.02 - Wells Tract Collection and Pumping Facilities.

Normal operational and maintenance work and testing will be paid for by Wells Tract at the employee labor and overhead expense rates and contract rates as established from time to time by the City Council by Resolution.

The City shall provide any maintenance and improvement work to the main sewer lines and the lift station of Wells Tract that is within the capabilities of the Public Works Department. The City Administrator shall provide a determination that such work does not unduly interfere with maintenance or improvement work within the City boundaries. Work for Wells Tract shall be billed at the cost of materials, supplies, contract costs or force account labor at the rates in effect at the time such work is performed.

Maintenance work to be done by anyone other than city forces up to a cost of \$2,000.00 will be arranged and directed by the City at the expense of Wells Tract. Maintenance or improvement work valued in excess of \$2,000.00 will require prior approval of Wells Tract. Payment for this repair or maintenance work and City administration expenses will be paid directly by Wells Tract and is in addition to the monthly payment.

Wells Tract shall pay said invoices within sixty (60) days of receipt of said invoice(s).

Section 5.03 - Wastewater Capital Reserve Fund. the City and

Wells Tract shall each incorporate into their respective rate structures, appropriate provisions for depreciation as required by Federal and State Revenue Program Guidelines or as required by the City. The charges by the City to Wells Tract shall include each entity's pro-rata share of the City Wastewater Treatment and Disposal Facilities and the city shall accumulate and utilize such funds in accordance with the aforementioned Guidelines. Funds accumulated by Wells Tract in its Wastewater Capital Reserve Fund shall be retained by Wells Tract until such time as these funds may be required for collection system replacement and/or major repair.

Section 5.04 - Major Repairs and Capital Improvement Expenses.

Wells Tract shall pay its pro-rata share of major repairs and capital improvement expenses based upon the share of the operational capacity of the City's Wastewater Treatment and Disposal Plant dedicated to the processing of the affluent discharge of Wells Tract at the time the major repairs and capital improvement becomes necessary. In the event major repairs and capital improvement expenses are included in the preliminary budget as prepared by the City, sufficient advance notice by the City to Wells Tract shall be provided in order for Wells Tract to include its pro-rata share in its preliminary budget. Where such expenses may be defrayed from accumulated depreciation funds collected pursuant to Section 5.03, the City shall provide thirty (30) days' notice to Wells Tract of its intent related to for such work. In the event that the City is not able to defray such expenses from accumulated depreciation funds, the City will provide Wells Tract

with sixty days' advance notice of the anticipated expenses in order to allow Wells Tract to make arrangements for payment of its pro rata share as are satisfactory to the City.

ARTICLE VI

DISCHARGE REGULATIONS

Section 6.01 - Limitations on Volume and Characteristics of Wastewater. The City and Wells Tract mutually agree that the primary purpose of the City Wastewater Treatment and Disposal Facilities and of this Agreement shall be to treat, dispose of and/or reclaim sanitary sewage and wastewaters arising from domestic and related water uses, that the admission of surface water, or groundwater, and of wastewater from commercial and industrial processes to the sanitary sewage collection systems shall be subject to limitations described herein in Section 7, et seq. of Exhibit "B" and that the admission of matter of a kind or quality which may damage the facilities, their functions, or the quality of the effluent produced by the treatment facilities or reclaimed products shall be prohibited. Any permits to be obtained for Wells Tract activity shall be obtained through the County of Tulare. The County of Tulare will obtain City approval before allowing disposal of any wastewater into the City system which would otherwise, under City Ordinance, acquire a City permit.

ARTICLE VII

MISCELLANEOUS

Section 7.01 - Accounting Procedures. Pursuant to the provisions of the Government Code of the State of California, the

City shall cause proper books and records to be kept which shall be consistent with the general principles as promulgated by The American Institute of Certified Public Accountants (AICPA) and the State Controller for enterprise accounting and shall comply with Federal and State Clean Water Grant Program Regulations.

Said books and records shall, upon written request, be subject to inspection by any duly authorized representative of Wells Tract.

The City shall make an annual report of system operations and of all receipts and disbursements and furnish two (2) copies of same to Wells Tract. Said books and accounts shall be audited annually in accordance with AICPA audit guidelines by an independent certified public accountant selected by the City. Two (2) copies of the report of said accountant shall be forwarded to Wells Tract. The expense of said audit and report and all bookkeeping and accounting costs shall be treated as a cost of the regional facilities operation.

Wells Tract or its duly authorized representative shall be allowed to inspect all or any portion of the regional facilities upon reasonable notice to the City. Such inspection may include all operating and financial records of the facilities if Wells Tract so requires. The City shall be allowed to inspect all, or any portion of Wells Tract's collection facilities and records thereof upon the same basis.

Section 7.02 - Limitation on Liability. The City agrees to save and hold the Wells Tract and the County of Tulare safe and harmless from any and all liability that may arise out of any act

or actions taken by the City or its agents or employees arising out of the operation of the City Waste Water Treatment and Disposal Plant, the City sewage collection system and the activities performed under this Agreement as they relate to the sewage collection system operated for and on behalf of Wells Tract. This Agreement extends to any and all liability that Wells Tract or the County should have or injury or damage to third parties or their property; provided, however, that the obligation imposed hereby upon the City shall not apply to damages caused or resulting from any natural disaster, Act of God, riot or insurrection, act of war or sabotage.

The County of Tulare acting on behalf of Wells Tract agrees to save and hold the City safe and harmless from any and all liability that may arise out of any act or actions taken by the County of Tulare or Wells Tract or their agents or employees arising out of the operation of the Wells Tract Sewage Collection System and the activities performed under this Agreement as they relate to the sewage collection system operated for and on behalf of Wells Tract. This Agreement extends to any and all liability that the City should have or injury or damage to third parties or their property; provided, however, that the obligation imposed hereby upon the County of Tulare and Wells Tract shall not apply to damages caused or resulting from any natural disaster, Act of God, riot or insurrection, act of war or sabotage.

Section 7.03 - Headings and Articles of Sections Not a Part of the Agreement. The articles, sections and subsections, headings

and titles herein contained are not a part of the terms of this Agreement and shall have no effect or be considered in the interpretations or meaning to be given any of the terms or conditions of this Agreement.

Section 7.04 - Notice. Except as may be otherwise specifically provided herein, notices required or permitted to be given under this Agreement shall be in writing and shall be served personally or by mail on the Chairman of the Board of Supervisors of the County of Tulare and on the Mayor of the City, depending to whom the notice is directed.

Section 7.05 - Entire Agreement. This document represents the entire Agreement between the parties.

Section 7.06 - Agreement. This Agreement may be amended or supplemented by Agreement in writing and executed by the respective officers of the parties hereto as authorized by resolution of the Legislative bodies of the respective parties hereto.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their respective officers thereunto authorized by resolution of their respective legislative bodies, the day and year first above written.

CITY OF WOODLAKE

By: [Signature]

Mayor

By: [Signature]

Clerk

COUNTY OF TULARE,
acting for and on behalf of
WELLS TRACT COUNTY SERVICE
AREA NO. 2

By: [Signature]

Chairman

By: [Signature]

Clerk

c:\wp50\woodlake\wellstra.agr.mjf

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

IN THE MATTER OF Agreement)
between County Service Area #2, Wells)
Tract Zone of Benefit and the City of)
Woodlake for Buy In, Operation,)
Financing, Maintenance and Use of)
their Regional Treatment Facility)

RESOLUTION NO. 89-1104

AGREEMENT NO. 15539

UPON MOTION OF SUPERVISOR Swiney , SECONDED BY
SUPERVISOR Gould , THE FOLLOWING WAS ADOPTED BY THE BOARD
OF SUPERVISORS, AT AN OFFICIAL MEETING HELD August 22, 1989
BY THE FOLLOWING VOTE:

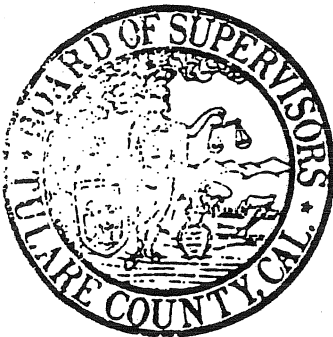
AYES: Supervisors Gould, Conway, Mangine, Swiney and Reed

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST: JOHN C. MC CLURE, II
COUNTY EXECUTIVE/CLERK
BOARD OF SUPERVISORS



BY: Mickie Baldwin

* * * * *

Approved Agreement between County Service Area #2, Wells Tract Zone of
Benefit and the City of Woodlake for Buy In, Operation, Financing, Maintenance
and Use of their Regional Treatment Facility



Woodlake

A CITY WITH TRUE WESTERN HOSPITALITY

January 12, 1990

Tulare County
Planning and Development Department
Room 111, Courthouse
Visalia, CA. 93291

Attention: Bill Heyder

Re: Wells Tract
Sewer System

Dear Mr. Heyder:

Tulare County Agreement No. 15539, between the City of Woodlake and Tulare County, regarding subject above, dated August 22, 1989, Article III, Section 3,01-Treatment Plant, calls for payment to the City, within one hundred twenty (120) days following the execution of this contract, the amount of \$167,700.00.

This amount (\$ 167,700.00) is now due and payable.

Please remit to:

City of Woodlake
350 N. Valencia Blvd.
Woodlake, CA. 93286

Attn: James E. Reed, Finance Director

Very truly yours,


James E. Reed
Finance Director

JER/rm

PWD	
ASST. PWD	
GEN. MGR.	
FIN.	
INSTR.	
TRAINING	
CONSTRUCTION	
MAINT.	
PLANNING	
RECORDS	
REUSE	
FLOOD	
TRANSIT	

Z95

AGREEMENT FOR THE CONSTRUCTION,
OPERATION, MAINTENANCE, FINANCING AND USE OF
WOODLAKE WATER SYSTEM

THIS AGREEMENT, made and entered into this 24th day of April, 1984, by and between the CITY OF WOODLAKE, hereinafter referred to as "City" and the COUNTY OF TULARE, WELLS TRACT COUNTY SERVICE AREA NO. 2, hereinafter referred to as "CSA."

WHEREAS, the City and the CSA have the legal right to construct, maintain, repair and replace water production and distribution facilities within their respective jurisdictions and to provide water distribution services to residences, commercial and business establishments, public properties and industries; and

WHEREAS, the legislative bodies of the City and the CSA have and do find and determine that it is in the best interest and advantage of the City and the CSA to authorize and provide for expansion and improvement of their existing and future water production and distribution facilities and to provide for the sale of water and the collection of charges therefore, all as herein provided; and

WHEREAS, said City and CSA are authorized to contract each other for the joint exercise of any common power under Articles 1, Chapter 5, Division 7, Title 1 of the Government Code of State of California; and

WHEREAS, public health and welfare require certain uniform rules and regulations related to the quality of water discharged into said connected water distribution systems.

NOW, THEREFORE, IT IS AGREED:

ARTICLE 1 TULARE COUNTY AGREEMENT NO. 13361

PURPOSE AND INTENT

SECTION 1.01 - Purpose and Intent. The purpose of this Agreement is to provide for the joint capacity use of and capacity rights ownership in the Regional Water Production and Distribution System facilities in the Regional Water System; to provide for the designation of the City as the entity responsible for day-to-day management, operation and maintenance of the Regional Water System and to establish an operating cost basis therefore; and to regulate the introduction of water into and from said system.

By the terms of this Agreement, the CSA has provided to the City, a domestic water well providing capacity for the customers of the CSA. For facilities other than those specified herein, the respective water system capacity rights shall remain unchanged and undivided from their original state except as may be altered by agreements not in conflict with this Agreement. Each, therefore, recognizes its obligation to cooperate with the other to the extent necessary to maintain an environmentally suitable and physically and financially sound water system. Therefore, the City and the CSA hereby recognize their obligation to initiate communications with the other about any physical or financial matters occurring within or to their respective water systems that may directly or indirectly affect the Regional Water System as well as about matters pertaining solely to said Regional System.

ARTICLE 2

DEFINITIONS

SECTION 2.01 - Definitions. For purposes of this Agreement, the following definitions shall apply.

1. Annual Audit. An annual report prepared on an annual basis by a certified Public Accountant under contract with the City specifically related to those revenues and expenditures appurtenant to the Regional Water System including production, storage and distribution facility components.
2. Average Day Flow (ADF). The mean daily volume of water during the specified period of time which include periods of time influenced by rainfall.
3. Capacity. Capacity refers to that quantity that can be produced and contained exactly within the elements of the production and distribution facilities in terms of flow rate and pressure..
4. City. The City of Woodlake, County of Tulare, State of California.
5. Cost. An amount of money associated with a specific item or purpose. Costs may be calculated amounts (such as depreciation) or actual incurred or accrued expenses.
6. CSA. The Wells Tract County Service Area No. 2, County of Tulare, State of California.
7. Department of Health Services (DHS). The Department of Health Services, State of California.
8. Environmental Protection Agency (EPA). The Federal Environmental Protection Agency or its designated agency of jurisdiction.
9. Exfiltration. Water exiting the water distribution system through the ground.
10. gpm. Abbreviation for gallons per minute.
11. MGD. Abbreviation for million gallons per day.

12. Operation and Maintenance. The terms "maintenance" and "operation" as used herein shall mean the repairs and upkeep necessary by ordinary use and operation of facilities. Actual annual operational and maintenance costs shall be defined as including all labor costs such as salaries and wages, including overtime and premium pay, health and welfare and all fringed benefits, plus all general operating expenses, education and travel allowances, building, grounds and equipment maintenance, plus incidental expenses for insurance and special charges. In addition, such costs shall include the pro-rata share of direct and indirect charges for overhead and administration representing actual costs of services.

13. Maximum Day Flow. Peak rate of production occurring during or from the affects of temperature and/or coinciding use.

14. Production Component. Structures, equipment and appurtenances related thereto specifically designed for water production purposes.

15. Production and Distribution Facilities Budget. The City shall cause to be prepared, on an annual basis, an operation and maintenance budget for the Regional Water System. Said budget shall reflect an estimate of the anticipated costs to operate and maintain said facilities in conformance with the terms of this Agreement and the applicable water supply permit as issued by the Department of Health Services. The budget shall be limited to the necessary administration, operation and maintenance costs associated with the facilities as exist on the date of the execution of this Agreement, as modified herein. Any additions to said budget caused by virtue of the adoption of capital improvements for purposes other than meeting the requirements of the adopted water supply permit or as required for the safety of personnel shall not be accepted unless specifically

authorized to be included by the CSA. Additional costs necessitated by the addition of facilities for the treatment and/or production of waters in excess of that for which capacity exists at the time of the execution of this Agreement shall be detailed separately in said administration, operation and maintenance budget. The CSA shall not be required to participate in said costs unless additional capacity service is obtained by the CSA, a part of which would require a mode of treatment separate and apart from that which exists at the time of the execution of this Agreement.

16. Regional Water System. The City of Woodlake Regional Water Production and Distribution Facilities constituting the facilities in place as of the date of this Agreement including, but not limited to, those facilities in place as of the date of this Agreement, plus those additions having heretofore been approved by the City and contemplated for construction by the CSA within the jurisdictional boundaries of the City.

17. Sewage. The waterborne wastes received from human habitation and use of buildings for residential, business, institutional and industrial purposes.

18. Water. A transparent, odorless, tasteless liquid, a compound of hydrogen and oxygen, H_2O , freezing at 32°F or 0°C and boiling at 212°F or 100°C; it contains 11.88 percent hydrogen and 88.812 percent oxygen, by weight.

ARTICLE 3

REGIONAL WATER SYSTEM

Section 3.01 - Production Facilities. The CSA shall grant to the City the water production facility and property which are described in Exhibit "A" attached hereto. Said granting procedure shall take place at

the end of the one (1) year warranty period which begins at the date of acceptance of the facilities by the CSA from the construction contractor. Said facility shall include all appurtenances necessary for the extraction and pumping of water from the waterbearing formations underlying the property in accordance with the plans which have been caused to be prepared by the CSA and subsequently approved by the City and shall also include the transmission main and appurtenances necessary to integrate said water production facility into the City's distribution system. Said facility, when integrated with the existing City water production, storage and distribution facilities shall be designated as the Regional Water System.

The CSA shall not be required to pay to the City any funds except as herein specified for the integration of the system to be constructed by the CSA with that of the City. The purchase of incremental additional hydraulic and pressure capacity shall be in accordance with the provisions of Section 7.01 of this Agreement.

ARTICLE 4

GENERAL PROVISIONS

Section 4.01 - Production System - Ownership and Title. As herein before referenced, it is the intent of this Agreement, that following the expiration of any contractual warranty periods, the City shall be the owner of all water production facilities associated with the Regional Water System. To this extent, the City shall be required to acquire, construct, operate and maintain all water production facilities within its respective jurisdiction unless otherwise provided herein.

Section 4.02 - Distribution System - Ownership and Title. The CSA shall acquire and construct all water distribution facilities required to

integrate its distribution system with that of the City and such additional distribution facilities as are necessary to properly serve its customers. The City agrees to operate and maintain all distribution facilities within its boundaries and those of the CSA in accordance with the terms and conditions presented in this Agreement. It is the intent of this Agreement that the City shall provide all services necessary for the operation and maintenance of the distribution system within the boundaries of the CSA.

The CSA agrees to deliver water to its customers in accordance with the terms of this Agreement and in such a manner as to comply with all applicable laws, rules and regulations.

The City agrees to produce, convey and deliver all waters required to be delivered under the terms of this Agreement in compliance with all applicable laws, rules and regulations and, in particular, to provide a fair and equitable distribution of costs and imposition of conditions consistent with the guidelines which may be adopted from time-to-time by the City.

Section 4.03 - Limitations. Nothing herein shall be deemed to have caused the CSA to have acquired any capital or other proprietary interest in the water production, distribution or maintenance systems of the City as they now exist or as herein otherwise provided to be hereinafter enlarged or improved, any provisions to the contrary notwithstanding. Nothing herein shall be deemed to have caused the City to have acquired any such interest in such property or facilities of the CSA, except as otherwise herein provided.

Section 4.04 - Commencement of Operation. For the purpose of this Agreement, the date on which the Regional Water System commences operation shall be the date on which the Notice of Completion is filed by the CSA on

the construction contract related to the water production and distribution system construction referenced herein.

Section 4.05 - Term. The City agrees that for a term commencing on the date provided by Section 4.04, it will produce water and deliver same to the customers of the CSA detailed as follows:

- (a) 65 Single family residential services;
- (b) 0 Commercial connections;
- (c) 0 Industrial connections; and
- (d) 0 Institutional connections.

The City agrees that it will make available and deliver water for such connections in accordance with the terms of this Agreement.

Service for connections in excess of those detailed herein shall be arranged for in accordance with the provisions of Article VII.

Section 4.06 - Fire Flow Capacity. The City agrees that it will make available, to its best ability, water for fire suppression purposes at the time of maximum demand on the Regional System at any hydrant located in the system of the CSA. To insure greater reliability in this regard, the CSA has caused the well which they are constructing to be provided with an engine driven source of power in lieu of electrical energy, said capability not being currently available within the City's production system. The requirements of this Agreement shall not cause that the City shall be required to provide service in excess of that which is required by law for those portions of the Regional System as are in existence prior to the date of this Agreement.

ARTICLE V

ADMINISTRATION, OPERATION AND MAINTENANCE

Section 5.01 - Production, Storage and Distribution Facilities.

The City will operate and maintain the water production, storage and distribution facilities in accordance with the provisions of this Agreement.

The customers of the CSA shall, based upon a billing period established by the City and further based on total costs as established by the City, receive and pay bills necessary to operate and maintain the Regional Water System. The basis for said billing shall be the costs as established from time-to-time by the City which are necessary to cover the costs of the specific administration items requested of the City by the CSA, to completely operate the Regional Water System and to provide such funds as are necessary for the future replacement of components which are expected to have specific useful lives.

The City recognizes the right of the CSA to provide for the collection of such funds as are deemed necessary for the retirement of debt obligation, administration in excess of that provided by the City and for additional funds for system replacement following such procedures as may be deemed appropriate by the CSA.

The City also agrees to collect on behalf of the CSA, such additional charges as may be levied from time-to-time by the CSA. Such charges shall include, but shall not be limited to, funds necessary for debt service, CSA administrative charges and funded depreciation. The City shall, on an annual basis, determine a rate to be charged for said collection service with said rate to be adopted by resolution of the governing boards of both the City and the CSA.

The funds collected by the City related to the aforementioned charges in excess of the City's charges shall be transmitted by the City to the CSA on a monthly basis.

Section 5.02 - Major Repairs. The CSA shall pay for the major repairs on that portion of the distribution system located within the boundaries of the CSA. The events which are classified as such shall be included in the preliminary budget as prepared by the City and sufficient advance notice shall be provided by the City to the CSA in order that the CSA may be allowed a proper lead time to include said cost item in its budget (to be not less than six (6) months). Where such payments may be defrayed from accumulated depreciation funds collected pursuant to Section 5.01, the CSA shall make payments on sixty (60) days' notice by the City of its award of a contract or such work or completion thereof by force account. In the event that the CSA is not able to defray such expenses from accumulated depreciation funds, the CSA shall make such arrangements for payment of its pro-rata share as are satisfactory to the City.

Major repairs related to the production and distribution facilities located within the boundaries of the City shall be accomplished by the City at no additional cost to the CSA other than as provided in the monthly water service charge established by the City and referred to hereinbefore.

Section 5.03 - Delinquencies. The CSA hereby grants permission to the City to extend the City's shutoff rules and regulations related to delinquent payments to those connections within the CSA. For those connections for which collection cannot be reasonably made, the City shall notify the CSA, in writing, of its inability to collect for said delinquent

charges within thirty (30) days of the delinquent date and the CSA shall take such steps as are necessary to insure collection of the delinquent billing.

In all cases, the CSA shall be responsible for said delinquent billings and the payment to the City for services rendered.

ARTICLE VI

WATER QUALITY

Section 6.01 - Water Quality. The City and the CSA mutually agree that the primary purpose of the Regional Water System and of this Agreement shall be to produce, treat, transport and delivery a potable water supply for drinking, household and yard irrigation purposes. The City and the CSA further agrees to take such steps as are necessary to avoid the admission of a matter of kind or quality to the water supply which may damage the facilities, their functions or the quality of water produced and transported to the customers of the City and the CSA.

The City and the CSA agree to certain specific limitations, prohibitions and actions as follows:

- (a) To prohibit cross connections and other sources of backflow contamination;
- (b) To immediately identify such sources of backflow potential as may occur in order to allow steps to be taken to abandon same;
- (c) To minimize contamination potential through the proper design, inspection of construction and testing of new water production, storage and distribution facilities, whether constructed by the City, the CSA or by others;

- (d) Enactment of sufficient permit ordinances governing construction of residential, commercial and industrial water services and enforcement thereof through planned review and inspection; and
- (e) Maintenance of a program of backflow prevention valve inspection, well inspection and repair and replacement of defective pipelines and/or services.

Section 6-02 - Water Ordinance. The City and the CSA each agree to enact and enforce a water ordinance which shall call for the establishment of certain minimum construction standards related to water system construction which ordinances shall be compatible with one another with respect to allowable materials, design parameters and inspection procedures.. In no way shall either of the aforementioned ordinances require construction to a degree which is less than the minimums established by the Improvement Standards of the County of Tulare. Said ordinance shall contain specific provisions related to protection of water quality including, but not limited to quality parameters related to production facilities, materials to be utilized in the construction of the main components of the distribution system and the service lateral systems and standards related to backflow protection devices.

As the agency of jurisdiction over the production facilities, the City shall take all steps to insure that the water supply which is delivered to the customers of the CSA will meet the requirements of the State Department of Health Services and the federal Environmental Protection Agency as related to the water quality standards which must be met for

general mineral, trace mineral, bacteriological and organic contaminant constituents.

The provisions of said ordinances shall be as mutually agreed upon by the CSA and the City and nothing in this agreement shall prevent the City and CSA from adopting more restrictive standards than those contained in the Improvement Standards of the County of Tulare.

ARTICLE VII

ADDITIONAL CAPACITY

Section 7.01 - Aquisition of Additional Capacity. The capacity service provided by the City to the CSA shall be in accordance with those terms and conditions which have been established hereinbefore. Said capacity may be increased by a customer of the CSA through the acquisition of additional capacity service from the City or by requesting the construction of additional capacity service. In no case shall the CSA be bound to participating in the construction of additional capacity service without specifically requesting said right in accordance with the procedures contained herein. In addition, no expenditures are to be made from funds accumulated by the CSA in the form of accumulative depreciation except by resolution of the Board of Directors of the CSA.

A customer of the CSA or the CSA shall apply to the City for such additional capacity service, stating the amount of additional capacity which is desired. The City shall determine if additional capacity can be made available to the applicant and the time frame upon which the capacity will be available and the cost related to same. Such determination shall consider the design capacity of the system components which are affected and whether increasing the capacity service will unjustifiably affect the

Regional Water System. Any changes in the CSA's capacity service shall not be made without the consent of the CSA. If the above stated determination shows that the application should be denied, the City shall so notify the requesting party of said determination and shall provide a timetable which indicates when the request could be granted. If the above-stated determination show that the application should be granted, the City shall give notice to the CSA that the application is granted, the date on which its capacity service could be increased to the amount requested, the cost associated with the increase in the capacity service and the date upon which the monies associated with the cost shall be due and payable to the City.

Section 7-02 - Payment Adjustments. When capacity service revision is completed, payment adjustments must be made to insure that capacity-related costs are shared uniformly by the City and the CSA. The payment adjustment can consist of two parts depending on the nature of the capacity service revision. The first part is the capacity service charge as determined according to system demand. This adjustment is made whenever capacity service allotments are revised. The charges represent the ongoing annual costs assignable to the portion of the capacity service which has been added and is being utilized and shall be directly assumed by the receiving party at the time of the use of the increased capacity service.

If a transfer of capacity occurs, the second part of the payment adjustment is designed to reimburse the City the sum of prior costs paid to date that were associated with the transferred capacity service. This part shall be assessed on the transfer of access capacity service to the CSA. The terms of the payment of any sums under this section shall be negotiated prior to the transfer of any capacity service.

ARTICLE VIII

MISCELLANEOUS

Section 8.01 - Accounting Procedures. Pursuant to the provisions of the applicable sections of the Government Code of the State of California, the City shall cause that proper books and records are kept which shall incorporate general principals as promulgated by the American Institute of Certified Public Accountants (AICPA) and shall comply with the requirements of the Safe Drinking Water Program of the State of California.

Said books and records shall, upon written request, be subject to inspection by any duly authorized representative of the CSA.

The City shall make an annual report of system operations and of all receipts and disbursements collected or made on behalf of the CSA and shall furnish seven (7) copies of same to the CSA. Said books and accounts shall be audited annually in accordance with the AICPA audit guidelines by an independent certified public accountant acceptable to both parties.

Seven (7) copies of the report of said accountant shall be forwarded to the CSA. The expense of said audit and report and all bookkeeping and accounting costs shall be treated as a cost of the Regional Water System.

The CSA or its duly authorized representatives shall be allowed to inspect all or any portion of the regional facilities upon reasonable notice to the City. Such inspection may include all operating and financial records of the facilities if the CSA so requires. The City shall be allowed to inspect all, or any portion of, the CSA's records upon the same basis.

Section 8.02 - Insurance. The City shall, at all times, maintain with responsible insurers such insurance against loss or damage to the

Regional Water System as is customarily maintained with respect with works and property of like character. The City shall also maintain with responsible insurers, workers compensation insurance and insurance against public liability and property damage. The premiums on all such insurance shall be part of the overall operation and maintenance expense.

Such insurance shall name as additional insureds the Wells Tract County Service Area No. 2, its officers, agents or assigns and a certificate shall be supplied indicating the above and the provision of a thirty (30) day cancellation notice clause.

Section 8.03 - Limitation on Liability. The CSA shall not be liable at any time for any loss, damage or injury to property or person whomsoever, or liable for any fines or punitive actions that may be imposed arising out of any acts or omissions of the City arising out of their management, operation and maintenance of the Regional Water Facilities. Notwithstanding anything to the contrary in this Agreement and irrespective of any insurance carried by the City for the benefit of the CSA, the City agrees to protect, indemnify and hold the CSA safe and harmless from any and all damages or liabilities of whatsoever nature arising under the terms of this Agreement or arising out of or in connection with the ownership, operation, management and maintenance of the Regional Water System.

The City shall not be liable at any time for any loss, damage or injury to property or person whomsoever or to any fines or punitive actions at any time occasioned by or arising out of any acts or omissions of CSA in the distribution of water to the individual customers of the CSA or any of the appurtenances of the Regional Water System which may, from time-to-time, come under the jurisdiction of the CSA. Notwithstanding anything to the

contrary in this Agreement and irrespective of any insurance carried by the CSA for the benefit of the City, the CSA agrees to protect, indemnify and hold the City harmless from any and all damages and liabilities of whatsoever nature arising under the terms of this Agreement or arising out of or in connection with the distribution of water from the Regional Water System.

Section 8-04 - Headings and Articles of Sections Not a Part of This Agreement. The articles, sections and subsections, headings and titles herein contained are not a part of the terms of this Agreement and shall have no affect or be considered in the interpretation or meaning to be given any of the terms or conditions of this Agreement.

Section 8-05 - Notices. Except as may be otherwise specifically provided herein, notices required or permitted to be given under this Agreement shall be in writing and shall be served personally or by mail on the Chief Administrative Officer of the CSA and on the City Administrator of the City, depending to whom the notice is directed.

Section 8-06 - Entire Agreement. This document represents the entire Agreement between the parties.

Section 8-07 - Agreement. This Agreement shall begin on the date first written above and shall continue for a period of not less than fifty (50) years and shall only be terminated otherwise with the express written consent of both parties. This Agreement may be amended or supplemented by agreements in writing executed by the respective officers of the parties hereto, as authorized by resolution of the legislative bodies of the respective parties hereto.

(SEAL)

CITY OF WOODLAKE
INCORPORATED
SEPTEMBER 29,
1941
CALIFORNIA

APPROVED _____

Countersigned:

Attorney for County of
Tulare, Wells Tract County
Service Area No. 2

By: B. Diamond

Title: MAYOR

By: Ruth Gonzalez

Title: CITY CLERK

By: Dolores E. (Lorie) Mangine
DOLORES E. (LORIE) MANGINE
 Title: President **CHAIRMAN, BOARD OF SUPERVISOR**

By: John A. [Signature]

Title: Clerk

4
Original

**AMENDMENT NO. 1 TO
TULARE COUNTY AGREEMENT NO. 13361**

THIS AMENDMENT NO. 1 TO TULARE COUNTY AGREEMENT NO. 13361 is hereby made and entered into by and between the CITY OF WOODLAKE, hereafter referred to as the "City" and the COUNTY OF TULARE, acting on behalf of the County of Tulare County Service Area No. 2 (commonly known as "Wells Tract"), hereinafter referred to as the "CSA".

W I T N E S S E T H:

Whereas, the City and CSA have the authority under Government Code section 6500 et seq. to contract with each other for the joint exercise of any common power; and

Whereas, the City and the CSA entered into Tulare County Agreement No. 13361 for the exercise of their common power to provide water for domestic uses; and

Whereas, the City and CSA desire to continue to jointly exercise their common powers as provided under Tulare County Agreement No. 13361 but in a more efficient and effective manner as hereafter provided;

NOW, THEREFORE, IT IS HEREBY AGREED as follows:

1. Section 1.01 - Purpose and Intent of ARTICLE 1 of Tulare County Agreement No. 13361 is hereby amended to read as follows:

SECTION 1.01 - Purpose and Intent. The purpose of this Agreement is to provide for the joint capacity use of and capacity rights in the Regional Water production and Distribution System facilities of the City's Regional Water System as defined herein, to provide for the designation of the City as the entity responsible for day-to-day management , operation and maintenance of the Regional Water System and the CSA water distribution facilities and to establish

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TULARE COUNTY AGREEMENT NO. 13361-A

1 an operating cost basis therefore, and to regulate the introduction of water into and from
2 said system.

3 By the terms of this Agreement, the CSA has provided to the City a
4 domestic water well providing capacity to the customers of the CSA. Any
5 additional or new facilities and connections to the Regional Water System other
6 than those specified herein shall require written approval of both the City and the
7 CSA in order to ensure that sufficient capacity and production is reserved for the
8 needs of the system users. Each party, therefore, recognizes its obligation to
9 cooperate with the other to maintain an environmentally suitable and physically
10 and financially sound water system and hereby recognizes their obligations to
11 communicate with each other about all matters that may effect either the CSA or
12 City water production or distribution systems or services therefrom.

13 2. The definition for "Average Day Flow (ADF)" as set out in Paragraph no. 2 of
14 SECTION 2.01 - Definitions of ARTICLE 2 of Tulare County Agreement No. 13361 is
15 hereby amended to read as follows:

16 2. Average Day Flow (ADF). The mean Daily volume of water produced
17 during or in a twenty-four (24) hour period.

18 3. Subsection (a) of SECTION 4.05 - Term of ARTICLE IV of Tulare County
19 Agreement No. 13361 is hereby amended to read as follows:

20 (a) 67 Single family residential services;

21 4. SECTION 4.06 - Fire Flow Capacity of ARTICLE IV of Tulare County
22 Agreement No. 13361 is hereby amended to read as follows:

23 SECTION 4.06 - Fire Flow Capacity. The City agrees that it will make
24 available, to its best ability, water for fire suppression purposes at the time of
25 maximum demand on the Regional System at any hydrant located in the system
26 of the CSA. This Agreement shall not cause the City to provide service to the
27 CSA which is in excess of that which is required by law for other portions of the
28 Regional System.

5. ARTICLE V of Tulare County Agreement No. 13361 is hereby amended to read as follows:

ARTICLE V

ADMINISTRATION, OPERATION AND MAINTENANCE

SECTION 5.01 - Regional Water System Facilities Operation and Maintenance.

(a) The City shall operate and maintain the Regional Water System production, storage and distribution facilities and the CSA water distribution facilities in accordance with the provisions of this Agreement.

(b) The City shall annually establish the monthly service cost to the CSA user for such operation and maintenance, which cost shall represent 1) each CSA user's share of the CSA's proportional share of the total expenses incurred by the City in the operation and maintenance of the City Regional Water System, and 2) each CSA user's share of the total expenses incurred by the City for the normal operation and maintenance of the CSA water storage and distribution facilities as provided in subsection (c). Included in the maintenance and operation expenses for the City's Regional Water System shall be a depreciation factor fixed and determined by the City in accordance with Section 5.02 herein. The depreciation factor paid by the CSA users shall represent the depreciation of the City-owned facilities attributable to CSA use and shall be paid into a separate depreciation fund in the hands of the City and used by the City as otherwise provided in this Agreement. The City service costs to be paid by CSA users shall be \$10.00 per month per household less \$1.62 per month per household (discount for not using city billing services) for a total of \$8.38 per month per household until changed by the City in accordance with subsection (d). In making any change to this cost, the City agrees to not discriminate between City and CSA users but to establish costs on a parity basis.

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1 (c) The City shall provide the normal operation and maintenance
2 services to CSA water distribution facilities, including the main water lines and
3 service lines within the public right-of-way in the CSA, which operation and
4 maintenance is within the capabilities of the City Public Works Department. The
5 City Administrator shall provide a determination that such services shall not
6 unduly interfere with maintenance or improvement work within the City
7 boundaries. Work for the CSA shall be billed at the cost of materials, supplies,
8 contract costs or force account labor at the rates in effect at the time such work
9 is performed. The employee force rate, overhead expense rates and contract
10 rates shall be established from time to time by the City Council by Resolution
11 upon prior written notice to the CSA of date and content of the City Council's
12 intended action. Other than normal maintenance, repair and improvement work
13 shall be provided in accordance with subsection (e).

14 (d) Annually on or before the last day of April of each year, the City
15 shall determine the cost of its services as defined in subsection (b) of this
16 Section 5.01. The City shall forward to the CSA, in accordance with Section 8-05
17 of this Agreement, on or before the first day of May of each year the amounts
18 established under this Section 5.01 and documentation supporting the
19 determination of costs for use by the CSA in setting the total water service fees
20 in the CSA and creating the CSA budget. Time is particularly of essence in
21 regard to the provisions of this Section 5.01.

22 This amount shall be billed and collected by the CSA. The CSA shall pay
23 the City invoiced charges on a monthly basis. On or before the 15th day of the
24 month after the end of the month in which the City services were provided, the
25 CSA shall pay to the City from CSA funds, the then current City monthly costs
26 established under subsections (b) and (d), without regard as to whether or not
27 the CSA users have paid the same.

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1 (e) Other than normal maintenance work or repair work done by
2 anyone other than city forces up to a cost of \$2,000 will be arranged and
3 directed by the City at the expense of the CSA. Maintenance, repair or
4 improvement work valued in excess of \$2,000 will require prior approval of the
5 CSA. Payment of this improvement, repair or maintenance work and City
6 administration expenses will be made directly by the CSA to the City upon
7 invoice, in the form requested by the CSA, by the City and shall be in addition to
8 the normal monthly operation and maintenance expenses addressed in
9 subsection (c). The CSA shall pay said invoices within sixty (60) days of receipt
10 and approval of said invoices.

11 Section 5.02 - Capital Reserve Fund. The City and the CSA shall each
12 incorporate into their respective rate structures, appropriate provisions for
13 depreciation as required by Federal and State Revenue Program Guidelines or as
14 required by any separate funding agencies. The charges by the City to CSA
15 shall include each entity's pro-rata share of the required depreciation reserve for
16 the Regional Water System and the City shall accumulate and utilize such funds
17 in accordance with the aforementioned Guidelines. Funds accumulated by the
18 CSA in its water system Capital Reserve Fund shall be retained by the CSA until
19 such time as those funds may be required for distribution system replacement or
20 major repair under subsection (e) of Section 5.01 or Section 5.03.

21 Section 5.03 - Major Repair and Capital Improvement Expenses. The CSA
22 shall pay its pro-rata share of major repairs and capital improvements expenses
23 to the Regional Water System based upon the CSA's share of the operation
24 capacity of the City's Regional Water System dedicated to providing water to the
25 CSA at the time the major repairs and capital improvements become necessary.
26 In the event major repairs and capital improvement expenses are included in the
27 preliminary budget as prepared by the City, sufficient advance notice by the City
28 to the CSA shall be provided in order for the CSA to include its pro-rata share in

1 its preliminary budget. Where such expenses may be defrayed from the
2 accumulated depreciation funds collected pursuant to Section 5.02, the City shall
3 provide thirty (30) days notice to the CSA of its intent related to such work. In
4 the event that the City is not able to defray such expenses from accumulated
5 depreciation funds, the City shall provide the CSA with sixty days advance notice
6 of the anticipated expenses in order to allow the CSA to make arrangements for
7 its payment of its pro-rata share as are satisfactory to the City.

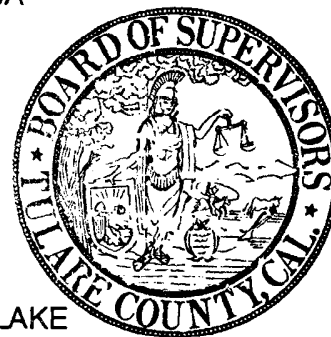
8 6. All other terms and conditions of Tulare County Agreement No. 13361 shall
9 remain in full force and effect.

10 IN WITNESS WHEREOF, the parties hereto have executed this
11 Agreement as of the day and year first above written.

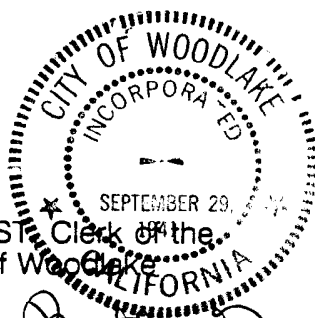
12 COUNTY OF TULARE

13 By *James E. Smayda*
14 Chairman, Board of Supervisors
15 "CSA"

16 ATTEST: THOMAS F. CAMPANELLA
17 County Administrative Officer/Clerk of the
18 Board of Supervisors of the County of Tulare



18 By *Janice McFarlan*
19 Deputy



20 CITY OF WOODLAKE

21 By *Wall Harvey*
22 Mayor, City Council
23 "City"

24 ATTEST: Clerk of the
25 City of Woodlake

26 By: *Orville Dandy*

27 Approved as to form:
28 County Counsel

By *John Robert*
Deputy

Approved as to form:
City Attorney

By _____
Deputy

UT\WATER\94-125\JJR1.AGR/November 10, 1994

BEFORE THE CITY COUNCIL
OF THE CITY OF WOODLAKE
COUNTY OF TULARE
STATE OF CALIFORNIA

In the matter of:

SETTING SERVICE RATES FOR WATER IN)	Resolution No. 15-32
ACCORDANCE WITH ARTICLE XIID OF THE)	
CONSTITUTION OF THE STATE OF CALIFORNIA)	

Councilmember Martinez, offered the following resolution and moved its adoption. Set Service Rates for Water in Accordance with Article XIID of the Constitution of the State of California

WHEREAS, the City of Woodlake provides water service to its customers who pay for such services;

WHEREAS, the City Council previously directed City staff to proceed with a rate study for water service in preparation for a public hearing to determine and set new rates for water service that shall apply to all parcels located within the territorial boundaries of the City;

WHEREAS, pursuant to Proposition 218, on February 9th the City Council adopted a resolution No. 15-12 which set a public hearing for April 13, 2015 to consider proposed water rate increases based on the completed rate study and to consider all of the valid written protests submitted under the protest rules specified within Resolution No. 15-12 and the notice of public hearing approved by the City Council;

WHEREAS, at least forty-five (45) days before the date set for the public hearing, City staff finalized the City Council-approved notice of public hearing and mailed it to all property owners and tenants that are customers of the City on or about February 25, 2015;

WHEREAS, pursuant to Proposition 218, on April 13, 2015 the City Council held a public hearing and considered staff reports, public comments, the completed rate study for water services, the proposed water rate increases, and all valid written protests and objections;

WHEREAS, based on the final rate study report accepted by the City Council, the proposed rate increases for water service do not exceed the reasonable cost of providing water services; and

WHEREAS, at the public hearing held on April 13, 2015, all written protests to the proposed water service rate increases which were timely received were counted by the City Clerk and the City Council reported that a total of 48 valid written protests were timely received and said number does not constitute a majority of affected parcels

NOW, THEREFORE, THE CITY OF WOODLAKE DOES RESOLVE THAT:

1. The foregoing recitals are true;
2. Adopted the water service rates scheduled over the next five (5) years, as listed below:

Table 1: Annual Base Rate for Meters (Excludes Potential CPI Escalation)

Meter Size in Inches	Current Rate	Year 1 (2016)	Year 2 (2017)	Year 3 (2018)	Year 4 (2019)	Year 5 (2020)
5/8	N/A	\$28.49	\$29.06	\$29.64	\$30.23	\$30.83
3/4	\$28.50	\$30.20	\$31.90	\$33.60	\$35.30	\$37.00
1	\$51.25	\$45.57	\$46.48	\$47.41	\$48.36	\$49.33
1.5	\$113.50	\$68.36	\$69.73	\$71.12	\$72.54	\$73.99
2	\$200.25	\$91.15	\$92.97	\$94.83	\$96.73	\$98.66
3	N/A	\$136.72	\$139.45	\$142.24	\$145.08	\$147.98
4	N/A	\$182.28	\$185.93	\$189.65	\$193.44	\$197.31
6	N/A	\$273.43	\$278.90	\$284.48	\$290.17	\$295.97

*Rates as approved by USDA.

Table 2: Variable Usage Rate Calculation for July 1, 2016 (Excludes Potential CPI Escalation)

Tier	Tier Cap in Gallons	Price per 1,000 Gallons
1 (over)	10,001	\$0.25
2	20,000	\$0.26
3	30,000	\$0.27
4	40,000	\$0.28
5 (over)	40,001	\$0.28

3. Directed that the new rates for water service shall become effective commencing on July 1, 2016 and shall not exceed the amounts specified in Table 1 and Table 2, shown above; and
4. Authorized the rates and all portions of this resolution to be severable such that, if any of the rates or any portion of this resolution is found invalid and unenforceable by a court of competent jurisdiction, all other valid rates and/or portions of this resolution shall be, and continue, in full force and effect; and
5. All rates may be adjusted by the annual consumer price index (CPI) by City Council approval. The CPI adjustment will be based on the most recent 12 months available and shall be calculated as the average of the Consumer Price Index – All Urban Consumers (CPI-U) for the San Francisco, Oakland, and San Jose area and the Los Angeles, Riverside, Orange County area. All fixed rates shall be rounded off to the nearest \$.25 and all variable rates shall be rounded off to the nearest \$.01. For Year 2 through Year 5, upon 30 days written notice by the City, the rates in Tables 1 and 2 may be increased based on the CPI as indicated herein.

6. Seniors, Duplexes, Apartments, Mobile Homes and Trailers may be eligible for a base rate reduction of \$1.00 per unit.
7. The rate for Non-Residential water for construction purposes will be \$750 refundable deposit for the use of the Water Flow Meter, a \$20 account setup fee per project, and \$0.10 per gallon charge.

The foregoing resolution was adopted upon a motion of Councilmember Martinez, and seconded by Councilmember Gonzalez Jr., and carried by the following vote at the City Council meeting held on April 13, 2015.

AYES: Ortiz, Martinez & Gonzalez Jr.

NOES:

ABSTAIN:

ABSENT: Mendoza & Ray


Frances Ortiz, Vice-Mayor

ATTEST:


Irene Zacarias, City Clerk



BEFORE THE CITY COUNCIL
OF THE CITY OF WOODLAKE
COUNTY OF TULARE
STATE OF CALIFORNIA

In the matter of:

APPROVAL OF THE DECREASE OF SEWER)
RATES EFFECTIVE JULY 1, 2016)

Resolution No. 16-34

Councilmember Martinez moved its adoption to approve the decrease of sewer rates effective July 1, 2016.

WHEREAS, the City of Woodlake City Council on October 13, 2008, unanimously set the sewer services rates by Resolution 08-32 ; and

WHEREAS, the rates were set from July 1, 2009 to June 30, 2014; and

WHEREAS, the Sewer Fund has become fiscally strong with the new rates and its infrastructure has drastically improved, which allows for sewer rates to be decreased by two dollars and fifty cents per service while still allowing the Sewer Fund to fund necessary operations and reserves; and

NOW, THEREFORE, THE CITY OF WOODLAKE DOES RESOLVE to approve the following monthly rates for sewer services effective July 1, 2016.

- | | |
|--|-------------------|
| 1. Single family residential unit, including each single unit of a multiple family dwelling. | \$63.25 |
| 2. Commercial accommodations, boarding houses, motels, hotels and trailer parks. Per Unit. | \$60.75 |
| 3. Institutions, Churches, Social and Fraternal Organizations. | \$60.75 |
| 4. Businesses and Commercial houses, pubs, bars, restaurants and service stations. | \$60.75 |
| 5. Car Washes | \$94.75 |
| 6. Laundromats | \$115.25 |
| 7. Schools and Memorial Districts | 65% of water bill |

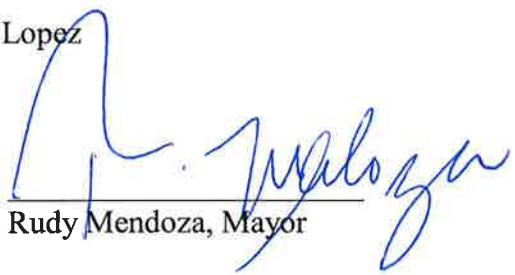
The foregoing resolution was adopted upon a motion of Councilmember Martinez, and seconded by Councilmember Lopez, and carried by the following vote at the City Council meeting held on March 28, 2016.

AYES: Mendoza, Ortiz, Martinez & Lopez

NOES:

ABSTAIN:

ABSENT: G. Gonzalez Jr.


Rudy Mendoza, Mayor

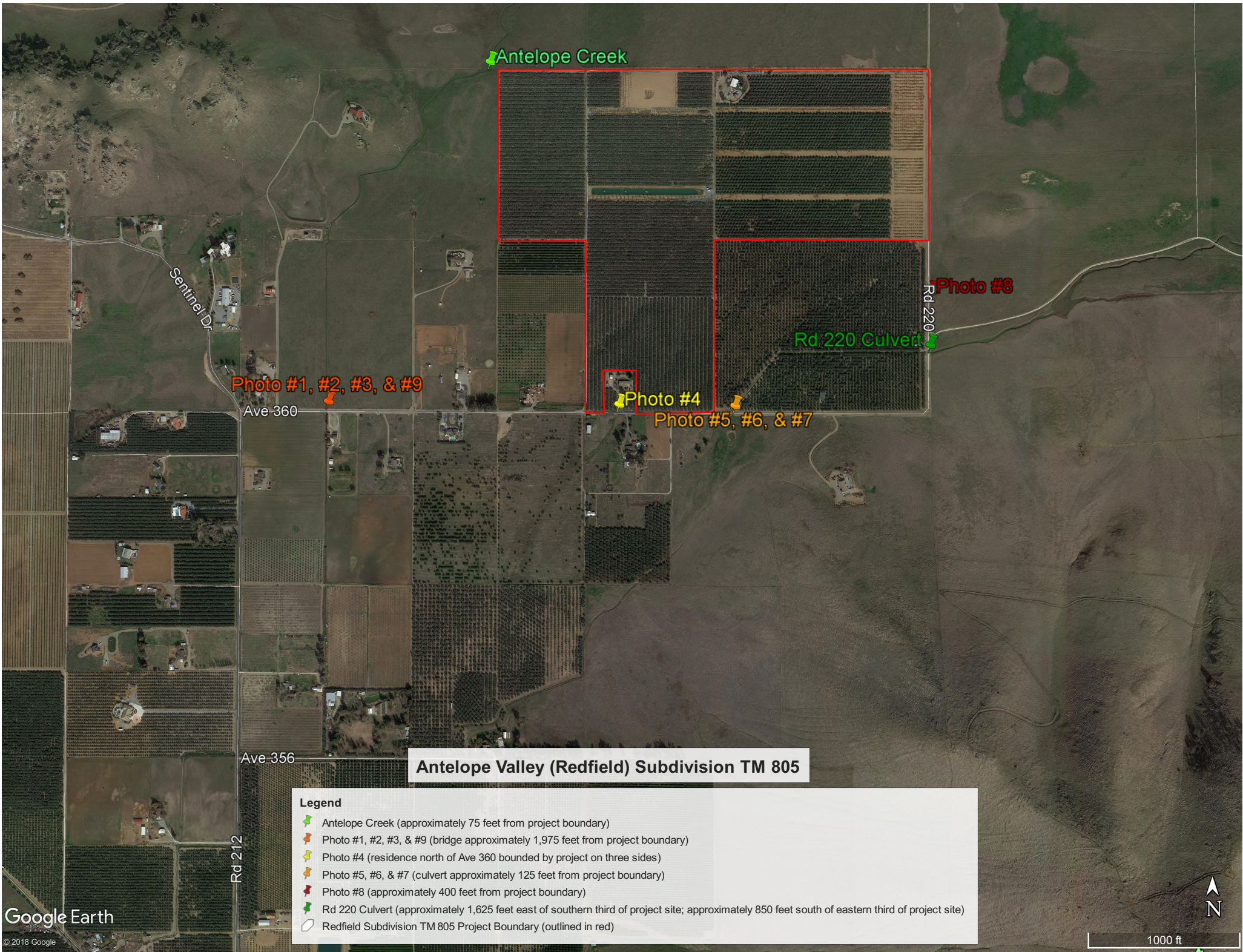
ATTEST:


Irene Zacarias, City Clerk










Attachment 14

Aerial Photo Showing Location of Photos and Nearby Waterways



Antelope Valley (Redfield) Subdivision TM 805

Legend

-  Antelope Creek (approximately 75 feet from project boundary)
-  Photo #1, #2, #3, & #9 (bridge approximately 1,975 feet from project boundary)
-  Photo #4 (residence north of Ave 360 bounded by project on three sides)
-  Photo #5, #6, & #7 (culvert approximately 125 feet from project boundary)
-  Photo #8 (approximately 400 feet from project boundary)
-  Rd 220 Culvert (approximately 1,625 feet east of southern third of project site; approximately 850 feet south of eastern third of project site)
-  Redfield Subdivision TM 805 Project Boundary (outlined in red)


Attachment 15

Board of Supervisor's Policy on Street Lights Resolution 71 7871

TRAFFIC CONTROL WARRANTS AND POLICIES

TULARE COUNTY PUBLIC WORKS DEPARTMENT, TRANSPORTATION DIVISION

Section: Street Lights
Subject: Street Light Size Selection

 11-8-95
Initial Date

Street Light Size Selection

The following guidelines should be used to determine the size of high pressure sodium vapor luminaire to be installed at a specific location.

5,800 Lumen

This is the smallest size light we use. It is to be placed when a light is warranted under the protection of persons and property section of the street light policy and at intersections of two minor system roadways where the area to be illuminated is not too large.

9,500 Lumen

This medium size light should be placed at the intersections of Federal Aid roadways. They also are for use at locations other than intersections that need illumination due to special hazards referenced in Section C of the Street Light Policy.

16,000 Lumen

This size light should be used at signalized intersections and at intersections and other locations where the area to be illuminated is comparatively large, such as where there is channelization and/or more than one lane of traffic in each direction.

1 Board of Supervisor's Policy on Street Lights

2 **BEFORE THE BOARD OF SUPERVISORS**

3 **COUNTY OF TULARE, STATE OF CALIFORNIA**

4 In the Matter of Establishing)

5 General Policy as a Guide for) RESOLUTION NO. 71 4871

6 Installation of Street Lights.)

7 WHEREAS, it appears advisable to this Board to establish minimum standards as a guide
8 for future Board action with regard to installation of street lights.

9 NOW, THEREFORE, BE IT RESOLVED as follows:

10 1. This Board will consider the installation of street lights, on the basis of traffic safety,
11 when one or more of the following conditions occur:

12 A. At an intersection where there is a traffic volume of at least 2,000 vehicles per day
13 on one street and at least 1,000 vehicles per day on the other street.

14 B. At an intersection where there is channelization of traffic if there is sufficient use
15 of the intersection during the night to justify the installation of street lights.

16 C. At street locations other than intersections where there are special hazards due to
17 adverse or restricted alignment, or clearance or sight distance hazards such as
18 railroad crossings and narrow bridges, and if experience has indicated that lesser
19 warning devices will not be effective.

20 D. At street locations where two or more accidents of a type which might have been
21 prevented by street lighting have occurred within a 12 month period.

22 2. This Board will consider the installation of street lights at locations, on the basis of
23 protection of persons and property, under the following circumstances:

24 A. If, at a 4 legged intersection, there are at least 18 dwellings or businesses located
25 within 330 feet of the intersection.

26 B. If, at a "T" or "L" intersection, there are at least 14 dwellings or businesses located
27 within 330 feet of the intersection.

28 3. This Resolution is intended only as a general guide for future Board action
29 concerning installation of street lights and nothing herein shall be deemed to require the

1 installation of street lights at any location or to prohibit the installation of street lights at any
2 location that the Board may hereafter authorize.

3 4. This Resolution shall supersede Resolution No. 67-520 and all other Resolutions of
4 this Board to the extent that they are inconsistent herewith.

5 The foregoing Resolution was passed and adopted upon motion of Supervisor Hillman,
6 seconded by Supervisor Batkin, at a regular meeting on this 23rd day of November, 1971, by the
7 following vote:

8 AYES: Supervisors Cummings, Hillman, Harrell, Batkin and Muller.

9 NOES: None

10 ABSENT: None

CHAPTER 9

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. The MMRP lists mitigation measures recommended in the Draft EIR for the proposed Project and identifies monitoring and reporting requirements.

The CEQA Public Resources Code Section 21081.6 requires the Lead Agency decision making body approving a project and certifying the EIR to also adopt a reporting or monitoring program for those measures recommended 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 by whom and 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.
- **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 9-1 presents the Mitigation Measures identified for the proposed Project in this EIR. Each Mitigation Measure is identified by the impact number. For example, 4-1 would be the first Mitigation Measure identified in the Biological analysis of the Draft EIR.

The first column of **Table 9-1** 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/agency/entity 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 ensure that individual Mitigation Measures have been complied with and are monitored.

Final Environmental Impact Report
Antelope Valley (Redfield) Subdivision TM 805

Table 9-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
BIOLOGICAL RESOURCES							
<i>Vernal Pool Crustaceans (fairy shrimp)</i>							
4-1. (Avoidance and Exclusion) Prior to the start of ground disturbance associated with future development of the project site, silt fencing will be installed along the boundary of the project site wherever the site adjoins annual grassland habitat. The silt fencing will prevent construction-related siltation and erosion into off-site vernal pool habitat and ensure that project personnel and equipment do not encroach on this habitat. The silt fencing will be maintained in good condition for the duration of construction.	Prior to start of construction.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Field survey by a qualified Biologist.			
4-2. (Environmental Awareness Training) Prior to the start of future construction activities, a qualified biologist will conduct a tailgate training for all construction staff on the vernal pool fairy shrimp and vernal pool tadpole shrimp. This training will include a description of the two shrimp species and their habitat needs; a 36 Live Oak Associates, Inc. report of the occurrence of the species in the project vicinity; an explanation of the status of the species and their protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during development of the site. Attendees will be provided a handout with all of the training information included in it. The applicant will use this handout to train any construction personnel that were not in attendance at the first meeting, prior to those personnel starting work on the site.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			

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Table 9-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
California Tiger Salamander							
4-3. (Avoidance and Exclusion) A focused survey for California tiger salamander (CTS) shall be conducted on and in the vicinity of the project site by a qualified biologist prior to the start of ground disturbance associated with future development of the project site. The survey shall be conducted according to methods described in the “Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander” (USFWS 2003). A focused survey will be repeated following any lapses in construction of 30 days or more. If the survey indicates CTS are present on the project site or the immediate vicinity, the Fresno Field Office of CDFW shall be contacted immediately to determine the best course of action and the following actions shall be implemented: <ul style="list-style-type: none">Silt fencing will be installed along the boundary of the project site establishing a minimum 100-foot buffer area wherever the site adjoins areas of wetland and/or annual grassland habitat. The silt fencing will prevent CTS associated with surrounding grassland from wandering onto the project site during construction, and potentially experiencing construction mortality. It will also ensure that project personnel and equipment do not encroach on off-site CTS habitat. The silt fencing will be maintained in good condition for the duration of construction.A minimum 50-foot no disturbance buffer area shall be established around small mammal burrows within and/or adjacent to the construction footprint. If burrow avoidance is not	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			

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<p style="text-align: center;">Table 9-1 Mitigation Monitoring and Reporting Program</p>							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
feasible, CDFW shall be contacted to determine if take can be avoided. If CDFW determines that take cannot be avoided, an Incidental Take Permit shall be obtained prior to the start of ground disturbing activities.							
4-4. (Environmental Awareness Training) Prior to the start of future construction activities, a qualified biologist will conduct a tailgate training for all construction staff on the California tiger salamander. This training will include a description of the CTS and its habitat needs; a report of the occurrence of the species in the project vicinity; 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 CTS during development of the site. Attendees will be provided a handout with all of the training information included in it. The applicant will use this handout to train any construction personnel that were not in attendance at the first meeting, prior to those personnel starting work on the site.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
<i>San Joaquin kit fox</i>							
4-5. (Preconstruction Surveys) Preconstruction surveys for the San Joaquin kit fox shall be conducted pursuant to the “Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance” (USFWS 2011) on and within 200 feet of the project site, no less than 14 days and no more than 30 days prior to the beginning of initial ground disturbance activities on the site. 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. If a potentially active kit fox den is detected	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			

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<p style="text-align: center;">Table 9-1 Mitigation Monitoring and Reporting Program</p>							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
within or immediately adjacent to the area of work, the Sacramento Field Office of the USFWS and the Fresno Field Office of the CDFW shall be contacted immediately to determine the best course of action and a minimum 3-day focused survey shall be conducted using a tracking medium and/or infrared camera to determine use. Preconstruction surveys will be repeated following any lapses in construction of 30 days or more.							
4-6. (Avoidance of Active Dens) Should active or potentially active kit fox dens be detected during preconstruction or focused surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately. A minimum 50-foot disturbance-free buffer will be established around potential or atypical (manmade) burrows and a 100-foot disturbance-free buffer around known or previously occupied dens, or as otherwise determined to be appropriate pursuant to consultation with the USFWS and CDFW. Buffer areas shall be maintained until an agency-approved biologist has determined that the burrows have been abandoned. If CDFW determines that take cannot be avoided, an Incidental Take Permit shall be obtained prior to the start of ground disturbing activities.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
4-7. (Minimization) Future construction activities will observe all minimization measures presented in the USFWS Standardized Recommendations. Such measures include, but are not limited to: restriction of construction-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	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			

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<p style="text-align: center;">Table 9-1 Mitigation Monitoring and Reporting Program</p>							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
rodenticide and herbicide use; and proper disposal of food items and trash. See Appendix E [of the BE] for more details.							
4.8. (Employee Education Program) Prior to the start of future construction activities, the applicant will retain a qualified biologist to conduct a tailgate training for all construction staff 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 site; 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 construction. Attendees will be provided a handout with all of the training information included in it. The applicant will use this handout to train any construction personnel that were not in attendance at the first meeting, prior to those personnel starting work on the site.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
4.9. (Mortality Reporting) The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately (by phone, email, in person) and in writing within three working days in case of the accidental death or injury to a San Joaquin kit fox during construction. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
<i>Burrowing Owl</i>							
4-10. (Take Avoidance Survey) A take avoidance survey for burrowing owls will be conducted by a qualified biologist between 14 and 30 days prior to the start of initial ground disturbance on the project site according to methods described in the Staff Report on	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of	County of Tulare Planning Department	Qualified biologist.			

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<p style="text-align: center;">Table 9-1 Mitigation Monitoring and Reporting Program</p>							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
Burrowing Owl Mitigation (CDFW 2012). The survey area will include all open areas on and within 200 meters of the project site, where accessible. Preconstruction surveys will be repeated following any lapses in construction of 30 days or more.		Report of Findings, if applicable					
4-11. (Avoidance of Active Nest) If future construction activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within, or adjacent to, project impact areas, a 200-meter disturbance-free buffer will be established around these burrows, or alternate avoidance measures implemented in consultation with the Fresno Field Office of the CDFW. The buffers will be enclosed with temporary fencing designed to minimize impacts to other special status species (specifically, California tiger salamander) to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
4-12. (Avoidance or Passive Relocation of Resident Owls) During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may either be avoided, or passively relocated to alternative habitat. If avoidance is the preferred strategy, a 50-meter disturbance-free buffer designed to minimize impacts to other special status species (specifically, California tiger salamander) will be established around active owl burrows, or alternate avoidance measures implemented in consultation with CDFW. The buffers will be enclosed with temporary	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			

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Table 9-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
fencing, and will remain in place until a qualified biologist determines that the burrows are no longer active. If passive relocation is used, this activity will be conducted in accordance with a relocation plan prepared by a qualified biologist.							
<i>Nesting Migratory Birds and Raptors, Including the Loggerhead Shrike</i>							
4-13. (Avoidance) If feasible, future tree removal and residential buildout will occur outside of the avian nesting season, typically defined as February 1 to August 31.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
4-14. (Preconstruction Survey) If future tree removal or construction activities are to occur between February 1 and August 31, a qualified biologist will conduct preconstruction surveys for active migratory bird nests no more than 10 days prior to the start of work. Should any active nests be discovered in or near proposed construction zones, the biologist shall establish a behavioral baseline of all identified nests and will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently. Identified nests shall be monitored to detect behavioral changes. If behavioral changes occur, the biologist shall consult with the Fresno Field Office of the CDFW to determine the best course of action.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			

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Table 9-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
Roosting Bats							
4-15. (Temporal Avoidance) To avoid potential impacts to maternity bat roosts, future tree and building removal 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-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
4-16. (Preconstruction Surveys) If any removal of mature trees or buildings is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to scheduled removal, a qualified biologist will conduct a survey for roosting bats. The biologist will visually inspect all potential roost sites for individual bats, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If bats are observed to be roosting, the Fresno Field Office of CDFW shall be consulted to determine the best course of action and to determine whether a Bat Eviction Plan is required. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
4-17. (Minimization) If a non-breeding bat colony is found in disturbance areas, the individuals will be humanely evicted from trees and/or buildings, under the direction of a qualified biologist. To ensure that no harm or “take” of any bats occurs as a result of construction activities, the colony site shall be monitored to ensure that all bats have exited the roost.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			

Final Environmental Impact Report
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Table 9-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
4-18. (Avoidance of Maternity Roosts) If a maternity colony is detected during preconstruction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist determines that the nursery is no longer active. The disturbance-free buffer will range from a minimum of 50 to 100 feet as determined by the biologist.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
<i>Waters of the U.S. and Sensitive Natural Communities</i>							
4-19. Prior to the start of ground disturbance associated with future development of the project site, silt fencing will be installed along the boundary of the project site wherever the site adjoins annual grassland habitat. The silt fencing will prevent construction-related siltation and erosion of off-site vernal pool or wetland habitat, and will ensure that project personnel and equipment do not encroach on this habitat. The silt fencing will be maintained in good condition for the duration of construction. Prior to the start of ground-disturbing activities, the Fresno Field Office of the CDFW shall be notified to determine if a Wetland Delineation and a Lake or Streambed Alteration Agreement will be required.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
NOISE							
12-1. Construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 dB Leq, when averaged over an eight (8) hour period, and measured at the nearest sensitive receptor. This standard assumes a construction period, relative to an individual sensitive receptor of days or weeks. In cases of extended length construction times, the standard may be tightened so as not to exceed 75 dB Leq when averaged over a one (1) hour period.	During Construction	Daily or as needed throughout the construction period	County of Tulare Planning Department via field evaluation of the noise as it occurs.	County of Tulare Planning Department			

Final Environmental Impact Report
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Table 9-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
12-2. Construction equipment operation shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 5 p.m. Saturday	During Construction	Daily or as needed throughout the construction period	County of Tulare Planning Department via field evaluation of the noise as it occurs.	County of Tulare Planning Department			
HYDROLOGY AND WATER QUALITY							
9-1. The Project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) according to the latest regulations to be retained onsite. The SWPPP must include best management practices that, when implemented, prevent storm water quality degradation to the extent practical by preventing sediments and other pollutants from leaving the Project site.	Prior to Construction	SWPPP submittal and acceptance.	County of Tulare Planning Department	Construction Contractor			
9-2. New sewage disposal systems shall be designed by an Engineer, Registered Environmental Health Specialist, Geologist, or other competent persons, all of whom must be registered and/or licensed professionals knowledgeable and experienced in the field of sewage disposal system and design. The specifications and engineering data for the system shall be submitted to the TCEHSD for review and approval prior to the issuance of a building permit.	Prior to Issuance of Building Permit.	Submittal of disposal system design.	TCEHSD	TCEHSD			
9-3. All new construction shall have water conserving fixtures (water closets, low flow showerheads, low flow sinks, etc.) New urinals shall also conserve water through waterless, zero flush, or other water conservation technique and/or technology.	Prior to Issuance of Building Permit.	Verified on submitted site plans.	Tulare County Building Inspector	Tulare County Building Inspector			
9-4. The proposed Project shall conform to the Tulare County Water Efficient Landscaping Ordinance.	Prior to Issuance of Building Permit.	Verified on submitted site plans.	Tulare County Building Inspector	Tulare County Building Inspector			

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<p style="text-align: center;">Table 9-1 Mitigation Monitoring and Reporting Program</p>							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
9-5. No ground water shall be transported off-site for any use.	Prior to Issuance of Building Permit.	Verified on submitted site plans.	Tulare County Building Inspector	Tulare County Building Inspector			
TRIBAL CULTURAL RESOURCES							
17-1. In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Tulare County Planning Department	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.			
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	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Tulare County Planning Department	A qualified archaeologist shall document the results of field evaluation and shall recommend			

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Table 9-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
<p>event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. 				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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Table 9-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
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.

CLARIFICATION REGARDING THE PROJECT DESCRIPTION

The Project site is approximately 125-acres (exactly 127.362 acres) in size. As such, a plus-minus sign (\pm) has been added throughout the EIR (unless already specified with the word "approximately") to clearly indicate the approximate size. Due to the large number of references to Project size in the EIR, only those references that were inadvertently not changed from the template language are identified below.

The lots range in size from 2.50 acres to 2.40 acres; average lot size is not 2.14 acres as indicated on pages ES-2, 2-3, and 6.7. The 2.14 acres is a remnant of an earlier iteration of the Project and the Project description was inadvertently not updated to reflect the Project as currently proposed. As such, references to the 2.14 acres have been updated as identified below.

The Project does not require approvals of Exceptions to the Subdivision Ordinance, Sections 7-01-2230 and 7-01-1245 as indicated on pages ES-2, 1-1, 2-1, 3.12-4, 3.16-2, and 3.16-18 of the Draft EIR. The exceptions were a part of an earlier iteration of the Project and the Project description was inadvertently not updated to reflect the Project as currently proposed. As such, references to the exceptions have been deleted as identified below. As the references to the exceptions on pages 3.12-4, 3.16-2, and 3.16-8 are direct quotes from technical studies, they have not been deleted.

The Project does not require approval of a Specific Plan. The references to a specific plan are a remnant of the document template and were inadvertently not removed from the template language. References to a specific plan being included in the Project have been deleted as follows.

➤ **Page ES-2;Project Description:**

The Antelope Valley Subdivision Plan is a proposed 43-unit single-family residential subdivision on a total of ~~approximately \pm 125 acres~~ (exactly 127.32 acres), with ~~average lot sizes ranging of 2.14 from 2.50 acres to 4.20 acres, in the PD-F-M (Planned Development-Foothill-Combining-Special Mobilehome) Zone.~~ The Project is located west of Road 220 and north of Avenue 360, north of Woodlake (APNs 064-140-17, 18, 19, 24, 25, 26, 27, & 32; Section 18, Township 17 South, Range 27 East, MDB&M). ~~The Project will also require approvals of~~

~~Exceptions to the Subdivision Ordinance, Sections 7-01-2230, and 7-01-1245 pertaining to exceeding the maximum access easement length of 660 feet in non-mountainous areas under 10 acres, and interior road widths.~~

➤ **Page ES-4; Project Objectives & Benefits:**

Contribute to Regional Preservation Planning: Provision for design and flexibility in single-family homes that conserves natural features and open space to the end of stimulating a more desirable living and working environment while implementing the general and specific plans through a planned development approach.

➤ **Page 1-1; Project Summary:**

The County of Tulare is proposing the Redfield Subdivision Development Project to allow the development of the Redfield Subdivision Development Plan (Tentative Subdivision Map No. TM 805) as a Tentative Subdivision Map and Final Site Plan to divide ± 125 acres into 43 lots ranging in size from 2.50 acres to 4.20 acres ~~(2.00-acre minimum lots)~~ in the PD-F-M (Planned Development-Foothill Combining-Special Mobilehome) Zone located on the west side of Road 220, approximately a quarter mile north of Avenue 360, north of the City of Woodlake. ~~Included as part of the proposal is one Exception to the Subdivision Ordinance from Section 7-01-2230 pertaining to the exceedance of the maximum access easement length of 660 feet in a non-mountainous area. Access to the site is by Avenue 360.~~

➤ **Page 2-1; Project Description:**

This EIR examines the potential environmental impacts of a proposed Project including approval by the County of Tulare as Lead Agency that would:

- Develop a 43-unit residential subdivision on approximately ± 125 acres (exactly 127.32 acres) of unincorporated County land.
- ~~Require approvals of Exceptions to the Subdivision Ordinance, Sections 7-01-2230, and 7-01-1245 pertaining to the exceedance the maximum access easement length of 660 feet in non-mountainous areas under 10 acres, and interior road widths.~~

The Redfield Subdivision Development Project is a proposed plan for development of a 43-unit residential subdivision (43 single-family units) on a total of ± 125 acres.

Open Space/Parks and Recreation and Public Services.

The proposed Project includes no plans for parks or recreation areas. Design and flexibility will be incorporated into the planning process to stimulate a more desirable living and working environment, encourage innovative and creative approaches to land use and development, provide a means to reduce development costs, conserve natural features and

open space, and implement the general ~~and specific~~ plans which requires a planned development approach.

➤ **Page 2-3; Project Design Features:**

Lot sizes of the single family residential units will range in size from ~~4.49~~2.50 acres to ~~2.56~~4.20 acres. ~~The average lot size is 2.14 acres and~~ ~~the overall density is 0.35 units per~~ acre.

➤ **Page 2-4; Project Objectives:**

Complete Comprehensive Planning for the Antelope Valley Subdivision Area: Formulate ~~a specific plan, related~~ land use planning documents, and regulatory approvals for the Antelope Valley Subdivision Site Plan Area as a means of developing the unincorporated areas of the County of Tulare in an orderly manner, accommodating the area's share of future regional population growth, being compatible with surrounding land uses, and providing new benefits to the County.

➤ **Page 2-5; Project Objectives:**

Contribute to Regional Preservation Planning: Provision for design and flexibility in single-family homes that conserves natural features and open space to the end of stimulating a more desirable living and working environment while implementing the general ~~and specific~~ plans through a planned development approach.

➤ **Page 2-5; Actions Required for Implementation:**

To accommodate the proposed Project, the following actions will need to occur:

- Tulare County approval of a Tentative Map
- ~~Tulare County approval of a Specific Plan~~

➤ **Page 3.1-2; Existing Visual Conditions:**

The ~~409~~±125-acre proposed Project site lies north of the City of Woodlake and as such, land uses in the Project area consist of agricultural, farmed and pastured land. The proposed Project site is within an unincorporated area of Tulare County (approximately ~~409~~125 acres). The proposed Project site can be characterized as agricultural land with scattered rural residences. Surrounding agricultural lands consist of olive orchards, grape and other farmed lands Figures 3.1-1 and 3.1-2 show existing site conditions.

➤ **Page 3.2-9; Proposed Project Site – Soils:**

The ~~54~~±125-acre proposed Project site is composed of two different soil types of varying slope, as depicted in Table 3.2-4.

➤ **Page 3.6-5; Soils:**

The ~~109~~±125-acre proposed Project site is composed of two different soil types with differing gradients, described below:¹⁴...

➤ **Page 3.9-25; Checklist Item b) Project Impact Analysis:**

The proposed development map shown (see Water Supply Report Appendix) contains ~~108~~±125 acres and is proposed to create 43 residential units.

(Note, the Water Supply Report does calculate agricultural water use based on 108 acres. Based on the ±125-acre site agricultural water usage would be approximately 375 acre-feet per year, or 51 acre-feet greater than reported. However, there will be some acreage, such as paved roadways and storm drainage/open space, that would not contribute to residential water use.)

➤ **Page 3.10-7; Checklist Item a) Project Impact Analysis:**

The proposed Project is a residential subdivision that will be located on ~~109~~±125 acres of agricultural land immediately north (approximately 0.5 miles) of the City of Woodlake.

➤ **Page 3.18-14 (page 3.18-15 of the Final EIR); Checklist Item d) Project Impact Analysis:**

“The proposed development map shown in the Appendix [of the WSSR] occupies ~~108~~±125 acres and is proposed to create 43 residential units....”

➤ **Page 3.19-4; Environmental Setting:**

The ~~54~~±125-acre proposed Project site is located in agricultural lands of the San Joaquin Valley, ~~with portions of the site in Tulare County, Fresno County and the City of Kingsburg.~~ The site in its entirety is ~~within the~~ located approximately one mile north of the City of Kingsburg Sphere of Influence Woodlake city limits. The site is bordered to the east by ~~Rd. 16~~Road 220, to the south by Avenue ~~396~~360, to the west by ~~City of Kingsburg urban uses,~~ and ~~to the north by urban~~rural residential and agricultural uses. The site is currently in agricultural production ~~with minor portions intermittently fallowed (olive orchard).~~

➤ **Page 6-5; Evaluation Criteria 2: Project Objectives:**

Contribute to Regional Preservation Planning: Provision for design and flexibility in single-family homes that conserves natural features and open space to the end of stimulating a more desirable living and working environment while implementing the general ~~and specific~~ plans through a planned development approach.

➤ **Page 6-7; Description of the Reduced Density Alternative:**

Description of the Reduced Density Alternative: This alternative involves development of the site with reduced residential densities. It is assumed for purposes of analysis that the project would ~~not include the multi-family developments and~~ an approximate 25% reduction in density of single-family units (i.e., 10 units) on the same amount of land. The development footprint would remain the same, but the lot sizes would increase. The proposed project includes an average lot size of approximately ~~2.142.84~~ acres (or approximately ~~93,285~~123,710 sq. ft. for single-family housing. Under the reduced density alternative, lot sizes could average an increase in area of 25% to approximately ~~116,606~~154,637 sq. ft. (or from an average of ~~2.142.84~~ acres to ~~2.673.54~~ acres). The resulting project would result in 33 larger estate-type lots. Potential population of the project would be reduced from 145 (based on 3.37 persons per unit as described in Section 3.13 Population and Housing) to ~~122~~111 persons.

➤ **Pages 8-2 to 8-3; Project Objectives and Benefit Statements:**

The Project Objectives are presented in full in Chapter Two of this EIR. The purpose of the proposed Project is to provide for design and flexibility in a rural subdivision composed of single-family homes with the goal of creating a more desirable living and working environment, encouraging innovative and creative approaches to land use and development, providing a means to reduce development costs, conserving natural features and open space, and implementing the general and specific plans which requires a planned development approach.

CHAPGER 3.2 AGRICULTURAL RESOURCES

The following information and discussions in the Draft EIR has been clarified to reflect project-specific information. The clarifications to the farmland designations does not change the conclusion that the Project would have a Less Than Significant Impact on Agricultural Resources.

➤ **Page 3.2-10, Table 3.2-4 Project Site Soils and Storie Index:**

The table has been updated to reflect current Web Soil Survey data (as of October 2, 2018).

Table 3.2-4 Project Site Soils and Storie Index⁴⁹				
Soil Type	Acreage	Site %	Storie Index	Characteristics
San Joaquin Loam	113.70 <u>1</u>	88.60 <u>1</u>	Grade 4 (Poor)	0-2% slopes, alluvium derived from acid igneous rock, moderately well drained, no frequency of <u>flooding or ponding</u> , low available water storage (~3.2")
<u>San Joaquin Loam</u>	<u>111.6</u>	<u>88.3</u>	<u>Grade 4 (Poor)</u>	<u>2-9% slopes, alluvium derived from acid igneous rock, moderately well drained, no frequency of flooding or ponding, low available water storage (~3.2")</u>

Table 3.2-4 Project Site Soils and Storie Index⁴⁹				
Yettem Sandy Loam	14.6 8.9	11.3 7.0	Grade 1 (Excellent)	0-2% slopes, alluvium derived from granitoid rock sources, well drained, <u>very low runoff class</u> , no frequency of <u>flooding or ponding</u> , very high <u>available water storage</u> (~13.8")
<u>Yettem Sandy Loam</u>	<u>5.8</u>	<u>4.6</u>	<u>Grade 1 (Excellent)</u>	<u>2-5% slopes, alluvium derived from granitoid rock sources, well drained, very low runoff class, no frequency of flooding, no frequency of ponding, very high available water storage (~13.8")</u>
<u>Acreage is estimated based on the NRCS mapping tool and may not match actual acres.</u>				

➤ **Pages 3.2-13 to 3.2-14 (page 3.2-14 of the Final EIR); Checklist Item a) Project Impact Analysis:**

The Project would ~~not~~ result in the conversion of approximately 15 acres of pPrime agricultural Farmland and approximately 112 acres of Farmland of Statewide Importance to non-agricultural use. As indicated in Table 3.2-4, the Natural Resources Conservation Service Web Soil Survey⁵⁸ identifies on-site soil as predominantly San Joaquin Loam, 2-9% slopes (approximately 88% of the Project site), which is considered by the Farmland Mapping and Monitoring Program (FMMP) to be Farmland of Statewide Importance for Tulare County⁵⁹ and the Statewide Soils Spreadsheet. The remaining portion of the Project site (approximately 12%) is classified as Yettem Sandy Loam, which is considered by the FMMP to be Prime Farmland. The FMMP defines Farmland of Statewide Importance as being similar to Prime Farmland but with shortcomings, such as greater slopes or less ability to store moisture, and lands must have been used for irrigated agricultural production sometime within the four year period prior to the mapping date). The *Tulare County Important Farmland 2016* (Rural Land Mapping Edition, Sheet 1) map identifies the Project site as Farmland of Local Importance, which is similar to Prime Farmland or and Farmland of Statewide Importance except for the lack of irrigation water (see ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/tul16_no.pdf). As the Project site is not irrigated, the site is not capable of growing common cultivated crops and pasture plants over a long period without deterioration. Therefore, the Project would ~~not~~ result in the conversion of ±125 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. However, as indicated in Table 3.2-2, as of 2014 there were 698,722 acres of Prime, Unique, or Farmland of Statewide Importance and 1,299,134 total acres of agricultural lands within the County. The ±125-acre Project site represents 0.018% of the County's Prime, Unique, or Farmland of Statewide Importance and 0.0096% of the County's total agricultural lands. As such the Project would result in a ***Less Than Significant Impacts*** related to this Checklist Item will occur.

➤ **Page 3.2-14; Checklist Item a) Cumulative Impact Analysis:**

The geographic area of this cumulative analysis is Tulare County and the entire State of California. This cumulative analysis is based on the information contained in the Statewide FMMP map, the fact that irrigation is required to sustain crop productivity, and the site has been subjected to decades of agricultural and other ground-disturbing practices such that native soil characteristics are no longer expected to be present.

As previously noted, the Project site represents 0.0096% of the County's total agricultural lands. Therefore, *Less Than Significant Cumulative Impacts* related to this Checklist Item will occur.

➤ **Page 3.2-14 (page 3.2-15 of the Final EIR); Checklist Item b) Project Impact Analysis:**

This impact analysis evaluates the potential for the proposed Project to conflict with any existing Williamson Act Contract on the site or conflict with the existing zone designation. The Project site does include one parcel (APN 064-140-032) that is currently in a not have a Williamson Act contract (contract 05756, preserve 0002097); however, this contract will expire on January 1, 2019.⁶⁰ Construction of the Project cannot begin until project approval is granted and grading/building permits are issued, which will be after the Williamson Act contract has expired; as such, there would be no impact to a Williamson Act Contract. The site is zoned PD-F-M (Planned Development – Foothill Combining – Special Mobile Home) on the approximately 125 acres that makes up the Project site. The Project site is being used for agricultural production (olives); however, the site is not zoned for exclusive agricultural use. Therefore, there is no requirement to the overall zoning language changes to create new districts in each jurisdiction. As such, there would be *No Impact* with existing zoning or a Williamson Act Contract.

➤ **Page 3.2-14 (page 3.2-15 of the Final EIR); Checklist Item b) Project Impact Analysis:**

Footnote 60 was deleted as it was a remnant from a previous non-related project and inadvertently not removed from the template document.

➤ **Page 3.2-14 (page 3.2-15 of the Final EIR); Checklist Item b) Cumulative Impact Analysis:**

As noted earlier, the proposed Project site has one parcel that is not under a Williamson Act Contract; however, that contract will expire before Project construction will begin. ~~and~~ Therefore, the Project will not conflict with the overlaying Zone District. Therefore, *No Impacts* related to this Checklist Item will occur.

CHAPTER 3.4 BIOLOGICAL RESOURCES

➤ **Starting a Page 3.4-10; Checklist Items 3.4 a) through 3.4 f):**

The mitigation measures identified in Chapter 3.4 were taken from the Biological Evaluation Report (BER) prepared for the Project and included as Appendix “B” to the

Draft EIR. The California Department of Fish and Wildlife (CDFW) offered recommendations to edit some of the measures to clearly define the requirements of said measures. The County has incorporated the CDFW's recommendations into the Final EIR; however, as the measures presented in Chapter 3.4 were quoted from the BER, the recommendations will be included only in the Mitigation Monitoring and Reporting Program (MMRP) presented as Table 9-1 in the Executive Summary and in Chapter 9 of the Final EIR.

See "MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)" below for the clarifications made to mitigation measures identified in Table 9-1.

➤ **Page 3.4-14; Checklist Item 3.4 a):**

Implementation of Mitigation **Measures 4-94-5 thru 4-9** will reduce potential project-related impacts to the San Joaquin kit fox to *Less Than Significant Impact With Mitigation* and will ensure that future construction activities are carried out in compliance with state and federal laws protecting this species.

➤ **Page 3.4-22; Checklist Item 3.4 c):**

As noted previously, **Mitigation Measure 4-184-19** addresses any potential impacts that might occur to this offsite resource. Therefore, potential impacts the vernal pool(s) adjacent to this site would result in a *Less Than Significant Impact With Mitigation*.

CHAPTER 3.18 UTILITIES AND SERVICE SYSTEMS

The first paragraph of *Chapter 3.18 Utilities and Service Systems* is a remnant of the template document. As such, the paragraph has been replaced to reflect the Project's potential impact on utilities and the study that the analyses were based upon as follows:

➤ **Page 3.18-1; Summary of Findings:**

The proposed ~~Three Rivers Community Plan Update~~ (Project) will result in *Less Than Significant* impacts to Utilities and Service Systems ~~with mitigation~~. A "Water Supply sustainability Report, Redfield Estates Residential Subdivision" was prepared for the Project by consultants Roberts Engineering and is included as Appendix "D" of this document which is used as the basis for determining this Project will result in less than significant impacts. A detailed review of potential impacts is provided in the following analysis.

CHAPTER 3.14 PUBLIC SERVICES

➤ **Page 3.14-9; Checklist Item 3.14 a) regarding Police Protection:**

The duplicative “Cumulative Impact Analysis: *Less Than Significant Impact*” has been deleted.

CHAPTER 3.19 MANDATORY FINDINGS OF SIGNIFICANCE

The Impact Analysis discussions have been clarified as follows:

➤ **Pages 3.19-7 and 3.19-8; Checklist Item 3.19 a) regarding Checklist Item 3.4 c):**

3.4 c) *No Less Than Significant Impact With Mitigation*

As discussed earlier in the Environmental Setting section of Chapter 3.4 Biological Resources, the proposed Project site currently consists of land that is under active agricultural production, accessed by several dirt roads and loading areas, and features two agricultural basins, and a residence.

“Waters of the U.S. and sensitive natural communities are absent from the project site itself, but a vernal pool that potentially meets the criteria of a jurisdictional wetland adjoins the site to the north. In the absence of a formal wetland delineation, it is unknown whether the pool would be regulated by the U.S. Army Corps of Engineers, or whether it is hydrologically isolated and subject only to the jurisdiction of the Regional Water Quality Control Board. As discussed, future site preparation activities such as grading and excavation have the potential to impact this vernal pool through siltation and erosion. Regardless of whether the pool is considered a Water of the U.S. or Water of the State, project-related impacts to the pool would be considered significant under CEQA because vernal pools are sensitive natural communities upon which many native flora and fauna depend.”⁷

Mitigation Measure(s): ***See Mitigation Measure 4-184-19.***

Conclusion: ***Less Than Significant Impact With Mitigation*** related to this Checklist Item will occur through implementation of ***Mitigation Measure 4-184-19***

➤ **Page 3.19-8 and 3.19-9; Checklist Item 3.19 a) regarding the Cumulative Impact Analysis for Checklist Item 3.19 a):**

Note, the Cumulative Impact Analysis presented on page 3.19-8 is the discussion for the Cumulative Impact Analysis for the entirety of Checklist Item 3.19 a) and is not specific to the discussion of Checklist Item 3.4 f), and has been clarified as follows:

Cumulative Impact Analysis: ***No 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, there will be ***No Less***

Than Significant Project or Cumulative Impacts With Mitigation related to biological resources.

Mitigation Measure(s): ~~*None—Required*~~ **See Mitigation Measures 4-1 through 4-19.**

Conclusion: ~~*No*~~ **Less Than Significant Impact With Mitigation**

Potential Project-specific and cumulative impacts to biological resources will result in a ***Less Than Significant Impact With Mitigation.***

➤ **Page 3.19-9; Checklist Item 3.19 a) regarding California History and Prehistory:**

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

As indicated in Chapter 3.5 Cultural Resources and Chapter 3.17 Tribal Cultural Resources, based on the available evidence, the Project will not cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5. Due to a lack of on-site historical resources, decades of agricultural disturbance having occurred on the site, and no known historical incidence of historical resources being located or documented at the site, impacts related to this Checklist Item will be mitigated to a level considered Less Than Significant Impact.

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

The geographic area of this cumulative analysis is Tulare County.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. The proposed Project will be mitigated to ***Less Than Significant Project-specific Impacts and Less Than Significant Cumulative Impacts With Mitigation.***

Mitigation Measure(s): **See Mitigation Measures contained in Chapters 3.4 and 3.53-17.**

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

Less Than Significant Project-specific and Cumulative Impacts with Mitigation to biological and cultural resources will occur.

➤ **Page 3.19-10; Checklist Item 3.19 c):**

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

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan

~~bBackground Report, and the Tulare County 2030 General Plan EIR and the 1990 City of Kingsburg General Plan.~~

There are no significant environmental adverse effects from this Project to human beings.

CHAPTER 5 SUMMARY OF CUMULATIVE IMPACTS

Tables 5-2, 5-3, and 5-4 of *Chapter 5 Summary of Cumulative Impacts* has been clarified to reflect the impact analyses presented in Chapters 3.1 through 3.19 as follows:

➤ **Page 5-11; Table 5-2:**

<p style="text-align: center;">Table 5-2 Checklist Items with Less Than Significant Impact with Mitigation</p>		
Impact Section	Checklist Item No.	Checklist Criteria
Biological Resources	3.4 a)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?
Biological Resources	3.4 c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
Cultural Resources	3.5 a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?
Cultural Resources	3.5 b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
Cultural Resources	3.5 c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
Cultural Resources	3.5 d)	Disturb any human remains, including those interred outside of formal cemeteries?
Hydrology & Water Quality	3.9 a)	Violate any water quality standards or waste discharge requirements?
Hydrology & Water Quality	3.9 b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
Noise	3.12 a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
Noise	3.12 d)	<u>A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</u>
Tribal Cultural Resources	3.17 a)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined

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<p style="text-align: center;">Table 5-2 Checklist Items with Less Than Significant Impact with Mitigation</p>		
Impact Section	Checklist Item No.	Checklist Criteria
		in Public Resources Code Section 5020.1(k)?
<u>Tribal Cultural Resources</u>	<u>3.17 b)</u>	<u>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?</u>
<u>Mandatory Findings</u>	<u>3.19 a)</u>	<u>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</u>
<u>Mandatory Findings</u>	<u>3.19 b)</u>	<u>Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</u>

➤ **Pages 5-12 through 5-15 ; Table 5-3:**

<p style="text-align: center;">Table 5-3 Checklist Items with a Less Than Significant Impact</p>		
Impact Section	Checklist Item No.	Checklist Criteria
Aesthetics	3.1 a)	Have a substantial adverse effect on a scenic vista?
Aesthetics	3.1 c)	Substantially degrade the existing visual character or quality of the site and its surroundings
Aesthetics	3.1 d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
Agricultural Lands & Forestry	3.2 a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural uses?
<u>Agricultural Lands & Forestry</u>	<u>3.2 e)</u>	<u>Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</u>
Air Quality	3.3 a)	Would the project conflict with or obstruct implementation of the applicable air quality plan?
Air Quality	3.3 b)	Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

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<p style="text-align: center;">Table 5-3 Checklist Items with a Less Than Significant Impact</p>		
Impact Section	Checklist Item No.	Checklist Criteria
Air Quality	3.3 c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?
Air Quality	3.3 d)	Expose sensitive receptors to substantial pollutant concentrations?
Air Quality	3.3 e)	Create objectionable odors affecting a substantial number of people?
Biological Resources	3.4 d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
Cultural Resources	3.5 a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?
Cultural Resources	3.5 b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
Cultural Resources	3.5 c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
Cultural Resources	3.5 d)	Disturb any human remains, including those interred outside of formal cemeteries?
Geology & Soils	3.6 a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction?
Geology & Soils	3.6 b)	Result in substantial soil erosion or the loss of topsoil?
Geology & Soils	3.6 c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
Geology & Soils	3.6 d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
Geology & Soils	3.6 e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
Greenhouse Gas Emissions	3.7 a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
Greenhouse Gases	3.7 b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?
Hazards & Hazardous Materials	3.8 a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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<p style="text-align: center;">Table 5-3 Checklist Items with a Less Than Significant Impact</p>		
Impact Section	Checklist Item No.	Checklist Criteria
Hazards & Hazardous Materials	3.8 b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
Hazards & Hazardous Materials	3.8 c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
Hazards & Hazardous Materials	3.8 g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
Hazards & Hazardous Materials	3.8 h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
Hydrology & Water Quality	3.9 c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
Hydrology & Water Quality	3.9 e)	Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
Hydrology & Water Quality	3.9 f)	Otherwise substantially degrade water quality?
Hydrology & Water Quality	3.9 i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
Land Use & Planning	3.10 b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
Noise	3.12 b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
Noise	3.12 c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
Noise	3.12 d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
Population & Housing	3.13 a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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<p style="text-align: center;">Table 5-3 Checklist Items with a Less Than Significant Impact</p>		
Impact Section	Checklist Item No.	Checklist Criteria
Public Services	<u>3.14 a)</u>	<p>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <p><u>Fire Protection</u></p> <p><u>Police protection?</u></p> <p><u>Schools?</u></p> <p><u>Parks?</u></p> <p><u>Other Public Facilities?</u></p>
	3.14 a)	Fire protection?
	3.14 a)	Police protection?
	3.14 a)	Schools?
Public Services	3.14 a)	Parks?
Public Services	3.14 a)	Other Public Facilities?
Recreation	3.15 a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
Transportation & Traffic	3.16 a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
Transportation & Traffic	3.16 b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
Transportation & Traffic	3.16 d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
Transportation & Traffic	3.16 e)	Result in inadequate emergency access?
Transportation & Traffic	3.16 f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?
Tribal Cultural Resources	3.17 b)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

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Table 5-3 Checklist Items with a Less Than Significant Impact		
Impact Section	Checklist Item No.	Checklist Criteria
Utilities	3.18 c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
Utilities	3.18 d)	Have sufficient water supplies available to serve the project been identified from existing entitlements and resources, or are new or expanded entitlements needed?
Utilities	3.18 f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
Utilities	3.18 g)	Comply with federal, state, and local statutes and regulations related to solid waste?
<u>Mandatory Findings</u>	<u>3.19 c)</u>	<u>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</u>

➤ **Pages 5-16 through 5-18; Table 5-4:**

Table 5-4 Checklist Items with No Impact		
Impact Section	Checklist Item No.	Checklist Criteria
Aesthetics	3.1 b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
Agricultural Lands & Forestry	3.2 b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?
Agricultural Lands & Forestry	3.2 c)	Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code § 12220(q), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?
Agricultural Lands & Forestry	3.2 d)	Result in the loss of forest land or conversion of forest land to non-forest use?
Biological Resources	3.4 b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?
Biological Resources	3.4 e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
Biological Resources	3.4 f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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Table 5-4 Checklist Items with No Impact		
Impact Section	Checklist Item No.	Checklist Criteria
Geology & Soils	3.6 a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: iv) Landslides?
Hazards & Hazardous Materials	3.8 d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
Hazards & Hazardous Materials	3.8 e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
Hazards & Hazardous Materials	3.8 f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
Hydrology & Water Quality	3.9 d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
Hydrology & Water Quality	3.9 g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
Hydrology & Water Quality	3.9 h)	Place within a 100-year flood hazard structures which will impede or redirect flood flows.
Hydrology & Water Quality	3.9 j)	Inundation by seiche, tsunami, or mudflow?
Land Use & Planning	3.10 a)	Physically divide an established community?
Land Use & Planning	3.10 c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?
Mineral Resources	3.11 a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
Mineral Resources	3.11 b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
Noise	3.12 e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
Noise	3.12 f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?
Population & Housing	3.13 b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
Population & Housing	3.13 c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
Recreation	3.15 b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Table 5-4 Checklist Items with No Impact		
Impact Section	Checklist Item No.	Checklist Criteria
Transportation	3.16 c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?
Tribal Cultural Resources	3.17 a)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
Utilities	3.18 a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
Utilities	3.18 b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
Utilities	3.18 e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

CHAPTER 6 ALTERNATIVES

The discussion regarding the Environmentally Superior Alternative, specifically Alternative 3, inadvertently included remnant language from the template document. As such, the discussion has been edited to remove language that does not pertain to the proposed project:

➤ **Page 6-9; Alternative 3 – Reduced Density:**

Alternative 3 – Reduced Density (Same Footprint). The environmental impacts associated with this alternative would be less than the proposed Project because it would result in fewer overall housing units and a smaller population. Therefore, impacts associated with air quality, greenhouse gas emissions, water use, traffic, noise, and infrastructure would be slightly reduced. More open space would occur with this Alternative. However, this Alternative would not meet all of the project objectives as it would reduce the mix of housing choices, ~~eliminate some of the lower cost housing associated with multi-family units and smaller single-family lots,~~ and would reduce the ability of the ~~City and~~ County to meet their respective regional housing needs allocations. As such, Alternative ~~4~~3 is not superior to the proposed Project and is not considered a viable alternative.

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

The Mitigation Monitoring and Reporting Program (MMRP) has been clarified to reflect project-specific mitigation as follows.

➤ **Executive Summary, Table 9-1, Pages ES-11 to ES-22:**

See the mitigation measures below for the clarifications made to mitigation measures identified in Table 9-1 of the Executive Summary.

➤ **Page 9-1; Mitigation Monitoring and Reporting Program:**

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. The MMRP lists mitigation measures recommended in the ~~d~~Draft EIR for the proposed Project and identifies monitoring and reporting requirements.

The CEQA Public Resources Code Section 21081.6 requires the Lead Agency decision making body ~~is going to~~ approving a project and certifying the EIR ~~that it~~ to also adopt a reporting or monitoring program for those measures recommended 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:

➤ **Page 9-1; Mitigation Monitoring and Reporting Program:**

Table 9-1 presents the Mitigation Measures identified for the proposed Project in this EIR. Each Mitigation Measure is identified by the impact number. For example, 4-1 would be the first Mitigation Measure identified in the Biological analysis of the ~~d~~Draft EIR.

➤ **Pages 9-1 to 9-2; Mitigation Monitoring and Reporting Program:**

The first column of **Table 9-1** 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 ensure that individual Mitigation Measures have been complied with and monitored.

➤ **Table 9-1, Mitigation Measure 4-3 for California Tiger Salamander:**

4-3. (Avoidance and Exclusion) A focused survey for California tiger salamander (CTS) shall be conducted on and in the vicinity of the project site by a qualified biologist prior to the start of ground disturbance associated with future development of the project site. The survey shall be conducted according to methods described in the “Interim Guidance on Site Assessment and Field Surveys for Determining Presence

or a Negative Finding of the California Tiger Salamander” (USFWS 2003). A focused survey will be repeated following any lapses in construction of 30 days or more. If the survey indicates CTS are present on the project site or the immediate vicinity, the Fresno Field Office of CDFW shall be contacted immediately to determine the best course of action and the following actions shall be implemented:

- sSilt fencing will be installed along the boundary of the project site establishing a minimum 100-foot buffer area wherever the site adjoins areas of wetland and/or annual grassland habitat. The silt fencing will prevent CTS associated with surrounding grassland from wandering onto the project site during construction, and potentially experiencing construction mortality. It will also ensure that project personnel and equipment do not encroach on off-site CTS habitat. The silt fencing will be maintained in good condition for the duration of construction.
- A minimum 50-foot no disturbance buffer area shall be established around small mammal burrows within and/or adjacent to the construction footprint. If burrow avoidance is not feasible, CDFW shall be contacted to determine if take can be avoided. If CDFW determines that take cannot be avoided, an Incidental Take Permit shall be obtained prior to the start of ground disturbing activities.

➤ **Table 9-1, Mitigation Measures 4-5, 4-6, and 4-9 for San Joaquin Kit Fox:**

- 4-5.** (Preconstruction Surveys) Preconstruction surveys for the San Joaquin kit fox (SJKF) shall be conducted pursuant to the “Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance” (USFWS 2011) on and within 200 feet of the project site, no less than 14 days and no more than 30 days prior to the beginning of initial ground disturbance activities on the site. 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. If an potentially active kit fox den is detected within or immediately adjacent to the area of work, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be contacted immediately to determine the best course of action and a minimum 3-day focused survey shall be conducted using a tracking medium and/or infrared camera to determine use. Preconstruction surveys will be repeated following any lapses in construction of 30 days or more.
- 4-6.** (Avoidance of Active Dens) Should active or potentially active kit fox dens be detected during preconstruction or focused surveys, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately. A minimum 50-foot disturbance-free buffer will be established around the potential or atypical (manmade) burrows and 100-foot disturbance-free buffer around known or previously occupied dens, or as otherwise determined to be appropriate pursuant to ~~in~~ consultation with the USFWS and CDFW, ~~to~~ Buffer areas shall be maintained until an agency-approved biologist has determined that the burrows have been abandoned. If CDFW determines that take cannot be avoided, an Incidental Take Permit shall be obtained prior to the start of ground disturbing activities.

- 4-9.** (Mortality Reporting) The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately (by phone, email, in person) and in writing within three working days in case of the accidental death or injury to a San Joaquin kit fox during construction. 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.

➤ **Table 9-1, Mitigation Measures 4-11 and 4-12 for Burrowing Owl:**

- 4-11.** (Avoidance of Active Nest) If future construction activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within, or adjacent to, project impact areas, a 200-meter disturbance-free buffer will be established around these burrows, or alternate avoidance measures implemented in consultation with the Fresno Field Office of the CDFW. The buffers will be enclosed with temporary fencing designed to minimize impacts to other special status species (specifically, California tiger salamander) 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.
- 4-12.** (Avoidance or Passive Relocation of Resident Owls) During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may either be avoided, or passively relocated to alternative habitat. If avoidance is the preferred strategy, a 50-meter disturbance-free buffer designed to minimize impacts to other special status species (specifically, California tiger salamander) will be established around active owl burrows, or alternate avoidance measures implemented in consultation with CDFW. The buffers will be enclosed with temporary fencing, and will remain in place until a qualified biologist determines that the burrows are no longer active. If passive relocation is used, this activity will be conducted in accordance with a relocation plan prepared by a qualified biologist.

➤ **Table 9-1, Mitigation Measure 4-14 for Nesting Migratory Birds:**

- 4-14.** (Preconstruction Survey) If future tree removal or construction activities are to occur between February 1 and August 31, a qualified biologist will conduct preconstruction surveys for active migratory bird nests ~~within 14~~no more than 10 days prior to the start of work. Should any active nests be discovered in or near proposed construction zones, the biologist shall establish a behavioral baseline of all identified nests and will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently. Identified nests shall be monitored to detect

behavioral changes. If behavioral changes occur, the biologist shall consult with the Fresno Field Office of the CDFW to determine the best course of action.

➤ **Table 9-1, Mitigation Measures 4-15 through 4-18 for Roosting Bats:**

- 4-16.** (Preconstruction Surveys) If any removal of mature trees or buildings is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to scheduled removal, a qualified biologist will conduct a survey for roosting bats. The biologist will visually inspect all potential roost sites for individual bats, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If bats are observed to be roosting, the Fresno Field Office of CDFW shall be consulted to determine the best course of action and to determine whether a Bat Eviction Plan is required. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.
- 4-17.** (Minimization) If a non-breeding bat colony is found in disturbance areas, the individuals will be humanely evicted from trees and/or buildings, under the direction of a qualified biologist. To ensure that no harm or “take” of any bats occurs as a result of construction activities, the colony site shall be monitored to ensure that all bats have exited the roost.
- 4-18.** (Avoidance of Maternity Roosts) If a maternity colony is detected during preconstruction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist determines that the nursery is no longer active. The disturbance-free buffer will range from a minimum of 50 to 100 feet as determined by the biologist.

➤ **Table 9-1, Mitigation Measure 4-19 for Waters of the US and Natural Communities:**

- 4-19.** Prior to the start of ground disturbance associated with future development of the project site, silt fencing will be installed along the boundary of the project site wherever the site adjoins annual grassland habitat. The silt fencing will prevent construction-related siltation and erosion of off-site vernal pool or wetland habitat, and will ensure that project personnel and equipment do not encroach on this habitat. The silt fencing will be maintained in good condition for the duration of construction. Prior to the start of ground-disturbing activities, the Fresno Field Office of the CDFW shall be notified to determine if a Wetland Delineation and a Lake or Streambed Alteration Agreement will be required.

➤ **Table 9-1, Mitigation Measure 16-1 for Transportation/Traffic:**

- ~~**16-1.** The Project Applicant will be responsible for paying fair share fees as identified in Table 3.16-11 through payment of standard City traffic impact fees and an additional ad hoc mitigation fee of \$175 per dwelling unit. The Applicant will pay~~

~~the fee amounts at building permit. This shall be made a condition of Project approval.~~